HOUSE RECORD

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

Vol. 28	Concord, N.H.	Wednesday, March 22, 2006	No. 29

HOUSE JOURNAL No. 10 (cont.)

Tuesday, March 21, 2006

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

HOUSE JOURNAL No. 11

Wednesday, March 22, 2006

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

Prayer was offered by House Chaplain, Reverend Jared Rardin, Pastor of the South Congregational Church in Concord.
God of possibility, on this day of crossover, we recognize anew just how grueling this session has been. The sheer number of bills has been daunting, the hours long, and although the pizza has been good, sometimes our patience has worn thin. And yet, here we are, having accomplished much. Thank You for the ways in which Your presence has guided and energized us. Bless and guide, we pray, the work we do today as we seek to finish this portion of the agenda, and then grant to us renewed energy for the work which will come to us anew from the Senate. Make us ever servants in the service of all who call this state home.
Hear our earnest prayers this morning for Karen Wadsworth in her continued recovery from surgery, and for Robert Barker during this time of profound struggle. We pray likewise for any in this body or any of our family members who find themselves in challenging or painful times in their lives, whose names, although we have not mentioned them out loud, are written clearly on the parchment of our hearts. All this we pray in Your Holy Name. Amen.

Rep. Karen Hutchinson, the member from Londonderry, led the Pledge of Allegiance.

The National Anthem was sung by Emily Myers, a junior from Londonderry High School.

LEAVES OF ABSENCE

Reps. Albert, Barker, Carlson, Chabot, Clemons, Dalrymple, Forsing, Gibson, Gillick, Heald,

Hunter, Kobel, Lefebvre, Maybeck, Messier, Palangas, Putnam, Snyder, and Tupper, the day, illness.
Reps. Aguiar, C. Pennington Brown, Danforth, Dexter, Hebert, Hirschmann, Hollinger, Hopfgarten, Klose, Langley, Lessard, Moore, Norelli, Pepino, Reed, Rochette, Stella Scamman, Twombly, Velez and Wiley, the day, important business.
Reps. MaryAnn Blanchard, Hagan and Kimberly Shaw, the day, illness in the family.

INTRODUCTION OF GUESTS

Scott, Carolyn and Rachel Myers, parents and sister of today's singer, guests of the House. Red Hat Ladies Joyce Hahn, Barbara Browne, Kathy McIntosh, June Steele, Judith Barry and Suzanne Scolamiero, guests of Rep. Carolyn Brown. Elizabeth Christensen, guest of Rep. Morrison. Nurses and nursing students from Colby-Sawyer, University of New Hampshire, Riviere College and New Hampshire Technical College-Claremont, participants in Health Policy Day, guests of Reps. Dalrymple, French, Millham, Schulze, Houde-Quimby and Harding. Niels and Eric Smith-Sokol, son and grandson, guests of Rep. Sokol.
Kara Heon, Cushing Academy student, Page for the Day.

INTRODUCTION OF SPECIAL GUESTS

Caitlin Peck, Jillian Hurd, Jamie Shomphe, Molly Rice, Karissa Krause, Courtney Whitehead, Katie Halstead, Stephanie Larpenter, Kayla Dole, Jessica Merrill, Danielle Slavin and Hannah Preston, members of the Sunapee Middle-High School Girls Basketball Team and the 2006 Class S State Champions, accompanied by Head Coach Bruce Swain and Assistant Coach Dean Larpenter, Sean Moynihan, School Principal and David Barry, Athletic Director, guests of the House.

(Deputy Speaker Weyler in the Chair)

SPECIAL ORDER

CACR 30, relating to limits on the taking of private property. Providing that eminent domain shall not be used to transfer ownership of real property for private use or economic development. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Maureen C. Mooney for the Majority of Judiciary: In well-publicized case of Kelo et al. v. City of New London and New London Development Corp., 125 S.Ct. 2655 (2005), the U.S. Supreme Court held that private property may be taken by eminent domain and transferred to private developers solely to promote economic development. CACR 30 is a direct response to the Kelo decision. New Hampshire citizens were justifiably concerned that the Supreme Court had defined "public purpose" so broadly as to render meaningless the existing property protections found in our State Constitution and the jurisprudence of our New Hampshire Supreme Court. In prior cases, the New Hampshire Supreme Court has interpreted the constitution as allowing an uncertain and amorphous "balancing test" for "economic development" takings. Kelo has simply rendered that "balancing test" meaningless. It has set the bar so low as to ensure that property owners will never be able to stop, protest or obtain meaningful judicial review of a governmental entity's decision to take that citizen's property and immediately transfer it to enrich a wealthier or more politically influential private developer. CACR 30 is a legislative answer to these real concerns. Part I, Article 2 of the New Hampshire Constitution lists "natural rights" which are "natural, essential and inherent" to citizens. Among those rights is "acquiring, possessing and protecting property." New Hampshire citizens want and deserve a chance to vote on whether to restore the fundamental property protections the U.S. Supreme Court stripped away in Kelo. CACR 30 will restore the original and common understanding that private property cannot be taken by eminent domain for anything other than use by a political subdivision, state-regulated public

utility or common carrier, or when the taking is necessary for the ownership or the use of the property by the public at large (i.e., not for the private profit of private developers). The language of the amended CACR also mirrors SB 287, which comprehensively defines "public use" in the statutes. SB 287 recently passed in the Senate 24-0. Additionally, if approved by the voters, this amendment will be in its own new Article 12-a, so as to preserve the original 1784 language of Article 12, which addresses taxation, as well as property rights. We believe that we have an obligation to allow the citizens of New Hampshire to vote to affirm that Kelo-like takings were not, are not, and will never be, the New Hampshire way. As legislators, we took a solemn oath to support and defend the Constitutions of the State of New Hampshire and the United States of America. When an event such as Kelo so threatens and undermines our long-standing, common understanding of what the government can and can not do to the citizens through the use of the eminent domain power, support for CACR 30 is the only appropriate response. Vote 11-9.

Rep. Bette R. Lasky for the Minority of Judiciary: The bipartisan minority of the Judiciary Committee feels very strongly in protecting our citizens' ownership of property. The NH Constitution says in Part I, Article 12 that "… no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people." NH statutes and judicial decision have been consistent in the protection of private property rights as well. Also, the Senate has just addressed SB 287-FN with a resounding vote of 24-0 which further clarifies the term "public use" and makes the possibility or a "Kelo vs. New London" decision here even more remote. The minority feels a change on the Constitution is premature. Additionally there is legislation pending to form a study committee to review our existing eminent domain laws. The minority believes this should be place before we make any change in our Constitution.

Amendment (0982h)

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

RELATING TO: limits on the taking of private property.

PROVIDING THAT: eminent domain shall not be used to transfer real property from one owner to another on the grounds that private use of the land will benefit the public. Property may be taken by the state only when necessary for the enjoyment of the land by the public at large.

Amend paragraph I of the resolution by replacing it with the following:

I. That the first part of the constitution be amended by inserting after article 12 the following new article:

[Art.] 12-a [Power to Take Property Limited.] The power of eminent domain shall not include taking property from one owner and transferring it to another on the grounds that the public will benefit from development or other private use of the property. Private property may be taken by the state, a political subdivision, or a state regulated public utility or common carrier, only when necessary for the ownership or use of the property by the public at large.

Amend paragraph IV of the resolution by replacing it with the following:

IV. That the wording of the question put to the qualified voters shall be:

"Are you in favor of amending the first part of the constitution by inserting a new article 12-a to provide that private property can only be taken as follows:

[Art.] 12-a [Power to Take Property Limited.] The power of eminent domain shall not include taking property from one owner and transferring it to another on the grounds that the public will benefit from development or other private use of the property. Private property may be taken by the state, a political subdivision, or a state regulated public utility or common carrier, only when necessary for the ownership or use of the property by the public at large."

AMENDED ANALYSIS

This constitutional amendment concurrent resolution prohibits the use of eminent domain on the grounds that private development will benefit the public. Eminent domain may be used by the state only when necessary for the ownership or use of the property by the public at large.
The majority committee amendment was adopted on March 7, 2006, the bill was on second reading.
Rep. DiFruscia offered floor amendment (1381h).

Floor Amendment (1381h)

Amend the title of the bill by replacing it with the following:
RELATING TO: limits on the taking of private property.
PROVIDING THAT: eminent domain shall not be used to transfer real property from one owner to another on the grounds that private use of the land will benefit the public. Property may be taken by the state only when necessary for the enjoyment of the land by the public at large, provided that the general court approves the expenditure.
Amend paragraph I of the resolution by replacing it with the following:

I. That the first part of the constitution be amended by inserting after article 12 the following new article:

[Art.] 12-a [Power to Take Property Limited.] The power of eminent domain shall not include taking property from one owner and transferring it to another on the grounds that the public will benefit from development or other private use of the property. Private property may be taken by the state, a political subdivision, or a state regulated public utility or common carrier, only when necessary for the ownership or use of the property by the public at large; provided, however, that any state expenditure shall require the approval of the general court.

Amend paragraph IV of the resolution by replacing it with the following:

IV. That the wording of the question put to the qualified voters shall be:
"Are you in favor of amending the first part of the constitution by inserting a new article 12-a to provide that private property can only be taken as follows:

[Art.] 12-a [Power to Take Property Limited.] The power of eminent domain shall not include taking property from one owner and transferring it to another on the grounds that the public will benefit from development or other private use of the property. Private property may be taken by the state, a political subdivision, or a state regulated public utility or common carrier, only when necessary for the ownership or use of the property by the public at large; provided, however, that any state expenditure shall require the approval of the general court."

AMENDED ANALYSIS

This constitutional amendment concurrent resolution prohibits the use of eminent domain on the grounds that private development will benefit the public. Eminent domain may be used by the state only when necessary for the ownership or use of the property by the public at large and any state expenditure must be approved by the general court.
Rep. DiFruscia spoke in favor and yielded to questions.
Rep. Mooney spoke against.
On a division vote, 24 members having voted in the affirmative and 197 in the negative, floor amendment (1381h) failed.

Rep. Giuda offered floor amendment (1411h).

Floor Amendment (1411h)

Amend the title of the bill by replacing it with the following:
RELATING TO: limits on the taking of private property.
PROVIDING THAT: a person's property shall not be taken by eminent domain if the taking is for private use.

Amend paragraph I of the resolution by replacing it with the following:

I. That the first part of the constitution be amended by inserting after article 12 the following new article:

[Art.] 12-a [Power to Take Property Limited.] No part of a person's property shall be taken by eminent domain and transferred, directly or indirectly, to another person if the taking is for the purpose of private development or other private use of the property.

Amend paragraph IV of the resolution by replacing it with the following:

IV. That the wording of the question put to the qualified voters shall be:

"Are you in favor of amending the first part of the constitution by inserting a new article 12-a to provide that private property can only be taken as follows:

[Art.] 12-a [Power to Take Property Limited.] No part of a person's property shall be taken by eminent domain and transferred, directly or indirectly, to another person if the taking is for the purpose of private development or other private use of the property."

AMENDED ANALYSIS

This constitutional amendment concurrent resolution prohibits the use of eminent domain for private use.

Rep. Giuda spoke in favor.

On a division vote, 284 members voted in the affirmative and 43 in the negative, floor amendment (1411h) was adopted.

The question now being adoption of the majority committee report as amended.

Rep. Mooney spoke in favor and yielded to questions.

Rep. Marjorie Smith spoke against and yielded to questions.

Rep. Splaine spoke in favor.

Rep. Lary moved the previous question.

Motion adopted.

Rep. Newton requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report as amended.

YEAS 277 NAYS 61			
YEAS 277			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Millham, Alida	Morrison, Gail	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	Buco, Thomas
Chandler, Gene	Dickinson, Howard	Knox, J David	Martin, James
McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		
CHESHIRE			
Allen, Peter	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Foote, Sheila	Hogancamp, Deborah	Hunt, John	Pelkey, Stephen
Pratt, John	Richardson, Barbara	Roberts, Kris	Sawyer, Sheldon
Weed, Charles			

COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Morneau, Renney
Remick, William	Richardson, Herbert	Stohl, Eric	Theberge, Robert
Tholl, John Jr			
GRAFTON			
Almy, Susan	Andersen, Gene	Cooney, Mary	Eaton, Stephanie
Gionet, Edmond	Giuda, Robert	Ingbretson, Paul	Mirski, Paul
Naro, Debra	Solomon, Peter	Sorg, Gregory	Ward, John
Williams, Burton			
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Allan, Nelson	Balboni, Michael
Baroody, Benjamin	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
Chase, Claudia	Christensen, D L Chris	Clark, Mark	Coughlin, Pamela
Craig, James	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Dyer, Donald	Egbers, Fran	Elliott, Nancy
Emerton, Larry	Essex, David	Foster, Linda	Gargasz, Carolyn
Golding, William	Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary
Goyette, Peter Jr	Graham, John	Haley, Robert	Hall, Betty
Hansen, Ryan	Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton
Holden, Randolph	Infantine, William	Jasper, Shawn	Jean, Claudette
Jeudy, Jean	Johnson, Paula	Kurk, Neal	L'Heureux, Robert
Lasky, Bette	Lawrence, James	Manney, Pamela	Matarazzo, Anthony Sr
McRae, Karen	Mead, Robert	Mooney, Maureen	Moran, Edward
Movsesian, Lori	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rosenwald, Cindy
Ross, Lawrence	Rowe, Robert	Ryder, Donald	Schulze, Joan
Shaw, Barbara	Slocum, Lee	Smith, David	Souza, Kathleen
Stepanek, Stephen	Sullivan, Peter	Tahir, Saghir	Ulery, Jordan
Villeneuve, Maurice	Wheeler, James	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Currier, David	DeJoie, John	DeStefano, Stephen	Field, William
Foose, Robert	Greco, Vincent	Hager, Elizabeth	Hess, David
Kennedy, Richard	Kidder, David	L'Heureux, Stephen	Langlais, Thomas
Lockwood, Priscilla	MacKay, James	Marple, Richard	Maxfield, Roy
McMahon, Patricia	Oliver, James	Osborne, Jessie	Reardon, Tara
Rush, Deanna	Soltani, Tony	Tilton, Joy	Walz, Mary Beth
Whiting, Herbert	Williams, Robert		
ROCKINGHAM			
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	DiFruscia, Anthony
Donahue, Richard Ken	Dowd, John	Dowling, Patricia	Dumaine, Dudley
Fesh, Bob	Flanders, John Sr	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Gould, Kenneth	Griffin, Mary	Headd, James
Hughes, Daniel	Hutchinson, Karen	Ingram, Russell	Introne, Robert
Itse, Daniel	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Lund, Howie	Major, Norman	Mason, April	McKinney, Betsy
McMahon, Charles	Moody, Marcia	Moore, Benjamin	Morris, Richard
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Palazzo, Frank
Pantelakos, Laura	Parker, Benjamin	Powers, James	Priestley, Anne
Quandt, Marshall Lee	Quandt, Matthew	Rausch, James	Robertson, Carl
Robinson, John	Rolston, James	Sanders, Elisabeth	Scamman, W Douglas
Serlin, Christopher	Splaine, James	Stiles, Nancy	Stone, Joseph
Waterhouse, Kevin	Weare, E Albert	Welch, David	Weldy, Norman
Wells, Roger	Winchell, George	Zolla, William	
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Domingo, Baldwin	Dunlap, Patricia	Easson, Timothy	Goodwin, Earle
Heon, Richard	Hofemann, Roland	Johnson, Nancy	Knowles, William
Newton, Clifford	Rollo, Michael	Taylor, Kathleen	
SULLIVAN			
Donovan, Thomas	Franklin, Peter	Gale, Harry	Irish, Christopher
Jillette, Arthur Jr	Osgood, Philip Sr	Phinizy, James	Rodeschin, Beverly
NAYS 61			
BELKNAP			
None			
CARROLL			
None			
CHESHIRE			
Butcher, Suzanne	Butynski, William	Chase, William	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Robertson, Timothy	Tilton, Anna
COOS			
None			
GRAFTON			
Benn, Bernard	Bleyler, Ruth	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
HILLSBOROUGH			

Beaulieu, Jane	Campbell, David	Cote, David	Cote, Peter
Daniuk, Caitlin	Ginsburg, Ruth	Harvey, Suzanne	Irwin, Anne-Marie
Kopka, Angeline	Michon, Stephen	Pappas, Christopher	Pilotte, Maurice
Shattuck, Gilman	Sullivan, Francis	Vaillancourt, Steve	
MERRIMACK			
Clarke, Claire	French, Barbara	Gile, Mary	Hamm, Christine
Owen, Derek	Potter, Frances	Ryan, Jim	Shurtleff, Stephen
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Casey, Kimberley	Flockhart, Eileen	
STRAFFORD			
Brown, Jennifer	Cilley, Jacalyn	Creteau, Irene	Grassie, Anne
Kaen, Naida	Keans, Sandra	Miller, Joseph	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Katherine
Wall, Janet			
SULLIVAN			
Cloutier, John	Converse, Larry	Ferland, Brenda	Houde-Quimby, Charlotte
Prichard, Stephen			

and the majority committee report was adopted by the necessary three-fifths.
Ordered to third reading.

(Speaker Scamman in the Chair)

PRINT DEBATE ON CACR 30

Rep. Dokmo requested that the debate on CACR 30 be printed in the Permanent Journal. Adopted.

CLERK'S NOTE

The entire debate will be printed in the Permanent Journal.

SPECIAL ORDER - 11:00 A.M.

HB 1496, establishing a right to work act which provides for freedom of choice on whether to join a labor union. **INEXPEDIENT TO LEGISLATE**

Rep. Benjamin C. Baroody for Labor, Industrial and Rehabilitative Services: The committee heard over five hours of testimony with over 70 speakers against the bill with only five for the bill. This is the same bill we hear every term. The bill was opposed by the Commissioner of Labor who stated he was the sixth consecutive Commissioner to oppose this same bill. The bill was also opposed by the Diocese of Manchester, the Governor of New Hampshire, the New Hampshire Council of Churches, Verizon, which may be the largest employer in the private sector covered under collective bargaining agreements, the Director of the New Hampshire Coalition for Occupational Safety and Health, city mayor, all labor groups and unions. The committee felt that this was just a union busting bill and it is a matter of fairness. Under federal law the union must represent all employees whether they are union members or not. If an employee opts not to be a member of the union that person must pay an agency fee. That fee is only the amount of money it cost to negotiate and maintain the collective bargaining agreement. The committee felt this was fair if all wages, benefits, and

representation are given to everyone, each should pay his or her fair share. We felt that this is just bad legislation and is not right for the New Hampshire economy or for its employers and employee's. The committee knows this bill very well. Vote 14-1.
Rep. Adams spoke against and yielded to questions.
Rep. Heon and Baroody spoke in favor.
Rep. John Flanders moved the Previous Question.
Motion adopted.
Rep. James Wheeler requested a roll call; sufficiently seconded.
The question being adoption of the committee report.

YEAS 255 NAYS 85			
YEAS 255			
BELKNAP			
Clark, Charles	Fitzgerald, James	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Pilliod, James	Russell, David	Thomas, John
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Dickinson, Howard	Knox, J David	Olimpio, J Lisbeth	Philbrick, Donald
Stevens, Stanley			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Espiefs, Peter
Foote, Sheila	Hogancamp, Deborah	Mitchell, Bonnie	Parkhurst, Henry
Pelkey, Stephen	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles
COOS			
Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Morneau, Renney	Remick, William	Richardson, Herbert	Stohl, Eric
Theberge, Robert	Tholl, John Jr		
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Giuda, Robert	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Naro, Debra
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	Ward, John
HILLSBOROUGH			
Aboshar, Jeffrey	Balboni, Michael	Baroody, Benjamin	Batula, Peter
Beaulieu, Jane	Bergin, Peter	Brassard, Paul	Campbell, David
Chase, Claudia	Christensen, D L Chris	Cote, David	Cote, Peter
Coughlin, Pamela	Craig, James	Daniuk, Caitlin	Desmarais, Vivian
DeVries, Betsi	Dokmo, Cynthia	Egbers, Fran	Emerton, Larry
Essex, David	Foster, Linda	Gargasz, Carolyn	Ginsburg, Ruth

Golding, William	Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary
Goyette, Peter Jr	Graham, John	Haley, Robert	Hall, Betty
Harvey, Suzanne	Holden, Randolph	Infantine, William	Irwin, Anne-Marie
Jasper, Shawn	Jean, Claudette	Jeudy, Jean	Johnson, Paula
Kopka, Angeline	L'Heureux, Robert	Lasky, Bette	Lawrence, James
Manney, Pamela	Matarazzo, Anthony Sr	Michon, Stephen	Movsesian, Lori
Ober, Lynne	Pappas, Christopher	Pilotte, Maurice	Reeves, Sandra
Renzullo, Andrew	Rosenwald, Cindy	Rowe, Robert	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Smith, David	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	Greco, Vincent	Hager, Elizabeth
Hamm, Christine	Hess, David	Kennedy, Richard	Kidder, David
L'Heureux, Stephen	Lockwood, Priscilla	MacKay, James	Maxfield, Roy
McMahon, Patricia	Oliver, James	Osborne, Jessie	Owen, Derek
Potter, Frances	Reardon, Tara	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Wallner, Mary Jane	Walz, Mary Beth
Whiting, Herbert	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bishop, Franklin	Bridle, Russell	Buxton, Donald	Cali-Pitts, Jacqueline
Carson, Sharon	Casey, Kimberley	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	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Major, Norman	Mason, April
McKinney, Betsy	Moody, Marcia	Morris, Richard	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Pantelakos, Laura	Parker, Benjamin
Powers, James	Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Robertson, Carl	Robinson, John	Rolston, James
Sanders, Elisabeth	Serlin, Christopher	Splaine, James	Stiles, Nancy
Weare, E Albert	Welch, David	Weldy, Norman	Wells, Roger
Winchell, George	Zolla, William		
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Brown, Lawrence	Callaghan, Frank	Chaplin, Duncan	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia	Goodwin, Earle
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
Phinizy, James	Prichard, Stephen		
NAYS 85			
BELKNAP			
Allen, Janet	Boyce, Laurie	Flanders, Donald	Rosen, Ralph
Tilton, Franklin	Tobin, William	Veazey, John	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Babson, David Jr	Martin, James	McConkey, Mark	Merrow, Harry
Patten, Betsey			
CHESHIRE			
Hunt, John			
COOS			
None			
GRAFTON			
Gionet, Edmond	Ingbretson, Paul	Mirski, Paul	Sorg, Gregory
Williams, Burton			
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Barry, J Gail	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Brundige, Robert	Buhlman, David
Calawa, Leon Jr	Carew, James	Carter, Mark	Clark, Mark
Drisko, Richard	Dyer, Donald	Elliott, Nancy	Francoeur, Bea
Hansen, Ryan	Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton
Kurk, Neal	McRae, Karen	Mead, Robert	Mooney, Maureen
Moran, Edward	O'Brien, William	O'Connell, Timothy	Price, Pamela
Ryder, Donald	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Ulery, Jordan	Wheeler, James		
MERRIMACK			
Anderson, Eric	Field, William	Langlais, Thomas	Marple, Richard
Soltani, Tony			
ROCKINGHAM			
Allen, Mary	Cady, Harriet	Camm, Kevin	Charron, Gene
Dumaine, Dudley	Gilbert, Karl	Headd, James	Hughes, Daniel
Hutchinson, Karen	Ingram, Russell	Introne, Robert	Itse, Daniel
Lund, Howie	McMahon, Charles	Moore, Benjamin	Palazzo, Frank
Stone, Joseph	Waterhouse, Kevin	Weyler, Kenneth	

STRAFFORD			
Campbell, W Packy	Cataldo, Sam	Easson, Timothy	Newton, Clifford
SULLIVAN			
Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly	

and the committee report was adopted.
Rep. Hutchinson voted Nay and intended to vote Aye.

REGULAR CALENDAR

HB 1692-FN, establishing the New Hampshire sexual predators act. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia A. Dowling for the Majority of Criminal Justice and Public Safety: The bill revises the statutes relative to sexual predators, sexual offenders under the age of 18 and also of persons committing an act or acts constituting first degree assault against a person under 13 years of age where the injury has resulted in brain damage or physical disability to the child and it is likely to be permanent. Under current law, a person convicted of aggravated felonious sexual assault against a victim who is less then 13 years of age faces a penalty of 10 to 20 years for a first offense. A second offense can require a penalty of 20 to 40 years. Under this proposed legislation, the court may sentence the first time offender to 25 years to life under the extended term of imprisonment if the prosecuting attorney has notified the defendant of this possible application. For a second offense under this proposed statute, the penalty is life imprisonment without parole. The bill also addresses registration of sexual and other criminal offenders and their duty to report personally every 6 months their name, age, race, sex, date of birth, height, weight, hair and eye color, address of any permanent residence and address of any current temporary residence, within the state or out of state, mailing address, date and place of employment, or schooling, vehicle make, model, color and license tag number. A post office box shall not be provided in lieu of a physical residential address. Registration is required for a minimum of 10 years from release and may be for life for some. Sentences have increased for those who fail to register, or who provide false information. Juveniles found true of committing a sexual offense if so ordered by the judge will also be required to register until they reach the age of 17, or while the court retains jurisdiction over them. This particular list will only be made available to law enforcement and they shall not disclose it to the public. In the discretion of the local law enforcement agency, such agency may affirmatively notify the public that an offender who is included on the public list is in the community. HB 1692 also addresses involuntary civil commitment of sexually violent predators who are incompetent, insane or mentally retarded and makes provisions for confinement, appointment for counsel and commitment for treatment. Procedures for probable release are also covered. A committee shall hereby be established to identify and evaluate classification and risk assessment procedures for convicted sex offenders. This classification system is urgently needed. Currently there is no such system. The Department of Corrections shall implement a study to evaluate the feasibility and efficacy of instituting life – time monitoring by means of global positioning satellite technology and/or other monitoring or tracking systems of sexual offenders and offenders against children with a report due on or before November 1, 2006 and implement a system by July 1, 2008. Vote 17-2.

Rep. Stanley E. Stevens for the Minority of Criminal Justice and Public Safety: The minority members do not oppose the passage of this bill as amended. We believe it falls short in one major area and that is in the sentencing provision contained in section 20 which says in paragraph IV that a person "may" be sentenced to an extended term of imprisonment as follows: (a) A minimum to be fixed by the court of not "more" than 25 years and a maximum of life imprisonment; and the minority amendment proposes changes from "may"

to "shall" and "not more than" to "not less than". This addresses the most dangerous offenders in New Hampshire: those who sexually assault children, the most vulnerable segment of our society. These offenders pose an ongoing threat. A 2004 study found the likelihood of recidivism increases the longer an offender is back in the community after an incarceration. The provision contained in this amendment provides prosecutors with a tool to ensure a mandatory 25 year sentence upon conviction in the most serious cases.

Majority Amendment (1422h)

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

1 Registration of Criminal Offenders; Definitions. Amend RSA 651-B:1, III to read as follows:

III. "Sexual offender" means a person who is required to register as a result of any violation or attempted violation of:

(a) RSA 632-A:2, 632-A:3, 632-A:4, I(a), 632-A:4, I(b) if the actor was 21 years of age or older at the time of the offense, 645:1, II, or 645:1, III; [~~or~~]

(b) A law of another state or the federal government reasonably equivalent to a violation listed in subparagraph (a)[~~.~~]***; or***

(c) Any other criminal offense which is not specifically listed in subparagraph (a) if the court finds by clear and convincing evidence at the time of conviction or sentencing that the person committed the offense as a result of sexual compulsion or for purposes of sexual gratification and protection of the public would be furthered by requiring the person to register. In determining whether the offender should be required to register, the court may consider the offender's prior criminal history and any other relevant information. Duration of the registration shall be for a period of time as required by the court but not less than 10 years from the date of release from custody. The court shall also make a finding as to whether the offender's name and registration information shall appear on the public list authorized by RSA 651-B:7. In determining whether the offender's name shall appear on the public list, the court shall consider whether the victim was a minor at the time of the crime; the nature of the offenses that are currently listed on the public list; whether public safety would be furthered by including the offender on the public list; and any other relevant factors. The hearing at which such a determination is made shall comply with due process requirements, including a right to appeal the finding. The court shall provide the defendant an opportunity to be heard on the issue prior to the imposition of the registration requirement and shall state on the record the reasons for its findings and the reasons for requiring registration.

2 Registration of Criminal Offenders; Definitions. Amend RSA 651-B:1, V to read as follows:

V. "Offender against children" means a person who is required to register as a result of any violation or attempted violation of:

(a) Any of the following offenses, where the victim was under the age of 18 at the time of the offense, RSA 633:1, 633:2, 633:3, 639:2, or 645:2; or

(b) RSA 169-B:41, II, 639:3, III, 649-A:3, 649-B:3, 649-B:4 or 650:2, II; or

(c) A law of another state or the federal government reasonably equivalent to a violation listed in subparagraph (a) or (b)[~~.~~] ***; or***

(d) Any other criminal offense committed against a victim under the age of 18 at the time of the offense which is not specifically listed in subparagraph (a) or (b) if the court finds by clear and convincing evidence at the time of conviction or sentencing that the person committed the offense as a result of sexual compulsion or for purposes of sexual gratification and protection of the public would be furthered by requiring the person to register. In determining whether the offender should be required to register, the court may consider the offender's prior criminal history

and any other relevant information. Duration of the registration shall be for a period of time as required by the court but not less than 10 years from the date of release from custody. The court shall also make a finding as to whether the offender's name and registration information shall appear on the public list authorized by RSA 651-B:7. In determining whether the offender's name shall appear on the public list, the court shall consider the nature of the offenses that are currently listed on the public list; whether public safety would be furthered by including the offender on the public list; and any other relevant factors. The hearing at which such a determination is made shall comply with due process requirements, including a right to appeal the finding. The court shall provide the defendant an opportunity to be heard on the issue prior to the imposition of the registration requirement and shall state on the record the reasons for its findings and the reasons for requiring registration.

3 Registration of Criminal Offenders; Definitions. RSA 651-B:1, VII is repealed and reenacted to read as follows:

VII.(a) "Required to register" means that a sexual offender or offender against children was charged with an offense or an attempt to commit an offense listed in this chapter that resulted in one of the following outcomes:

(1) Conviction;

(2) A finding of not guilty by reason of insanity;

(3) An adjudication as a juvenile delinquent and the court at the time of the dispositional hearing finds, pursuant to RSA 169-B:19, that the juvenile is required to register;

(4) An adjudication of juvenile delinquency or its equivalent in another state or territory of the United States if the juvenile is required to register under the laws of that jurisdiction; or

(5) An order committing the person as a sexually violent predator pursuant to RSA 135 E.

(b) A juvenile certified to stand trial as an adult, who is convicted, found not guilty by reason of insanity, or committed as a sexually violent predator, shall be treated as an adult for all purposes under this chapter.

4 New Paragraph; Registration of Criminal Offenders; Definitions. Amend RSA 651-B:1, by inserting after paragraph VII the following new paragraph:

VIII. Notwithstanding RSA 21:6-a, in this chapter "residence" means a place where a person is living or temporarily staying for more than a total of 5 days during a one-month period, such as a shelter or structure that can be located by a street address, including, but not limited to, houses, apartment buildings, motels, hotels, homeless shelters, and recreational and other vehicles.

5 Registration of Criminal Offenders; Registration. Amend RSA 651-B:2 to read as follows:

651-B:2 Registration.

I. Every sexual offender or offender against children shall be registered with the department of safety, division of state police, as provided in this [~~subdivision~~] ***chapter***.

II. Upon receipt of information pursuant to RSA 106-B:14 concerning [~~the conviction of~~] ***the disposition of any charges against*** any sex offender or offender against children, the division shall register such person and shall include the relevant information in the law enforcement name search (LENS) system.

III. Upon receipt from any out-of-state law enforcement agency of information that a sex offender or offender against children has moved to New Hampshire, the division shall register such person and shall include the relevant information in the LENS system.

IV. The information that a person is required to register on the public list as a sexual offender or offender against children, including his or her qualifying offense or offenses, shall be available to law enforcement through the offender's

criminal record and motor vehicle record. If an offender's obligation to register terminates for any reason, the department shall notify the division of motor vehicles of the change and the offender's motor vehicle record shall no longer reflect that the person is required to register as a sexual offender or offender against children.

6 Registration of Criminal Offenders; Release of Certain Sexual Offenders Into The Community; Duties. Amend RSA 651-B:3 to read as follows:

651-B:3 Release of Certain Sexual Offenders Into the Community; Duties.

I. Upon release of any sexual offender or offender against children required to register, whether on probation, parole, conditional or unconditional release, completion of sentence, release from secure psychiatric care, ***release into the community after involuntary commitment, release from a juvenile detention facility,*** or for any other reason, the official in charge of such release shall notify the offender of the offender's duty to report under this chapter. The offender shall acknowledge in writing that he has received such notice. The official shall obtain the address at which the offender expects to reside upon release and shall report such address to the department. The department shall inform the local law enforcement agency where the offender expects to reside. The division shall enter the information concerning the offender's release and notification in the LENS system.

II. Upon receipt from any out-of-state law enforcement agency of information that a sex offender or offender against children has moved to New Hampshire, ***the department shall obtain the address at which the offender expects to reside and shall inform the local law enforcement agency.*** The department shall locate and shall serve notice upon such offender of the offender's duty to report under this chapter. ***Service by the department is not required if the offender has already registered with the local law enforcement agency in which the offender resides or is located as required by this chapter. At the time of the initial registration, the*** [~~The~~] offender shall acknowledge in writing that the offender has received ~~such~~ notice ***of the duty to report***. [~~The department shall obtain the address at which the offender expects to reside and shall inform the local law enforcement agency.~~] The division shall enter the information concerning the offender's location in New Hampshire and notification in the LENS system.

III. Semi-annually, the department shall verify the address at which the offender resides by sending a letter by certified non-forwarding mail to the offender. The address verification shall be sent to the offender prior to the offender's birthday and again prior to the offender's 6-month semi-annual registration. The address verification shall remind the offender of the obligation to register in person on a semi-annual basis. The offender shall sign the letter and return it to the department within 10 business days of receipt. If the offender's mailing address is to a post-office box, the department shall deliver by other means as determined by the department a letter to the offender's residence. The offender shall sign and return the letter within 10 business days of receipt.

7 Registration of Criminal Offenders; Duty to Report. Amend RSA 651-B:4, I to read as follows:

I.(a)(1) Any person required to be registered under this chapter shall report ***in person*** [~~such person's current mailing address, place of residence or temporary domicile, and place of employment or schooling~~] to the local law enforcement agency within [~~30~~] ***5 business*** days after the person's release as required under RSA 651-B:3, or within [~~30~~] ***5 business days*** after the person's date of establishment of residence in New Hampshire if the person is required to register as a result of an offense committed in another jurisdiction. Such report shall also be made ***semi***-annually within [~~30~~] ***5 business*** days after each anniversary of the person's date of birth ***and the sixth mont*****h** ***following the person's date of birth*** and additionally within [~~30~~] ***5 business*** days after any change of [~~address or place of residence~~] ***any information the person is required to report pursuant to this chapter***. ***If an offender has more than one residence, the offender shall report in person to each***

local law enforcement agency having jurisdiction over each of the offender's residences.

(2) Such person shall [~~also~~] be required to submit to a photograph taken by the law enforcement agency each time the person is required to report to the law enforcement agency under this section.

(3) Such person shall also provide the following information at the time of registration: name, age, race, sex, date of birth, height, weight, hair and eye color, address of any permanent residence and address of any current temporary residence, within the state or out of state, mailing address, date and place of any employment or schooling, and vehicle make, model, color, license tag number. A post office box shall not be provided in lieu of a physical residential address. Such person shall also provide any additional information required by department rules adopted in accordance with RSA 651-B:8.

(b) Any nonresident sexual offender or offender against children who enters this state for the purpose of employment, with or without compensation, or to attend any public or private educational institution for a period exceeding 14 consecutive days or for an aggregate period of time exceeding 30 days during any calendar year shall report ***in person*** to the local law enforcement agency having jurisdiction over the place of employment or school within [~~10~~] ***5 business*** days of the nonresident offender entering the state for employment or schooling, and additionally within [~~10~~] ***5 business*** days after any change of place of employment or schooling. In the event a nonresident offender required to register under this paragraph does not have a principal place of employment, the offender shall register ***in person*** with the department in Concord. Upon the nonresident offender's initial registration, the local law enforcement agency or the department shall notify the offender of the offender's duty to report under this chapter. The offender shall report the address of the offender's place of employment or schooling while in the state, the address where the offender resides out of state, and other information required by ***RSA 651-B:4, I(a)(3) and*** department rules adopted in accordance with RSA 651-B:8. Such report shall also be made ***semi***-annually within [~~30~~] ***5 business*** days after each anniversary of the person's date of birth ***and the sixth month following the person's date of birth***, and additionally within [~~10~~] ***5 business*** days after any change [~~of address or place of employment or schooling~~] ***in the information the person is required to report pursuant to this chapter***.

8 Registration of Criminal Offenders; Change of Name or Alias, or Address; Duty to Inform. Amend RSA 651-B:5 to read as follows:

651-B:5 Change of Name or Alias, or Address; Duty to Inform.

[~~I.~~] When any person required to be registered under RSA 651-B[~~:4, I(a) changes residence, or their name or alias,~~] ***changes any information the person is required to report pursuant to this chapter*** the person shall give written notification of the [~~person's new address, name, or alias~~] ***new information*** to the local law enforcement agency to which he or she last reported under RSA 651-B:4 within [~~10~~] ***5 business*** days of such change of ***information*** [~~residence, name, or alias~~]. Such notice shall not relieve the person of the duty to report under RSA 651-B:4 at the new place of residence***, employment, or schooling***. The local law enforcement agency receiving such notice shall forward a copy to the division within 3 days after receipt. The division shall notify the local law enforcement agency at the new place of residence ***employment or schooling***, or the appropriate out-of-state law enforcement agency if the new place of residence***, employment or schooling*** is outside New Hampshire[~~,~~]***. The division*** [~~and~~] shall include [~~such change of address or change of name~~] ***any new*** information in the LENS system.

[~~II. When any nonresident person required to be registered under RSA 651-B:4, I(b) changes residence, place of employment or schooling, or their name or alias, the person shall give written notification of the person's new address, place of employment or schooling, name, or alias to the local law enforcement agency to which he or she last reported under RSA 651-B:4 within 10 days of such change of residence, place of employment or schooling,~~

~~name, or alias. Such notice shall not relieve the person of the duty to report under RSA 651-B:4 at the new place of residence. The local law enforcement agency receiving such notice shall forward a copy to the division within 3 days after receipt. The division shall notify the local law enforcement agency at the new place of residence, or the appropriate out of state law enforcement agency if the new place of residence is outside New Hampshire, and shall include such change of address or change of name information in the LENS system.~~

~~III. Any sexual offender or offender against children who, with or without compensation, is employed by or attends any public or private educational institution for a period exceeding 14 consecutive days, or for an aggregate period of time exceeding 30 days during any calendar year, shall give written notification of any changes to the person's place of employment or schooling to the local law enforcement agency to which he or she last reported under RSA 651-B:4 within 10 days of such change of place of employment or schooling. The local law enforcement agency receiving such notice shall forward a copy to the division within 3 days after receipt. If the sexual offender or offender against children continues to be employed by or attend any public or private educational institution, the division shall notify the local law enforcement agency at the new place of employment or schooling, or the appropriate out-of-state law enforcement agency if the new place of employment or schooling is outside New Hampshire, and shall include such changes in the LENS system.~~]

9 Registration of Criminal Offenders; Duration of Registration. Amend RSA 651-B:6, II to read as follows:

II. Any sexual offender required to register as a result of a violation or attempted violation of RSA 632-A:4, I(a) or RSA 645:1, II, and any offender against children required to register as a result of a violation or attempted violation of RSA 633:3 or 645:2, I, or of an equivalent offense in an out-of-state jurisdiction, shall be registered for a 10-year period from the date of release, provided that any such registration period shall not run concurrently with any registration period resulting from a subsequent violation or attempted violation of an offense for which the person is required to register provisions of paragraph II, any sexual offender or offender against children who is required to register as a result ***of a violation*** of more than one offense listed in RSA 651-B:1, III or RSA 651-B:1, V, or who is sentenced to an extended term of imprisonment pursuant to RSA 651:6, I(b) shall be registered for life.

10 New Paragraph; Registration of Criminal Offenders; Duration of Registration. Amend RSA 651-B:6 by inserting after paragraph III the following new paragraph:

IV. Registration of any juvenile required to register pursuant to RSA 651-B:1, VII(a)(3) or (4) shall end when the juvenile turns 17 years of age unless the court which adjudicated the juvenile as a delinquent retains jurisdiction over the juvenile pursuant to RSA 169-B:4, V, in which case registration of the juvenile shall end when the court terminates jurisdiction over the juvenile's case. When the registration of a juvenile terminates, the department shall remove information relating to the juvenile from the LENS system and records of the juvenile's registration shall be handled in accordance with RSA 169-B:35 and RSA 169-B:36.

11 Availability of Information to the Public. Amend 651-B:7, II-VI(a) to read as follows:

II.(a) The division shall maintain a separate list of all individuals registered pursuant to this chapter who are required to register as a result of any violation or attempted violation of one of the following offenses, or of any law of another state or the federal government reasonably equivalent to one of the following offenses:

(1) RSA 632-A:2, I(j)

(2) RSA 632-A:2, I(k)

[~~(1)~~]***(3)*** RSA 632-A:2, I(*l*).

[~~(2)~~]***(4)*** RSA 632-A:2, II-III.

[~~(3)~~]***(5)*** RSA 632-A:3, II, provided that the age difference between the [~~convicted~~] individual ***required to register*** and the victim was more than 3 years at the time of the offense.

[~~(4)~~]***(6)*** RSA 632-A:3, III.

[~~(5)~~]***(7)*** RSA 645:1, II-III.

[~~(6)~~]***(8)*** Any offense described in RSA 651-B:1, V.

(b)(1) The list described in subparagraph (a) shall include:

(A) The name, address, and date of birth of the registered individual.

(B) The offense for which the individual is required to register.

(C) The date and court of the adjudication on the offense for which the individual is registered.

(D) Outstanding arrest warrants, and the information listed in subparagraphs (b)(1)(A)-(C), for any sexual offender or offender against children who has not complied with the obligation to register under this chapter.

(E) A photograph or physical description of the individual, if available.

(2) Where such information is available, the list may also include:

(A) The date and court of the individual's other adjudications, if any.

(B) Information on the profile of the victim or victims of the individual's offense or offenses.

(C) The method of approach utilized by the individual.

(3) In no event shall the list include the identity of any victim. ***Sexual offenders convicted under RSA 632-A:2 shall be listed on the public list in a manner which does not disclose, directly or indirectly, that the victim and the defendant were related or members of the same household. For sexual offenders convicted under RSA 632-A:1, I, no specific reference to any statutory subparagraph shall appear on the public list.***

(c) In no event shall the list made available to the public pursuant to this section include a sexual offender or offender against children who has been adjudicated as a juvenile delinquent.

III. At periodic intervals, not less frequently than once each month, the commissioner of the department of corrections***,*** [~~and~~] the superintendent of each county department of corrections and the commissioner of the department of health and human services shall forward to the division a statement identifying every offender who is confined in a facility under their control who is required to register as a result of ***a violation or attempted violation*** of an offense described in subparagraph II(a), and who is eligible at that time for any unsupervised work detail, release into the community following secure psychiatric care, or other assignment which may bring the offender into contact with members of the public. These statements shall include the information set forth in subparagraphs II(b)(1)(A), (B), and (C), and may also include the information set forth in subparagraphs II(b)(2)(A)-(D). In no event shall the statements include the identity of any victim. These statements shall be incorporated by the division into the list maintained under paragraph II.

IV.(a) The division shall provide a copy of the list described in this section to each local law enforcement agency at periodic intervals, through written, electronic, computerized, or other accessible means, but in no event less frequently than once each month. The list shall be made available to interested members of the public upon request to a local law enforcement agency. The department of safety may make the list available to interested members of the public through the use of the department's official public Internet access site. The department shall adopt rules, pursuant to RSA 541-A, establishing procedures for the collection of information described in this section, the transmission of the information from the division to the local law enforcement agencies, and the conditions under which the list shall be made available to the public. These rules shall enable the public to request information about a named individual or about all listed individuals residing or confined in the state. The rules may also include provisions for the imposition of a reasonable fee to defray the administrative costs of collecting the information and making the information available to the public.

(b) Local law enforcement agencies may photograph, at the time of the registration, any individual who is required to be registered pursuant to this chapter. The consent of the registrant shall not be necessary. Such photographs may be used in the performance of any valid law enforcement function.

(c) In the discretion of the local law enforcement agency, such agency may affirmatively notify the public that an offender who is included on the public list received by the agency pursuant to paragraph IV(a) is residing in the community.

V. Local law enforcement agencies, employees of local law enforcement agencies, [~~and~~] county and state officials***, municipal and school officials, and municipalities and school districts*** shall be immune from civil and criminal liability for good faith conduct under this chapter***, including any decision to provide or not provide affirmative notification to the public pursuant to RSA 651-B:7, IV(c)***. Nothing in this paragraph shall be deemed to grant any such immunity to any person for that person's reckless or wanton conduct.

VI.(a) Notwithstanding the provisions of this section, any individual required to be registered whose name and information is contained on the list described in subparagraph II(a) and who [~~has been convicted~~] ***is required to register as a result*** of any violation or attempted violation of RSA 632-A:2, III or RSA 632-A:3, II, provided that the age difference between the [~~convicted~~] individual ***required to register*** and the victim was 3 years or less at the time of the offense and the person has no prior [~~convictions~~] ***adjudications*** requiring registration under RSA 651-B:2, may file with the clerk of the superior court for the county in which the judgment was rendered an application for review of the public registration requirement contained in RSA 651-B:7. This application shall not be filed prior to the completion of all the terms and conditions of the sentence and in no case earlier than 10 years after the date of release [~~following conviction~~]. After review of the application, the court may schedule a hearing. ***Prior to granting any petition to remove an offender from the public list, the court shall provide notice to the county attorney who prosecuted the case, the victim advocate, and the victim or victim's family and permit those parties to be heard on the petition. If the court denies the offender's petition, the offender may not file another application pursuant to this paragraph for 5 years from the date of the denial and shall include a risk assessment prepared at the offender's expense.***

12 Registration of Criminal Offenders; Penalties. Amend RSA 651-B:9 to read as follows

651-B:9 Penalty.

I. A sexual offender or offender against children ***who is required to register under this chapter and*** who negligently fails to comply with the requirements of this chapter shall be guilty of a [~~violation~~] ***misdemeanor***.

II. A sexual offender or offender against children ***who is required to register under this chapter and*** who knowingly fails to comply with the requirements of this chapter shall be guilty of a [~~misdemeanor~~] ***class B felony***. ***An offender who is required to register for a period of 10 years following his or her release, pursuant to RSA 651-B:6, II, shall be required to register for additional 10 years from the date of conviction for violating this paragraph. The obligation to register for an additional 10 years from the date of conviction for violating this paragraph shall be consecutive to the registration period imposed pursuant to RSA 651-B:6 and shall be imposed even if the original registration period has elapsed.***

III. A sexual offender or offender against children previously convicted [~~of a misdemeanor~~] pursuant to paragraph II who ***is required to register under this chapter and who*** knowingly fails to comply with the requirements of this chapter shall be guilty of a class [~~B~~] ***A*** felony. ***An offender who is required to register for a period of 10 years following his or her release, pursuant to RSA 651-B:6, II, who is convicted for violating this paragraph shall be required to register for life.***

IV. The penalties imposed under paragraphs I-III shall not apply to juveniles required to register pursuant to RSA 651-B:1, VII(a)(3) or (4). The court with jurisdiction over such juveniles may impose an appropriate disposition for a violation of this section.

[~~IV.~~] ***V.*** Any person who violates the provisions of RSA 651-B:7 shall be guilty of a violation.

VI. A sexual offender or offender against children who knowingly provides false information in response to any of the requirements of this chapter shall be guilty of a class B felony.

VII. A person is guilty of a class B felony if the person has reason to believe that a sexual offender or offender against children is not complying, or has not complied, with the requirements of this chapter and who purposely assists the offender in eluding any law enforcement agency that is seeking to find the offender to question the offender about, or to arrest the offender for, his or her non-compliance with the requirements of this chapter, and engages in any of the following acts or omissions:

(a) Withholds information from, or does not notify, the law enforcement agency about the offender's noncompliance with the requirements of this section, and, if known, the whereabouts of the offender;

(b) Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the offender;

(c) Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the offender;

(d) Provides information to the law enforcement agency regarding the offender which the person knows to be false information; or

(e) Warns the offender that the law enforcement agency is attempting to locate the offender.

13 New Sections; Registration of Criminal Offenders; Registration Fee; Application. Amend RSA 651-B by inserting after section 10 the following new sections:

651-B:11 Registration Fee.

I. A sexual offender or offender against children shall pay a fee of [~~$25~~] ***$15*** at the time of the offender's initial registration and semi-annually at the time of the offender's re-registration. ***The department shall use all fees collected under this paragraph to defray the cost of maintaining the sex offender registry. Such funds shall be continually appropriated to the department for such use and shall be nonlapsing.***

II. Anyone required to pay the registration fee who cannot afford to pay the fee shall, within 10 days of registration, request a waiver of the fee and a hearing on the matter before the commissioner. If such a request is made, the commission shall promptly schedule and conduct a hearing pursuant to rules adopted under RSA 541-A. At the hearing the offender shall have the burden to prove that the offender cannot afford to pay the fee because the offender is indigent. After hearing, the decision of the commission shall be final, and the offender shall have a right to appeal the decision in the superior court. Under no circumstances shall the offender's request for a hearing or indigency relieve the offender of the obligation to register pursuant to the time-frames required by this chapter.

651-B:12 Application. Whenever possible, the provisions of this chapter shall be interpreted and applied consistent with the provisions of the federal Jacob Wetterling Act, as amended.

14 Capital Offense and Murder in the First Degree. Amend RSA 597:1-c to read as follows:

597:1-c [~~Capital Offenses and Murder in the First Degree.~~] ***Offenses Punishable By Life Imprisonment.*** Any person arrested for an offense punishable by ***up to life in prison*** [~~death or murder in the first degree~~], where the proof is evident or the presumption great, shall not be allowed bail.

15 Sexual Assault and Offenses; Penalties. Amend the introductory paragraph of RSA 632-A:10-a to read as follows:

632-A:10-a Penalties. Notwithstanding RSA 651:2***, and except where an extended term is sought as provided in RSA 651:6***:

16 New Subparagraph; Sexual Assault and Offenses. Amend RSA 632-A:10-a, V by inserting after subparagraph (b) the following new subparagraph:

(c) Prior to granting any petition pursuant to paragraph V(b), the court shall provide notice to the county attorney who prosecuted the case, the victim advocate, and the victim or victim's family and permit those parties to be heard on the petition. If the court denies the offender's petition, the offender may not file another application pursuant to this paragraph for 5 years from the date of the denial and shall include a risk assessment prepared at the offender's expense.

17 Sentences; Extended Term of Imprisonment. Amend RSA 651:6, I(j) to read as follows:

(j) Possesses a radio device with the intent to use that device in the commission of robbery, burglary, theft, gambling, stalking, or a violation of any provision of RSA 318-B. In this section, the term "radio device" means any device capable of receiving a wireless transmission on any frequency allocated for law enforcement use, or any device capable of transmitting and receiving a wireless transmission; [~~or~~]

18 New Subparagraphs; Sentences; Extended Term of Imprisonment. Amend RSA 651:6, I by inserting after subparagraph (k) the following new subparagraphs:

(l) Has committed or attempted to commit aggravated felonious sexual assault in violation of RSA 632-A:2, I(l) or RSA 632-A:2, II where the defendant was 18 years of age or older at the time of the offense;

(m) Has committed or attempted to commit aggravated felonious sexual assault in violation of RSA 632-A:2, III, and one or more of the acts comprising the pattern of sexual assault was an offense under RSA 632-A:2, I(l) or RSA 632-A:2, II, or both, and the defendant was 18 years of age or older when the pattern of sexual assault began;

(n) Has purposely, knowingly, or recklessly with extreme indifference to the value of human life committed an act or acts constituting first degree assault as defined in RSA 631:1 against a person under 13 years of age where the serious bodily injury has resulted in brain damage or physical disability to the child that is likely to be permanent; or

(o) Has committed murder as defined in RSA 630:1-b against a person under 13 years of age.

19 Sentences; Extended Term of Imprisonment. Amend RSA 651:6, III to read as follows:

III. If authorized by paragraph I or II, and if notice of the possible application of this section is given the defendant prior to the commencement of trial, a defendant may be sentenced to an extended term of imprisonment. An extended term is, for a person convicted of:

(a) Any felony, other than murder or manslaughter, a minimum to be fixed by the court of not more than 10 years and a maximum to be fixed by the court of not more than 30 years;

(b) A misdemeanor, a minimum to be fixed by the court of not more than 2 years and a maximum to be fixed by the court of not more than 5 years;

(c) Manslaughter, a minimum to be fixed by the court of not more than 20 years and a maximum to be fixed by the court of not more than 40 years;

(d) Murder, life imprisonment;

(e) Two or more offenses under RSA 632-A:2, life imprisonment without parole;

(f) A third offense under RSA 632-A:3, life imprisonment; ***or***

(g) [~~A class A felony under RSA 632-A:2, I(l) and a subsequent separate offense under RSA 632-A:2, I(l), a minimum to be fixed by the court of not less than 15 years and a maximum of life imprisonment without parole; or~~

(~~h~~)] Any of the crimes listed under RSA 651:6, I(j), a minimum to be fixed by the court of not less than 90 days and a maximum of not more than one year.

20 New Paragraphs; Sentences; Extended Term of Imprisonment. Amend RSA 651:6 by inserting after paragraph III the following new paragraphs:

IV. If authorized by subparagraphs I(l), (m), or (n) and if notice of the possible application of this section is given to the defendant prior to the commencement of trial, a person may be sentenced to an extended term of imprisonment as follows:

(a) A minimum to be fixed by the court of not more than 25 years and a maximum of life imprisonment; and

(b) The sentence shall also include, in addition to any other penalties provided by law, a special sentence of lifetime supervision by the department of corrections. The defendant shall comply with the conditions of lifetime supervision which are imposed by the court or the department of corrections. Violation of any of the conditions of lifetime supervision shall be deemed contempt of court. The special sentence of lifetime supervision shall begin upon the offender's release from incarceration, parole or probation. A defendant who is sentence to lifetime supervision pursuant to this paragraph is not eligible for release from the lifetime supervision pursuant to RSA 632-A:10-a, V(b).

V. If authorized by subparagraph I(o) and if notice of the possible application of this section is given to the defendant prior to the commencement of trial, a person shall be sentenced to an extended term of imprisonment as follows: a minimum to be fixed by the court of not less than 35 years and a maximum of life imprisonment.

VI. A person shall be sentenced according to the terms of paragraph VII if the court finds, and includes such findings in the record, that such person:

(a)(1) Committed a violation of RSA 632-A:2, I(l), RSA 632-A:2, II, or RSA 632-A:2, III, in which one or more of the acts comprising the pattern of sexual assault was an offense under RSA 632-A:2, I(l) or RSA 632-A:2, II, or both, after having previously been convicted of an offense in violation of one of the aforementioned offenses or any other statute prohibiting the same conduct in another state, territory or possession of the United States, and

(2) The person committed the subsequent offense while released on bail on the earlier offense or the sentence for the earlier conviction involved a term of incarceration, probation, parole, or other supervised release; or

(b)(1) Committed a violation of RSA 631:1 after having previously been convicted of an offense in violation of RSA 631:1, or any other statute prohibiting the same conduct in another state, territory or possession of the United States, if the earlier offense also involved a victim under 13 years of age where the serious bodily injury resulted in brain damage or physical disability to the child that is likely to be permanent; and

(2) The person committed the subsequent offense while released on bail on the earlier offense or the sentence for the earlier conviction involved a term of incarceration, probation, parole, or other supervised release; or

(c)(1) Committed a violation of RSA 630:1-b after having previously been convicted of an offense in violation of RSA 630:1-b, or any other statute prohibiting the same conduct in another state, territory, or possession of the United States; and

(2) The person committed the subsequent offense while released on bail on the earlier offense or the sentence for the earlier conviction involved a term of incarceration, probation, parole, or other supervised release.

VII. If the court has made the findings authorized by RSA 651:6, VI, and if notice of the possible application of this section is given to the defendant prior to the commencement of trial, a person shall be sentenced to an extended term of imprisonment of life without parole.

21 New Chapter; Involuntary Civil Commitment of Sexually Violent Predators. Amend RSA by inserting after chapter 135-D the following new chapter:

INVOLUNTARY CIVIL COMMITMENT OF

SEXUALLY VIOLENT PREDATORS

135-E:1 Findings and Intent. The general court finds that a small but extremely dangerous number of sexually violent predators exist who do not have a mental disease or defect that renders them appropriate for involuntary treatment under RSA 135-C, which is intended to provide short-term treatment to individuals with serious mental disorders and then return them to the community. In contrast to persons appropriate for civil commitment, sexually violent predators generally have antisocial personality features which are unamenable to existing mental illness treatment modalities, and those features render them likely to engage in criminal, sexually violent behavior. The general court further finds that the likelihood of sexually violent predators engaging in repeat acts of predatory sexual violence is high. The existing involuntary commitment procedures for the treatment and care of mentally ill persons are inadequate to address the risk these sexually violent predators pose to society. The general court further finds that the prognosis for rehabilitating sexually violent predators in a prison setting is poor, the treatment needs of this population are very long term, and the treatment modalities for this population are very different from the traditional treatment modalities for people appropriate for commitment under existing law. It is therefore the intent of the general court to create a civil commitment procedure for the long-term care and treatment of sexually violent predators.

135-E:2 Definitions. In this chapter:

I. "Agency with jurisdiction" means the agency that releases, upon lawful order or authority, a person who is serving a sentence in the custody of the department of corrections, or a person who was involuntarily committed upon a finding that the person was not guilty by reason of insanity or incompetent to stand trial.

II. "Commissioner" means the commissioner of the department of health and human services.

III. "Convicted of a sexually violent offense" means a person who has been:

(a) Adjudicated guilty of a sexually violent offense after a trial, guilty plea, or plea of nolo contendere;

(b) Adjudicated not guilty by reason of insanity of a sexually violent offense; or

(c) Found incompetent to stand trial on a charge of a sexually violent offense and the court makes the finding required pursuant to RSA 135-E:5.

IV. "Court" means the superior court in the county where that person was last convicted of a sexually violent offense, or if the person is in custody on an out-of-state or federal sexually violent offense the county where the person plans to reside upon release or, if no residence in this state is planned, in the county where the facility from which the person to be released is located.

V. "Department" means the department of health and human services.

VI. "Likely to engage in acts of sexual violence" means the person's propensity to commit acts of sexual violence is of such a degree that the person has serious difficulty in controlling his or her behavior as to pose a potentially serious likelihood of danger to others.

VII. "Mental abnormality" means a mental condition affecting a person's emotional or volitional capacity which predisposes the person to commit sexually violent offenses.

VIII. "Parole board" means the adult parole board established in RSA 651-A:3.

IX. "Person" means an individual 18 years of age or older who is a potential or actual subject of proceedings under this chapter.

X. "Sexually motivated" means that one of the purposes for which the defendant committed the crime was for sexual gratification.

XI. "Sexually violent offense" means:

(a) Capital murder in violation of RSA 630:1, I(e);

(b) First degree murder in violation of RSA 630:1-a, I(b)(1);

(c) Aggravated felonious sexual assault in violation of RSA 632-A:2;

(d) Kidnapping in violation of RSA 633:1, I(d), where the offender confined the victim with the purpose to commit sexual assault against the victim;

(e) Burglary in violation of RSA 635:1, I, where the offender entered a building or occupied structure with the purpose to commit sexual assault;

(f) An attempt, criminal solicitation, or conspiracy, to commit any of the offenses listed above; or

(g) A violation of any other statute prohibiting the same conduct as the offenses listed above in another state, territory, or possession of the United States.

XII. "Sexually violent predator" means any person who:

(a) Has been convicted of a sexually violent offense;

(b) Suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment; and

(c) Is not eligible for involuntary admission under RSA 135-C or RSA 171-B.

XIII. "Total confinement" means that the person is being held in any physically secure facility being operated by or contractually operated for the department of corrections or the department of health and human services. A person shall also be deemed to be in total confinement for applicability of provisions under this chapter if the person is serving an incarcerative sentence under the custody of the department of corrections or is being held in any other secure facility for any reason. A person is not subject to total confinement if the person is subject to an incarcerative sentence or other custody in a secure facility but has contact with the community, such as through work release, a halfway house, or other supervised or unsupervised release into the community.

135-E:3 Notice to County Attorney or Attorney General; Multidisciplinary Teams Established.

I. The commissioner, or designee, shall establish a multidisciplinary team or teams, each of which shall include, but is not limited to, 2 licensed psychiatrists or psychologists or one licensed psychiatrist and one licensed psychologist each of whom has specialized training or experience in the area of treatment and diagnosis of sex offenders. The attorney general shall serve as legal counsel to the multidisciplinary team. The purpose of the team shall be to evaluate whether persons convicted of a sexually violent offense who are eligible for release from total confinement meet the definition of a sexually violent predator.

II. When a person who has committed a sexually violent offense is to be released from total confinement in New Hampshire, the agency with jurisdiction over the person shall give written notice to the county attorney of the county where that person was last convicted of a sexually violent offense, or attorney general if the case was prosecuted by the attorney general. If the person is in custody on an out-of-state or federal sexually violent offense the agency with jurisdiction shall give written notice to the county attorney of the county where the person plans to reside upon release or, if no residence in this state is planned, the county attorney in the county where the facility from which the person to be released is located or to the attorney general if the person has been convicted of murder. Except as provided in RSA 135-E:4, the written notice shall be given:

(a) At least 9 months prior to the anticipated release from total confinement of a person serving a sentence in the custody of the department of corrections, except that in the case of persons who are totally confined for a period of less than 9 months, written notice shall be given as soon as practicable; or

(b) At least 9 months prior to the anticipated hearing regarding possible release of a person committed to the custody of the department who has been found not guilty by reason of insanity for a sexually violent offense.

III. Upon receipt of such notice, if there is an articulable basis to believe that the person is likely to engage in acts of sexual violence, either the county attorney, attorney general, or the agency with jurisdiction may request that the multidisciplinary team assess and evaluate the person to determine whether the person is a sexually violent predator.

IV. If a request to assess and evaluate a person is made pursuant to paragraph III, the agency with jurisdiction shall provide the multidisciplinary team with the following information:

(a) The person's name, identifying characteristics, anticipated future residence, the type of supervision the person will receive in the community, if any, and the person's offense history;

(b) The person's criminal history, including police reports, victim statements, pre-sentence investigation reports, post-sentence investigation reports, if available, and any other documents containing facts of the person's criminal incidents;

(c) Mental health, mental status, and medical records, including all clinical records and notes concerning the person;

(d) Documentation of institutional adjustment and any treatment received; and

(e) If the person was returned to custody after a period of supervision, documentation of adjustment during supervision and any treatment received.

V.(a) The multidisciplinary team shall assess and evaluate each person referred to the team. The assessment and evaluation shall include a review of the person's institutional history and treatment record, if any, the person's criminal background, and any other factor that is relevant to the determination of whether such person is a sexually violent predator.

(b) Before concluding the evaluation, the multidisciplinary team shall offer the person being evaluated a personal interview. If the person agrees to participate in a personal interview, at least one member of the team who is a licensed psychiatrist or psychologist shall conduct the interview. If the person refuses to fully participate in a personal interview, the multidisciplinary team may proceed with its recommendation without a personal interview of the person.

(c) Within 6 months after receiving notice of a person's anticipated release from total confinement, the department of health and human services shall provide to the county attorney or attorney general a written report of the multidisciplinary team's findings as to whether the person meets the definition of a sexually violent predator.

135-E:4 Release From Total Confinement; Transfers; Petition to Hold in Custody.

I. In the event that a person who has been convicted of a sexually violent offense is eligible for immediate release from total confinement, the agency with jurisdiction shall provide immediate notice to the county attorney or attorney general of the person's release. The county attorney or attorney general or the agency with jurisdiction may file a petition for an emergency hearing in the superior court requesting that the person subject to immediate release be evaluated by the multidisciplinary team to determine whether the person is a sexually violent predator. The hearing shall be held within 24 hours of the filing of the petition, excluding Saturdays, Sundays, and holidays. The person shall not be released from total confinement until after the hearing has been held. At the hearing, the court shall determine whether there is probable cause to believe that the person is a sexually violent predator. If the court finds probable cause, the person shall be held in an appropriate secure facility.

II. Within 72 hours after finding probable cause, the multidisciplinary team shall assess whether the person meets the definition of a sexually violent predator. If the multidisciplinary team determines that the person does not meet the definition of a sexually violent predator, the department shall provide notice to the county attorney or attorney general and that person shall be immediately released. If the multidisciplinary team determines that the person meets the definition of a sexually violent predator, the team shall provide the county attorney or attorney general with its written assessment and recommendation within the 72-hour period or, if the 72-hour period ends on a weekend or holiday, within the next working day thereafter.

III. Within 48 hours after receipt of the written assessment and recommendation from the multidisciplinary team, the county attorney or attorney general may file a petition with the superior court alleging that the person is a sexually violent predator and stating

facts sufficient to support such allegation. If a petition is not filed within 48 hours after receipt of the written assessment and recommendation by the county attorney or attorney general, the person shall be immediately released. If a petition is filed pursuant to this section, the person shall be held in an appropriate secure facility for further proceedings in accordance with this chapter.

IV. A person shall be released if the multidisciplinary team or the county attorney or attorney general do not comply with the time limitations in this section. The provisions of this section, however, are not jurisdictional, and failure to comply with the time limitations, which results in the release of a person who has been convicted of a sexually violent offense, is not dispositive of the case and does not prevent the county attorney or attorney general from filing a petition against a person otherwise subject to the provisions of this chapter. However, the court shall not consider any petition filed more than 6 months after the person's release from incarceration unless the timing of the petition is due to newly discovered material facts, which shall be alleged in the petition.

135-E:5 Persons Found Incompetent to Stand Trial.

I. If the county attorney or attorney general seeks to civilly commit a person charged with a sexually violent offense and found incompetent to stand trial, the court shall order the person to remain in custody for a reasonable period of time, not to exceed 90 days, for proceedings pursuant to this section.

II. The court shall first hear evidence and determine whether the person did commit the act or acts charged. The hearing on this issue shall comply with all the procedures specified in this section. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act or acts charged beyond a reasonable doubt. In determining whether the state has met its burden, the court shall consider the extent to which the person's incompetence or developmental disability affected the outcome of the hearing, including the person's ability to assist his or her counsel by recounting the facts, identifying witnesses, testifying in his or her own defense, or providing other relevant information or assistance to counsel or the court. If the person's incompetence substantially interferes with the person's ability to assist his or her counsel, the court shall not find the person committed the act or acts charged unless the court can conclude beyond a reasonable doubt that the acts occurred, and that the strength of the state's case, including physical evidence, eye witness testimony, and corroborating evidence, is such that the person's limitations could not have had a substantial impact on the proceedings. If, after the conclusion of the hearing, the court finds, beyond a reasonable doubt, that the person did commit the act or acts charged, the court shall enter a final order, appealable to the supreme court on that issue. If the person appeals, the person shall be held in an appropriate secure facility. If the person does not appeal or if the appeal is unsuccessful, the court shall proceed as specified in this section.

III. Within 90 days after the court finds that the person committed the act or acts charged or after appeal, the multidisciplinary team shall conduct an evaluation pursuant to the procedures outlined in RSA 135-E:3 to determine whether the person meets the definition of a sexually violent predator and the department shall provide to the county attorney or attorney general a written report of the multidisciplinary team's findings as to whether the person meets the definition of a sexually violent predator.

135-E:6 Petition; Contents. If the multidisciplinary team finds the person meets the definition of a sexually violent predator, the county attorney or attorney general may file a petition within 14 days with the superior court alleging that the person is a sexually violent predator and stating facts sufficient to support such allegation. If the county attorney or attorney general does not file a petition within 14 days, and the person is otherwise subject to release, the person shall be released.

135-E:7 Determination of Probable Cause.

I. When the county attorney or attorney general files a petition seeking to have a person declared a sexually violent predator, within 10 days of the filing of the petition, the

court shall determine whether probable cause exists to believe that the person named in the petition is a sexually violent predator. If the court determines based on the content of the petition that there is probable cause to believe that the person is a sexually violent predator, the court shall order that the person remain in custody and be held in an appropriate secure facility for further proceedings in accordance with this chapter.

II. If the offender's incarcerative sentence expires before a hearing on the merits of a petition for civil commitment pursuant to this chapter, the court shall conduct a probable cause hearing within 2 days of the expiration of the person's incarcerative sentence. If the court concludes following the hearing that there is probable cause to believe that the person is a sexually violent predator, the court shall order that the person remain in custody and held in an appropriate secure facility for further proceedings in accordance with this chapter.

135-E:8 Contract Authority. The department may contract with a private entity or state agency for use of and operation of facilities to comply with the requirements of this chapter.

135-E:9 Trial; Procedure.

I. The person or the county attorney or attorney general has the right to demand that the trial be before a jury. A demand for a jury trial must be filed, in writing, no later than 30 days after the finding of probable cause. If no demand is made, the trial shall be to the court. At all adversarial proceedings under this chapter, the person subject to this chapter is entitled to the assistance of appointed counsel if the person is indigent.

II. Within 60 days after the court's initial determination of probable cause, or, in cases where a jury trial has been elected, 60 days after the election of a jury trial, the court shall conduct a trial to determine whether the person is a sexually violent predator.

III. The trial may be continued upon the request of either party and a showing of good cause, or by the court on its own motion in the interests of justice, when the person will not be substantially prejudiced by the delay.

IV. The person may retain experts or mental health professionals to perform an examination. If the person wishes to be examined by a professional of the person's own choice, the examiner shall be provided reasonable access to the person, as well as to all relevant medical and mental health records and reports. In the case of a person who is indigent, the court, upon the person's request, shall appoint experts or authorize other services pursuant to RSA 604-A:6. If the defendant retains an expert to perform a mental health examination, the person shall also submit to an examination by an expert of the state's choosing. If the person refuses to submit to an examination by the state's expert the court shall prohibit the person's mental health experts from testifying concerning any mental health tests, evaluations, or examinations of the person.

135-E:10 Rules of Procedure and Evidence. In all civil commitment proceedings for sexually violent predators under this chapter:

I. The doctor-patient privilege under RSA 329:26, RSA 330-A:19, the rules of evidence or other similar statutes or rules shall not apply in proceedings under this chapter.

II. The court may consider evidence of the person's prior conduct if such evidence is relevant to the issue of whether the person is a sexually violent predator.

III. Hearsay evidence, including reports of a member of the multidisciplinary team or reports produced on behalf of the multidisciplinary team, shall be admissible in proceedings under this chapter unless the court finds that such evidence is not reliable. In a trial, however, hearsay evidence shall not be used as the sole basis for committing a person under this chapter.

135-E:11 Determination.

I. The state shall have the burden of proving by clear and convincing evidence that the person is a sexually violent predator. If the determination is made by a jury, the verdict shall be unanimous. If the jury is unable to reach a unanimous verdict, the court shall declare a mistrial. If the court declares a mistrial, the county attorney or attorney general may refile the petition and proceed according to the provisions of this chapter. Any retrial

shall occur within 90 days after the previous trial, unless the subsequent proceeding is continued in accordance with RSA 135-E:9, II.

II. If the court or jury determines that the person is a sexually violent predator, upon the expiration of the incarcerative portion of all criminal sentences and disposition of any detainers other than detainers for deportation by the United States Bureau of Citizenship and Immigration Services, the person shall be committed to the custody of the department of health and human services for control, care, and treatment until such time as the person's mental abnormality or personality disorder has so changed that the person no longer poses a potentially serious likelihood of danger to others. At all times, persons who are detained or committed under this chapter shall be kept in a secure facility segregated from patients of the department who are not detained or committed under this chapter. An order committing a person shall be valid for up to 5 years.

III. The determination that a person is a sexually violent predator may be appealed. The public defender shall be appointed to represent the person on appeal if the person is indigent.

135-E:12 Examinations; Release of Committed Persons.

I. Prior to the expiration of the initial commitment order or any recommittal order, the county attorney or attorney general may file a petition to recommit the person.

II. If the state petitions to renew the committal, the court shall hold a hearing. The person is entitled to be present and is entitled to the benefit of all procedural protections afforded the person at the initial trial, except for the right to a jury. The state has the right to have the person examined by professionals chosen by the state. At the hearing, the state bears the burden of proving, by clear and convincing evidence, that the person remains a sexually violent predator. Any recommittal order shall be valid for a period of up to 5 years.

135-E:13 Authorized Petition for Release.

I. If the commissioner, or designee, at any time determines that the person is not likely to commit acts of sexual violence if discharged, the commissioner or the his or her designee shall notify the court and the court shall hold a hearing. The petition shall be served upon the court and the county attorney or attorney general. The court, upon receipt of such notice, shall schedule a hearing within 60 days, unless continued for good cause.

II. The county attorney or attorney general shall represent the state, and has the right to have the person examined by professionals of the county attorney or attorney general's choice. The state bears the burden of proving, by clear and convincing evidence, that the person remains a sexually violent predator.

135-E:14 Petitions for Release. A person may file a petition for discharge at any time after commitment under this chapter without the approval of the commissioner, or his or her designee. Notice of the petition shall be provided to the commissioner and to the county attorney or attorney general. After reviewing the petition filed by the person the court may request the commissioner or county attorney or attorney general to respond to the petition. The commissioner or county attorney or attorney general is not required to respond to a petition filed pursuant to this section unless ordered to do so by the court. If the court determines that appointment of counsel may assist in an appropriate resolution of the petition, and the person is indigent, the court shall appoint counsel to represent the person. If the court determines that the petition is without merit on its face, the court may deny the petition without a hearing.

135-E:15 Release of Records to Agencies.

I. In order to protect the public, relevant information and records that are otherwise confidential or privileged shall be released to the agency with jurisdiction, to a multidisciplinary team, or to the county attorney or attorney general for the purpose of meeting the notice requirements of this chapter and determining whether a person is or continues to be a sexually violent predator. A person, agency, or entity receiving information under this section which is confidential shall maintain the confidentiality of that

information. Such information does not lose its confidential status due to its release under this section.

II. Psychological or psychiatric reports, drug and alcohol reports, treatment records, medical records, pre-sentence investigative report, or victim impact statements that have been submitted to the court or admitted into evidence under this chapter shall be part of the record but shall be sealed and may be opened only pursuant to a court order.

135-E:16 Constitutional Requirements. The long-term control, care, and treatment of a person committed under this chapter shall conform to constitutional requirements.

135-E:17 Immunity from Civil Liability. The agency with jurisdiction and its officers and employees; the department and its officers and employees; members of the multidisciplinary team; the county attorney or attorney general and the county attorney or attorney general's employees; and those involved in the evaluation, care, and treatment of sexually violent persons committed under this chapter are immune from any civil liability for good faith conduct under this chapter.

135-E:18 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications to this chapter which can be given effect without the invalid provisions of applications, and to this end the unconstitutional provisions or applications of this chapter are severable.

135-E:19 Applicability. This chapter applies retroactively to all persons in custody as of the effective date of this statute who have been convicted of a sexually violent offense, as well as prospectively.

135-E:20 Notice Requirements.

I. No later than 30 days prior to the release of a sexually violent predator, the department shall give written notice of the person's release to the victim advocate for the county in which the person was prosecuted, and to the extent possible the victim or the victim's family shall be notified.

II. If a sexually violent predator who has an active or pending term of probation, parole, conditional release, or other court-ordered or postprison release supervision is released from custody, the department shall immediately notify the department of corrections. The parole board shall also be immediately notified of the release of a sexually violent predator who has an active or pending term of parole, conditional release, or other postprison release supervision that is administered by the parole board.

135-E:21 Escape.

I. A person who escapes or attempts to escape from lawful custody pursuant to this chapter is guilty of a class A felony.

II. If a person escapes while in custody pursuant to this chapter, the department shall immediately notify the victim and the county attorney or attorney general that filed the petition for civil commitment. If the escapee has an active or pending term of probation, parole, conditional release, or other court-ordered or postprison release supervision, the department shall also immediately notify the department of corrections. The parole board shall also be immediately notified of an escape if the escapee has an active or pending term of parole, conditional release, or other postprison release supervision that is administered by the parole board.

135-E:22 Rules. The department shall adopt rules, pursuant to RSA 541-A, relative to:

I. Procedures to be followed by members of the multidisciplinary teams when assessing and evaluating persons subject to this chapter.

II. Education and training requirements for members of the multidisciplinary teams and professionals who assess and evaluate persons under this chapter.

III. The designation of secure facilities for sexually violent predators who are subject to involuntary commitment under this chapter.

IV. The components of the basic treatment plan for all committed persons under this chapter.

V. The protocol for informing a person that he or she is being evaluated to determine whether he or she is a sexually violent predator under this chapter. Such protocol shall include procedures for informing the person of the right to refuse to participate in a personal interview with the multidisciplinary team or members thereof, the right to consult with counsel prior to participating in such an interview, and the right to have counsel appointed if the person is indigent.

135-E:23 Appointment of Counsel. The right of a person sought to be committed as a sexually violent predator to legal counsel prior to and during any judicial hearing conducted under this chapter shall be absolute and unconditional. The right to legal counsel for any person sought to be committed during any judicial proceeding conducted under this chapter shall be waived only if the client or person sought to be committed makes an informed decision to do so. The person sought to be committed shall pay the costs of the legal services in connection with hearings held under this chapter. If the person sought to be committed is unable to pay for counsel, the court shall appoint counsel pursuant to RSA 604-A:2. Such appointment shall be made no later than upon the filing of the petition and shall be made upon request of the person before any interview or personal examination of the person is conducted by the multidisciplinary team or other person in preparation for the filing of a petition.

22 Commitment to Hospitals; Competency Hearing; Commitment for Treatment. Amend RSA 135:17-a, V as follows:

V. If the court has determined that the defendant has not regained competency, and the court determines that he or she is dangerous to himself or herself or others, the court shall order the person to remain in custody for a reasonable period of time, not to exceed 90 days, to be evaluated for the appropriateness of involuntary treatment pursuant to RSA 135-C:34 or RSA 171-B:2. The court may order the person to submit to examinations by a physician, psychiatrist, or psychologist designated by the state for the purpose of evaluating appropriateness and completing the certificate for involuntary admission into the state mental health services system, the state developmental services delivery system, or the secure psychiatric unit, as the case may be. ***If a defendant who was charged with a sexually violent offense, as defined in RSA 135-E:2, XI, has not regained competency, the court shall proceed pursuant to RSA 135-E.***

23 New Subparagraph; Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19, I by inserting after subparagraph (j) the following new subparagraph:

(k) Order the minor to register as a sexual offender or offender against children pursuant to RSA 651-B until the juvenile reaches the age of 17 if the court finds that the minor presents a risk to public safety.

24 New Subparagraph; Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19, III-a by inserting after subparagraph (e) the following new subparagraph:

(f) If the court retains jurisdiction over the minor pursuant to RSA 169-B:4, V, and the court has determined that the minor is required to register as a sexual offender or offender against children pursuant to RSA 169-B:19, I(k), the minor shall continue to register pursuant to RSA 651-B; provided, that so long as the court retains jurisdiction over the case.

25 New Subparagraph; Delinquent Children; Juvenile Case and Court Records. Amend RSA 169-B:35, III by inserting after subparagraph (c) the following new subparagraph:

(d) Pursuant to RSA 651-B, the department of safety shall disclose registration information to law enforcement agencies for juveniles if the court has found that the juvenile is required to register as a sexual offender or offender against children. In no event shall any juvenile required to register be listed on the list of sexual offenders and offenders against children made available to the public pursuant to RSA 651-B:7.

26 Committee to Identify and Evaluate Classification and Risk Assessment Procedures for Convicted Sex Offenders and Offenders Against Children Established.

I. There is established a committee to identify and evaluate classification and risk assessment procedures for convicted sex offenders and offenders against children.

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

(a) Four members of the house of representatives, at least 2 of whom shall be from the criminal justice and public safety committee, and one of whom shall be from the judiciary committee, appointed by the speaker of the house of representatives.

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

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

IV. The committee shall:

(a) Identify and evaluate classification and risk assessment procedures for convicted sex offenders and offenders against children.

(b) Identify classification and risk assessment procedures from other states, including those in the New England region.

(c) Identify the scope, use, and effectiveness of such procedures.

(d) Identify the benefits and liabilities of notifying the public of each level of classification and the best system for such notification.

(e) Identify funding sources for such classification and risk assessment procedures.

(f) Identify implementation procedures for past, present, and future offenders.

(g) Identify methods of evaluation and accountability.

(h) Study any additional information that the committee deems necessary.

V. The committee shall use the information collected to make recommendations to the legislature for the management of sex offenders and offenders against children.

VI. The committee shall solicit information and testimony from any organization or individual as deemed necessary to assist the committee in the performance of its duties, including:

(a) Employees of the department of safety with direct responsibility for maintaining the New Hampshire sex offender registry.

(b) Other department of safety employees as may be necessary.

(c) The department of corrections.

(d) The department of education.

(e) Forensic evaluators.

(f) Sex offender treatment providers.

(g) Victims' advocates.

(h) A licensed New Hampshire attorney primarily engaged in the practice of criminal defense.

(i) The New Hampshire Civil Liberties Union.

(j) The New Hampshire Association of Chiefs of Police.

(k) An advocate for the developmentally disabled.

VII. 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.

VIII. 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, 2007.

27 Global Positioning Satellite Monitoring; Feasibility Study. The department of corrections shall implement a study to evaluate the feasibility and efficacy of instituting life-time monitoring of serious sexual offenders and offenders against children by means of global positioning satellite technology or other monitoring or tracking systems and report the results of the study to the general court on or before November 1, 2006. The department of corrections shall implement a system for tracking sexual offenders and offenders against children by global positioning satellite technology by July 1, 2008.

28 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

29 Effective Date.

I. Sections 26, 27, and 29 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill revises the statutes concerning sexual predators, and establishes a committee to identify and evaluate classification and risk assessment procedures for convicted sex offenders and offenders against children.

Rep. Dowling spoke in favor.

Majority committee amendment adopted.

Rep. Stevens offered minority amendment (1425h).

Minority Amendment (1425h)

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

1 Registration of Criminal Offenders; Definitions. Amend RSA 651-B:1, III to read as follows:

III. "Sexual offender" means a person who is required to register as a result of any violation or attempted violation of:

(a) RSA 632-A:2, 632-A:3, 632-A:4, I(a), 632-A:4, I(b) if the actor was 21 years of age or older at the time of the offense, 645:1, II, or 645:1, III; [~~or~~]

(b) A law of another state or the federal government reasonably equivalent to a violation listed in subparagraph (a)[~~.~~]***; or***

(c) Any other criminal offense which is not specifically listed in subparagraph (a) if the court finds by clear and convincing evidence at the time of conviction or sentencing that the person committed the offense as a result of sexual compulsion or for purposes of sexual gratification and protection of the public would be furthered by requiring the person to register. In determining whether the offender should be required to register, the court may consider the offender's prior criminal history and any other relevant information. Duration of the registration shall be for a period of time as required by the court but not less than 10 years from the date of release from custody. The court shall also make a finding as to whether the offender's name and registration information shall appear on the public list authorized by RSA 651-B:7. In determining whether the offender's name shall appear on the public list, the court shall consider whether the victim was a minor at the time of the crime; the nature of the offenses that are currently listed on the public list; whether public safety would be furthered by including the offender on the public list; and any other relevant factors. The hearing at which such a determination is made shall comply with due process requirements, including a right to appeal the finding. The court shall provide the defendant an opportunity to be heard on the issue prior to the imposition of the registration requirement and shall state on the record the reasons for its findings and the reasons for requiring registration.

2 Registration of Criminal Offenders; Definitions. Amend RSA 651-B:1, V to read as follows:

V. "Offender against children" means a person who is required to register as a result of any violation or attempted violation of:

(a) Any of the following offenses, where the victim was under the age of 18 at the time of the offense, RSA 633:1, 633:2, 633:3, 639:2, or 645:2; or

(b) RSA 169-B:41, II, 639:3, III, 649-A:3, 649-B:3, 649-B:4 or 650:2, II; or

(c) A law of another state or the federal government reasonably equivalent to a violation listed in subparagraph (a) or (b)[~~.~~] ***; or***

(d) Any other criminal offense committed against a victim under the age of 18 at the time of the offense which is not specifically listed in subparagraph (a) or (b) if the court finds by clear and convincing evidence at the time of conviction or sentencing that the person committed the offense as a result of sexual compulsion or for purposes of sexual gratification and protection of the public would be furthered by requiring the person to register. In determining whether the offender should be required to register, the court may consider the offender's prior criminal history and any other relevant information. Duration of the registration shall be for a period of time as required by the court but not less than 10 years from the date of release from custody. The court shall also make a finding as to whether the offender's name and registration information shall appear on the public list authorized by RSA 651-B:7. In determining whether the offender's name shall appear on the public list, the court shall consider the nature of the offenses that are currently listed on the public list; whether public safety would be furthered by including the offender on the public list; and any other relevant factors. The hearing at which such a determination is made shall comply with due process requirements, including a right to appeal the finding. The court shall provide the defendant an opportunity to be heard on the issue prior to the imposition of the registration requirement and shall state on the record the reasons for its findings and the reasons for requiring registration.

3 Registration of Criminal Offenders; Definitions. RSA 651-B:1, VII is repealed and reenacted to read as follows:

VII.(a) "Required to register" means that a sexual offender or offender against children was charged with an offense or an attempt to commit an offense listed in this chapter that resulted in one of the following outcomes:

(1) Conviction;

(2) A finding of not guilty by reason of insanity;

(3) An adjudication as a juvenile delinquent and the court at the time of the dispositional hearing finds, pursuant to RSA 169-B:19, that the juvenile is required to register;

(4) An adjudication of juvenile delinquency or its equivalent in another state or territory of the United States if the juvenile is required to register under the laws of that jurisdiction; or

(5) An order committing the person as a sexually violent predator pursuant to RSA 135 E.

(b) A juvenile certified to stand trial as an adult, who is convicted, found not guilty by reason of insanity, or committed as a sexually violent predator, shall be treated as an adult for all purposes under this chapter.

4 New Paragraph; Registration of Criminal Offenders; Definitions. Amend RSA 651-B:1, by inserting after paragraph VII the following new paragraph:

VIII. Notwithstanding RSA 21:6-a, in this chapter "residence" means a place where a person is living or temporarily staying for more than a total of 5 days during a one-month period, such as a shelter or structure that can be located by a street address, including, but not limited to, houses, apartment buildings, motels, hotels, homeless shelters, and recreational and other vehicles.

5 Registration of Criminal Offenders; Registration. Amend RSA 651-B:2 to read as follows:

651-B:2 Registration.

I. Every sexual offender or offender against children shall be registered with the department of safety, division of state police, as provided in this [~~subdivision~~] ***chapter***.

II. Upon receipt of information pursuant to RSA 106-B:14 concerning [~~the conviction of~~] ***the disposition of any charges against*** any sex offender or offender against children, the division shall register such person and shall include the relevant information in the law enforcement name search (LENS) system.

III. Upon receipt from any out-of-state law enforcement agency of information that a sex offender or offender against children has moved to New Hampshire, the division shall register such person and shall include the relevant information in the LENS system.

IV. The information that a person is required to register on the public list as a sexual offender or offender against children, including his or her qualifying offense or offenses, shall be available to law enforcement through the offender's criminal record and motor vehicle record. If an offender's obligation to register terminates for any reason, the department shall notify the division of motor vehicles of the change and the offender's motor vehicle record shall no longer reflect that the person is required to register as a sexual offender or offender against children.

6 Registration of Criminal Offenders; Release of Certain Sexual Offenders Into The Community; Duties. Amend RSA 651-B:3 to read as follows:

651-B:3 Release of Certain Sexual Offenders Into the Community; Duties.

I. Upon release of any sexual offender or offender against children required to register, whether on probation, parole, conditional or unconditional release, completion of sentence, release from secure psychiatric care, ***release into the community after involuntary commitment, release from a juvenile detention facility,*** or for any other reason, the official in charge of such release shall notify the offender of the offender's duty to report under this chapter. The offender shall acknowledge in writing that he has received such notice. The official shall obtain the address at which the offender expects to reside upon release and shall report such address to the department. The department shall inform the local law enforcement agency where the offender expects to reside. The division shall enter the information concerning the offender's release and notification in the LENS system.

II. Upon receipt from any out-of-state law enforcement agency of information that a sex offender or offender against children has moved to New Hampshire, ***the department shall obtain the address at which the offender expects to reside and shall inform the local law enforcement agency.*** The department shall locate and shall serve notice upon such offender of the offender's duty to report under this chapter. ***Service by the department is not required if the offender has already registered with the local law enforcement agency in which the offender resides or is located as required by this chapter. At the time of the initial registration, the*** [~~The~~] offender shall acknowledge in writing that the offender has received ~~such~~ notice ***of the duty to report***. [~~The department shall obtain the address at which the offender expects to reside and shall inform the local law enforcement agency.~~] The division shall enter the information concerning the offender's location in New Hampshire and notification in the LENS system.

III. Semi-annually, the department shall verify the address at which the offender resides by sending a letter by certified non-forwarding mail to the offender. The address verification shall be sent to the offender prior to the offender's birthday and again prior to the offender's 6-month semi-annual registration. The address verification shall remind the offender of the obligation to register in person on a semi-annual basis. The offender shall sign the letter and return it to the department within 10 business days of receipt. If the offender's mailing address is to a post-office box, the department shall deliver by other means as determined by the department a letter to the offender's residence. The offender shall sign and return the letter within 10 business days of receipt.

7 Registration of Criminal Offenders; Duty to Report. Amend RSA 651-B:4, I to read as follows:

I.(a)(1) Any person required to be registered under this chapter shall report ***in person*** [~~such person's current mailing address, place of residence or temporary domicile, and~~

~~place of employment or schooling~~] to the local law enforcement agency within [~~30~~] ***5 business*** days after the person's release as required under RSA 651-B:3, or within [~~30~~] ***5 business days*** after the person's date of establishment of residence in New Hampshire if the person is required to register as a result of an offense committed in another jurisdiction. Such report shall also be made ***semi***-annually within [~~30~~] ***5 business*** days after each anniversary of the person's date of birth ***and the sixth mont***h ***following the person's date of birth*** and additionally within [~~30~~] ***5 business*** days after any change of [~~address or place of residence~~] ***any information the person is required to report pursuant to this chapter***. ***If an offender has more than one residence, the offender shall report in person to each local law enforcement agency having jurisdiction over each of the offender's residences.***

(2) Such person shall [~~also~~] be required to submit to a photograph taken by the law enforcement agency each time the person is required to report to the law enforcement agency under this section.

(3) Such person shall also provide the following information at the time of registration: name, age, race, sex, date of birth, height, weight, hair and eye color, address of any permanent residence and address of any current temporary residence, within the state or out of state, mailing address, date and place of any employment or schooling, and vehicle make, model, color, license tag number. A post office box shall not be provided in lieu of a physical residential address. Such person shall also provide any additional information required by department rules adopted in accordance with RSA 651-B:8.

(b) Any nonresident sexual offender or offender against children who enters this state for the purpose of employment, with or without compensation, or to attend any public or private educational institution for a period exceeding 14 consecutive days or for an aggregate period of time exceeding 30 days during any calendar year shall report ***in person*** to the local law enforcement agency having jurisdiction over the place of employment or school within [~~10~~] ***5 business*** days of the nonresident offender entering the state for employment or schooling, and additionally within [~~10~~] ***5 business*** days after any change of place of employment or schooling. In the event a nonresident offender required to register under this paragraph does not have a principal place of employment, the offender shall register ***in person*** with the department in Concord. Upon the nonresident offender's initial registration, the local law enforcement agency or the department shall notify the offender of the offender's duty to report under this chapter. The offender shall report the address of the offender's place of employment or schooling while in the state, the address where the offender resides out of state, and other information required by ***RSA 651-B:4, I(a)(3) and*** department rules adopted in accordance with RSA 651-B:8. Such report shall also be made ***semi***-annually within [~~30~~] ***5 business*** days after each anniversary of the person's date of birth ***and the sixth month following the person's date of birth***, and additionally within [~~10~~] ***5 business*** days after any change [~~of address or place of employment or schooling~~] ***in the information the person is required to report pursuant to this chapter***.

8 Registration of Criminal Offenders; Change of Name or Alias, or Address; Duty to Inform. Amend RSA 651-B:5 to read as follows:

651-B:5 Change of Name or Alias, or Address; Duty to Inform.

[~~I.~~] When any person required to be registered under RSA 651-B[~~:4, I(a) changes residence, or their name or alias,~~] ***changes any information the person is required to report pursuant to this chapter*** the person shall give written notification of the [~~person's new address, name, or alias~~] ***new information*** to the local law enforcement agency to which he or she last reported under RSA 651-B:4 within [~~10~~] ***5 business*** days of such change of ***information*** [~~residence, name, or alias~~]. Such notice shall not relieve the person of the duty to report under RSA 651-B:4 at the new place of residence***, employment, or schooling***. The local law enforcement agency receiving such notice shall forward a copy to the division within 3 days after receipt. The division shall notify the local law enforcement agency at the

new place of residence ***employment or schooling***, or the appropriate out-of-state law enforcement agency if the new place of residence***, employment or schooling*** is outside New Hampshire[~~,~~]***.*** ***The division*** [~~and~~] shall include [~~such change of address or change of name~~] ***any new*** information in the LENS system.

[~~II. When any nonresident person required to be registered under RSA 651-B:4, I(b) changes residence, place of employment or schooling, or their name or alias, the person shall give written notification of the person's new address, place of employment or schooling, name, or alias to the local law enforcement agency to which he or she last reported under RSA 651-B:4 within 10 days of such change of residence, place of employment or schooling, name, or alias. Such notice shall not relieve the person of the duty to report under RSA 651-B:4 at the new place of residence. The local law enforcement agency receiving such notice shall forward a copy to the division within 3 days after receipt. The division shall notify the local law enforcement agency at the new place of residence, or the appropriate out-of-state law enforcement agency if the new place of residence is outside New Hampshire, and shall include such change of address or change of name information in the LENS system.~~

~~III. Any sexual offender or offender against children who, with or without compensation, is employed by or attends any public or private educational institution for a period exceeding 14 consecutive days, or for an aggregate period of time exceeding 30 days during any calendar year, shall give written notification of any changes to the person's place of employment or schooling to the local law enforcement agency to which he or she last reported under RSA 651-B:4 within 10 days of such change of place of employment or schooling. The local law enforcement agency receiving such notice shall forward a copy to the division within 3 days after receipt. If the sexual offender or offender against children continues to be employed by or attend any public or private educational institution, the division shall notify the local law enforcement agency at the new place of employment or schooling, or the appropriate out-of-state law enforcement agency if the new place of employment or schooling is outside New Hampshire, and shall include such changes in the LENS system.~~]

9 Registration of Criminal Offenders; Duration of Registration. Amend RSA 651-B:6, II to read as follows:

II. Any sexual offender required to register as a result of a violation or attempted violation of RSA 632-A:4, I(a) or RSA 645:1, II, and any offender against children required to register as a result of a violation or attempted violation of RSA 633:3 or 645:2, I, or of an equivalent offense in an out-of-state jurisdiction, shall be registered for a 10-year period from the date of release, provided that any such registration period shall not run concurrently with any registration period resulting from a subsequent violation or attempted violation of an offense for which the person is required to register provisions of paragraph II, any sexual offender or offender against children who is required to register as a result ***of a violation*** of more than one offense listed in RSA 651-B:1, III or RSA 651-B:1, V, or who is sentenced to an extended term of imprisonment pursuant to RSA 651:6, I(b) shall be registered for life.

10 New Paragraph; Registration of Criminal Offenders; Duration of Registration. Amend RSA 651-B:6 by inserting after paragraph III the following new paragraph:

IV. Registration of any juvenile required to register pursuant to RSA 651-B:1, VII(a)(3) or (4) shall end when the juvenile turns 17 years of age unless the court which adjudicated the juvenile as a delinquent retains jurisdiction over the juvenile pursuant to RSA 169-B:4, V, in which case registration of the juvenile shall end when the court terminates jurisdiction over the juvenile's case. When the registration of a juvenile terminates, the department shall remove information relating to the juvenile from the LENS system and records of the juvenile's registration shall be handled in accordance with RSA 169-B:35 and RSA 169-B:36.

11 Availability of Information to the Public. Amend 651-B:7, II-VI(a) to read as follows:

II.(a) The division shall maintain a separate list of all individuals registered pursuant to this chapter who are required to register as a result of any violation or

attempted violation of one of the following offenses, or of any law of another state or the federal government reasonably equivalent to one of the following offenses:

(1) RSA 632-A:2, I(j)

(2) RSA 632-A:2, I(k)

[~~(1)~~]***(3)*** RSA 632-A:2, I(*l*).

[~~(2)~~]***(4)*** RSA 632-A:2, II-III.

[~~(3)~~]***(5)*** RSA 632-A:3, II, provided that the age difference between the [~~convicted~~] individual ***required to register*** and the victim was more than 3 years at the time of the offense.

[~~(4)~~]***(6)*** RSA 632-A:3, III.

[~~(5)~~]***(7)*** RSA 645:1, II-III.

[~~(6)~~]***(8)*** Any offense described in RSA 651-B:1, V.

(b)(1) The list described in subparagraph (a) shall include:

(A) The name, address, and date of birth of the registered individual.

(B) The offense for which the individual is required to register.

(C) The date and court of the adjudication on the offense for which the individual is registered.

(D) Outstanding arrest warrants, and the information listed in subparagraphs (b)(1)(A)-(C), for any sexual offender or offender against children who has not complied with the obligation to register under this chapter.

(E) A photograph or physical description of the individual, if available.

(2) Where such information is available, the list may also include:

(A) The date and court of the individual's other adjudications, if any.

(B) Information on the profile of the victim or victims of the individual's offense or offenses.

(C) The method of approach utilized by the individual.

(3) In no event shall the list include the identity of any victim. ***Sexual offenders convicted under RSA 632-A:2 shall be listed on the public list in a manner which does not disclose, directly or indirectly, that the victim and the defendant were related or members of the same household. For sexual offenders convicted under RSA 632-A:1, I, no specific reference to any statutory subparagraph shall appear on the public list.***

(c) In no event shall the list made available to the public pursuant to this section include a sexual offender or offender against children who has been adjudicated as a juvenile delinquent.

III. At periodic intervals, not less frequently than once each month, the commissioner of the department of corrections***,*** [~~and~~] the superintendent of each county department of corrections and the commissioner of the department of health and human services shall forward to the division a statement identifying every offender who is confined in a facility under their control who is required to register as a result of ***a violation or attempted violation*** of an offense described in subparagraph II(a), and who is eligible at that time for any unsupervised work detail, release into the community following secure psychiatric care, or other assignment which may bring the offender into contact with members of the public. These statements shall include the information set forth in subparagraphs II(b)(1)(A), (B), and (C), and may also include the information set forth in subparagraphs II(b)(2)(A)-(D). In no event shall the statements include the identity of any victim. These statements shall be incorporated by the division into the list maintained under paragraph II.

IV.(a) The division shall provide a copy of the list described in this section to each local law enforcement agency at periodic intervals, through written, electronic, computerized, or other accessible means, but in no event less frequently than once each month. The list shall be made available to interested members of the public upon request to a local law enforcement agency. The department of safety may make the list available to interested

members of the public through the use of the department's official public Internet access site. The department shall adopt rules, pursuant to RSA 541-A, establishing procedures for the collection of information described in this section, the transmission of the information from the division to the local law enforcement agencies, and the conditions under which the list shall be made available to the public. These rules shall enable the public to request information about a named individual or about all listed individuals residing or confined in the state. The rules may also include provisions for the imposition of a reasonable fee to defray the administrative costs of collecting the information and making the information available to the public.

(b) Local law enforcement agencies may photograph, at the time of the registration, any individual who is required to be registered pursuant to this chapter. The consent of the registrant shall not be necessary. Such photographs may be used in the performance of any valid law enforcement function.

(c) In the discretion of the local law enforcement agency, such agency may affirmatively notify the public that an offender who is included on the public list received by the agency pursuant to paragraph IV(a) is residing in the community.

V. Local law enforcement agencies, employees of local law enforcement agencies, [~~and~~] county and state officials***, municipal and school officials, and municipalities and school districts*** shall be immune from civil and criminal liability for good faith conduct under this chapter***, including any decision to provide or not provide affirmative notification to the public pursuant to RSA 651-B:7, IV(c)***. Nothing in this paragraph shall be deemed to grant any such immunity to any person for that person's reckless or wanton conduct.

VI.(a) Notwithstanding the provisions of this section, any individual required to be registered whose name and information is contained on the list described in subparagraph II(a) and who [~~has been convicted~~] ***is required to register as a result*** of any violation or attempted violation of RSA 632-A:2, III or RSA 632-A:3, II, provided that the age difference between the [~~convicted~~] individual ***required to register*** and the victim was 3 years or less at the time of the offense and the person has no prior [~~convictions~~] ***adjudications*** requiring registration under RSA 651-B:2, may file with the clerk of the superior court for the county in which the judgment was rendered an application for review of the public registration requirement contained in RSA 651-B:7. This application shall not be filed prior to the completion of all the terms and conditions of the sentence and in no case earlier than 10 years after the date of release [~~following conviction~~]. After review of the application, the court may schedule a hearing. ***Prior to granting any petition to remove an offender from the public list, the court shall provide notice to the county attorney who prosecuted the case, the victim advocate, and the victim or victim's family and permit those parties to be heard on the petition. If the court denies the offender's petition, the offender may not file another application pursuant to this paragraph for 5 years from the date of the denial and shall include a risk assessment prepared at the offender's expense.***

12 Registration of Criminal Offenders; Penalties. Amend RSA 651-B:9 to read as follows

651-B:9 Penalty.

I. A sexual offender or offender against children ***who is required to register under this chapter and*** who negligently fails to comply with the requirements of this chapter shall be guilty of a [~~violation~~] ***misdemeanor***.

II. A sexual offender or offender against children ***who is required to register under this chapter and*** who knowingly fails to comply with the requirements of this chapter shall be guilty of a [~~misdemeanor~~] ***class B felony***. ***An offender who is required to register for a period of 10 years following his or her release, pursuant to RSA 651-B:6, II, shall be required to register for additional 10 years from the date of conviction for violating this paragraph. The obligation to register for an***

additional 10 years from the date of conviction for violating this paragraph shall be consecutive to the registration period imposed pursuant to RSA 651-B:6 and shall be imposed even if the original registration period has elapsed.

III. A sexual offender or offender against children previously convicted [~~of a misdemeanor~~] pursuant to paragraph II who ***is required to register under this chapter and who*** knowingly fails to comply with the requirements of this chapter shall be guilty of a class [~~B~~] ***A*** felony. ***An offender who is required to register for a period of 10 years following his or her release, pursuant to RSA 651-B:6, II, who is convicted for violating this paragraph shall be required to register for life.***

IV. The penalties imposed under paragraphs I-III shall not apply to juveniles required to register pursuant to RSA 651-B:1, VII(a)(3) or (4). The court with jurisdiction over such juveniles may impose an appropriate disposition for a violation of this section.

[~~IV.~~] ***V.*** Any person who violates the provisions of RSA 651-B:7 shall be guilty of a violation.

VI. A sexual offender or offender against children who knowingly provides false information in response to any of the requirements of this chapter shall be guilty of a class B felony.

VII. A person is guilty of a class B felony if the person has reason to believe that a sexual offender or offender against children is not complying, or has not complied, with the requirements of this chapter and who purposely assists the offender in eluding any law enforcement agency that is seeking to find the offender to question the offender about, or to arrest the offender for, his or her non-compliance with the requirements of this chapter, and engages in any of the following acts or omissions:

(a) Withholds information from, or does not notify, the law enforcement agency about the offender's noncompliance with the requirements of this section, and, if known, the whereabouts of the offender;

(b) Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the offender;

(c) Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the offender;

(d) Provides information to the law enforcement agency regarding the offender which the person knows to be false information; or

(e) Warns the offender that the law enforcement agency is attempting to locate the offender.

13 New Sections; Registration of Criminal Offenders; Registration Fee; Application. Amend RSA 651-B by inserting after section 10 the following new sections:

651-B:11 Registration Fee.

I. A sexual offender or offender against children shall pay a fee of [~~$25~~] ***$15*** at the time of the offender's initial registration and semi-annually at the time of the offender's re-registration. ***The department shall use all fees collected under this paragraph to defray the cost of maintaining the sex offender registry. Such funds shall be continually appropriated to the department for such use and shall be nonlapsing.***

II. Anyone required to pay the registration fee who cannot afford to pay the fee shall, within 10 days of registration, request a waiver of the fee and a hearing on the matter before the commissioner. If such a request is made, the commission shall promptly schedule and conduct a hearing pursuant to rules adopted under RSA 541-A. At the hearing the offender shall have the burden to prove that the offender cannot afford to pay the fee because the offender is indigent. After hearing, the decision of the commission shall be final, and the offender shall have a right to appeal the decision in the superior court. Under no circumstances shall the offender's request for a hearing or indigency relieve the offender of the obligation to register pursuant to the time-frames required by this chapter.

651-B:12 Application. Whenever possible, the provisions of this chapter shall be interpreted and applied consistent with the provisions of the federal Jacob Wetterling Act, as amended.

14 Capital Offense and Murder in the First Degree. Amend RSA 597:1-c to read as follows:

597:1-c [~~Capital Offenses and Murder in the First Degree.~~] ***Offenses Punishable By Life Imprisonment.*** Any person arrested for an offense punishable by ***up to life in prison*** [~~death or murder in the first degree~~], where the proof is evident or the presumption great, shall not be allowed bail.

15 Sexual Assault and Offenses; Penalties. Amend the introductory paragraph of RSA 632-A:10-a to read as follows:

632-A:10-a Penalties. Notwithstanding RSA 651:2***, and except where an extended term is sought as provided in RSA 651:6***:

16 New Subparagraph; Sexual Assault and Offenses. Amend RSA 632-A:10-a, V by inserting after subparagraph (b) the following new subparagraph:

(c) Prior to granting any petition pursuant to paragraph V(b), the court shall provide notice to the county attorney who prosecuted the case, the victim advocate, and the victim or victim's family and permit those parties to be heard on the petition. If the court denies the offender's petition, the offender may not file another application pursuant to this paragraph for 5 years from the date of the denial and shall include a risk assessment prepared at the offender's expense.

17 Sentences; Extended Term of Imprisonment. Amend RSA 651:6, I(j) to read as follows:

(j) Possesses a radio device with the intent to use that device in the commission of robbery, burglary, theft, gambling, stalking, or a violation of any provision of RSA 318-B. In this section, the term "radio device" means any device capable of receiving a wireless transmission on any frequency allocated for law enforcement use, or any device capable of transmitting and receiving a wireless transmission; [~~or~~]

18 New Subparagraphs; Sentences; Extended Term of Imprisonment. Amend RSA 651:6, I by inserting after subparagraph (k) the following new subparagraphs:

(l) Has committed or attempted to commit aggravated felonious sexual assault in violation of RSA 632-A:2, I(l) or RSA 632-A:2, II where the defendant was 18 years of age or older at the time of the offense;

(m) Has committed or attempted to commit aggravated felonious sexual assault in violation of RSA 632-A:2, III, and one or more of the acts comprising the pattern of sexual assault was an offense under RSA 632-A:2, I(l) or RSA 632-A:2, II, or both, and the defendant was 18 years of age or older when the pattern of sexual assault began;

(n) Has purposely, knowingly, or recklessly with extreme indifference to the value of human life committed an act or acts constituting first degree assault as defined in RSA 631:1 against a person under 13 years of age where the serious bodily injury has resulted in brain damage or physical disability to the child that is likely to be permanent; or

(o) Has committed murder as defined in RSA 630:1-b against a person under 13 years of age.

19 Sentences; Extended Term of Imprisonment. Amend RSA 651:6, III to read as follows:

III. If authorized by paragraph I or II, and if notice of the possible application of this section is given the defendant prior to the commencement of trial, a defendant [~~shall~~] ***may*** be sentenced to an extended term of imprisonment. An extended term is, for a person convicted of:

(a) Any felony, other than murder or manslaughter, a minimum to be fixed by the court of not more than 10 years and a maximum to be fixed by the court of not [~~less~~] ***more*** than 30 years;

(b) A misdemeanor, a minimum to be fixed by the court of not more than 2 years and a maximum to be fixed by the court of not more than 5 years;

(c) Manslaughter, a minimum to be fixed by the court of not more than 20 years and a maximum to be fixed by the court of not more than 40 years;

(d) Murder, life imprisonment;

(e) Two or more offenses under RSA 632-A:2, life imprisonment without parole;

(f) A third offense under RSA 632-A:3, life imprisonment; ***or***

(g) [~~A class A felony under RSA 632-A:2, I(l) and a subsequent separate offense under RSA 632-A:2, I(l), a minimum to be fixed by the court of not less than 15 years and a maximum of life imprisonment without parole; or~~

(~~h~~)] Any of the crimes listed under RSA 651:6, I(j), a minimum to be fixed by the court of not less than 90 days and a maximum of not more than one year.

20 New Paragraphs; Sentences; Extended Term of Imprisonment. Amend RSA 651:6 by inserting after paragraph III the following new paragraphs:

IV. If authorized by subparagraphs I(l), (m), or (n) and if notice of the possible application of this section is given to the defendant prior to the commencement of trial, a person shall be sentenced to an extended term of imprisonment as follows:

(a) A minimum to be fixed by the court of not less than 25 years and a maximum of life imprisonment; and

(b) The sentence shall also include, in addition to any other penalties provided by law, a special sentence of lifetime supervision by the department of corrections. The defendant shall comply with the conditions of lifetime supervision which are imposed by the court or the department of corrections. Violation of any of the conditions of lifetime supervision shall be deemed contempt of court. The special sentence of lifetime supervision shall begin upon the offender's release from incarceration, parole or probation. A defendant who is sentence to lifetime supervision pursuant to this paragraph is not eligible for release from the lifetime supervision pursuant to RSA 632-A:10-a, V(b).

V. If authorized by subparagraph I(o) and if notice of the possible application of this section is given to the defendant prior to the commencement of trial, a person shall be sentenced to an extended term of imprisonment as follows: a minimum to be fixed by the court of not less than 35 years and a maximum of life imprisonment.

VI. A person shall be sentenced according to the terms of paragraph VII if the court finds, and includes such findings in the record, that such person:

(a)(1) Committed a violation of RSA 632-A:2, I(l), RSA 632-A:2, II, or RSA 632-A:2, III, in which one or more of the acts comprising the pattern of sexual assault was an offense under RSA 632-A:2, I(l) or RSA 632-A:2, II, or both, after having previously been convicted of an offense in violation of one of the aforementioned offenses or any other statute prohibiting the same conduct in another state, territory or possession of the United States, and

(2) The person committed the subsequent offense while released on bail on the earlier offense or the sentence for the earlier conviction involved a term of incarceration, probation, parole, or other supervised release; or

(b)(1) Committed a violation of RSA 631:1 after having previously been convicted of an offense in violation of RSA 631:1, or any other statute prohibiting the same conduct in another state, territory or possession of the United States, if the earlier offense also involved a victim under 13 years of age where the serious bodily injury resulted in brain damage or physical disability to the child that is likely to be permanent; and

(2) The person committed the subsequent offense while released on bail on the earlier offense or the sentence for the earlier conviction involved a term of incarceration, probation, parole, or other supervised release; or

(c)(1) Committed a violation of RSA 630:1-b after having previously been convicted of an offense in violation of RSA 630:1-b, or any other statute prohibiting the same conduct in another state, territory, or possession of the United States; and

(2) The person committed the subsequent offense while released on bail on the earlier offense or the sentence for the earlier conviction involved a term of incarceration, probation, parole, or other supervised release.

VII. If the court has made the findings authorized by RSA 651:6, VI, and if notice of the possible application of this section is given to the defendant prior to the commencement of trial, a person shall be sentenced to an extended term of imprisonment of life without parole.

21 New Chapter; Involuntary Civil Commitment of Sexually Violent Predators. Amend RSA by inserting after chapter 135-D the following new chapter:

INVOLUNTARY CIVIL COMMITMENT OF
SEXUALLY VIOLENT PREDATORS

135-E:1 Findings and Intent. The general court finds that a small but extremely dangerous number of sexually violent predators exist who do not have a mental disease or defect that renders them appropriate for involuntary treatment under RSA 135-C, which is intended to provide short-term treatment to individuals with serious mental disorders and then return them to the community. In contrast to persons appropriate for civil commitment, sexually violent predators generally have antisocial personality features which are unamenable to existing mental illness treatment modalities, and those features render them likely to engage in criminal, sexually violent behavior. The general court further finds that the likelihood of sexually violent predators engaging in repeat acts of predatory sexual violence is high. The existing involuntary commitment procedures for the treatment and care of mentally ill persons are inadequate to address the risk these sexually violent predators pose to society. The general court further finds that the prognosis for rehabilitating sexually violent predators in a prison setting is poor, the treatment needs of this population are very long term, and the treatment modalities for this population are very different from the traditional treatment modalities for people appropriate for commitment under existing law. It is therefore the intent of the general court to create a civil commitment procedure for the long-term care and treatment of sexually violent predators.

135-E:2 Definitions. In this chapter:

I. "Agency with jurisdiction" means the agency that releases, upon lawful order or authority, a person who is serving a sentence in the custody of the department of corrections, or a person who was involuntarily committed upon a finding that the person was not guilty by reason of insanity or incompetent to stand trial.

II. "Commissioner" means the commissioner of the department of health and human services.

III. "Convicted of a sexually violent offense" means a person who has been:

(a) Adjudicated guilty of a sexually violent offense after a trial, guilty plea, or plea of nolo contendere;

(b) Adjudicated not guilty by reason of insanity of a sexually violent offense; or

(c) Found incompetent to stand trial on a charge of a sexually violent offense and the court makes the finding required pursuant to RSA 135-E:5.

IV. "Court" means the superior court in the county where that person was last convicted of a sexually violent offense, or if the person is in custody on an out-of-state or federal sexually violent offense the county where the person plans to reside upon release or, if no residence in this state is planned, in the county where the facility from which the person to be released is located.

V. "Department" means the department of health and human services.

VI. "Likely to engage in acts of sexual violence" means the person's propensity to commit acts of sexual violence is of such a degree that the person has serious difficulty in controlling his or her behavior as to pose a potentially serious likelihood of danger to others.

VII. "Mental abnormality" means a mental condition affecting a person's emotional or volitional capacity which predisposes the person to commit sexually violent offenses.

VIII. "Parole board" means the adult parole board established in RSA 651-A:3.

IX. "Person" means an individual 18 years of age or older who is a potential or actual subject of proceedings under this chapter.

X. "Sexually motivated" means that one of the purposes for which the defendant committed the crime was for sexual gratification.

XI. "Sexually violent offense" means:

(a) Capital murder in violation of RSA 630:1, I(e);

(b) First degree murder in violation of RSA 630:1-a, I(b)(1);

(c) Aggravated felonious sexual assault in violation of RSA 632-A:2;

(d) Kidnapping in violation of RSA 633:1, I(d), where the offender confined the victim with the purpose to commit sexual assault against the victim;

(e) Burglary in violation of RSA 635:1, I, where the offender entered a building or occupied structure with the purpose to commit sexual assault;

(f) An attempt, criminal solicitation, or conspiracy, to commit any of the offenses listed above; or

(g) A violation of any other statute prohibiting the same conduct as the offenses listed above in another state, territory, or possession of the United States.

XII. "Sexually violent predator" means any person who:

(a) Has been convicted of a sexually violent offense;

(b) Suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment; and

(c) Is not eligible for involuntary admission under RSA 135-C or RSA 171-B.

XIII. "Total confinement" means that the person is being held in any physically secure facility being operated by or contractually operated for the department of corrections or the department of health and human services. A person shall also be deemed to be in total confinement for applicability of provisions under this chapter if the person is serving an incarcerative sentence under the custody of the department of corrections or is being held in any other secure facility for any reason. A person is not subject to total confinement if the person is subject to an incarcerative sentence or other custody in a secure facility but has contact with the community, such as through work release, a halfway house, or other supervised or unsupervised release into the community.

135-E:3 Notice to County Attorney or Attorney General; Multidisciplinary Teams Established.

I. The commissioner, or designee, shall establish a multidisciplinary team or teams, each of which shall include, but is not limited to, 2 licensed psychiatrists or psychologists or one licensed psychiatrist and one licensed psychologist each of whom has specialized training or experience in the area of treatment and diagnosis of sex offenders. The attorney general shall serve as legal counsel to the multidisciplinary team. The purpose of the team shall be to evaluate whether persons convicted of a sexually violent offense who are eligible for release from total confinement meet the definition of a sexually violent predator.

II. When a person who has committed a sexually violent offense is to be released from total confinement in New Hampshire, the agency with jurisdiction over the person shall give written notice to the county attorney of the county where that person was last convicted of a sexually violent offense, or attorney general if the case was prosecuted by the attorney general. If the person is in custody on an out-of-state or federal sexually violent offense the agency with jurisdiction shall give written notice to the county attorney of the county where the person plans to reside upon release or, if no residence in this state is planned, the county attorney in the county where the facility from which the person to be released is located or to the attorney general if the person has been convicted of murder. Except as provided in RSA 135-E:4, the written notice shall be given:

(a) At least 9 months prior to the anticipated release from total confinement of a person serving a sentence in the custody of the department of corrections, except that in the

case of persons who are totally confined for a period of less than 9 months, written notice shall be given as soon as practicable; or

(b) At least 9 months prior to the anticipated hearing regarding possible release of a person committed to the custody of the department who has been found not guilty by reason of insanity for a sexually violent offense.

III. Upon receipt of such notice, if there is an articulable basis to believe that the person is likely to engage in acts of sexual violence, either the county attorney, attorney general, or the agency with jurisdiction may request that the multidisciplinary team assess and evaluate the person to determine whether the person is a sexually violent predator.

IV. If a request to assess and evaluate a person is made pursuant to paragraph III, the agency with jurisdiction shall provide the multidisciplinary team with the following information:

(a) The person's name, identifying characteristics, anticipated future residence, the type of supervision the person will receive in the community, if any, and the person's offense history;

(b) The person's criminal history, including police reports, victim statements, pre-sentence investigation reports, post-sentence investigation reports, if available, and any other documents containing facts of the person's criminal incidents;

(c) Mental health, mental status, and medical records, including all clinical records and notes concerning the person;

(d) Documentation of institutional adjustment and any treatment received; and

(e) If the person was returned to custody after a period of supervision, documentation of adjustment during supervision and any treatment received.

V.(a) The multidisciplinary team shall assess and evaluate each person referred to the team. The assessment and evaluation shall include a review of the person's institutional history and treatment record, if any, the person's criminal background, and any other factor that is relevant to the determination of whether such person is a sexually violent predator.

(b) Before concluding the evaluation, the multidisciplinary team shall offer the person being evaluated a personal interview. If the person agrees to participate in a personal interview, at least one member of the team who is a licensed psychiatrist or psychologist shall conduct the interview. If the person refuses to fully participate in a personal interview, the multidisciplinary team may proceed with its recommendation without a personal interview of the person.

(c) Within 6 months after receiving notice of a person's anticipated release from total confinement, the department of health and human services shall provide to the county attorney or attorney general a written report of the multidisciplinary team's findings as to whether the person meets the definition of a sexually violent predator.

135-E:4 Release From Total Confinement; Transfers; Petition to Hold in Custody.

I. In the event that a person who has been convicted of a sexually violent offense is eligible for immediate release from total confinement, the agency with jurisdiction shall provide immediate notice to the county attorney or attorney general of the person's release. The county attorney or attorney general or the agency with jurisdiction may file a petition for an emergency hearing in the superior court requesting that the person subject to immediate release be evaluated by the multidisciplinary team to determine whether the person is a sexually violent predator. The hearing shall be held within 24 hours of the filing of the petition, excluding Saturdays, Sundays, and holidays. The person shall not be released from total confinement until after the hearing has been held. At the hearing, the court shall determine whether there is probable cause to believe that the person is a sexually violent predator. If the court finds probable cause, the person shall be held in an appropriate secure facility.

II. Within 72 hours after finding probable cause, the multidisciplinary team shall assess whether the person meets the definition of a sexually violent predator. If the multidisciplinary team determines that the person does not meet the definition of a sexually

violent predator, the department shall provide notice to the county attorney or attorney general and that person shall be immediately released. If the multidisciplinary team determines that the person meets the definition of a sexually violent predator, the team shall provide the county attorney or attorney general with its written assessment and recommendation within the 72-hour period or, if the 72-hour period ends on a weekend or holiday, within the next working day thereafter.

III. Within 48 hours after receipt of the written assessment and recommendation from the multidisciplinary team, the county attorney or attorney general may file a petition with the superior court alleging that the person is a sexually violent predator and stating facts sufficient to support such allegation. If a petition is not filed within 48 hours after receipt of the written assessment and recommendation by the county attorney or attorney general, the person shall be immediately released. If a petition is filed pursuant to this section, the person shall be held in an appropriate secure facility for further proceedings in accordance with this chapter.

IV. A person shall be released if the multidisciplinary team or the county attorney or attorney general do not comply with the time limitations in this section. The provisions of this section, however, are not jurisdictional, and failure to comply with the time limitations, which results in the release of a person who has been convicted of a sexually violent offense, is not dispositive of the case and does not prevent the county attorney or attorney general from filing a petition against a person otherwise subject to the provisions of this chapter. However, the court shall not consider any petition filed more than 6 months after the person's release from incarceration unless the timing of the petition is due to newly discovered material facts, which shall be alleged in the petition.

135-E:5 Persons Found Incompetent to Stand Trial.

I. If the county attorney or attorney general seeks to civilly commit a person charged with a sexually violent offense and found incompetent to stand trial, the court shall order the person to remain in custody for a reasonable period of time, not to exceed 90 days, for proceedings pursuant to this section.

II. The court shall first hear evidence and determine whether the person did commit the act or acts charged. The hearing on this issue shall comply with all the procedures specified in this section. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act or acts charged beyond a reasonable doubt. In determining whether the state has met its burden, the court shall consider the extent to which the person's incompetence or developmental disability affected the outcome of the hearing, including the person's ability to assist his or her counsel by recounting the facts, identifying witnesses, testifying in his or her own defense, or providing other relevant information or assistance to counsel or the court. If the person's incompetence substantially interferes with the person's ability to assist his or her counsel, the court shall not find the person committed the act or acts charged unless the court can conclude beyond a reasonable doubt that the acts occurred, and that the strength of the state's case, including physical evidence, eye witness testimony, and corroborating evidence, is such that the person's limitations could not have had a substantial impact on the proceedings. If, after the conclusion of the hearing, the court finds, beyond a reasonable doubt, that the person did commit the act or acts charged, the court shall enter a final order, appealable to the supreme court on that issue. If the person appeals, the person shall be held in an appropriate secure facility. If the person does not appeal or if the appeal is unsuccessful, the court shall proceed as specified in this section.

III. Within 90 days after the court finds that the person committed the act or acts charged or after appeal, the multidisciplinary team shall conduct an evaluation pursuant to the procedures outlined in RSA 135-E:3 to determine whether the person meets the definition of a sexually violent predator and the department shall provide to the county attorney or attorney general a written report of the multidisciplinary team's findings as to whether the person meets the definition of a sexually violent predator.

135-E:6 Petition; Contents. If the multidisciplinary team finds the person meets the definition of a sexually violent predator, the county attorney or attorney general may file a petition within 14 days with the superior court alleging that the person is a sexually violent predator and stating facts sufficient to support such allegation. If the county attorney or attorney general does not file a petition within 14 days, and the person is otherwise subject to release, the person shall be released.

135-E:7 Determination of Probable Cause.

I. When the county attorney or attorney general files a petition seeking to have a person declared a sexually violent predator, within 10 days of the filing of the petition, the court shall determine whether probable cause exists to believe that the person named in the petition is a sexually violent predator. If the court determines based on the content of the petition that there is probable cause to believe that the person is a sexually violent predator, the court shall order that the person remain in custody and be held in an appropriate secure facility for further proceedings in accordance with this chapter.

II. If the offender's incarcerative sentence expires before a hearing on the merits of a petition for civil commitment pursuant to this chapter, the court shall conduct a probable cause hearing within 2 days of the expiration of the person's incarcerative sentence. If the court concludes following the hearing that there is probable cause to believe that the person is a sexually violent predator, the court shall order that the person remain in custody and held in an appropriate secure facility for further proceedings in accordance with this chapter.

135-E:8 Contract Authority. The department may contract with a private entity or state agency for use of and operation of facilities to comply with the requirements of this chapter.

135-E:9 Trial; Procedure.

I. The person or the county attorney or attorney general has the right to demand that the trial be before a jury. A demand for a jury trial must be filed, in writing, no later than 30 days after the finding of probable cause. If no demand is made, the trial shall be to the court. At all adversarial proceedings under this chapter, the person subject to this chapter is entitled to the assistance of appointed counsel if the person is indigent.

II. Within 60 days after the court's initial determination of probable cause, or, in cases where a jury trial has been elected, 60 days after the election of a jury trial, the court shall conduct a trial to determine whether the person is a sexually violent predator.

III. The trial may be continued upon the request of either party and a showing of good cause, or by the court on its own motion in the interests of justice, when the person will not be substantially prejudiced by the delay.

IV. The person may retain experts or mental health professionals to perform an examination. If the person wishes to be examined by a professional of the person's own choice, the examiner shall be provided reasonable access to the person, as well as to all relevant medical and mental health records and reports. In the case of a person who is indigent, the court, upon the person's request, shall appoint experts or authorize other services pursuant to RSA 604-A:6. If the defendant retains an expert to perform a mental health examination, the person shall also submit to an examination by an expert of the state's choosing. If the person refuses to submit to an examination by the state's expert the court shall prohibit the person's mental health experts from testifying concerning any mental health tests, evaluations, or examinations of the person.

135-E:10 Rules of Procedure and Evidence. In all civil commitment proceedings for sexually violent predators under this chapter:

I. The doctor-patient privilege under RSA 329:26, RSA 330-A:19, the rules of evidence or other similar statutes or rules shall not apply in proceedings under this chapter.

II. The court may consider evidence of the person's prior conduct if such evidence is relevant to the issue of whether the person is a sexually violent predator.

III. Hearsay evidence, including reports of a member of the multidisciplinary team or reports produced on behalf of the multidisciplinary team, shall be admissible in proceedings under this chapter unless the court finds that such evidence is not reliable. In a

trial, however, hearsay evidence shall not be used as the sole basis for committing a person under this chapter.

135-E:11 Determination.

I. The state shall have the burden of proving by clear and convincing evidence that the person is a sexually violent predator. If the determination is made by a jury, the verdict shall be unanimous. If the jury is unable to reach a unanimous verdict, the court shall declare a mistrial. If the court declares a mistrial, the county attorney or attorney general may refile the petition and proceed according to the provisions of this chapter. Any retrial shall occur within 90 days after the previous trial, unless the subsequent proceeding is continued in accordance with RSA 135-E:9, II.

II. If the court or jury determines that the person is a sexually violent predator, upon the expiration of the incarcerative portion of all criminal sentences and disposition of any detainers other than detainers for deportation by the United States Bureau of Citizenship and Immigration Services, the person shall be committed to the custody of the department of health and human services for control, care, and treatment until such time as the person's mental abnormality or personality disorder has so changed that the person no longer poses a potentially serious likelihood of danger to others. At all times, persons who are detained or committed under this chapter shall be kept in a secure facility segregated from patients of the department who are not detained or committed under this chapter. An order committing a person shall be valid for up to 5 years.

III. The determination that a person is a sexually violent predator may be appealed. The public defender shall be appointed to represent the person on appeal if the person is indigent.

135-E:12 Examinations; Release of Committed Persons.

I. Prior to the expiration of the initial commitment order or any recommittal order, the county attorney or attorney general may file a petition to recommit the person.

II. If the state petitions to renew the committal, the court shall hold a hearing. The person is entitled to be present and is entitled to the benefit of all procedural protections afforded the person at the initial trial, except for the right to a jury. The state has the right to have the person examined by professionals chosen by the state. At the hearing, the state bears the burden of proving, by clear and convincing evidence, that the person remains a sexually violent predator. Any recommittal order shall be valid for a period of up to 5 years.

135-E:13 Authorized Petition for Release.

I. If the commissioner, or designee, at any time determines that the person is not likely to commit acts of sexual violence if discharged, the commissioner or the his or her designee shall notify the court and the court shall hold a hearing. The petition shall be served upon the court and the county attorney or attorney general. The court, upon receipt of such notice, shall schedule a hearing within 60 days, unless continued for good cause.

II. The county attorney or attorney general shall represent the state, and has the right to have the person examined by professionals of the county attorney or attorney general's choice. The state bears the burden of proving, by clear and convincing evidence, that the person remains a sexually violent predator.

135-E:14 Petitions for Release. A person may file a petition for discharge at any time after commitment under this chapter without the approval of the commissioner, or his or her designee. Notice of the petition shall be provided to the commissioner and to the county attorney or attorney general. After reviewing the petition filed by the person the court may request the commissioner or county attorney or attorney general to respond to the petition. The commissioner or county attorney or attorney general is not required to respond to a petition filed pursuant to this section unless ordered to do so by the court. If the court determines that appointment of counsel may assist in an appropriate resolution of the petition, and the person is indigent, the court shall appoint counsel to represent the person. If the court determines that the petition is without merit on its face, the court may deny the petition without a hearing.

135-E:15 Release of Records to Agencies.

I. In order to protect the public, relevant information and records that are otherwise confidential or privileged shall be released to the agency with jurisdiction, to a multidisciplinary team, or to the county attorney or attorney general for the purpose of meeting the notice requirements of this chapter and determining whether a person is or continues to be a sexually violent predator. A person, agency, or entity receiving information under this section which is confidential shall maintain the confidentiality of that information. Such information does not lose its confidential status due to its release under this section.

II. Psychological or psychiatric reports, drug and alcohol reports, treatment records, medical records, pre-sentence investigative report, or victim impact statements that have been submitted to the court or admitted into evidence under this chapter shall be part of the record but shall be sealed and may be opened only pursuant to a court order.

135-E:16 Constitutional Requirements. The long-term control, care, and treatment of a person committed under this chapter shall conform to constitutional requirements.

135-E:17 Immunity from Civil Liability. The agency with jurisdiction and its officers and employees; the department and its officers and employees; members of the multidisciplinary team; the county attorney or attorney general and the county attorney or attorney general's employees; and those involved in the evaluation, care, and treatment of sexually violent persons committed under this chapter are immune from any civil liability for good faith conduct under this chapter.

135-E:18 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications to this chapter which can be given effect without the invalid provisions of applications, and to this end the unconstitutional provisions or applications of this chapter are severable.

135-E:19 Applicability. This chapter applies retroactively to all persons in custody as of the effective date of this statute who have been convicted of a sexually violent offense, as well as prospectively.

135-E:20 Notice Requirements.

I. No later than 30 days prior to the release of a sexually violent predator, the department shall give written notice of the person's release to the victim advocate for the county in which the person was prosecuted, and to the extent possible the victim or the victim's family shall be notified.

II. If a sexually violent predator who has an active or pending term of probation, parole, conditional release, or other court-ordered or postprison release supervision is released from custody, the department shall immediately notify the department of corrections. The parole board shall also be immediately notified of the release of a sexually violent predator who has an active or pending term of parole, conditional release, or other postprison release supervision that is administered by the parole board.

135-E:21 Escape.

I. A person who escapes or attempts to escape from lawful custody pursuant to this chapter is guilty of a class A felony.

II. If a person escapes while in custody pursuant to this chapter, the department shall immediately notify the victim and the county attorney or attorney general that filed the petition for civil commitment. If the escapee has an active or pending term of probation, parole, conditional release, or other court-ordered or postprison release supervision, the department shall also immediately notify the department of corrections. The parole board shall also be immediately notified of an escape if the escapee has an active or pending term of parole, conditional release, or other postprison release supervision that is administered by the parole board.

135-E:22 Rules. The department shall adopt rules, pursuant to RSA 541-A, relative to:

I. Procedures to be followed by members of the multidisciplinary teams when assessing and evaluating persons subject to this chapter.

II. Education and training requirements for members of the multidisciplinary teams and professionals who assess and evaluate persons under this chapter.

III. The designation of secure facilities for sexually violent predators who are subject to involuntary commitment under this chapter.

IV. The components of the basic treatment plan for all committed persons under this chapter.

V. The protocol for informing a person that he or she is being evaluated to determine whether he or she is a sexually violent predator under this chapter. Such protocol shall include procedures for informing the person of the right to refuse to participate in a personal interview with the multidisciplinary team or members thereof, the right to consult with counsel prior to participating in such an interview, and the right to have counsel appointed if the person is indigent.

135-E:23 Appointment of Counsel. The right of a person sought to be committed as a sexually violent predator to legal counsel prior to and during any judicial hearing conducted under this chapter shall be absolute and unconditional. The right to legal counsel for any person sought to be committed during any judicial proceeding conducted under this chapter shall be waived only if the client or person sought to be committed makes an informed decision to do so. The person sought to be committed shall pay the costs of the legal services in connection with hearings held under this chapter. If the person sought to be committed is unable to pay for counsel, the court shall appoint counsel pursuant to RSA 604-A:2. Such appointment shall be made no later than upon the filing of the petition and shall be made upon request of the person before any interview or personal examination of the person is conducted by the multidisciplinary team or other person in preparation for the filing of a petition.

22 Commitment to Hospitals; Competency Hearing; Commitment for Treatment. Amend RSA 135:17-a, V as follows:

V. If the court has determined that the defendant has not regained competency, and the court determines that he or she is dangerous to himself or herself or others, the court shall order the person to remain in custody for a reasonable period of time, not to exceed 90 days, to be evaluated for the appropriateness of involuntary treatment pursuant to RSA 135-C:34 or RSA 171-B:2. The court may order the person to submit to examinations by a physician, psychiatrist, or psychologist designated by the state for the purpose of evaluating appropriateness and completing the certificate for involuntary admission into the state mental health services system, the state developmental services delivery system, or the secure psychiatric unit, as the case may be. ***If a defendant who was charged with a sexually violent offense, as defined in RSA 135-E:2, XI, has not regained competency, the court shall proceed pursuant to RSA 135-E.***

23 New Subparagraph; Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19, I by inserting after subparagraph (j) the following new subparagraph:

(k) Order the minor to register as a sexual offender or offender against children pursuant to RSA 651-B until the juvenile reaches the age of 17 if the court finds that the minor presents a risk to public safety.

24 New Subparagraph; Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19, III-a by inserting after subparagraph (e) the following new subparagraph:

(f) If the court retains jurisdiction over the minor pursuant to RSA 169-B:4, V, and the court has determined that the minor is required to register as a sexual offender or offender against children pursuant to RSA 169-B:19, I(k), the minor shall continue to register pursuant to RSA 651-B; provided, that so long as the court retains jurisdiction over the case.

25 New Subparagraph; Delinquent Children; Juvenile Case and Court Records. Amend RSA 169-B:35, III by inserting after subparagraph (c) the following new subparagraph:

(d) Pursuant to RSA 651-B, the department of safety shall disclose registration information to law enforcement agencies for juveniles if the court has found that the juvenile is required to register as a sexual offender or offender against children. In no event shall any juvenile required to register be listed on the list of sexual offenders and offenders against children made available to the public pursuant to RSA 651-B:7.

26 Committee to Identify and Evaluate Classification and Risk Assessment Procedures for Convicted Sex Offenders and Offenders Against Children Established.

I. There is established a committee to identify and evaluate classification and risk assessment procedures for convicted sex offenders and offenders against children.

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

(a) Four members of the house of representatives, at least 2 of whom shall be from the criminal justice and public safety committee, and one of whom shall be from the judiciary committee, appointed by the speaker of the house of representatives.

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

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

IV. The committee shall:

(a) Identify and evaluate classification and risk assessment procedures for convicted sex offenders and offenders against children.

(b) Identify classification and risk assessment procedures from other states, including those in the New England region.

(c) Identify the scope, use, and effectiveness of such procedures.

(d) Identify the benefits and liabilities of notifying the public of each level of classification and the best system for such notification.

(e) Identify funding sources for such classification and risk assessment procedures.

(f) Identify implementation procedures for past, present, and future offenders.

(g) Identify methods of evaluation and accountability.

(h) Study any additional information that the committee deems necessary.

V. The committee shall use the information collected to make recommendations to the legislature for the management of sex offenders and offenders against children.

VI. The committee shall solicit information and testimony from any organization or individual as deemed necessary to assist the committee in the performance of its duties, including:

(a) Employees of the department of safety with direct responsibility for maintaining the New Hampshire sex offender registry.

(b) Other department of safety employees as may be necessary.

(c) The department of corrections.

(d) The department of education.

(e) Forensic evaluators.

(f) Sex offender treatment providers.

(g) Victims' advocates.

(h) A licensed New Hampshire attorney primarily engaged in the practice of criminal defense.

(i) The New Hampshire Civil Liberties Union.

(j) The New Hampshire Association of Chiefs of Police.

(k) An advocate for the developmentally disabled.

VII. 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.

VIII. 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, 2007.

27 Global Positioning Satellite Monitoring; Feasibility Study. The department of corrections shall implement a study to evaluate the feasibility and efficacy of instituting life-time monitoring of serious sexual offenders and offenders against children by means of global positioning satellite technology or other monitoring or tracking systems and report the results of the study to the general court on or before November 1, 2006. The department of corrections shall implement a system for tracking sexual offenders and offenders against children by global positioning satellite technology by July 1, 2008.

28 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

29 Effective Date.

I. Sections 26, 27, and 29 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill revises the statutes concerning sexual predators, and establishes a committee to identify and evaluate classification and risk assessment procedures for convicted sex offenders and offenders against children.

Rep. Stevens spoke in favor and yielded to questions.
Rep. Knowles spoke against and yielded to questions.
Rep. Leach spoke against.
Rep. Newton spoke in favor.
Rep. Stevens requested a roll call; sufficiently seconded.
The question being adoption of minority amendment (1425h).

YEAS 76 NAYS 264			
YEAS 76			
BELKNAP			
Boyce, Laurie	Fitzgerald, James	Rosen, Ralph	Russell, David
Wendelboe, Fran			
CARROLL			
Olimpio, J Lisbeth	Stevens, Stanley		
CHESHIRE			
Pelkey, Stephen			
COOS			
Remick, William	Richardson, Herbert	Stohl, Eric	Tholl, John Jr
GRAFTON			
Dorsett, Andrew	McLeod, Martha	Naro, Debra	Sorg, Gregory
HILLSBOROUGH			
Aboshar, Jeffrey	Allan, Nelson	Barry, J Gail	Batula, Peter
Boehm, Ralph	Calawa, Leon Jr	Carter, Mark	Christensen, D L

			Chris
Clark, Mark	Crane, Elenore Casey	Dokmo, Cynthia	Elliott, Nancy
Francoeur, Bea	Haley, Robert	Hansen, Ryan	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Infantine, William	Lawrence, James
Manney, Pamela	Mead, Robert	Mooney, Maureen	O'Brien, William
Ober, Lynne	Price, Pamela	Renzullo, Andrew	Villeneuve, Maurice
MERRIMACK			
Blanchard, Elizabeth	Field, William	Kennedy, Richard	Langlais, Thomas
Maxfield, Roy	Ryan, Jim	Shurtleff, Stephen	
ROCKINGHAM			
Allen, Mary	Bettencourt, David	Bicknell, Elbert	Buxton, Donald
Camm, Kevin	Carson, Sharon	Donahue, Richard Ken	Garrity, James
Gilbert, Karl	Introne, Robert	Lund, Howie	Mason, April
Moore, Benjamin	Morris, Richard	O'Neil, Michael	Packard, Sherman
Priestley, Anne	Weldy, Norman	Winchell, George	
STRAFFORD			
Callaghan, Frank	Easson, Timothy	Newton, Clifford	Taylor, Kathleen
SULLIVAN			
Franklin, Peter	Irish, Christopher		
NAYS 264			
BELKNAP			
Allen, Janet	Clark, Charles	Flanders, Donald	Millham, Alida
Morrison, Gail	Nedeau, Stephen	Pilliod, James	Thomas, John
Tilton, Franklin	Tobin, William	Veazey, John	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Dickinson, Howard	Knox, J David	Martin, James
McConkey, Mark	Merrow, Harry	Patten, Betsey	Philbrick, Donald
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Foote, Sheila	Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna
Weed, Charles			
COOS			
Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott

Morneau, Renney	Theberge, Robert		
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Hammond, Lee	Harding, A Laurie	Ingbretson, Paul	Mirski, Paul
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
Ward, John	Williams, Burton		
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Beaulieu, Jane
Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael	Brassard, Paul
Brundige, Robert	Buhlman, David	Campbell, David	Carew, James
Chase, Claudia	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Drisko, Richard	Dyer, Donald	Egbers, Fran	Emerton, Larry
Essex, David	Foster, Linda	Gargasz, Carolyn	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary
Goyette, Peter Jr	Graham, John	Hall, Betty	Harvey, Suzanne
Holden, Randolph	Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette
Jeudy, Jean	Johnson, Paula	Kopka, Angeline	Kurk, Neal
L'Heureux, Robert	Lasky, Bette	Matarazzo, Anthony Sr	McRae, Karen
Michon, Stephen	Moran, Edward	Movsesian, Lori	O'Connell, Timothy
Pappas, Christopher	Pilotte, Maurice	Reeves, Sandra	Rosenwald, Cindy
Rowe, Robert	Ryder, Donald	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Slocum, Lee	Smith, David	Souza, Kathleen
Stepanek, Stephen	Sullivan, Francis	Sullivan, Peter	Ulery, Jordan
Vaillancourt, Steve	Wheeler, James	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Hamm, Christine	Hess, David	Kidder, David	L'Heureux, Stephen
Lockwood, Priscilla	MacKay, James	Marple, Richard	McMahon, Patricia
Oliver, James	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Rush, Deanna	Soltani, Tony	Tilton, Joy
Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Asselin, Michael	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Cady, Harriet	Cali-Pitts, Jacqueline	Casey, Kimberley
Charron, Gene	Coburn, James	Cooney, Richard	DiFruscia, Anthony
Dowd, John	Dowling, Patricia	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila	Gould, Kenneth
Griffin, Mary	Headd, James	Hughes, Daniel	Hutchinson, Karen
Ingram, Russell	Itse, Daniel	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Major, Norman	McKinney, Betsy	McMahon, Charles

Moody, Marcia	Nowe, Ronald	Palazzo, Frank	Pantelakos, Laura
Powers, James	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Robertson, Carl	Robinson, John	Rolston, James	Sanders, Elisabeth
Serlin, Christopher	Splaine, James	Stiles, Nancy	Stone, Joseph
Waterhouse, Kevin	Weare, E Albert	Welch, David	Wells, Roger
Weyler, Kenneth	Zolla, William		
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Brown, Lawrence	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Grassie, Anne	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Miller, Joseph	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Katherine	Wall, Janet		
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Osgood, Philip Sr
Phinizy, James	Prichard, Stephen	Rodeschin, Beverly	

and minority amendment (1425h) failed.

Rep. Batula offered floor amendment (1487h).

Floor Amendment (1487h)

Amend RSA 651:6, I(l)-(m) as inserted by section 18 of the bill by replacing it with the following:

(l) Has committed or attempted to commit aggravated felonious sexual assault in violation of RSA 632-A:2, I(l) where the defendant was 18 years of age or older at the time of the offense;

(m) Has committed or attempted to commit aggravated felonious sexual assault in violation of RSA 632-A:2, III, and one or more of the acts comprising the pattern of sexual assault was an offense under RSA 632-A:2, I(l) and the defendant was 18 years of age or older when the pattern of sexual assault began;

Amend the introductory paragraph to RSA 651:6, IV and RSA 651:6, IV(a) as inserted by section 20 of the bill by replacing them with the following:

IV. If authorized by subparagraphs I(l), (m), or (n) and if notice of the possible application of this section is given to the defendant prior to the commencement of trial, a person shall be sentenced to an extended term of imprisonment as follows:

(a) A minimum to be fixed by the court of not less than 25 years and a maximum of life imprisonment; and

Amend RSA 651:6, VI(a)(1) as inserted by section 20 of the bill by replacing it with the following:

(a)(1) Committed a violation of RSA 632-A:2, I(l), or RSA 632-A:2, III in which one or more of the acts comprising the pattern of sexual assault was an offense under RSA 632-A:2, I(l) after having previously been convicted of an offense in violation of one of the aforementioned offenses or any other statute prohibiting the same conduct in another state, territory or possession of the United States, and

Reps. Batula and Wendelboe spoke in favor.

Reps. Knowles, Dowling and Soltani spoke against.

Rep. John Flanders moved the previous question.

Motion adopted.
Rep. Batula requested a roll call; sufficiently seconded.
The question being adoption of floor amendment (1487h).

YEAS 86 NAYS 254			
YEAS 86			
BELKNAP			
Boyce, Laurie	Fitzgerald, James	Flanders, Donald	Rosen, Ralph
Russell, David	Tilton, Franklin	Wendelboe, Fran	
CARROLL			
Ahlgren, Christopher	Chandler, Gene	Stevens, Stanley	
CHESHIRE			
Emerson, Susan	Hogancamp, Deborah	Parkhurst, Henry	Pelkey, Stephen
COOS			
Remick, William	Richardson, Herbert	Stohl, Eric	Tholl, John Jr
GRAFTON			
Eaton, Stephanie	Naro, Debra		
HILLSBOROUGH			
Aboshar, Jeffrey	Allan, Nelson	Barry, J Gail	Batula, Peter
Biundo, Michael	Boehm, Ralph	Brundige, Robert	Calawa, Leon Jr
Carter, Mark	Christensen, D L Chris	Clark, Mark	Crane, Elenore Casey
Dokmo, Cynthia	Elliott, Nancy	Graham, John	Haley, Robert
Hansen, Ryan	Hawkins, Ken	Hinkle, Peyton	Infantine, William
Jasper, Shawn	L'Heureux, Robert	Manney, Pamela	Mead, Robert
Mooney, Maureen	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Price, Pamela	Renzullo, Andrew	Stepanek, Stephen	Villeneuve, Maurice
MERRIMACK			
Blanchard, Elizabeth	Langlais, Thomas	Maxfield, Roy	Osborne, Jessie
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Whiting, Herbert
ROCKINGHAM			
Bettencourt, David	Bridle, Russell	Buxton, Donald	Cali-Pitts, Jacqueline
Carson, Sharon	Coburn, James	Garrity, James	Griffin, Mary
Hughes, Daniel	Johnson, Robert	Lund, Howie	Mason, April
McKinney, Betsy	McMahon, Charles	Moore, Benjamin	Morris, Richard
O'Neil, Michael	Packard, Sherman	Priestley, Anne	Stiles, Nancy
Winchell, George			
STRAFFORD			

Chaplin, Duncan	Easson, Timothy	Newton, Clifford	
SULLIVAN			
Irish, Christopher	Rodeschin, Beverly		
NAYS 254			
BELKNAP			
Allen, Janet	Clark, Charles	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Pilliod, James	Thomas, John	Tobin, William
Veazey, John	Whalley, Michael		
CARROLL			
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	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter
Foote, Sheila	Hunt, John	Mitchell, Bonnie	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sawyer, Sheldon	Tilton, Anna	Weed, Charles	
COOS			
Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Morneau, Renney	Theberge, Robert		
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Gionet, Edmond	Giuda, Robert	Hammond, Lee
Harding, A Laurie	Ingbretson, Paul	McLeod, Martha	Mirski, Paul
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
Sorg, Gregory	Ward, John	Williams, Burton	
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Beaulieu, Jane
Bergeron, Jean-Guy	Bergin, Peter	Brassard, Paul	Buhlman, David
Campbell, David	Carew, James	Chase, Claudia	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Daniuk, Caitlin
Desmarais, Vivian	DeVries, Betsi	Drisko, Richard	Dyer, Donald
Egbers, Fran	Emerton, Larry	Essex, David	Foster, Linda
Francoeur, Bea	Gargasz, Carolyn	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary	Goyette, Peter Jr
Hall, Betty	Harvey, Suzanne	Hellwig, Steve	Holden, Randolph
Irwin, Anne-Marie	Jean, Claudette	Jeudy, Jean	Johnson, Paula
Kopka, Angeline	Kurk, Neal	Lasky, Bette	Lawrence, James
Matarazzo, Anthony	McRae, Karen	Michon, Stephen	Moran, Edward

Sr			
Movsesian, Lori	Pappas, Christopher	Pilotte, Maurice	Reeves, Sandra
Rosenwald, Cindy	Rowe, Robert	Ryder, Donald	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Slocum, Lee	Smith, David
Souza, Kathleen	Sullivan, Francis	Sullivan, Peter	Ulery, Jordan
Vaillancourt, Steve	Wheeler, James	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	DeJoie, John	DeStefano, Stephen	Field, William
Foose, Robert	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Hamm, Christine	Hess, David	Kennedy, Richard
Kidder, David	L'Heureux, Stephen	Lockwood, Priscilla	MacKay, James
Marple, Richard	McMahon, Patricia	Oliver, James	Owen, Derek
Potter, Frances	Reardon, Tara	Soltani, Tony	Tilton, Joy
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Asselin, Michael	Belanger, Ronald
Bicknell, Elbert	Bishop, Franklin	Cady, Harriet	Camm, Kevin
Casey, Kimberley	Charron, Gene	Cooney, Richard	DiFruscia, Anthony
Donahue, Richard Ken	Dowd, John	Dowling, Patricia	Dumaine, Dudley
Fesh, Bob	Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila
Gilbert, Karl	Gould, Kenneth	Headd, James	Hutchinson, Karen
Ingram, Russell	Introne, Robert	Itse, Daniel	Katsakiores, George
Katsakiores, Phyllis	Major, Norman	Moody, Marcia	Nowe, Ronald
Palazzo, Frank	Pantelakos, Laura	Powers, James	Quandt, Marshall Lee
Quandt, Matthew	Rausch, James	Robertson, Carl	Robinson, John
Rolston, James	Sanders, Elisabeth	Serlin, Christopher	Splaine, James
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Welch, David
Weldy, Norman	Wells, Roger	Weyler, Kenneth	Zolla, William
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Brown, Lawrence	Callaghan, Frank	Campbell, W Packy	Cataldo, Sam
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Grassie, Anne	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
Osgood, Philip Sr	Phinizy, James	Prichard, Stephen	

and floor amendment (1487h) failed.

Rep. O'Neil moved to Special Order HB 1692 to later on today's calendar.

Reps. Welch and O'Neil spoke in favor.
Reps. Soltani, Guida and Vaillancourt spoke against.
Rep. Jasper spoke in favor and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Rowe moved that ***HB 1692,*** establishing the New Hampshsire sexual predators act, be laid on the table, and the motion failed.

MOTION TO LIMIT DEBATE

Rep. Vaillancourt moved to limit debate on ***HB 1692.***
On a division vote, 287 members having voted in the affirmative and 50 in the negative, the motion was adopted.

MOTION TO SPECIAL ORDER

Rep. David Campbell moved the previous question.
The question now being adoption of the motion to Special Order to later on today's calendar.
On a division vote,121 members having voted in the affirmative and 218 in the negative, the motion failed.

MOTION TO RECESS

Rep. O'Brien moved that the House recess one hour for lunch.
On a division vote, 183 members having voted in the affirmative and 153 in the negative, the motion was adopted.

The House recessed at 1:45 p.m.

RECESS

(Speaker Scamman in the Chair)

The House reconvened at 2:45 p.m.

REGULAR CALENDAR (CONT'D.)

HB 1692-FN, establishing the New Hampshire sexual predators act
The question being adoption of the majority report of Ought to Pass with Amendment.
Rep. O'Neil offered floor amendment (1507h).

Floor Amendment (1507h)

Amend the bill by replacing section 13 with the following:

13 New Section; Registration of Criminal Offenders; Registration Fee; Application.

Amend RSA 651-B by inserting after section 10 the following new section:

651-B:11 Application. Whenever possible, the provisions of this chapter shall be interpreted and applied consistent with the provisions of the federal Jacob Wetterling Act, as amended.

Rep. Welch spoke in favor and yielded to questions.
Floor amendment (1507h) was adopted.
The question now being adoption of the motion of Ought to Pass as Amended.
Rep. Vaillancourt spoke against.
Rep. O'Neil requested a roll call; sufficiently seconded.
The question being adoption of the motion of Ought to Pass as Amended.

YEAS 307 NAYS 17			
YEAS 307			

BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	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	Buco, Thomas
Chandler, Gene	Knox, J David	McConkey, Mark	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espiefs, Peter	Foote, Sheila	Hogancamp, Deborah	Hunt, John
Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon
Weed, Charles			
COOS			
Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Morneau, Renney	Remick, William	Richardson, Herbert	Stohl, Eric
Theberge, Robert	Tholl, John Jr		
GRAFTON			
Almy, Susan	Andersen, Gene	Bleyler, Ruth	Cooney, Mary
Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Hammond, Lee	Harding, A Laurie	Ingbretson, Paul	McLeod, Martha
Mirski, Paul	Mulholland, Catherine	Naro, Debra	Sokol, Hilda
Solomon, Peter	Sorg, Gregory	Williams, Burton	
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Baroody, Benjamin
Barry, J Gail	Batula, Peter	Beaulieu, Jane	Bergeron, Jean-Guy
Bergin, Peter	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Campbell, David
Carew, James	Carter, Mark	Chase, Claudia	Christensen, D L Chris
Christiansen, Lars	Clark, Mark	Cote, David	Cote, Peter
Coughlin, Pamela	Craig, James	Crane, Elenore Casey	Daniuk, Caitlin
Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Egbers, Fran	Elliott, Nancy	Emerton, Larry
Essex, David	Foster, Linda	Gargasz, Carolyn	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr
Graham, John	Haley, Robert	Hall, Betty	Hansen, Ryan
Harvey, Suzanne	Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton
Infantine, William	Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette

Jeudy, Jean	Johnson, Paula	Kelly, Eugene Jr	Kopka, Angeline
Kurk, Neal	L'Heureux, Robert	Lasky, Bette	Lawrence, James
Manney, Pamela	Matarazzo, Anthony Sr	Mead, Robert	Mooney, Maureen
Moran, Edward	Movsesian, Lori	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Pappas, Christopher	Pilotte, Maurice	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rosenwald, Cindy	Rowe, Robert
Ryder, Donald	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara
Slocum, Lee	Smith, David	Souza, Kathleen	Sullivan, Francis
Sullivan, Peter	Ulery, Jordan	Villeneuve, Maurice	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Hamm, Christine	Hess, David	Kennedy, Richard	Kidder, David
Langlais, Thomas	Lockwood, Priscilla	MacKay, James	Marple, Richard
Maxfield, Roy	McMahon, Patricia	Oliver, James	Osborne, Jessie
Owen, Derek	Potter, Frances	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Soltani, Tony	Wallner, Mary Jane	Walz, Mary Beth
Whiting, Herbert	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bridle, Russell	Buxton, Donald	Cady, Harriet
Cali-Pitts, Jacqueline	Camm, Kevin	Carson, Sharon	Casey, Kimberley
Charron, Gene	Coburn, James	Cooney, Richard	Donahue, Richard Ken
Dowd, John	Dowling, Patricia	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila	Garrity, James
Gould, Kenneth	Griffin, Mary	Headd, James	Hughes, Daniel
Ingram, Russell	Introne, Robert	Itse, Daniel	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Lund, Howie	Major, Norman
Mason, April	McKinney, Betsy	McMahon, Charles	Moody, Marcia
Morris, Richard	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Palazzo, Frank	Pantelakos, Laura	Parker, Benjamin	Powers, James
Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Robertson, Carl	Robinson, John	Rolston, James	Sanders, Elisabeth
Serlin, Christopher	Splaine, James	Stiles, Nancy	Stone, Joseph
Waterhouse, Kevin	Weare, E Albert	Welch, David	Weldy, Norman
Wells, Roger	Weyler, Kenneth	Winchell, George	Zolla, William
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Cataldo, Sam	Chaplin, Duncan	Cilley, Jacalyn
Domingo, Baldwin	Dunlap, Patricia	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Miller, Joseph
Newton, Clifford	Rollo, Michael	Rous, Emma	Schmidt, Peter
Spang, Judith	Taylor, Kathleen	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 17			
BELKNAP			
Morrison, Gail			
CARROLL			
Martin, James			
CHESHIRE			
Mitchell, Bonnie	Tilton, Anna		
COOS			
None			
GRAFTON			
Benn, Bernard	Nordgren, Sharon		
HILLSBOROUGH			
Francoeur, Bea	McRae, Karen	Vaillancourt, Steve	Wheeler, James
MERRIMACK			
Field, William	Tilton, Joy		
ROCKINGHAM			
Gilbert, Karl			
STRAFFORD			
Easson, Timothy	Smith, Marjorie		
SULLIVAN			
Houde-Quimby, Charlotte	Phinizy, James		

and the motion of Ought to Pass as Amended was adopted.
Ordered to third reading.
Rep. Dickinson did not vote and notified the Clerk that he wished to be recorded in favor.
Rep. DiFriscia voted Nay and intended to vote Aye.

The House recessed to caucus at 3:00 p.m.

RECESS

(Speaker Scamman in the Chair)

The House reconvened at 3:45 p.m.

MOTIONS TO VACATE

Rep. Dokmo moved that the House vacate the reference of ***SB 271*** relative to the availability of voter checklist information, to the Committee on Judiciary.
Motion adopted.
The Speaker referred ***SB 271,*** to the Committee on Election Law.

Reps. Major and King moved that the House vacate the reference of ***SB 333,*** relative to inquiries of DWI defendants regarding establishments serving alcohol to the defendants to the Committee on Judiciary.
Motion adopted.
The Speaker referred ***SB 333*** to the Committee on Criminal Justice and Public Safety.

(Rep. Sheila Francoeur in the Chair)

SPECIAL ORDER

HB 1236-FN-L, relative to disclosure of public expenditures related to lobbying and electioneering. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. William L. O'Brien for the Majority of Election Law: As has so often been observed with regard to governmental affairs, "Sunshine is the best disinfectant." This quaint phrase reminds us that openness in government leads to accountability. HB 1236 will bring such openness to the use of public funds for electioneering and lobbying by a governmental entity. The majority of the committee recognizes that some may support, others may oppose and still others may simply be surprised over the use of public funds for electioneering and lobbying, but no one should oppose allowing the public to know of the existence and the amount of such expenditures. For those who were concerned that compiling such information would be too time consuming or costly, there exists a greater concern that such information is not being compiled and tracked by public entities who are electioneering the public or lobbying governmental officials. If that is so, then the openness mandated by HB 1236 will most certainly bring accountability where it is lacking today. Those in government who say it is not needed are saying in essence the public can not be trusted to know what we can know: how much of their money we are spending to influence them and their elected officials. Vote 9-6.
Rep. James R. Splaine for the Minority of Election Law: This bill is absolutely not needed and there is no problem to remedy. Public expenditures are already public information. It is unnecessary to place further cost and paperwork requirements onto city and town public officials. The additional reporting requirements could also bring up legal and constitutional questions as well as create unworkable reporting guidelines which make no sense.
Rep. O'Brien offered floor amendment (1476h).
Rep. Mead requested a roll call; sufficiently seconded.
The question being adoption of floor amendment (1476h).

YEAS 124 NAYS 192			
YEAS 124			
BELKNAP			
Boyce, Laurie	Clark, Charles	Flanders, Donald	Morrison, Gail
Nedeau, Stephen	Tobin, William	Veazey, John	Whalley, Michael
CARROLL			

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Martin, James
McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth	
CHESHIRE			
Butynski, William	Emerson, Susan	Mitchell, Bonnie	Pelkey, Stephen
Roberts, Kris	Sawyer, Sheldon		
COOS			
Merrick, Scott			
GRAFTON			
Andersen, Gene	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Ingbretson, Paul	Mirski, Paul	Sorg, Gregory	
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy
Boehm, Ralph	Calawa, Leon Jr	Carew, James	Carter, Mark
Christensen, D L Chris	Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey
DeVries, Betsi	Drisko, Richard	Dyer, Donald	Elliott, Nancy
Gargasz, Carolyn	Golding, William	Hansen, Ryan	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Infantine, William	Jasper, Shawn
Kelly, Eugene Jr	Kurk, Neal	L'Heureux, Robert	Lawrence, James
Manney, Pamela	McRae, Karen	Mead, Robert	Mooney, Maureen
O'Brien, William	Pilotte, Maurice	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Slocum, Lee	Stepanek, Stephen
Sullivan, Peter	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, James	Wheeler, Robert		
MERRIMACK			
Field, William	Greco, Vincent	Hess, David	Langlais, Thomas
Lockwood, Priscilla	MacKay, James	Soltani, Tony	Tilton, Joy
Whiting, Herbert			
ROCKINGHAM			
Bettencourt, David	Cady, Harriet	Camm, Kevin	DiFruscia, Anthony
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Flockhart, Eileen
Garrity, James	Griffin, Mary	Headd, James	Hughes, Daniel
Ingram, Russell	Introne, Robert	Itse, Daniel	Johnson, Robert
Lund, Howie	Mason, April	McMahon, Charles	O'Neil, Michael
Packard, Sherman	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Robinson, John	Rolston, James	Waterhouse, Kevin	Welch, David
Weyler, Kenneth	Winchell, George		
STRAFFORD			
Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan	Cilley, Jacalyn
Keans, Sandra	Newton, Clifford	Rous, Emma	
SULLIVAN			

Irish, Christopher	Jillette, Arthur Jr	Rodeschin, Beverly	
NAYS 192			
BELKNAP			
Allen, Janet	Fitzgerald, James	Millham, Alida	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Wendelboe, Fran			
CARROLL			
Brown, Carolyn	Buco, Thomas	Dickinson, Howard	Knox, J David
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Chase, William	Coates, Christopher
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Foote, Sheila
Hogancamp, Deborah	Hunt, John	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Robertson, Timothy	Tilton, Anna
Weed, Charles			
COOS			
Buzzell, Bernard	Mears, Edgar	Remick, William	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	
GRAFTON			
Almy, Susan	Benn, Bernard	Bleyler, Ruth	Eaton, Stephanie
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Sokol, Hilda	Solomon, Peter	Ward, John	Williams, Burton
HILLSBOROUGH			
Baroody, Benjamin	Barry, J Gail	Beaulieu, Jane	Bergin, Peter
Brassard, Paul	Brundige, Robert	Campbell, David	Chase, Claudia
Cote, David	Cote, Peter	Daniuk, Caitlin	Desmarais, Vivian
Dokmo, Cynthia	Egbers, Fran	Emerton, Larry	Essex, David
Foster, Linda	Francoeur, Bea	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Goyette, Peter Jr	Graham, John	Hall, Betty
Harvey, Suzanne	Holden, Randolph	Irwin, Anne-Marie	Jean, Claudette
Jeudy, Jean	Johnson, Paula	Kopka, Angeline	Lasky, Bette
Matarazzo, Anthony Sr	Moran, Edward	Movsesian, Lori	O'Connell, Timothy
Ober, Lynne	Pappas, Christopher	Rosenwald, Cindy	Ryder, Donald
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Smith, David
Souza, Kathleen	Sullivan, Francis		
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Currier, David	DeJoie, John	DeStefano, Stephen
Foose, Robert	French, Barbara	Gile, Mary	Hager, Elizabeth

Hamm, Christine	Kennedy, Richard	Kidder, David	Marple, Richard
Maxfield, Roy	McMahon, Patricia	Oliver, James	Osborne, Jessie
Potter, Frances	Reardon, Tara	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Walz, Mary Beth	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Asselin, Michael	Belanger, Ronald
Bicknell, Elbert	Bishop, Franklin	Buxton, Donald	Cali-Pitts, Jacqueline
Carson, Sharon	Casey, Kimberley	Charron, Gene	Cooney, Richard
Donahue, Richard Ken	Dowd, John	Dowling, Patricia	Gilbert, Karl
Gould, Kenneth	Katsakiores, George	Katsakiores, Phyllis	Major, Norman
McKinney, Betsy	Moody, Marcia	Morris, Richard	Nowe, Ronald
Palazzo, Frank	Pantelakos, Laura	Parker, Benjamin	Powers, James
Priestley, Anne	Robertson, Carl	Sanders, Elisabeth	Serlin, Christopher
Splaine, James	Stiles, Nancy	Stone, Joseph	Weare, E Albert
Wells, Roger	Zolla, William		
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Brown, Lawrence	Callaghan, Frank	Domingo, Baldwin	Dunlap, Patricia
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Miller, Joseph
Rollo, Michael	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	Osgood, Philip Sr
Phinizy, James	Prichard, Stephen		

and floor amendment (1476h) failed.

The question being adoption of the majority report.

Rep. Robert Wheeler spoke against and yielded to questions.

Rep. Nancy Johnson spoke against.

Rep. O'Brien spoke in favor.

Rep. Splaine requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

YEAS 74 NAYS 244			
YEAS 74			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Rosen, Ralph
Thomas, John	Tobin, William	Veazey, John	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Chandler, Gene			

CHESHIRE			
Emerson, Susan			
COOS			
King, Frederick			
GRAFTON			
Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul
Mirski, Paul	Sorg, Gregory		
HILLSBOROUGH			
Adams, Jarvis IV	Bergeron, Jean-Guy	Boehm, Ralph	Calawa, Leon Jr
Carew, James	Carter, Mark	Christiansen, Lars	Coughlin, Pamela
Crane, Elenore Casey	Drisko, Richard	Elliott, Nancy	Goyette, Peter Jr
Hawkins, Ken	Infantine, William	Johnson, Paula	Kelly, Eugene Jr
L'Heureux, Robert	Lawrence, James	Mead, Robert	O'Brien, William
Reeves, Sandra	Renzullo, Andrew	Rowe, Robert	Slocum, Lee
Souza, Kathleen	Ulery, Jordan	Villeneuve, Maurice	Wheeler, James
MERRIMACK			
DeJoie, John	Field, William	Kennedy, Richard	Langlais, Thomas
Soltani, Tony	Whiting, Herbert		
ROCKINGHAM			
Bettencourt, David	Bicknell, Elbert	Bishop, Franklin	Buxton, Donald
Cady, Harriet	Camm, Kevin	Carson, Sharon	Dumaine, Dudley
Flanders, John Sr	Hughes, Daniel	Itse, Daniel	Lund, Howie
Major, Norman	McKinney, Betsy	Morris, Richard	O'Neil, Michael
Palazzo, Frank	Scamman, W Douglas		
STRAFFORD			
Campbell, W Packy	Cataldo, Sam	Hofemann, Roland	Newton, Clifford
SULLIVAN			
None			
NAYS 244			
BELKNAP			
Fitzgerald, James	Flanders, Donald	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Pilliod, James	Russell, David	Tilton, Franklin
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			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter
Foote, Sheila	Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie
Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon
Tilton, Anna	Weed, Charles		
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Remick, William
Richardson, Herbert	Stohl, Eric	Theberge, Robert	Tholl, John Jr
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Ham, Bonnie	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
Ward, John	Williams, Burton		
HILLSBOROUGH			
Balboni, Michael	Baroody, Benjamin	Barry, J Gail	Batula, Peter
Beaulieu, Jane	Bergin, Peter	Brassard, Paul	Brundige, Robert
Buhlman, David	Campbell, David	Chase, Claudia	Christensen, D L Chris
Cote, David	Cote, Peter	Daniuk, Caitlin	Desmarais, Vivian
DeVries, Betsi	Dokmo, Cynthia	Dyer, Donald	Egbers, Fran
Emerton, Larry	Essex, David	Foster, Linda	Francoeur, Bea
Gargasz, Carolyn	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gorman, Mary	Graham, John	Hall, Betty	Hansen, Ryan
Harvey, Suzanne	Hellwig, Steve	Hinkle, Peyton	Holden, Randolph
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Jeudy, Jean
Kopka, Angeline	Kurk, Neal	Lasky, Bette	Manney, Pamela
Matarazzo, Anthony Sr	McRae, Karen	Mooney, Maureen	Moran, Edward
Movsesian, Lori	O'Connell, Timothy	Pappas, Christopher	Pilotte, Maurice
Price, Pamela	Rosenwald, Cindy	Ryder, Donald	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Smith, David	Stepanek, Stephen
Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Currier, David	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Hamm, Christine	Hess, David	Kidder, David	Lockwood, Priscilla
MacKay, James	Marple, Richard	Maxfield, Roy	McMahon, Patricia
Oliver, James	Osborne, Jessie	Potter, Frances	Reardon, Tara
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	Yeaton, Charles

ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Asselin, Michael	Belanger, Ronald
Bridle, Russell	Cali-Pitts, Jacqueline	Casey, Kimberley	Cooney, Richard
DiFruscia, Anthony	Donahue, Richard Ken	Dowd, John	Dowling, Patricia
Fesh, Bob	Flockhart, Eileen	Garrity, James	Gilbert, Karl
Gould, Kenneth	Griffin, Mary	Headd, James	Ingram, Russell
Introne, Robert	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Mason, April	McMahon, Charles	Moody, Marcia	Nowe, Ronald
Packard, Sherman	Pantelakos, Laura	Parker, Benjamin	Powers, James
Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Robertson, Carl	Robinson, John	Rolston, James	Sanders, Elisabeth
Serlin, Christopher	Splaine, James	Stiles, Nancy	Stone, Joseph
Waterhouse, Kevin	Weare, E Albert	Welch, David	Weyler, Kenneth
Winchell, George	Zolla, William		
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Brown, Lawrence	Callaghan, Frank	Chaplin, Duncan	Cilley, Jacalyn
Domingo, Baldwin	Dunlap, Patricia	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
Osgood, Philip Sr	Phinizy, James	Prichard, Stephen	Rodeschin, Beverly

and the majority report failed.

Rep. Nancy Johnson moved Inexpedient to Legislate.
Adopted.

(Speaker Scamman in the Chair)

HB 642-FN-L, relative to the regulation of home inspectors. **INEXPEDIENT TO LEGISLATE**

Rep. Ken Hawkins for Executive Departments and Administration: This bill would have formed a board under the joint board to license building inspectors. After many hours of subcommittee work, the committee came to the conclusion that there were issues that could not be resolved and that the licensing would confuse consumers on what was being inspected and what was not (i.e. appliances, wiring, plumbing, etc.). Interim study was voted down and inexpedient to legislate was recommended so the sponsors could work on bringing a bill forward next term that would satisfy all parties involved. Vote 11-3.
Committee report adopted.

PRESENTATION OF REVENUE ESTIMATES WORKSHEET

Reps. Major and King addressed the Revenue Estimates worksheet and yielded to questions. The Speaker ordered that the Revenue Estimates worksheet be printed in the Permanent

Journal.

SPECIAL ORDER CALENDAR - FINANCE BILLS

HB 627-FN, relative to including persons 17 years old in the juvenile justice system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert Wheeler for Finance: The committee felt that is was important to keep the policy in place. However the effective date was amended to allow this subject to compete with others for resources in the next budget process. This would also allow time to get a better grip on exactly what dollars will actually be needed both at the state and county levels. Vote 15-4.

Amendment (1039h)

Amend the bill by deleting section 5 and renumbering the original section 6-19 to read as 5-18.

Amend the bill by replacing section 18 with the following:

18 Effective Date. This act shall take effect July 1, 2007.

Amendment adopted.

On a division vote, 206 members having voted in the affirmative and 100 in the negative, the committee report adopted.

Ordered to third reading.

HB 1189, relative to audits by the legislative budget assistant. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth Weyler for Finance: The Performance Audit Oversight Committee is a joint House/Senate committee that directs the performance audit section of the legislative budget assistant (LBA) in their assignments and scoping. These tasks are further reviewed and approved by the Fiscal Committee, another joint House/Senate committee. Performance audits have been a useful tool for the legislature to use when performing its financial oversight role. These audits go beyond mere balance sheets; they are closer to a management analysis. This has lead to many changes in our laws and better control of state dollars. Members of the Performance Audit Oversight Committee felt stymied when the auditors informed them that they were not allowed to follow an audit trail that led past a state agency. This bill enables the performance auditors to follow state funds to other entities, within the limits laid down by the aforementioned joint committees. The amendment limits such forward audits to no more than 5 in 5 years. It also makes the effective date the start of the next biennium. Vote 14-6.

Amendment (1061h)

Amend RSA 14:31, III as inserted by section 1 of the bill by replacing it with the following:

III. Both the audit division and the budget division shall conduct such investigations, analyses, or research into the financial activities and condition or the financial management procedures, or any specific area thereof, of any department, board, institution, commission, [~~or~~] agency, ***political subdivision, or entity authorized to expend state funds*** for the information of the legislature, as the fiscal committee shall specifically direct. ***The authority of the legislative budget assistant to investigate, analyze, or research non-state agencies shall be limited to 5 entities in a 5-year period.*** In making any such investigation, analysis, or research, the legislative budget assistant shall have the power to examine whatever accounts or records of, or property or things of value held by, said department, board, institution, commission, [~~or~~] agency***, political subdivision, or entity authorized to expend state funds*** the fiscal committee shall deem useful to said investigation, analysis, or research.

Amend RSA 14:31-a, I(a) as inserted by section 2 of the bill by replacing it with the following:

(a) Conduct post-audits of the accounts and records of any state department, board, institution, commission, [~~or~~] agency***, or political subdivision, or other entity authorized to expend state funds***. ***The authority of the legislative budget assistant to conduct post-audits on non-state agencies shall be limited to 5 entities in a 5-year period.*** The legislative budget assistant may cooperate with federal officials and agencies in conducting said post-audits.

Amend RSA 124:19 as inserted by section 3 of the bill by replacing it with the following:

124:19 Legislative Budget Assistant to Audit. The legislative budget assistant may enter into agreements or contracts with the federal government or its agencies for the purpose of conducting financial and compliance audits of programs funded in whole or in part by the federal government and carried out by agencies of the state ***or entities expending state or federal funds***. ***The authority of the legislative budget assistant to conduct or contract for audits on non-state agencies shall be limited to 5 entities in a 5-year period.*** The legislative budget assistant may conduct said audits [~~himself~~] or may contract with another auditor who shall conduct said audit under the direction and authority of the legislative budget assistant. All costs of such audits, direct or indirect, shall be a charge against the separate account maintained by the commissioner of administrative services of the funds set aside for the purpose, and the same are hereby continually appropriated.

Amend section 4 of the bill by replacing it with the following:

4 Effective Date. This act shall take effect July 1, 2007.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1241-FN-L, extending the kindergarten construction aid program. **OUGHT TO PASS**

Rep. Linda T. Foster for Finance: There are twelve school districts in New Hampshire that currently do not offer public kindergarten. This bill extends the current state incentive program for 2 more years. Next year, the Finance Committee may offer a bill to gradually sunset the expanded and enhanced kindergarten construction aid program. Vote 15-4.

On a division vote, 196 members having voted in the affirmative and 112 in the negative, the committee report was adopted.

Ordered to third reading.

HB 1474-FN, relative to unemployment compensation contribution rates and benefits. **OUGHT TO PASS**

Rep. Peter Franklin for Finance: This bill was requested by the Department of Employment Security (DES) in order to keep the unemployment trust fund stable. The bill has 4 purposes. First, the weekly benefit amount is increased to keep it in line with current average wages in New Hampshire. Second, it raises the taxable wage base from $8,000 to $9,000 in order to keep the trust fund balance above $250 million so that employers will keep the discounted rates they now receive. Third, it allows the DES to access additional administrative funds to make up for federal cuts. All local offices and personnel will be maintained. And, fourth, it brings a steady stream of funding for the business training fund to help workers upgrade their skills. This bill is supported by DES and both union and employer organizations. Vote 17-2.

Committee report adopted and ordered to third reading.

HB 1697-FN, relative to certain state salaries. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter Franklin for Finance: This bill, as amended, makes amends for a mistake made in HB 2 last year whereby the three 2% raises granted to certain state employees were not made effective on the first day of the month as had been agreed to, but rather on the first day of the first pay period following the first day of the month. Since the first two pay raises have already become effective, this bill makes up the difference in the third pay raise by moving the effective date from July 7, 2006, to June 16, 2006. The Department of

Administrative Services states the appropriation contained in this bill is necessary to cover the increased costs resulting from the date change. Vote 17-0.

Amendment (0852h)

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

1 Councilors and Commissioners. Amend the section heading and amending language of 2005, 177:73 and the introductory paragraph of RSA 94:1-a, II as inserted by 2005, 177:73 to read as follows:

177:73 Salary Wages for Councilors and Commissioners; [~~July 7, 2006~~] ***June 16, 2006***. ***Amend*** RSA 94:1-a, II [~~is repealed and reenacted~~] to read as follows:

II. The salary wages for the positions set forth below shall be as follows commencing [~~July 7, 2006~~] ***June 16, 2006***:

2 Judiciary. Amend the section heading of 2005, 177:76 to read as follows:

177:76 Judicial Salaries; [~~July 7, 2006~~] ***June 16, 2006***.

3 Judicial Employees. Amend 2005, 177:79 to read as follows:

177:79 Judicial Employees; [~~July 7, 2006~~] ***June 16, 2006***. All judicial employees shall receive 2 percent salary increases on [~~July 7, 2006~~] ***June 16, 2006***.

4 Legislative Employees. Amend 2005, 177:82 to read as follows:

177:82 Legislative Employees; [~~July 7, 2006~~] ***June 16, 2006***. Legislative employees shall receive 2 percent salary increases effective [~~July 7, 2006~~] ***June 16, 2006***, if such increases are approved by the appointing authority.

5 State Officers; Unclassified State Employees. Amend the section heading of 2005, 177:85 to read as follows:

177:85 Compensation of State Officers; Unclassified State Employees; [~~July 7, 2006~~] ***June 16, 2006***[~~;~~]**.**

6 Department of Justice; Attorneys. Amend the section heading and amending language of 2005, 177:88 and the introductory paragraph of RSA 94:1-a, I(c) as amended by 2005, 177:88 to read as follows:

177:88 Department of Justice; Attorney Salaries; [~~July 7, 2006~~] ***June 16, 2006***. ***Amend*** RSA 94:1-a, I(c) [~~is repealed and reenacted~~] to read as follows:

I.(c) For attorney positions in the department of justice, except for the attorney general and deputy attorney general, the following shall apply commencing on [~~July 7, 2006~~] ***June 16, 2006***:

7 Other Non-Classified or Unclassified Employees. Amend 2005, 177:89 to read as follows:

177:89 Increases in Salary; Other Non-Classified or Unclassified Employees. All other nonclassified or unclassified employees not covered by the provisions for salary increases in this act shall be granted a salary increase of 2 percent effective July 8, 2005, an additional salary increase of 2 percent effective January 6, 2006, and an additional salary increase of 2 percent effective [~~July 7, 2006~~] ***June 16, 2006***.

8 Classified Salaries. Amend the section heading and amending language of 2005, 177:145 and the introductory paragraph of RSA 99:1-a as inserted by 2005, 177:145 to read as follows:

177:145 Classified Salaries; [~~July 7, 2006~~] ***June 16, 2006***. ***Amend*** RSA 99:1-a [~~is repealed and reenacted~~] to read as follows:

99:1-a Salaries Established. The salary ranges for all classified employees commencing [~~July 7 2006~~] ***June 16, 2006*** shall be established as follows:

9 Classified Increases. Amend the section heading and amending language of 2005, 177:148 and RSA 99:3 as inserted by 2005, 177:148 to read as follows:

177:148 Classified Increases; [~~July 7, 2006~~] ***June 16, 2006***. ***Amend*** RSA 99:3 [~~is repealed and reenacted~~] to read as follows:

99:3 Increase in Salary. Notwithstanding the provisions of RSA 273-A or any other provision of law to the contrary, classified employees of the state as of [~~July 7, 2006~~] ***June***

16, 2006, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

10 Effective Date Changed from July 1, 2006 to June 16, 2006. Amend 2005, 177:191, V to read as follows:

V. Sections [~~67,~~] 73, 76, 79, 82, 85, 88, 145, and 148 of this act shall take effect [~~July 7, 2006~~] ***June 16, 2006 and section 67 of this act shall take effect July 7, 2006***.

11 Appropriation. The following sums are appropriated from the following sources for the purposes of sections 1-9 of this act for the fiscal year ending June 30, 2007:

11 Appropriation. The following sums are appropriated from the following sources for the purposes of sections 1-9 of this act for the fiscal year ending June 30, 2007:

All	General	Federal	Highway	Turnpike	Fish and Game	Other
$682,134	$334,314	$117,259	$90,792	$11,801	$9,755	$118,213

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

Amendment adopted.

Committee report adopted and ordered to third reading.

Rep. Coughlin filed a Conflict of Interest and did not participate.

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

Rep. Robert Wheeler for Finance: This bill was developed by a study committee that reviewed the awarding of health insurance bids for state employees. It repeals the law requiring a self-insured health plan for state employees and allows all the options available to the state to be used by Commissioner Hill and Department of Administrative Services to deal with insurance issues. The bill requires compliance with collective bargaining agreements and creates legislative oversight through an advisory committee to Commissioner Hill. It also allows participation by the university system. Vote 19-0.

Rep. Robert Wheeler yielded to questions.

Committee report adopted and ordered to third reading.

Reps. Coughlin and Thomas filed a Conflict of Interest and did not participate.

SB 110-FN-A, establishing the New Hampshire Rx plus program for prescription drugs. **REFER FOR INTERIM STUDY**

Rep. Neal Kurk for Finance: This bill would establish a voluntary program to provide discounts on prescription drugs to people who lack prescription drug insurance and whose incomes are below 300% of the federal poverty level. The fiscal note estimated the cost to the state to start the program to be $2.2 million in FY07. There was no assurance that sufficient pharmacies or pharmaceutical manufacturers would participate to provide the discounts that would make the program viable. A similar program exists in Maine and Hawaii, but in each of those states it is a supplement to a state-funded pharmacy assistance program. New Hampshire has no such program. In view of all this, the committee determined that the bill requires further study. Vote 17-2.

Committee report adopted.

REGULAR CALENDAR (CONT'D.)

HB 1167-FN-A, making an appropriation to the land and community heritage investment program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Christopher Pappas for Finance: During the budget process, the Finance Committee was unable to provide adequate funding to LCHIP. Given the projected budget surplus and the House's priorities, the committee felt it appropriate to expend an additional $2.5 million in fiscal years 2006 and 2007 on LCHIP. The program is an important investment New Hampshire makes in preserving and protecting open space, historic landmarks, and our

state's quality of life. LCHIP's general fund appropriation has been precipitously declining since its inception and along with it the number of projects being supported in communities as well as the amount of local and federal dollars being leveraged for conservation and preservation. The committee heard lengthy and powerful testimony in support of the bill and the majority of the committee was confident the bill as amended is affordable and a wise use of state resources. Vote 13-8.

Amendment (1207h)

Amend the bill by replacing section 2 with the following:

2 Appropriation; Land and Community Heritage Investment Program; Fiscal Year Ending June 30, 2007. The sum of $2,500,000 is hereby appropriated to the land and community heritage investment program for the fiscal year ending June 30, 2007. This appropriation is in addition to any other funds appropriated to the land and community heritage investment program. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

On a division vote, 194 members having voted in the affirmative and 116 in the negative, the amendment was adopted.

The question being adoption of the committee report.

Rep. Newton spoke against.

Rep. Hess spoke in favor and yielded to questions.

Reps. Kennedy and Pappas spoke in favor.

Rep. Weyler spoke against and yielded to questions.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Easson requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 189 NAYS 125			
YEAS 189			
BELKNAP			
Millham, Alida	Morrison, Gail	Nedeau, Stephen	Pilliod, James
Russell, David	Tobin, William		
CARROLL			
Babson, David Jr	Buco, Thomas	Dickinson, Howard	Knox, J David
Martin, James	Olimpio, J Lisbeth	Philbrick, Donald	
CHESHIRE			
Butcher, Suzanne	Butynski, William	Chase, William	Coates, Christopher
Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Espiefs, Peter
Hogancamp, Deborah	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			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Naro, Debra	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Ward, John	Williams, Burton	
HILLSBOROUGH			
Balboni, Michael	Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter
Campbell, David	Chase, Claudia	Christensen, D L Chris	Cote, David
Coughlin, Pamela	Craig, James	Daniuk, Caitlin	Desmarais, Vivian
DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard	Egbers, Fran
Emerton, Larry	Essex, David	Foster, Linda	Gargasz, Carolyn
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Graham, John
Hall, Betty	Harvey, Suzanne	Irwin, Anne-Marie	Jeudy, Jean
Kopka, Angeline	Lasky, Bette	Manney, Pamela	Matarazzo, Anthony Sr
Movsesian, Lori	O'Connell, Timothy	Pappas, Christopher	Pilotte, Maurice
Renzullo, Andrew	Rosenwald, Cindy	Ross, Lawrence	Rowe, Robert
Ryder, Donald	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara
Smith, David	Sullivan, Francis	Sullivan, Peter	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Currier, David	DeJoie, John	DeStefano, Stephen
Field, William	Foose, Robert	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Hamm, Christine	Hess, David
Kennedy, Richard	Kidder, David	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	McMahon, Patricia	Osborne, Jessie	Potter, Frances
Reardon, Tara	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Asselin, Michael	Bridle, Russell	Buxton, Donald
Cali-Pitts, Jacqueline	Casey, Kimberley	Charron, Gene	Cooney, Richard
DiFruscia, Anthony	Dowling, Patricia	Flockhart, Eileen	Garrity, James
Gilbert, Karl	Gould, Kenneth	Johnson, Robert	Moody, Marcia
Pantelakos, Laura	Powers, James	Robertson, Carl	Robinson, John
Sanders, Elisabeth	Serlin, Christopher	Splaine, James	Welch, David
Wells, Roger			
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Brown, Lawrence	Callaghan, Frank	Chaplin, Duncan	Cilley, Jacalyn
Domingo, Baldwin	Dunlap, Patricia	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	Phinizy, James
Prichard, Stephen			
NAYS 125			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Rosen, Ralph	Thomas, John	Tilton, Franklin
Wendelboe, Fran	Whalley, Michael		
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	McConkey, Mark
Merrow, Harry	Patten, Betsey	Stevens, Stanley	
CHESHIRE			
Foote, Sheila	Hunt, John	Pelkey, Stephen	Sawyer, Sheldon
COOS			
King, Frederick	Richardson, Herbert	Stohl, Eric	Tholl, John Jr
GRAFTON			
Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Ingbretson, Paul	Sorg, Gregory		
HILLSBOROUGH			
Adams, Jarvis IV	Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Carew, James
Carter, Mark	Christiansen, Lars	Clark, Mark	Crane, Elenore Casey
Dyer, Donald	Elliott, Nancy	Francoeur, Bea	Golding, William
Goyette, Peter Jr	Hansen, Ryan	Hawkins, Ken	Hellwig, Steve
Hinkle, Peyton	Holden, Randolph	Infantine, William	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Lawrence, James	McRae, Karen
Mead, Robert	Mooney, Maureen	Moran, Edward	O'Brien, William
Price, Pamela	Reeves, Sandra	Slocum, Lee	Souza, Kathleen
Stepanek, Stephen	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, James			
MERRIMACK			
Marple, Richard	Soltani, Tony		
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Cady, Harriet	Camm, Kevin	Carson, Sharon
Donahue, Richard Ken	Dowd, John	Dumaine, Dudley	Fesh, Bob

Flanders, John Sr	Francoeur, Sheila	Griffin, Mary	Headd, James
Hughes, Daniel	Ingram, Russell	Introne, Robert	Itse, Daniel
Katsakiores, George	Katsakiores, Phyllis	Lund, Howie	Major, Norman
Mason, April	McKinney, Betsy	McMahon, Charles	Morris, Richard
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Palazzo, Frank
Parker, Benjamin	Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Rolston, James	Stiles, Nancy	Waterhouse, Kevin
Weare, E Albert	Weyler, Kenneth	Winchell, George	Zolla, William
STRAFFORD			
Campbell, W Packy	Cataldo, Sam	Easson, Timothy	Newton, Clifford
SULLIVAN			
Gale, Harry	Osgood, Philip Sr	Rodeschin, Beverly	

and the committee report was adopted.
Ordered to third reading.
Rep. Mirski declared a conflict of interest and did not participate.

(Deputy Speaker Weyler in the Chair)

HB 1384, relative to standardizing the format for special education budgets**. REFER FOR INTERIM STUDY**

Rep. Linda T. Foster for Finance: The committee agrees with the sponsors of HB 1384 that consistent, thorough, and accurate reporting of special education costs is of utmost importance. During the discussion of this bill and its amendments, the committee discovered inconsistencies in how and to whom districts are required to report their expenses and revenues. Interim Study will investigate existing policy and the need to establish any new guidelines and/or promulgate any new accounting forms. These policies and procedures affect district and state budgets and may affect the level of federal reimbursement to our state. They deserve uniform, accurate, and consistent accounting and reporting practices throughout every district in our state. Vote 15-5.
Reps. Mead and Giuda spoke against.
Reps. David Campbell spoke in favor.
Rep. Foster spoke in favor and yielded to questions.
Rep. Mead requested a roll call; sufficiently seconded.
The question being adoption of the committee report.

YEAS 189 NAYS 125			
YEAS 189			
BELKNAP			
Millham, Alida	Morrison, Gail	Nedeau, Stephen	Pilliod, James
Russell, David	Tobin, William		
CARROLL			
Babson, David Jr	Buco, Thomas	Dickinson, Howard	Knox, J David
Martin, James	Olimpio, J Lisbeth	Philbrick, Donald	
CHESHIRE			
Butcher, Suzanne	Butynski, William	Chase, William	Coates, Christopher

Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Espiefs, Peter
Hogancamp, Deborah	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			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Naro, Debra	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Ward, John	Williams, Burton	
HILLSBOROUGH			
Balboni, Michael	Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter
Campbell, David	Chase, Claudia	Christensen, D L Chris	Cote, David
Coughlin, Pamela	Craig, James	Daniuk, Caitlin	Desmarais, Vivian
DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard	Egbers, Fran
Emerton, Larry	Essex, David	Foster, Linda	Gargasz, Carolyn
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Graham, John
Hall, Betty	Harvey, Suzanne	Irwin, Anne-Marie	Jeudy, Jean
Kopka, Angeline	Lasky, Bette	Manney, Pamela	Matarazzo, Anthony Sr
Movsesian, Lori	O'Connell, Timothy	Pappas, Christopher	Pilotte, Maurice
Renzullo, Andrew	Rosenwald, Cindy	Ross, Lawrence	Rowe, Robert
Ryder, Donald	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara
Smith, David	Sullivan, Francis	Sullivan, Peter	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Currier, David	DeJoie, John	DeStefano, Stephen
Field, William	Foose, Robert	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Hamm, Christine	Hess, David
Kennedy, Richard	Kidder, David	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	McMahon, Patricia	Osborne, Jessie	Potter, Frances
Reardon, Tara	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Asselin, Michael	Bridle, Russell	Buxton, Donald
Cali-Pitts, Jacqueline	Casey, Kimberley	Charron, Gene	Cooney, Richard
DiFruscia, Anthony	Dowling, Patricia	Flockhart, Eileen	Garrity, James
Gilbert, Karl	Gould, Kenneth	Johnson, Robert	Moody, Marcia
Pantelakos, Laura	Powers, James	Robertson, Carl	Robinson, John
Sanders, Elisabeth	Serlin, Christopher	Splaine, James	Welch, David

Wells, Roger			
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Brown, Lawrence	Callaghan, Frank	Chaplin, Duncan	Cilley, Jacalyn
Domingo, Baldwin	Dunlap, Patricia	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	Phinizy, James
Prichard, Stephen			
NAYS 125			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Rosen, Ralph	Thomas, John	Tilton, Franklin
Wendelboe, Fran	Whalley, Michael		
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	McConkey, Mark
Merrow, Harry	Patten, Betsey	Stevens, Stanley	
CHESHIRE			
Foote, Sheila	Hunt, John	Pelkey, Stephen	Sawyer, Sheldon
COOS			
King, Frederick	Richardson, Herbert	Stohl, Eric	Tholl, John Jr
GRAFTON			
Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Ingbretson, Paul	Sorg, Gregory		
HILLSBOROUGH			
Adams, Jarvis IV	Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Carew, James
Carter, Mark	Christiansen, Lars	Clark, Mark	Crane, Elenore Casey
Dyer, Donald	Elliott, Nancy	Francoeur, Bea	Golding, William
Goyette, Peter Jr	Hansen, Ryan	Hawkins, Ken	Hellwig, Steve
Hinkle, Peyton	Holden, Randolph	Infantine, William	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Lawrence, James	McRae, Karen
Mead, Robert	Mooney, Maureen	Moran, Edward	O'Brien, William
Price, Pamela	Reeves, Sandra	Slocum, Lee	Souza, Kathleen
Stepanek, Stephen	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, James			

MERRIMACK			
Marple, Richard	Soltani, Tony		
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Cady, Harriet	Camm, Kevin	Carson, Sharon
Donahue, Richard Ken	Dowd, John	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Francoeur, Sheila	Griffin, Mary	Headd, James
Hughes, Daniel	Ingram, Russell	Introne, Robert	Itse, Daniel
Katsakiores, George	Katsakiores, Phyllis	Lund, Howie	Major, Norman
Mason, April	McKinney, Betsy	McMahon, Charles	Morris, Richard
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Palazzo, Frank
Parker, Benjamin	Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Rolston, James	Stiles, Nancy	Waterhouse, Kevin
Weare, E Albert	Weyler, Kenneth	Winchell, George	Zolla, William
STRAFFORD			
Campbell, W Packy	Cataldo, Sam	Easson, Timothy	Newton, Clifford
SULLIVAN			
Gale, Harry	Osgood, Philip Sr	Rodeschin, Beverly	

and the committee report was adopted.

HB 1626-FN-A, making an appropriation to the office of energy and planning for the fuel assistance program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert Wheeler for Finance: The committee amended this bill to reduce the amount appropriated for fuel assistance from $10,000,000 to $5,700,000 and apply the $4,300,000 against the unanticipated energy costs incurred in operations of state buildings. In addition, this bill has reduced, by $500,000, the back of the budget cut in 2007; funded personnel to assist the effort to cover the increase case load costs of administration; $1,500,000 to cover implementation of the Enterprise Resource Planning System a new accounting system for the state's new accounting system; and $300,000 to cover the costs of supplying Medicare and Medicaid necessary information to recover qualified retiree prescription drug claims. The committee felt all of these items were either emergency or unanticipated expenditures. Vote 19-2.

Amendment (1230h)

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

AN ACT relative to appropriations for the expenses of certain departments of the state.

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

1 Appropriation; Office of Energy and Planning; Fuel Assistance Program. Amend 2005, 298:5, I to read as follows:

I. The sum of [~~$10,000,000~~] ***$5,700,000*** for the fiscal year ending June 30, 2006 is hereby appropriated to the office of energy and planning for the state's fuel assistance program. This appropriation is in addition to any other funds appropriated to the office of energy and planning. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 General Fund Appropriation Reductions; Administrative Services. Amend 2005, 176:10 to read as follows:

176:10 General Fund Appropriation Reductions. The department of administrative services shall reduce state general fund appropriations by $500,000 for the fiscal year ending June 30, 2006[~~, and by $500,000 for the fiscal year ending June 30, 2007~~]. The department shall provide a report of reductions made under this section to the fiscal committee of the general court, the house and senate finance committees, and the governor and council.

3 Supplemental Appropriation; Office of Cost Containment.

I. In addition to any other sums appropriated to PAU 01-04-01-04, the sums of $17,687 for class 50 and $1,353 for class 60 are hereby appropriated for the fiscal year ending June 30, 2006 to the department of administrative services, office of cost containment. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

II. In addition to any other sums appropriated to PAU 01-04-01-04, the sums of $27,535 for class 50 and $2,106 for class 60 are hereby appropriated for the fiscal year ending June 30, 2007 to the department of administrative services, office of cost containment. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Supplemental Appropriation; Sheriff Custody Reimbursement. In addition to any other sums appropriated to PAU 01-04-07, class 93, the sums of $64,745 for the fiscal year ending June 30, 2005, $55,000 for the fiscal year ending June 30, 2006, and $73,000 for the fiscal year ending June 30, 2007 are hereby appropriated to the department of administrative services for sheriff custody reimbursement. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

5 Supplemental Appropriation; Medicare Retiree Prescription Drug Subsidy Program. The sums of $100,000 for the fiscal year ending June 30, 2006 and $200,000 for the fiscal year ending June 30, 2007 are hereby appropriated to the department of administrative services for administrative costs related to the Medicare Retiree Prescription Drug Subsidy Program. These appropriations are in addition to any other funds appropriated to the department of administrative services. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

6 Supplemental Appropriation; Enterprise Resource Planning System. The sum of $1,500,000 for the fiscal year ending June 30, 2006 is hereby appropriated to the department of administrative services for quality assurance evaluation, monitoring, and reporting related to the implementation of the Enterprise Resource Planning System. This appropriation is in addition to any other funds appropriated to the department of administrative services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Moneys appropriated by this section shall not lapse until June 30, 2008.

7 Supplemental Appropriation; Energy Expense Shortfalls. The sums of $4,982,757 for the fiscal year ending June 30, 2006 and $4,982,757 for the fiscal year ending June 30, 2007 are hereby appropriated to the department of administrative services for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations are in addition to any other funds appropriated to the department of administrative services. In each fiscal year, the appropriation shall be a charge against the appropriate funds as follows:

General	Federal	Highway	Turnpike	Other
$2,402,479	$190,789	$1,386,011	$150,000	$853,478

The governor is authorized to draw a warrant for said sums out of the appropriate funds.

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

AMENDED ANALYSIS

This bill modifies certain prior appropriations and makes additional appropriations for the expenses of certain departments of the state.

Amendment adopted.

Rep. King offered floor amendment (1511h).

Floor Amendment (1511h)

Amend the bill by deleting section 7 and renumbering the original section 8 to read as 7.
Rep. King spoke in favor.
On a division vote, 194 members having voted in the affirmative and 97 in the negative, floor amendment (1511h) was adopted.
The question now being adoption of the committee report, as amended.
Committee report, as amended, adopted and ordered to third reading.

HB 1249-FN-A-L, relative to state reimbursement for school breakfasts and making an appropriation therefor. **OUGHT TO PASS**
Rep. Daniel M. Hughes for Finance: This bill contributes $.03 per breakfast to schools that participate in the National School Breakfast Program to reimburse schools which serve qualifying meals to pupils. It also appropriates $10,000 to the Department of Education to establish the technology necessary to implement the technological interface with the Bureau of Nutrition Programs and Services system. This bill demonstrates the state's support for wellness in our schools and requires a minimal investment to provide the long term savings of healthy children who are prepared to learn when the school day begins. Vote 17-4.
Committee report adopted and ordered to third reading.

HB 1459-FN-A, relative to the department of regional community-technical colleges and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**
Rep. Kenneth Weyler for Finance: New developments since the passage of the budget have revealed a problem with the Community Technical College (CTC) budget. Under urging from the legislative Higher Education Study Committee, the CTC has been working on a successful transformation to a new accreditation at the same level as the university system. Also they have been increasing enrollment at their 7 campuses at the annual rate of 8 to 10% for most of the last six years. It was this extraordinary growth that triggered this problem. The CTC has added new courses, new faculty, and new programs for these new students as well as new buildings. Higher operating expenses caused tuition increases in 2005 of 11.2% and 10.8% for 2006. We now have the highest CTC tuition in the country. This high tuition is beginning to show its effects. The enrollment growth has stopped. The 5% that CTC used in computing the 2006-2007 budget has flattened to 1%, with no increase in general fund dollars. This has caused the shortfall this bill intends to cover. If the shortfall is covered with another tuition increase, we fear that revenues will decline even more, and fewer of our students and working adults will be able to afford to attend. While the general fund contribution to the university system saw steady growth to $5,382 per student in 2005, it declined to $3,032 per CTC student in the same year. This bill appropriates $1.2 million for the CTC to forestall a tuition increase in 2007 for the 12,000 students per semester that CTC serves. Vote 21-0.

Amendment (0639h)

Amend the bill by replacing section 1 with the following:

1 Department of Regional Community-Technical Colleges; Appropriation. The sum of $1,200,000 for the fiscal year ending June 30, 2007 is hereby appropriated to the department of regional community-technical colleges to enable the regional community-technical college board of trustees to maintain tuition at its present level for the 2006-2007 academic year. Funds may come from any regional community-technical college savings or surplus or the governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Amendment adopted.
Rep. King spoke against.
Reps. Thomas and Giuda spoke in favor.
Rep. Marjorie Smith spoke in favor and yielded to questions.
Rep. DeJoie requested a roll call; sufficiently seconded.
The question being adoption of the committee report.

YEAS 242 NAYS 55			
YEAS 242			
BELKNAP			
Boyce, Laurie	Fitzgerald, James	Flanders, Donald	Morrison, Gail
Pilliod, James	Thomas, John	Tobin, William	Wendelboe, Fran
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Dickinson, Howard
Knox, J David	Martin, James	McConkey, Mark	Merrow, Harry
Olimpio, J Lisbeth	Philbrick, Donald	Stevens, Stanley	
CHESHIRE			
Butcher, Suzanne	Butynski, William	Coates, Christopher	Dunn, J Timothy
Eaton, Daniel	Emerson, Susan	Espiefs, Peter	Foote, Sheila
Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie	Parkhurst, Henry
Pelkey, Stephen	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sawyer, Sheldon	Tilton, Anna		
COOS			
Buzzell, Bernard	Merrick, Scott	Remick, William	Richardson, Herbert
Stohl, Eric	Theberge, Robert		
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Naro, Debra	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
Williams, Burton			
HILLSBOROUGH			
Balboni, Michael	Baroody, Benjamin	Batula, Peter	Beaulieu, Jane
Bergin, Peter	Buhlman, David	Calawa, Leon Jr	Campbell, David
Carew, James	Chase, Claudia	Christensen, D L Chris	Christiansen, Lars
Cote, David	Coughlin, Pamela	Craig, James	Crane, Elenore Casey
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Dyer, Donald	Egbers, Fran	Emerton, Larry
Essex, David	Foster, Linda	Gargasz, Carolyn	Ginsburg, Ruth

Golding, William	Goley, Jeffrey	Gorman, Mary	Graham, John
Hall, Betty	Hansen, Ryan	Harvey, Suzanne	Holden, Randolph
Infantine, William	Irwin, Anne-Marie	Jeudy, Jean	Kopka, Angeline
Lasky, Bette	Lawrence, James	Manney, Pamela	Matarazzo, Anthony Sr
McRae, Karen	Moran, Edward	Movsesian, Lori	O'Connell, Timothy
Pappas, Christopher	Pilotte, Maurice	Reeves, Sandra	Renzullo, Andrew
Rosenwald, Cindy	Ross, Lawrence	Rowe, Robert	Ryder, Donald
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Smith, David
Souza, Kathleen	Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve
Villeneuve, Maurice	Wheeler, Robert		
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	DeJoie, John	DeStefano, Stephen	Field, William
Foose, Robert	French, Barbara	Gile, Mary	Hager, Elizabeth
Hamm, Christine	Hess, David	Kennedy, Richard	Kidder, David
Lockwood, Priscilla	MacKay, James	Maxfield, Roy	McMahon, Patricia
Osborne, Jessie	Potter, Frances	Reardon, Tara	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Soltani, Tony	Tilton, Joy
Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Asselin, Michael	Belanger, Ronald
Bettencourt, David	Bridle, Russell	Buxton, Donald	Cady, Harriet
Cali-Pitts, Jacqueline	Carson, Sharon	Casey, Kimberley	Charron, Gene
Cooney, Richard	DiFruscia, Anthony	Dowd, John	Dowling, Patricia
Fesh, Bob	Flanders, John Sr	Flockhart, Eileen	Garrity, James
Gilbert, Karl	Gould, Kenneth	Griffin, Mary	Hughes, Daniel
Ingram, Russell	Introne, Robert	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Major, Norman	Mason, April	Moody, Marcia
Morris, Richard	Nowe, Ronald	Pantelakos, Laura	Parker, Benjamin
Powers, James	Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Robertson, Carl	Robinson, John	Rolston, James
Sanders, Elisabeth	Serlin, Christopher	Splaine, James	Stiles, Nancy
Waterhouse, Kevin	Weare, E Albert	Wells, Roger	Winchell, George
Zolla, William			
STRAFFORD			
Bickford, David	Brown, Julie	Brown, Lawrence	Campbell, W Packy
Cataldo, Sam	Chaplin, Duncan	Domingo, Baldwin	Dunlap, Patricia
Easson, Timothy	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	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
Phinizy, James	Prichard, Stephen		

NAYS 55			
BELKNAP			
Allen, Janet	Clark, Charles	Nedeau, Stephen	Rosen, Ralph
Russell, David	Tilton, Franklin	Whalley, Michael	
CARROLL			
Babson, David Jr	Chandler, Gene	Patten, Betsey	
CHESHIRE			
None			
COOS			
King, Frederick	Tholl, John Jr		
GRAFTON			
Eaton, Stephanie	Ingbretson, Paul	Mirski, Paul	Sorg, Gregory
Ward, John			
HILLSBOROUGH			
Adams, Jarvis IV	Barry, J Gail	Bergeron, Jean-Guy	Brundige, Robert
Carter, Mark	Clark, Mark	Elliott, Nancy	Francoeur, Bea
Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Mead, Robert	Mooney, Maureen
O'Brien, William	Price, Pamela	Slocum, Lee	Stepanek, Stephen
Ulery, Jordan	Wheeler, James		
MERRIMACK			
Marple, Richard			
ROCKINGHAM			
Bicknell, Elbert	Bishop, Franklin	Camm, Kevin	Francoeur, Sheila
Headd, James	Itse, Daniel	Lund, Howie	McKinney, Betsy
O'Neil, Michael	Packard, Sherman	Palazzo, Frank	Welch, David
Weyler, Kenneth			
STRAFFORD			
None			
SULLIVAN			
Osgood, Philip Sr	Rodeschin, Beverly		

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

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. Neal M. Kurk for Finance: This bill establishes a state mosquito control program and a dedicated fund to deal with public health threats posed by cyclical mosquito-borne illnesses, such as West Nile virus and Eastern Equine Encephalitis, largely by spraying for adult mosquitoes when a threat to public health is declared. Affected municipalities that have approved mosquito control plans are eligible for a 25% state cost share. The bill appropriates $158,625 to pay for this, plus $60,000 to continue a mosquito surveillance program which was previously federally funded. Vote 21-0.

Amendment (1194h)

Amend RSA 141-C:24 as inserted by section 1 of the bill by replacing it with the following:

141-C:24 Mosquito Control Fund.

I. There is hereby established a nonlapsing and continually appropriated mosquito control fund to assist cities and towns by providing funding for the purpose of offsetting the cost of mosquito control activities including, but not limited to, the purchase and application of chemical pesticides. The purpose of the fund is to provide financial assistance, when needed, to cities and towns engaging in mosquito control and abatement activities in response to a declared threat to the public health. Any balance remaining in the mosquito control fund at the close of the fiscal year ending June 30, 2009 shall lapse to the general fund.

II. In order to be eligible to receive funding, a city or town shall have in place a comprehensive mosquito control plan approved by the commissioner. This plan shall include at a minimum:

(a) A list of the pesticides (active ingredient) and methods by which these pesticides will be applied to ensure that the application is done in a safe and proper manner.

(b) Safeguards that will be taken to protect the health of the public, wildlife, and resources within the state including provisions for the measuring and monitoring of residual pesticides in the water and soil.

(c) A comprehensive public awareness campaign geared toward prevention and designed to educate the public about the health risks associated with mosquitoes.

(d) Appropriate abatement measures.

III.(a) The commissioner, in consultation with the Centers for Disease Control and Prevention, and with the concurrence of the governor, may determine that a threat to the public health exists that warrants expedited mosquito control and abatement activities within a city or town. Such determination shall be based on local factors which may include:

(1) Historical and current climatic conditions.

(2) Historical and current mosquito population indices.

(3) Historical and current mosquito, veterinary, and human arboviral disease surveillance.

(b) An expedited approval process shall be established for the implementation of mosquito control and abatement activities, including the application of pesticides. The commissioner of the department of agriculture, markets, and food may authorize expedited mosquito control and abatement activities pursuant to this paragraph.

IV. A city or town shall be eligible to receive funds if the commissioner determines that:

(a) The city or town has a comprehensive mosquito control plan approved by the commissioner in accordance with paragraph II;

(b) The city or town has engaged or plans to engage in mosquito control and abatement activities pursuant to paragraph III;

(c) The commissioner, after consultation with the Centers for Disease Control and Prevention, has determined that mosquito control and abatement activities are appropriate to mitigate the public health threat; and

(d) A threat to public health has been determined in accordance with paragraph III.

V. A city or town's receipt of funds, as well as the amount of funding, shall be at the discretion of the commissioner. In exercising his or her discretion, the commissioner shall consider the following criteria:

(a) The nature and degree of the declared threat to the public health.

(b) The nature and degree of the city or town's mosquito control and abatement activities in response to the declared threat to the public health.

(c) The city or town shall show cause why funding assistance from the mosquito control fund is necessary.

(d) Funding from the mosquito control fund shall not exceed 25 percent of the cost of mosquito adulticide activities pursuant to the declared threat to the public health.

(e) Funding is available.

Amend the bill by replacing section 3 with the following:

3 Appropriation. There is hereby appropriated the sum of $218,625 to the department of health and human services for the biennium ending June 30, 2007, for the purposes of this act. Of this amount, $158,625 shall be used for the purpose of funding the mosquito control fund established by section 1 of this act and $60,000 shall be used by the department for purposes of funding mosquito surveillance activities. This appropriation shall be reduced by the amount of any federal funds received by the department for these purposes. This appropriation shall be in addition to any other funds appropriated to the department of health and human services for these purposes. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill establishes a mosquito control fund in the department of health and human services to assist cities and towns by providing funding to offset mosquito control activities. The commissioner of the department of health and human services is granted rulemaking authority for the purposes of the bill. The bill also makes an appropriation to the department for the purposes of funding the mosquito control fund and mosquito surveillance.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1608-FN-A, making an appropriation to reimburse certain health and human services providers for the increased cost of utilities, heating, and mileage. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary Jane Wallner for Finance: This bill appropriates $2,563,575 in general funds for health and human services providers to cover the increased cost of utilities, heating, and mileage. These are the providers who deliver meals and home health services to our homebound elderly, provide services to our mentally ill and developmentally disabled citizens, provide child care services for the children of low income working families, and provide shelter and residential services to our homeless citizens and children in the care of the state. These non-profit service providers run on very tight budgets and recent increases in fuel, utilities, and heating costs were not anticipated when the state put its budget together and the rates appropriated in the budget for these service providers are inadequate to cover the additional energy costs. This bill will assist these providers in covering the increased costs. Vote 21-0.

Amendment (1214h)

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

AN ACT making appropriations to reimburse certain health and human services providers for the increased cost of utilities, heating, and mileage.

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

1 Appropriation. The sum of $2,413,575 is hereby appropriated to the department of health and human services for the biennium ending June 30, 2007, for the purpose of providing a one-time one percent increase in rates paid to certain providers in fiscal year

2006 to offset the increased cost of utilities, heating, and mileage. The commissioner of the department of health and human services shall provide the increase to the providers upon the effective date of this act. The sums appropriated in this section represent the state general fund share of such costs, and the department shall obtain matching funds from federal and other non-state sources where appropriate to ensure that the full cost of the one percent increase is sufficiently funded. The appropriation contained in this section shall be distributed as follows:

Office of Medicaid and Business Policy

PAU	Description	Appropriation
05-01-02-01-04	Medical Transportation	$6,050

Division of Public Health Services

PAU	Description	Appropriation
05-01-05-01-01	Governor's Commission	$23,000
05-01-05-01-01	Smart Moves Program	$1,000
05-01-05-03-01	Community Programs	$17,940
05-01-05-03-03	Contracts	$1,004
05-01-05-03-04	Technical Assistance	$1,200
05-01-05-03-04	Primary Care	$1,500
05-01-05-03-06	State STD Clinical Services	$3,697
05-01-05-03-07	Comprehensive Health	$21,000
05-01-05-03-07	Domestic Violence	$921
05-01-05-03-07	Maternal & Child Services	$11,585
05-01-05-03-18	Grants	$2,222

Division for Children, Youth, and Families

PAU	Description	Appropriation
05-01-06-07-01	Residential Providers	$151,118
05-01-06-07-01	Foster Care, Adoption, & Foster Homes	$92,462
05-01-06-08-02	Child Care	$257,134

Bureau of Elderly and Adult Services

PAU	Description	Appropriation
05-01-08-03-01	Home Delivered Meals & Transportation	$21,062
05-01-08-03-02	Social Services Block Grant	$23,265
05-01-08-03-05	Congregate Housing Contracts	$6,980
05-01-08-03-06	Adult Residential Day Care	$2,578
05-01-08-04-01	Nursing Services	$466,439
05-01-08-04-01	Home Nursing Services	$73,758
05-01-08-04-01	Other Nursing Homes	$10,061
05-01-08-04-01	Mid Level Care	$10,009

Bureau of Behavioral Health

PAU	Description	Appropriation
05-01-09-04-01	Community Mental Health Centers	$412,078
05-01-09-04-08	Emergency Shelters	$30,772

Bureau of Developmental Services

PAU	Description	Appropriation
05-01-10-01	Developmental Services	$764,740

This appropriation is in addition to any other funds appropriated to the department of health and human services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Rate Increase; Federal Funds. The department of health and human services shall provide a one-time one percent increase in rates paid to certain health and human services providers in fiscal year 2006 who do not receive the increase contained in section 1 of this act, but only to the extent the increase can be funded entirely from federal funds.

3 Additional Appropriation. The sum of $150,000 is hereby appropriated to the department of health and human services for the biennium ending June 30, 2007 for the purpose of providing additional funds to certain health and human services providers to offset the increased cost of utilities, heating, and mileage. The amounts appropriated in this section shall be distributed at the discretion of the commissioner, and may be distributed to providers who also receive the rate increase provided for in section 1 of this act. The commissioner shall seek to distribute these funds in a manner which will provide the highest level of relief to providers determined by the commissioner to be most affected by the increased cost of utilities, heating, and mileage. In determining the distribution of the funds, the commissioner shall be guided by the provider's percentage of increased energy costs as compared to the provider's total budget. The commissioner shall report to the fiscal committee of the general court within 30 days of the effective date of this act on the distribution of such funds. This appropriation is in addition to any other funds appropriated to the department of health and human services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

AMENDED ANALYSIS

The bill makes appropriations to the department of health and human services for the purposes of reimbursing certain health and human services providers for the increased cost of utilities, heating, and mileage.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1710-FN-A, relative to appropriations to the department of health and human services for health care providers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elizabeth S. Hager for Finance: This $3,377,697 bill contains changes needed in the Department of Health and Human Services budget. It appropriates money for a rate increase for home health care, for a problem mental health centers are experiencing and for an hourly pay increase for direct care providers. It also clarifies legislative intent in two important areas of the budget: it directs DHHS to contract with the National Alliance of Mental Illness using money for family support services already in the budget and it directs the department to comply with rate setting laws and rules. Vote 21-0.

Amendment (1236h)

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

AN ACT relative to appropriations to the department of health and human services for home care providers and community mental centers and making an appropriation to increase the hourly rate of pay for direct care providers for persons with developmental and acquired disabilities.

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

1 Appropriations.

I. The sum of $457,802 is hereby appropriated to the department of health and human services for the fiscal year ending June 30, 2007, for the purpose of funding the fiscal year 2007 cost of rate increases for home care providers and services implemented during fiscal year 2006. This appropriation is in addition to any other funds appropriated to the department of health and human services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum of $719,895 is hereby appropriated to the department of health and human services for the fiscal year ending June 30, 2007, for the purpose of providing a 4.6 percent rate increase for home care providers and services in fiscal year 2007. This rate increase shall be in addition to the rate increases for home care providers and services implemented during fiscal year 2006. This appropriation is in addition to any other funds

appropriated to the department of health and human services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Appropriation. The sum of $200,000 is hereby appropriated to the department of health and human services for the biennium ending June 30, 2007 for community mental health centers that did not meet their fiscal year Medicaid billing projections and have an operating deficit. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 National Alliance on Mental Illness. Notwithstanding any provision of law to the contrary, the department of health and human services shall pay $210,000 for the fiscal year ending June 30, 2007 from the amounts appropriated pursuant to 2005, 176 PAU 05-01-09-04-01, class 98 to the National Alliance on Mental Illness for family mutual support services.

4 Provider Rates. Notwithstanding any provision of law to the contrary, amounts appropriated in 2005, 176 PAU 05-01-06-07-01, class 93 shall not be transferred or expended for any other purpose until the intent of the general court as stated in this section is followed. It is the intent of the general court that the department of health and human services shall in all instances comply with all applicable provisions of law and administrative rules relative to the rates paid to the providers funded from said class, and that the commissioner set rates paid to these providers consistent with the operating budget appropriations allotted to them including any rate increases provided for in the operating budget, and shall set rates paid to these providers that reflect legislative decisions to provide specific rate increases as footnoted in the operating budget.

5 Appropriation. There is hereby appropriated the sum of $2,000,000, for the biennium ending June 30, 2007, to the department of health and human services for the purpose of increasing the hourly pay of direct care providers for persons with developmental and acquired disabilities. For the purposes of this section, direct care providers shall include, but not be limited to, individuals who are employed by, have a contract with, or receive any form of remuneration from a provider agency to provide such services. This state appropriation shall be reduced by the amount of matching federal funds received by the department. Any funds provided from the state to provider agencies pursuant to this section which are not expended pursuant to the purposes of this section, shall be returned by such agencies to the commissioner, and shall lapse. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

AMENDED ANALYSIS

This bill makes appropriations to the department of health and human services for the purposes of funding rate increases for home care providers and community mental health centers. This bill also requires the department of health and human services to pay a certain amount to the National Alliance on Mental Illness for family mutual support services.

This bill also makes an appropriation to the department of health and human services for the purposes of increasing the hourly rate of pay for direct care providers for persons with developmental and acquired disabilities. The appropriation made for direct care providers is to be reduced by the amount of federal matching funds received.

Amendment adopted.

Rep. O'Neil offered floor amendment (1493h).

Floor Amendment (1493h)

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

AN ACT relative to appropriations to the department of health and human services for home care providers and community mental centers and making an appropriation to increase the hourly rate of pay for direct care providers for persons with developmental and acquired disabilities and extending the provision of supplemental pharmacy assistance.

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Supplemental Pharmacy Assistance; Effective Date Extended. 2006, 2:4, I is repealed and reenacted to read as follows:

I. Section 3 of this act shall take effect June 30, 2006.

AMENDED ANALYSIS

This bill makes appropriations to the department of health and human services for the purposes of funding rate increases for home care providers and community mental health centers. This bill also requires the department of health and human services to pay a certain amount to the National Alliance on Mental Illness for family mutual support services.

This bill makes an appropriation to the department of health and human services for the purposes of increasing the hourly rate of pay for direct care providers for persons with developmental and acquired disabilities. The appropriation made for direct care providers is to be reduced by the amount of federal matching funds received.

This bill also extends the authority for state supplemental pharmacy assistance for persons eligible under Medicare Part D, as established in 2006, 2 (SB 393-FN-A).

Floor amendment (1493h) was adopted.

Rep. Crane offered floor amendment (1512h).

Floor Amendment (1512h)

Amend the bill by deleting section 3 and renumbering the original sections 4-7 to read as 3-6, respectively.

AMENDED ANALYSIS

This bill makes appropriations to the department of health and human services for the purposes of funding rate increases for home care providers and community mental health centers.

This bill also makes an appropriation to the department of health and human services for the purposes of increasing the hourly rate of pay for direct care providers for persons with developmental and acquired disabilities. The appropriation made for direct care providers is to be reduced by the amount of federal matching funds received.

This bill also extends the authority for state supplemental pharmacy assistance for persons eligible under Medicare Part D, as established in 2006, 2 (SB 393-FN-A).

Reps. Crane spoke in favor.

Rep. Giuda spoke against.

Reps. Hager and Bleyler spoke against and yielded to questions.

Rep. Souza spoke in favor and yielded to questions.

Rep. Phinizy moved the previous question.

Adopted.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (1512h).

YEAS 147 NAYS 142			
YEAS 147			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Nedeau, Stephen	Pilliod, James	Tilton, Franklin	Tobin, William
Whalley, Michael			
CARROLL			

Ahlgren, Christopher	Chandler, Gene	Dickinson, Howard	Knox, J David
Martin, James	McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth
Stevens, Stanley			
CHESHIRE			
Emerson, Susan	Hogancamp, Deborah	Pelkey, Stephen	Sawyer, Sheldon
COOS			
Buzzell, Bernard	Remick, William	Richardson, Herbert	Stohl, Eric
Tholl, John Jr			
GRAFTON			
Gionet, Edmond	Giuda, Robert	Ham, Bonnie	Ingbretson, Paul
Mirski, Paul	Naro, Debra	Sorg, Gregory	Ward, John
Williams, Burton			
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Bergeron, Jean-Guy	Bergin, Peter
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Carew, James
Carter, Mark	Christensen, D L Chris	Christiansen, Lars	Clark, Mark
Coughlin, Pamela	Crane, Elenore Casey	Drisko, Richard	Dyer, Donald
Elliott, Nancy	Francoeur, Bea	Golding, William	Hansen, Ryan
Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton	Holden, Randolph
Jasper, Shawn	Kurk, Neal	L'Heureux, Robert	Lawrence, James
Manney, Pamela	McRae, Karen	Mead, Robert	Mooney, Maureen
Moran, Edward	O'Brien, William	O'Connell, Timothy	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Ross, Lawrence	Rowe, Robert
Ryder, Donald	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Sullivan, Peter	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, James	Wheeler, Robert		
MERRIMACK			
Anderson, Eric	Field, William	Kennedy, Richard	Marple, Richard
Maxfield, Roy	Soltani, Tony	Whiting, Herbert	
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bishop, Franklin	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Cooney, Richard
DiFruscia, Anthony	Dowd, John	Fesh, Bob	Flanders, John Sr
Garrity, James	Griffin, Mary	Headd, James	Hughes, Daniel
Ingram, Russell	Introne, Robert	Itse, Daniel	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Lund, Howie	Major, Norman
Mason, April	Morris, Richard	Nowe, Ronald	Packard, Sherman
Parker, Benjamin	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Rolston, James	Sanders, Elisabeth	Splaine, James	Stiles, Nancy
Weare, E Albert	Welch, David	Wells, Roger	Weyler, Kenneth
Zolla, William			

STRAFFORD			
Bickford, David	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Dunlap, Patricia	Easson, Timothy		
SULLIVAN			
Jillette, Arthur Jr	Osgood, Philip Sr	Rodeschin, Beverly	
NAYS 142			
BELKNAP			
Flanders, Donald	Morrison, Gail	Rosen, Ralph	Russell, David
Thomas, John	Wendelboe, Fran		
CARROLL			
Babson, David Jr	Brown, Carolyn	Buco, Thomas	Patten, Betsey
Philbrick, Donald			
CHESHIRE			
Butcher, Suzanne	Butynski, William	Coates, Christopher	Dunn, J Timothy
Eaton, Daniel	Espiefs, Peter	Foote, Sheila	Hunt, John
Parkhurst, Henry	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna			
COOS			
King, Frederick	Merrick, Scott	Theberge, Robert	
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
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	Batula, Peter	Beaulieu, Jane
Campbell, David	Chase, Claudia	Cote, David	Craig, James
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia
Emerton, Larry	Essex, David	Foster, Linda	Gargasz, Carolyn
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Graham, John
Hall, Betty	Harvey, Suzanne	Infantine, William	Irwin, Anne-Marie
Jeudy, Jean	Kopka, Angeline	Lasky, Bette	Matarazzo, Anthony Sr
Movsesian, Lori	Pappas, Christopher	Pilotte, Maurice	Rosenwald, Cindy
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Smith, David
MERRIMACK			
Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	Currier, David
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Hess, David

Kidder, David	Lockwood, Priscilla	MacKay, James	McMahon, Patricia
Osborne, Jessie	Potter, Frances	Reardon, Tara	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Cali-Pitts, Jacqueline	Casey, Kimberley	Dowling, Patricia
Flockhart, Eileen	Francoeur, Sheila	Gould, Kenneth	McKinney, Betsy
Moody, Marcia	O'Neil, Michael	Palazzo, Frank	Pantelakos, Laura
Powers, James	Priestley, Anne	Robertson, Carl	Robinson, John
Serlin, Christopher	Winchell, George		
STRAFFORD			
Brown, Julie	Brown, Lawrence	Domingo, Baldwin	Hofemann, Roland
Johnson, Nancy	Keans, Sandra	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	Phinizy, James	Prichard, Stephen

and floor amendment (1512h) was adopted.
Committee report adopted and ordered to third reading.

HB 1726-FN, requiring the state to pay legal fees for certain supreme court justices.
OUGHT TO PASS WITH AMENDMENT
Rep. Frederick W. King for Finance: RSA 99-D:2 indemnifies state officers and employees from any costs arising from claims and suits. This legislation will pay such costs to the supreme court justices resulting from the claims that they were subjected to, and prevailed as to, involved in impeachment proceedings initiated by the legislature. Vote 15-4.

Amendment (0863h)
Amend the bill by replacing all after the enacting clause with the following:

1 Payment of Legal Fees of Certain Supreme Court Justices.

I. The judicial branch shall pay the following amounts to the following persons as full and final payment for legal fees incurred by such persons in the capacity as supreme court justices as a result of claims they were subjected to, and prevailed as to, involved in impeachment proceedings initiated by the legislature:

(a) Retired Chief Justice David A. Brock $474,000
(b) Retired Associate Justice Sherman D. Horton, Jr. $37,000
(c) Chief Justice John T. Broderick, Jr. $90,000

II. Prior to payment of the sums under paragraph I, retired justices Brock and Horton and chief justice Broderick shall submit to the department of administrative services, signed release statements from themselves that the payments made under paragraph I are full and final payments for legal fees incurred for the impeachment proceedings.

2 Funding of Payment. The judicial branch shall make the payments pursuant to section 1 from the judicial branch operating budget on the effective date of this act. The sum of $601,000 required for the payments shall be a charge against sums appropriated to the judicial branch for the biennium ending June 30, 2007.

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

LAID ON THE TABLE

Rep. Buzzell moved that ***HB 1726-FN***, requiring the state to pay legal fees for certain supreme court justices, be laid on the table.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

The question being adoption of the motion to lay HB 1726 on the table.

YEAS 231 NAYS 52			
YEAS 231			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Morrison, Gail	Nedeau, Stephen	Rosen, Ralph	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Dickinson, Howard	Knox, J David	McConkey, Mark	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
CHESHIRE			
Coates, Christopher	Dunn, J Timothy	Emerson, Susan	Foote, Sheila
Hogancamp, Deborah	Hunt, John	Parkhurst, Henry	Pelkey, Stephen
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon
Tilton, Anna			
COOS			
Buzzell, Bernard	Merrick, Scott	Remick, William	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	
GRAFTON			
Almy, Susan	Andersen, Gene	Gionet, Edmond	Giuda, Robert
Ham, Bonnie	Hammond, Lee	Harding, A Laurie	Ingbretson, Paul
McLeod, Martha	Mirski, Paul	Mulholland, Catherine	Solomon, Peter
Sorg, Gregory	Williams, Burton		
HILLSBOROUGH			
Balboni, Michael	Baroody, Benjamin	Barry, J Gail	Batula, Peter
Beaulieu, Jane	Bergeron, Jean-Guy	Bergin, Peter	Brundige, Robert
Buhlman, David	Calawa, Leon Jr	Campbell, David	Carew, James
Carter, Mark	Chase, Claudia	Christensen, D L Chris	Christiansen, Lars
Clark, Mark	Cote, David	Coughlin, Pamela	Craig, James
Crane, Elenore Casey	Desmarais, Vivian	DeVries, Betsi	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Essex, David
Francoeur, Bea	Gargasz, Carolyn	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Graham, John	Hansen, Ryan	Harvey, Suzanne

Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton	Holden, Randolph
Infantine, William	Irwin, Anne-Marie	Jasper, Shawn	Jeudy, Jean
Kopka, Angeline	Kurk, Neal	L'Heureux, Robert	Lasky, Bette
Lawrence, James	Manney, Pamela	Matarazzo, Anthony Sr	McRae, Karen
Mead, Robert	Mooney, Maureen	Moran, Edward	Movsesian, Lori
O'Connell, Timothy	Pilotte, Maurice	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rosenwald, Cindy	Rowe, Robert	Ryder, Donald
Schulze, Joan	Shaw, Barbara	Slocum, Lee	Souza, Kathleen
Stepanek, Stephen	Sullivan, Peter	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Maurice	Wheeler, James		
MERRIMACK			
Clarke, Claire	Currier, David	DeJoie, John	DeStefano, Stephen
Field, William	Foose, Robert	Gile, Mary	Hess, David
Kidder, David	Lockwood, Priscilla	MacKay, James	Marple, Richard
Maxfield, Roy	McMahon, Patricia	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Soltani, Tony	Tilton, Joy	Walz, Mary Beth
Whiting, Herbert			
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Asselin, Michael	Belanger, Ronald
Bettencourt, David	Bicknell, Elbert	Bridle, Russell	Buxton, Donald
Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin	Carson, Sharon
Charron, Gene	DiFruscia, Anthony	Dowd, John	Dowling, Patricia
Fesh, Bob	Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila
Garrity, James	Griffin, Mary	Introne, Robert	Itse, Daniel
Katsakiores, George	Katsakiores, Phyllis	Lund, Howie	Major, Norman
Mason, April	McKinney, Betsy	Moody, Marcia	Morris, Richard
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Palazzo, Frank
Powers, James	Priestley, Anne	Quandt, Matthew	Rausch, James
Robertson, Carl	Robinson, John	Rolston, James	Sanders, Elisabeth
Serlin, Christopher	Splaine, James	Stiles, Nancy	Weare, E Albert
Welch, David	Wells, Roger	Weyler, Kenneth	Winchell, George
Zolla, William			
STRAFFORD			
Bickford, David	Brown, Lawrence	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Domingo, Baldwin	Dunlap, Patricia	Easson, Timothy
Hofemann, Roland	Johnson, Nancy	Rous, Emma	Schmidt, Peter
Taylor, Kathleen	Wall, Janet		
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Osgood, Philip Sr	Phinizy, James
Prichard, Stephen	Rodeschin, Beverly		
NAYS 52			

BELKNAP			
Fitzgerald, James	Pilliod, James		
CARROLL			
Babson, David Jr	Martin, James		
CHESHIRE			
Butcher, Suzanne	Butynski, William	Eaton, Daniel	Espiefs, Peter
COOS			
King, Frederick			
GRAFTON			
Benn, Bernard	Bleyler, Ruth	Cooney, Mary	Eaton, Stephanie
Naro, Debra	Nordgren, Sharon	Sokol, Hilda	Ward, John
HILLSBOROUGH			
Adams, Jarvis IV	Daniuk, Caitlin	Dokmo, Cynthia	Foster, Linda
Gorman, Mary	Hall, Betty	O'Brien, William	Pappas, Christopher
Shattuck, Gilman	Smith, David	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	French, Barbara
Hager, Elizabeth	Hamm, Christine	Kennedy, Richard	Osborne, Jessie
Potter, Frances	Reardon, Tara	Wallner, Mary Jane	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Casey, Kimberley	Gould, Kenneth	Ingram, Russell	Johnson, Robert
Pantelakos, Laura			
STRAFFORD			
Brown, Julie	Keans, Sandra	Rollo, Michael	Smith, Marjorie
Spang, Judith			
SULLIVAN			
Franklin, Peter			

and the motion to lay HB 1726 on the table was adopted.
Rep. Hughes and Marshall Lee Quandt declared a conflict of interest and did not participate.

HB 1591-FN-A, requiring tobacco tax revenue attributable to tobacco sales to minors and tobacco consumption by minors to be deposited in the tobacco use prevention fund for youth tobacco use prevention programs and purposes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**
Rep. Elizabeth S. Hager for the Majority of Finance: The committee received very compelling testimony from Dover Youth to Youth who brought in this idea to lower youth tobacco use. The majority of the committee does not believe, however, that this type of diversion of our

tobacco tax revenue should be done at this time. The bill would have diverted $1.7 million. Vote 13-8.
Rep. Terie Norelli for the Minority of Finance: As introduced, this bill would have appropriated $1.7 million to youth tobacco prevention programs based on a formula that estimated the state revenue received from cigarette taxes on sales to youth under age 18. Most smokers begin smoking before age 18 and tobacco prevention and control programs are effective in decreasing smoking and in keeping youth from starting to smoke in the first place. Investing in these programs is good public health policy and also makes good economic sense. Yet New Hampshire does not spend one cent of state revenue on tobacco prevention, despite receiving nearly $130 million from the tobacco settlement and cigarette taxes. The minority of the committee agreed that the funding mechanism in the original bill is unworkable and offers an amendment that appropriates $1 million directly from general funds.
Majority committee report adopted.

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. **OUGHT TO PASS WITH AMENDMENT**
Rep. Robert L. Wheeler for Finance: This bill authorizes the acquisition of real estate destroyed in the October 2005 floods; appropriated funds to accomplish the purchase, set a guideline to accomplish the task and established a commission to determine the appropriate use of the property. The amendment clarified the process and made the effective date upon passage to get assistance to the victims as rapidly as possible. Vote 20-0.

Amendment (1378h)
Amend the bill by replacing sections 1 and 2 with the following:
1 Acquisition of Real Estate Damaged or Destroyed in October 2005 Floods. Pursuant to RSA 4:29, the governor, with the advice and consent of the council, shall purchase, on behalf of the state, the property located in Alstead, Langdon, and Walpole that was severely damaged or destroyed in the October 2005 floods. Such property shall be purchased at its pre-flood assessed value less the total amount of financial aid that the current property owner received from any other source, such as insurance payments or state or federal disaster assistance. Nothing in this section shall require a property owner to sell his or her property. The property owner also may elect to retain a life estate in any portion of the property.
2 Appropriation; Bonds.
I. The sum not to exceed $3,400,000, for the biennium ending June 30, 2007, is hereby appropriated to the office of the governor for the purpose of purchasing property pursuant to section 1 of this act.
II. To provide funds for the appropriation made in paragraph I, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of $3,400,000, and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payment of principal and interest of the bonds and notes shall be made from the general funds of the state.
Amend subparagraph I(c) of section 3 of the bill by replacing it with the following:
(c) One member of the board of selectmen from each of the following towns, appointed by that town's board: Alstead, Langdon, and Walpole.
Amend section 4 of the bill by replacing it with the following:
4 Effective Date. This act shall take effect upon its passage.
Rep. Robert Wheeler and Daniel Eaton yielded to questions.
Amendment adopted.
Committee report adopted and ordered to third reading.

SPECIAL ORDER from 3-21-06

HB 1548, relative to termination of tenancy. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David E. Cote for the Majority of Judiciary: This bill would unnecessarily disturb 20 years of settled legislative policy in landlord—tenant law, and would upset the delicate balance struck by this legislature in crafting current law which requires good cause to remove a tenant. The committee believes that current law has adequately and appropriately struck this balance, and sees no reason to alter it. The public policy goal of maintaining a stable housing market far outweighs the sponsor's concerns. Vote 13-7.

Rep. Gregory M. Sorg for the Minority of Judiciary: This minority believes that there can hardly be better cause for ending a tenancy than the fact that the lease has expired and the tenant therefore no longer has a right to occupy the premises. Although mindful of the public policy consideration of promoting stability in housing, we believe that a landlord's economic self-interest serves that objective without the need for governmental intervention to force a tenant on him unwillingly. Landlords, too, like predictability in the occupancy of their rental units, and have little if any motive arbitrarily to evict good tenants. The majority position amounts to granting to a tenant a perpetual right of occupancy of land belonging to another, something unique in contract law and harmful in its public policy implication.

Rep. Sorg spoke against.

Rep. Dokmo spoke in favor.

Rep. Rowe spoke in favor and yielded to questions.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Pantelakos requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 166 NAYS 102			
YEAS 166			
BELKNAP			
Flanders, Donald	Pilliod, James	Russell, David	
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Dickinson, Howard
Knox, J David	Merrow, Harry	Olimpio, J Lisbeth	Philbrick, Donald
CHESHIRE			
Butcher, Suzanne	Butynski, William	Coates, Christopher	Dunn, J Timothy
Eaton, Daniel	Emerson, Susan	Espiefs, Peter	Parkhurst, Henry
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
COOS			
Buzzell, Bernard	King, Frederick	Merrick, Scott	Theberge, Robert
GRAFTON			
Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Ham, Bonnie	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland,	Naro, Debra	Nordgren, Sharon	Sokol, Hilda

Catherine			
Solomon, Peter			
HILLSBOROUGH			
Batula, Peter	Bergin, Peter	Buhlman, David	Calawa, Leon Jr
Chase, Claudia	Cote, David	Craig, James	Daniuk, Caitlin
Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Essex, David	Foster, Linda	Francoeur, Bea	Gargasz, Carolyn
Ginsburg, Ruth	Golding, William	Goley, Jeffrey	Gorman, Mary
Graham, John	Hall, Betty	Hansen, Ryan	Harvey, Suzanne
Holden, Randolph	Irwin, Anne-Marie	Jeudy, Jean	Kopka, Angeline
Kurk, Neal	Lasky, Bette	Manney, Pamela	McRae, Karen
Mooney, Maureen	Movsesian, Lori	O'Connell, Timothy	Pappas, Christopher
Pilotte, Maurice	Rosenwald, Cindy	Ross, Lawrence	Ryder, Donald
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Smith, David
Sullivan, Peter	Villeneuve, Maurice	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Currier, David	DeJoie, John	Foose, Robert	French, Barbara
Gile, Mary	Hager, Elizabeth	Lockwood, Priscilla	MacKay, James
McMahon, Patricia	Osborne, Jessie	Potter, Frances	Reardon, Tara
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Belanger, Ronald	Bishop, Franklin	Buxton, Donald
Cali-Pitts, Jacqueline	Casey, Kimberley	Charron, Gene	DiFruscia, Anthony
Dowling, Patricia	Flanders, John Sr	Flockhart, Eileen	Garrity, James
Gould, Kenneth	Griffin, Mary	Ingram, Russell	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Major, Norman	Mason, April
Moody, Marcia	Morris, Richard	Palazzo, Frank	Pantelakos, Laura
Powers, James	Priestley, Anne	Robinson, John	Sanders, Elisabeth
Serlin, Christopher	Splaine, James	Stiles, Nancy	Weare, E Albert
Welch, David	Zolla, William		
STRAFFORD			
Brown, Julie	Brown, Lawrence	Chaplin, Duncan	Domingo, Baldwin
Dunlap, Patricia	Keans, Sandra	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen			
NAYS 102			
BELKNAP			

Allen, Janet	Clark, Charles	Fitzgerald, James	Rosen, Ralph
Thomas, John	Tilton, Franklin	Tobin, William	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Babson, David Jr	Chandler, Gene	Martin, James	McConkey, Mark
Patten, Betsey			
CHESHIRE			
Foote, Sheila	Hogancamp, Deborah	Hunt, John	Pelkey, Stephen
Sawyer, Sheldon			
COOS			
Remick, William	Stohl, Eric	Tholl, John Jr	
GRAFTON			
Andersen, Gene	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul
Mirski, Paul	Williams, Burton		
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Beaulieu, Jane	Bergeron, Jean-Guy
Brundige, Robert	Campbell, David	Carew, James	Christensen, D L Chris
Christiansen, Lars	Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Infantine, William	Jasper, Shawn
L'Heureux, Robert	Lawrence, James	Matarazzo, Anthony Sr	Mead, Robert
Moran, Edward	O'Brien, William	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Slocum, Lee	Souza, Kathleen
Stepanek, Stephen	Ulery, Jordan	Vaillancourt, Steve	Wheeler, James
MERRIMACK			
Field, William	Hess, David	Kennedy, Richard	Kidder, David
Marple, Richard	Soltani, Tony		
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Bettencourt, David	Bicknell, Elbert
Bridle, Russell	Cady, Harriet	Camm, Kevin	Carson, Sharon
Dowd, John	Fesh, Bob	Francoeur, Sheila	Hughes, Daniel
Introne, Robert	Itse, Daniel	Lund, Howie	McKinney, Betsy
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Quandt, Marshall Lee
Quandt, Matthew	Rausch, James	Robertson, Carl	Rolston, James
Weyler, Kenneth	Winchell, George		
STRAFFORD			
Bickford, David	Campbell, W Packy	Cataldo, Sam	Hofemann, Roland
Spang, Judith			

SULLIVAN			
Osgood, Philip Sr			

and the majority committee report was adopted.
Reps. Baroody and DeStefano declared a conflict of interest and did not participate.

SPECIAL ORDER

HB 1138, relative to required pay for employees called into work. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Randolph N. S. Holden for the Majority of Labor, Industrial and Rehabilitative Services: Under current law when an employee reports to work at an employer's request he or she shall be paid not less than two hours pay at his or her regular rate of pay. This bill changes the number of hours an employee must be paid to three. With the increased costs of travel to and from work the majority of the committee felt it was reasonable that the employee be paid a minimum of three hours when called in to work. Vote 8-7.
Rep. William J. Infantine for the Minority of Labor, Industrial and Rehabilitative Services: The minority of the committee believes that the current law requiring two hours pay is sufficient. The minority also believes the state should not continue mandating agreements between employers and employees. The minority further believes the employer will pass this increase on to their clients and customers.

Majority Amendment (1219h)

Amend the bill by replacing section 1 with the following:

1 Required Pay; Increased to 3 Hours. Amend RSA 275:43-a to read as follows:

275:43-a Required Pay. On any day an employee reports to work at an employer's request, he ***or she*** shall be paid not less than ***3*** hours' pay at his ***or her*** regular rate of pay; provided, however, that this section shall not apply to employers of counties or municipalities, and provided further that no employer who makes a good faith effort to notify an employee not to report to work shall be liable to pay wages under this section. However, if the employee reports to work after the employer's attempt to notify him ***or her*** has been unsuccessful or if the employer is prevented from making notification for any reason, the employee shall perform whatever duties are assigned by the employer at the time the employee reports to work.

AMENDED ANALYSIS

This bill requires an employer to pay 3 hours' wages to an employee called in to work. An employer who makes a good faith effort to notify an employee not to report to work shall not be liable to pay wages.

CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

The question being adoption of the majority committee amendment.
On a division vote, 160 members having voted in the affirmative and 104 in the negative, the majority amendment failed lacking the necessary two-thirds.

MOTION TO LAY ON THE TABLE

Rep. Holden moved that ***HB 1138,*** relative to required pay for employees called into work, be laid on the table, and the motion failed.

The question now being adoption of the motion Ought to Pass.
Rep. Goley offered floor amendment (1244h).

Floor Amendment (1244h)

Amend the bill by replacing section 1 with the following:

1 Required Pay; Increased to 3 Hours. Amend RSA 275:43-a to read as follows:

275:43-a Required Pay.

I. On any day an employee reports to work at an employer's request, he ***or she*** shall be paid not less than [~~2~~] ***3*** hours' pay at his ***or her*** regular rate of pay; provided, however, that this section shall not apply to employers of counties or municipalities, and provided further that no employer who makes a good faith effort to notify an employee not to report to work shall be liable to pay wages under this section. However, if the employee reports to work after the employer's attempt to notify him ***or her*** has been unsuccessful or if the employer is prevented from making notification for any reason, the employee shall perform whatever duties are assigned by the employer at the time the employee reports to work.

II. This section shall not apply to hours added before or after an employee's regular shift.

III. Employees who are "on-call" are not subject to this section if they receive an on-call stipend.

IV. Health care employees of community based outreach services providers who voluntarily make schedule changes to meet the needs of the physically or mentally infirm clients they serve and who sign a statement upon hire stating that they understand this job requirement are exempt from this section.

V. The commissioner may adopt rules, pursuant to RSA 541-A, relative to the administration of and exceptions to this section.

AMENDED ANALYSIS

This bill requires an employer to pay 3 hours' wages to an employee called in to work. An employer who makes a good faith effort to notify an employee not to report to work shall not be liable to pay wages. Certain health care employees are exempt from this bill.

This bill also permits the commissioner to adopt rules relative to the bill.

Rep. Goley spoke in favor.
Rep. Harding spoke against.
Rep. John Flanders moved the previous question.
Adopted.
On a division vote, 81 members having voted in the affirmative and 185 in the negative, floor amendment (1244h) failed.
Rep. Phinizy declared a conflict of interest and did not participate.

CLERK'S NOTE

The constitutionally required two-thirds of the membership for action by majority vote was declared present.

The question being adoption of the motion of Ought to Pass.
Rep. Infantine spoke against.
Rep. O'Brien requested a roll call; sufficiently seconded.
The question being adoption of the motion of Ought to Pass.

YEAS 24 NAYS 242			
YEAS 24			

BELKNAP			
None			
CARROLL			
None			
CHESHIRE			
Dunn, J Timothy	Richardson, Barbara	Robertson, Timothy	Tilton, Anna
COOS			
None			
GRAFTON			
None			
HILLSBOROUGH			
Baroody, Benjamin	Cote, David	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Jeudy, Jean	Renzullo, Andrew	Shattuck, Gilman
Sullivan, Peter			
MERRIMACK			
DeJoie, John	Kennedy, Richard	Potter, Frances	Tilton, Joy
Walz, Mary Beth			
ROCKINGHAM			
Bishop, Franklin	Palazzo, Frank	Splaine, James	
STRAFFORD			
Hofemann, Roland	Smith, Marjorie		
SULLIVAN			
Converse, Larry			
NAYS 242			
BELKNAP			
Allen, Janet	Clark, Charles	Fitzgerald, James	Flanders, Donald
Pilliod, James	Rosen, Ralph	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William	Wendelboe, Fran	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Dickinson, Howard	Knox, J David	Martin, James
McConkey, Mark	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
CHESHIRE			

Butcher, Suzanne	Butynski, William	Coates, Christopher	Eaton, Daniel
Emerson, Susan	Espiefs, Peter	Foote, Sheila	Hogancamp, Deborah
Hunt, John	Parkhurst, Henry	Pelkey, Stephen	Roberts, Kris
Sawyer, Sheldon			
COOS			
Buzzell, Bernard	King, Frederick	Merrick, Scott	Remick, William
Stohl, Eric	Theberge, Robert	Tholl, John Jr	
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Hammond, Lee	Harding, A Laurie	Ingbretson, Paul	McLeod, Martha
Mirski, Paul	Mulholland, Catherine	Naro, Debra	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Williams, Burton	
HILLSBOROUGH			
Batula, Peter	Beaulieu, Jane	Bergeron, Jean-Guy	Bergin, Peter
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Campbell, David
Carew, James	Chase, Claudia	Christensen, D L Chris	Christiansen, Lars
Clark, Mark	Coughlin, Pamela	Craig, James	Crane, Elenore Casey
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Dyer, Donald	Elliott, Nancy	Emerton, Larry
Essex, David	Foster, Linda	Francoeur, Bea	Gargasz, Carolyn
Golding, William	Graham, John	Hall, Betty	Hansen, Ryan
Harvey, Suzanne	Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton
Holden, Randolph	Infantine, William	Irwin, Anne-Marie	Jasper, Shawn
Kopka, Angeline	Kurk, Neal	L'Heureux, Robert	Lasky, Bette
Lawrence, James	Manney, Pamela	Matarazzo, Anthony Sr	McRae, Karen
Mead, Robert	Mooney, Maureen	Moran, Edward	Movsesian, Lori
O'Brien, William	O'Connell, Timothy	Pappas, Christopher	Pilotte, Maurice
Price, Pamela	Reeves, Sandra	Rosenwald, Cindy	Ross, Lawrence
Rowe, Robert	Ryder, Donald	Schulze, Joan	Shaw, Barbara
Slocum, Lee	Smith, David	Souza, Kathleen	Stepanek, Stephen
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James
Wheeler, Robert			
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Currier, David	DeStefano, Stephen	Field, William	Foose, Robert
French, Barbara	Gile, Mary	Hager, Elizabeth	Hess, David
Kidder, David	Lockwood, Priscilla	MacKay, James	Marple, Richard
McMahon, Patricia	Osborne, Jessie	Reardon, Tara	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Soltani, Tony	Wallner, Mary Jane
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Asselin, Michael	Belanger, Ronald

Bettencourt, David	Bicknell, Elbert	Bridle, Russell	Buxton, Donald
Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin	Carson, Sharon
Casey, Kimberley	Charron, Gene	DiFruscia, Anthony	Dowd, John
Dowling, Patricia	Fesh, Bob	Flanders, John Sr	Flockhart, Eileen
Francoeur, Sheila	Garrity, James	Gould, Kenneth	Griffin, Mary
Hughes, Daniel	Ingram, Russell	Introne, Robert	Itse, Daniel
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Lund, Howie
Major, Norman	Mason, April	McKinney, Betsy	Moody, Marcia
Morris, Richard	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Pantelakos, Laura	Powers, James	Priestley, Anne	Quandt, Marshall Lee
Quandt, Matthew	Rausch, James	Robertson, Carl	Robinson, John
Rolston, James	Sanders, Elisabeth	Serlin, Christopher	Stiles, Nancy
Weare, E Albert	Welch, David	Weyler, Kenneth	Winchell, George
Zolla, William			
STRAFFORD			
Bickford, David	Brown, Julie	Brown, Lawrence	Campbell, W Packy
Cataldo, Sam	Chaplin, Duncan	Domingo, Baldwin	Dunlap, Patricia
Keans, Sandra	Rollo, Michael	Rous, Emma	Schmidt, Peter
Spang, Judith	Taylor, Kathleen	Wall, Janet	
SULLIVAN			
Cloutier, John	Donovan, Thomas	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Osgood, Philip Sr	Prichard, Stephen

and the motion of Ought to Pass failed.
Rep. Infantine moved Inexpedient to Legislate.
Motion adopted.
Rep. Phinizy declared a conflict of interest and did not participate.

The House recessed at 8:50 p.m.

RECESS
(Speaker in the Chair)
The House reconvened at 9:30 p.m.

REGULAR CALENDAR (CONT'D)

HB 1495, relative to setback requirements for landfills located near rivers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Frank A. Tupper for the Majority of Resources, Recreation and Development: Through the Rivers Management and Protection Program, rivers are nominated and studied for designation as state protected rivers. Only those with outstanding resources, whose designation is supported by their communities, receive designation. Rivers characterized as "natural" rivers enjoy the protection of a setback for new solid waste landfills which is defined in RSA 483 as "River corridor" the river and the land area located within a distance of 1,320 feet of the normal high water mark or to the landward extent of the 100 year floodplain as designated by the Federal Emergency Management Agency, whichever distance is larger The bi-partisan majority believe that if this is the setback deemed necessary for natural rivers, the same setback should be in effect for "rural" rivers in the program. Vote 11-8.
Rep. Harry C. Merrow for the Minority of Resources, Recreation and Development: Under

current legislation no landfill is permitted within 100 feet of the 500 year floodplain of a river. This legislation would prevent landfills from being established within the corridor of a designated rural river or segment. The designated corridor is 1320 ft. from either side of the river after the normal high water mark. None of us are particularly enthralled with a landfill being installed anywhere. However since they are allowed, each case should be looked at separately and sound science applied. This is flawed legislation which has no scientific facts to back it up. The numbers were arbitrarily picked, no consideration was given elevation differences and no consideration was given to the permeability of the ground and whether or not an aquifer was located beneath it, all factors which can be handled by the Department of Environmental Services (DES) under existing law and rules. There are no known problems with the existing law.

Majority Amendment (1127h)

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

1 Rural River Protection; Landfill Setback. Amend RSA 483:9-a, VII to read as follows:

VII. Any new solid waste storage or treatment facility, as defined in RSA 149-M:4, IX shall be set back a minimum of 250 feet from the normal high water mark of a designated rural river or segment and screened with a vegetative or other natural barrier to minimize visual impact, except:

(a) New solid waste landfills shall not be permitted [~~within the 500 year floodplain of a designated rural river or segment and any new solid waste landfill located within the corridor of a designated rural river or segment shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and screened from the river with a vegetative or other natural barrier to minimize visual impact~~] ***within the corridor of a designated rural river or segment. The provisions of this subparagraph shall not apply to new solid waste landfills with permit applications filed with the department and deemed complete by July 1, 2006;***

(b) ***Existing, permitted, and secure solid waste landfills shall not be expanded within the 500 year floodplain of a designated rural river or segment and any expansion of such a landfill located within the corridor of a designated rural river or segment shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and screened from the river with a vegetative or other natural barrier to minimize visual impact***;

(c) Any land application within the river corridor of septage, sludge, or solid waste, as defined in RSA 149-M:4, XXII, shall be set back a minimum of 250 feet from the normal high water mark and shall be immediately incorporated into the soil. The provisions of this subparagraph shall not apply to manure, lime, or wood ash when used for agricultural purposes;

[~~(c)~~]***(d)*** An existing solid waste facility which is located within 250 feet of the normal high water mark of a designated rural river or segment may continue to operate under an existing permit provided it does not cause degradation to an area in excess of that area under permit at the time of designation; and

[~~(d)~~]***(e)*** The department may permit a resource recovery operation at an existing landfill located within 250 feet of the normal high water mark of a designated rural river or segment.

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

AMENDED ANALYSIS

This bill increases the setback requirements for landfills located near rivers.

Rep. Currier spoke against.

Majority amendment failed.

Rep. Spang offered floor amendment (1397h).

Floor Amendment (1397h)

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

1 Natural Rivers Protection. Amend RSA 483:9, VI(a) and (b) to read as follows:

(a) New solid waste landfills shall not be permitted within the corridor of a designated natural river or segment***, or less than 100 feet from the landward extent of the 500 year flood plain, whichever distance is greater, and shall be screened from the river with a vegetative or other natural barrier to minimize visual impact***;

(b) Existing, permitted and secure solid waste landfills shall not be expanded within the 500 year floodplain of a designated natural river or segment and any expansion of such a landfill located within the corridor of a designated natural river or segment shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and screened from the river with a vegetative or other natural barrier to minimize visual impact. ***The provisions of this paragraph shall not apply to landfill expansions associated with landfill closures or other remedial projects***;

2 Rural River Protection; Landfill Setback. Amend RSA 483:9-a, VII to read as follows:

VII. Any new solid waste storage or treatment facility, as defined in RSA 149-M:4, IX shall be set back a minimum of 250 feet from the normal high water mark of a designated rural river or segment and screened with a vegetative or other natural barrier to minimize visual impact, except:

(a) New solid waste landfills shall not be permitted within [~~the 500 year floodplain of a designated rural river or segment and any new solid waste landfill located within~~] the corridor of a designated rural river or segment [~~shall be set back a minimum of~~] ***or less than*** 100 feet from the landward extent of the 500 year floodplain ***whichever distance is greater*** and screened from the river with a vegetative or other natural barrier to minimize visual impact. ***The provisions of this paragraph shall not apply to landfill expansions associated with landfill closures or other remedial projects;***

(b) No solid waste landfill proposed to be located within the corridor of a designated rural river or segment with a permit application that has been filed with the department by July 2, 2006, whether or not the application is deemed complete, shall be permitted within the 500 year floodplain, and if located in the corridor shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and screened from the river with a vegetative or other natural barrier to minimize visual impact.

(c) Existing, permitted, and secure solid waste landfills shall not be expanded within the 500 year flood plain of a designated rural river or segment, and any expansion of such a landfill shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and shall be screened from the river with a vegetative or other natural barrier to minimize visual impact. The provisions of this paragraph shall not apply to landfill expansions associated with landfill closures or other remedial projects;

[~~(b)~~]***(d)*** Any land application within the river corridor of septage, sludge, or solid waste, as defined in RSA 149-M:4, XXII, shall be set back a minimum of 250 feet from the normal high water mark and shall be immediately incorporated into the soil. The provisions of this subparagraph shall not apply to manure, lime, or wood ash when used for agricultural purposes;

[~~(c)~~]***(e)*** An existing solid waste facility which is located within 250 feet of the normal high water mark of a designated rural river or segment may continue to operate under an existing permit provided it does not cause degradation to an area in excess of that area under permit at the time of designation; and

[~~(d)~~]***(f)*** The department may permit a resource recovery operation at an existing landfill located within 250 feet of the normal high water mark of a designated rural river or segment.

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

AMENDED ANALYSIS

This bill increases the setback requirements for landfills located near rivers, making the natural rivers protection similar to the rural river protection language.
Rep. Spang spoke in favor and yielded to questions.
On a division vote, 220 members having voted in the affirmative and 49 in the negative, floor amendment (1397h) was adopted.
Rep. Franklin Tilton spoke against.
Rep. Currier spoke in favor.
On a division vote, 190 members having voted in the affirmative and 79 in the negative, the motion of Ought to Pass as Amended was adopted.
Ordered to third reading.

SPECIAL ORDER

HB 1673-FN, relative to the reduction of mercury emissions. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**
Rep. Roy D. Maxfield for the Majority of Science, Technology and Energy: This bill provides for at least an 80% reduction of mercury emissions from coal-fired power plants by requiring the installation of a scrubber technology no later than July 1, 2013 and provides economic incentives for earlier installation timeframes and greater reduction in emissions. The committee amendment provides for annual progress reports from Public Service of New Hampshire (PSNH) and also cost recovery language. This legislation is a result of months of collaborative work by PSNH, the Department of Environmental Services, the Governors office, multiple environmental groups, members of the committee and other stakeholders. The scrubber technology not only will reduce mercury by at least 80%, it will dramatically reduce SO2 emissions. Our committee held multiple work sessions and all had an opportunity to present their views. A comprehensive review of the time frame was conducted by two members of the committee who concluded that the 2013 date is appropriate. It is in the best interests of PSNH to achieve early reductions for mercury and they are proceeding with a US Department of Energy (DOE) grant to accomplish this objective. This bill has consensus support from the Governor and stakeholders, and has wide bipartisan support in the General Court. The bill achieves the primary objectives of reasonable reductions, in a reasonable timeframe, at a reasonable cost to electricity users. Vote 13-2.
Rep. Gene F. Andersen for the Minority of Science, Technology and Energy: The bill provides for significant mercury reductions from facilities operated by Public Service of New Hampshire (PSNH) by 2013. Some testimony indicated that an optimal permit and construction schedule could provide a 2011 completion for mercury removal equipment; thereby providing the necessary and desired reductions of mercury and other pollutants during that two year period. The minority felt the 2011 date should be utilized for implementation of the mercury reduction requirement and provide for extensions beyond that date if and only if PSNH was unable to complete by 2011 due to circumstances beyond its control.

Amendment (0936h)
Amend RSA 125-O:13 as inserted by section 1 of the bill by inserting after paragraph VIII the following new paragraph:

IX. The owner shall report by June 30, 2007 and annually thereafter, to the legislative oversight committee on electric utility restructuring, established under RSA 374-F:5, and the chairpersons of the house science, technology, and energy committee and the senate energy and economic development committee, on the progress and status of complying with the requirements of paragraphs I and III, relative to achieving early reductions in mercury emissions and also installing and operating the scrubber technology including any updated cost information. The last report required shall be after the department has made a determination, under paragraph V, on the maximum sustainable rate of mercury emissions reductions by the scrubber technology.

Amend RSA 125-O:18 as inserted by section 1 of the bill by replacing it with the following:

125-O:18 Cost Recovery. If the owner is a regulated utility, the owner shall be allowed to recover all prudent costs of complying with the requirements of this subdivision in a manner approved by the public utilities commission. During ownership and operation by the regulated utility, such costs shall be recovered via the utility's default service charge. In the event of divestiture of affected sources by the regulated utility, such divestiture and recovery of costs shall be governed by the provisions of RSA 369:B:3-a.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

SPECIAL ORDER

HB 1738-FN, prohibiting the use of surveillance devices to identify motor vehicles.

INEXPEDIENT TO LEGISLATE

Rep. Brenda L. Ferland for Transportation: This bill would have prohibited the use of surveillance devices including cameras, transponders, cellular phones, global positioning satellites, and radio frequency to identify motor vehicles. There was much opposition from the New Hampshire Bankers Association, Department of Transportation, Department of Safety and Attorney Generals Office since they were among the list of people who would be prohibited. The prime sponsor attempted to amend the bill but that only added to the confusion about what would be accepted usage. Every instance that was talked about in committee seemed not to apply. Thus, the committee concluded that this is a solution looking for a problem. Vote 12-1.

Rep. Packard spoke against the committee report.

Committee report failed.

Rep. Kurk moved Ought to Pass and offered floor amendment (1307h).

Floor Amendment (1307h)

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

1 New Subdivision; Highway Video Surveillance. Amend RSA 236 by inserting after section 129 the following new subdivision:

Highway Video Surveillance

236:130 Highway Surveillance Prohibited.

I. In this subdivision, "surveillance" means the act of determining the ownership of a motor vehicle or the identity of a motor vehicle's occupants on the public ways of the state or its political subdivisions through the use of a camera or other imaging device or any other device, including but not limited to a transponder, cellular telephone, global positioning satellite, or radio frequency identification device, that by itself or in conjunction with other devices or information can be used to determine the ownership of a motor vehicle or the identity of a motor vehicle's occupants.

II. Neither the state of New Hampshire nor its political subdivisions shall engage in surveillance on any public ways of the state or its political subdivisions.

III. The prohibition set forth in paragraph II shall not apply where surveillance:

(a) Is specifically authorized by statute;

(b) Is undertaken on a case-by-case basis in the investigation of a particular violation, misdemeanor, or felony;

(c) Is undertaken to produce images or data that:

(1) Are viewed only at the transportation management center of the department of transportation in connection with a particular incident occurring on a public way; and

(2) Are not recorded;

(d) Is incidental to the monitoring of a building or other structure under the control of the state or a political subdivision of the state; or

(e) Is undertaken for the security of the following bridges and approach structures: I-95 Piscataqua River Bridge, Sarah Mildred Long Bridge, and the Memorial Bridge, all in Portsmouth.

IV. Nothing in this section shall prevent the creation, transmission, or recording of any images or data which cannot, by enhancement, manipulation, or otherwise, be used for surveillance.

V. Any person violating the provisions of this section shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

236:131 Information from Other Sources. Neither the state of New Hampshire nor its political subdivisions shall obtain from others, including private businesses and federal and state governments, any information that it is prohibited from obtaining under the provisions of RSA 236:130.

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

AMENDED ANALYSIS

This bill prohibits the use of surveillance devices on New Hampshire highways unless authorized by statute or under certain other circumstances.

Rep. Kurk spoke in favor and yielded to questions.
Rep. Mirski spoke against.
Rep. John Flanders moved the previous question.
Adopted.
Floor amendment (1308h) adopted.
Question now being adoption of Ought to Pass as Amended.
Motion adopted and ordered to third reading.

REGULAR CALENDAR (CONT'D.)

HB 317-FN, relative to mooring fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael D. Whalley for Ways and Means: This bill as originally adopted by the House would have increased fees on moorings on the six regulated lakes by over 100 percent annually. A cost analysis of the mooring program, provided by the Department of Safety, indicated that the program had annual expenses of $149,000. That analysis also indicated that moorings that were part of a congregate mooring field have a greater cost to the program than moorings permitted to individuals. The bill, as amended, will maintain the annual fee to renew an individual mooring, not part of a congregate mooring field, at $25 per mooring, per year. The fee to renew a mooring that is part of a congregate field would increase from $25 to $50 per mooring, per year, as recommended by the Resources Recreation and Development Committee. The initial application fee would also increase from $25 to $125 as originally recommended. The new fee schedule will raise approximately $190,000 which is more than adequate to cover the cost of the mooring program. Vote 14-3.

Amendment (1272h)

Amend the bill by replacing section 1 with the following:

1 Mooring of Boats on Public Waters; Annual Mooring Fee; Permit Expiration. Amend RSA 270:62, V-VII to read as follows:

V. ***A fee of $125 shall be charged for each initial decal issued pursuant to this subdivision which shall be deposited in the navigation safety fund established under RSA 270-E:6-a.*** An annual mooring fee of ***$50 for each mooring in a congregate mooring field and*** $25 ***for each mooring not in a congregate mooring field*** shall be charged for each decal [~~issued~~] ***renewed*** pursuant to this subdivision which shall be deposited in the navigation safety fund established under RSA 270-E:6-a.

VI. [~~Each permit granted under this subdivision shall expire on December 31 of the fifth year from the date of issuance.~~

~~VII.~~] A hearing shall not be required for the renewal of a permit for a congregate mooring field, unless there are changes in the permit or a hearing is requested after notice has been issued.

AMENDED ANALYSIS

This bill increases the fee for an initial mooring decal and the annual mooring fee for moorings in congregate mooring fields. This bill also eliminates the expiration of mooring permits after 5 years.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 634-FN-A, relative to solid waste reduction, establishing a solid waste disposal fee, and renaming the recycling market development steering committee **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Shawn N. Jasper for the Majority of Ways and Means: This bill deals with a very important and complicated matter; reducing the amount of solid waste which the state landfills and incinerates. As a state we failed to attain our goal of 40 percent diversion by the year 2000. We are rapidly running out of landfill space and with the exception of one expansion there are no new facilities currently being cited. It is a problem to which we must find a solution. It does not appear that the funding within this bill will have a significant impact on solid waste reduction. Fifty percent of the monies raised by the fee will be available to non-profit organizations which meet certain criteria. While some of that money will filter back to communities, there is no guarantee that it will be a significant amount nor is it likely that all communities would benefit equally. Of the state's fifty percent, nearly all of the money will go to salaries and Household Hazardous Waste. Not only that, the manner in which the money is raised gives rise to Constitutional issues, under Article 28A. While municipalities are not required to have landfills, they must provide for the disposal of municipal waste. It is clear that at a minimum they would be responsible for paying the fees associated with trash generated by the municipal operations. If that were the only question we had, we could have asked for an opinion of the courts; however, other concerns still remain. At the last minute the Department of Environmental Services came forward with a proposal which seems to solve many, if not all, of the above concerns. We appreciate the frustration of the policy committee in not having had the opportunity to review the plan at their public hearing; however, we believe that it is the best interest of the state to fully explore their proposal. If the bill is sent to study the committee will be composed of members of four committees; Environment and Agriculture, Municipal and County Government, Science and Technology and Ways and Means. This composition should insure that all of the major concerns can be addressed by representatives from the appropriate policy committee. Vote 14-4.

Rep. John M. Pratt for the Minority of Ways and Means: The one thing this bill does not need is further study. This bill was the subject of ten – count them – ten subcommittee hearings over a couple of years in Environment and Agriculture. It passed Environment and Agriculture on a bi-partisan 15-0 vote. It was then subject to extensive debate on the floor of the House before it passed the House on a 176-168 vote. It was sent on to Ways and Means for the sole purpose of examining the adequacy of the funding mechanism in the bill. It is not – and ought not – be the prerogative of a second committee to subvert the will of the House by side tracking a bill because a majority of that committee or House leadership itself doesn't agree with its substance.

Reps. Rous and Vaillancourt spoke against.

Reps. Jasper, Hall, Major and Babson spoke in favor.

On a division vote, 175 members having voted in the affirmative and 94 in the negative, the majority committee report was adopted.

HB 678-FN, relative to the insurance premium tax. **MAJORITY: OUGHT TO PASS**

WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.
Rep. Benjamin E. Parker for the Majority of Ways and Means: This bill was introduced in the Commerce Committee, who then recommended it to the House. The House passed the bill and referred it to the Ways and Means Committee. The bill as introduced to the Ways and Means Committee reduced the premium tax for property and casualty and life insurance from 2 percent to 1 percent upon sixty days after passage. The committee amendment changes the premium tax to 1.75 percent effective July 1, 2007, then 1.5 percent effective January 1, 2009, then 1.25 percent effective January 1, 2010 and finally 1 percent effective January 1, 2011. As amended, the static fiscal impact for FY08 would be a 2.4 million revenue reduction; FY09, $4.2 million reduction; FY10, $9.1 million reduction; FY11, $11.1 million reduction and FY12, $13.4 million reduction. No consideration is given to an increase in the business profits tax resulting from reduced premium tax credits. With the policy set by the Commerce Committee and approved by the House, the committee analyzed the dynamics of the change in the premium tax and worked to mitigate the revenue impact of the change. The committee noted anecdotal evidence of insurance companies re-domesticating to low premium tax states, but found empirical evidence that total insurance related employment on average increased in low premium tax states relative to higher premium tax states. Representatives from specific insurance companies provided assurances that the rate reduction as proposed in this bill as amended would, in one instance, result in retention of a large New Hampshire company currently planning to re-domesticate in another state and, in other instances, result in expansion of existing operations. Though re-domestication to or from another state does not mean an immediate shift in jobs, evidence showed that jobs do migrate over time to the new home state. No consideration is given in the above revenue impact to re-domestication of insurance companies to New Hampshire. The committee found that insurance company corporate offices support a wide range of employment opportunities including a large number of relatively well-paying jobs that required a high level of education. Further, these jobs are the type New Hampshire both seeks to retain and is well suited to attract. Testimony showed that additional insurance industry jobs would have a positive effect on both local and state revenues. The amendment to this bill phases in the premium tax reduction beginning with the next biennium budget. This ensures that estimates for the current budget are not affected, it sends the appropriate signal to the insurance industry and allows lead-time for response, and if industry response is not appropriate over the next few years, allows reconsideration of the reduction before the rate is reduced to 1 percent. While the committee believes state revenues will be adversely affected at today's values whether the premium tax rate is changed or not, on balance, the majority of the committee believes that this bill as amended results in a greater net benefit to future state revenues and State's economic outlook. Vote 15-2.
Rep. Susan W. Almy for the Minority of Ways and Means: The minority agrees with the majority on the positive aspects of this bill, but cannot tolerate the negative ones. This is the same as a direct appropriation to the insurance companies of $6.4 million in the next biennium FY08/FY09, $20.2 million in the next FY10/FY11, and $26.8 million in the ones that follow using conservative estimates. These are the sums that we would have collected under the existing premium tax, but will not collect if this passes. These are the sums that would have gone to paying for the increased costs of the services we now provide the citizenry, increased by inflation in staff wages and health, fuel, and other costs. What do you want to do instead? Raise another tax, or further cut the services we have been eroding every two years?

Amendment (1263h)
Amend the bill by replacing section 3 with the following:
3 Insurance; Premium Tax Decreased. Amend RSA 400-A:32, I to read as follows:
I.***(a)*** Every insurer shall pay to the insurance commissioner a tax [~~of 2 percent~~] upon such net premiums***, for lines of business written,*** as set forth in the report filed pursuant

to RSA 400-A:31, I, less estimated payments made in accordance with RSA 400-A:32, II[~~.~~]***, as follows:***

(1) Effective July 1, 2007, a tax of 1.75 percent for all lines of business written pursuant to RSA 401:1, I-III and V-VIII, and RSA 401:1-a, I and II;

(2) Effective January 1, 2009, a tax of 1.50 percent for all lines of business written pursuant to RSA 401:1, I-III and V-VIII, and RSA 401:1-a, I and II;

(3) Effective January 1, 2010, a tax of 1.25 percent for all lines of business written pursuant to RSA 401:1, I-III and V-VIII, and RSA 401:1-a, I and II; and

(4) Effective January 1, 2011, a tax of one percent for all lines of business written pursuant to RSA 401:1, I-III and V-VIII, and RSA 401:1-a, I and II.

(5) A tax of 2 percent for all lines of business written pursuant to RSA 401:1, IV, including, but not limited to, insurers licensed pursuant to RSA 420-A, RSA 420-B, and RSA 420-F.

(b) Provided, however, that every authorized insurer shall pay to the insurance commissioner a minimum annual premium tax of no less than $200.

AMENDED ANALYSIS

This bill reduces the insurance premium tax in an effort to retain companies that are presently domesticated in New Hampshire and attract other companies to domesticate in New Hampshire.

MOTION TO LAY ON THE TABLE

Rep. Phinizy moved that ***HB 678-FN*****,** relative to the insurance premium tax, be laid on the table, and the motion failed.

REGULAR CALENDAR (CONT'D.)

Majority amendment adopted.
The question now being adoption of the majority committee report.
Rep. Almy spoke against and yielded to questions.
Reps. Lund and Parker spoke in favor and yielded to questions.
Rep. Giuda spoke in favor.
Rep. Ryan spoke against.
Rep. John Flanders moved the previous question.
Adopted.
Rep. Bettencourt requested a roll call; sufficiently seconded.
The question being adoption of the majority committee report.

YEAS 183 NAYS 85			
YEAS 183			
BELKNAP			
Clark, Charles	Fitzgerald, James	Flanders, Donald	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Olimpio, J Lisbeth	Patten, Betsey		

CHESHIRE			
Butynski, William	Coates, Christopher	Emerson, Susan	Foote, Sheila
Hogancamp, Deborah	Hunt, John	Parkhurst, Henry	Pelkey, Stephen
Richardson, Barbara	Roberts, Kris	Sawyer, Sheldon	
COOS			
King, Frederick	Remick, William	Stohl, Eric	Tholl, John Jr
GRAFTON			
Gionet, Edmond	Giuda, Robert	Ham, Bonnie	Ingbretson, Paul
McLeod, Martha	Mirski, Paul	Mulholland, Catherine	Williams, Burton
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy
Bergin, Peter	Brundige, Robert	Buhlman, David	Calawa, Leon Jr
Campbell, David	Carew, James	Christensen, D L Chris	Christiansen, Lars
Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey	Daniuk, Caitlin
Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Foster, Linda
Francoeur, Bea	Gargasz, Carolyn	Golding, William	Graham, John
Hansen, Ryan	Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton
Irwin, Anne-Marie	Jasper, Shawn	L'Heureux, Robert	Lawrence, James
Manney, Pamela	McRae, Karen	Mead, Robert	Mooney, Maureen
Moran, Edward	Movsesian, Lori	O'Brien, William	O'Connell, Timothy
Price, Pamela	Renzullo, Andrew	Ross, Lawrence	Rowe, Robert
Ryder, Donald	Shaw, Barbara	Slocum, Lee	Smith, David
Souza, Kathleen	Stepanek, Stephen	Sullivan, Peter	Ulery, Jordan
Villeneuve, Maurice	Wheeler, James	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	Currier, David
DeStefano, Stephen	Field, William	Hager, Elizabeth	Hamm, Christine
Hess, David	Kennedy, Richard	Kidder, David	Lockwood, Priscilla
MacKay, James	Marple, Richard	Reardon, Tara	Rush, Deanna
Soltani, Tony			
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Asselin, Michael	Belanger, Ronald
Bettencourt, David	Bicknell, Elbert	Bishop, Franklin	Bridle, Russell
Buxton, Donald	Cady, Harriet	Camm, Kevin	Carson, Sharon
Casey, Kimberley	Charron, Gene	Dowd, John	Dowling, Patricia
Fesh, Bob	Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila
Garrity, James	Gould, Kenneth	Griffin, Mary	Hughes, Daniel
Ingram, Russell	Introne, Robert	Itse, Daniel	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Lund, Howie	Major, Norman
Mason, April	McKinney, Betsy	Morris, Richard	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Palazzo, Frank	Parker, Benjamin
Priestley, Anne	Quandt, Marshall	Quandt, Matthew	Rausch, James

	Lee		
Robinson, John	Rolston, James	Sanders, Elisabeth	Stiles, Nancy
Weare, E Albert	Welch, David	Wells, Roger	Weyler, Kenneth
Winchell, George	Zolla, William		
STRAFFORD			
Brown, Julie	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Dunlap, Patricia	Rollo, Michael	Taylor, Kathleen	
SULLIVAN			
Converse, Larry	Osgood, Philip Sr		
NAYS 85			
BELKNAP			
None			
CARROLL			
Buco, Thomas			
CHESHIRE			
Butcher, Suzanne	Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter
Robertson, Timothy	Tilton, Anna		
COOS			
Buzzell, Bernard	Merrick, Scott	Theberge, Robert	
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Harding, A Laurie	Naro, Debra
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Chase, Claudia	Cote, David
Craig, James	Essex, David	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Hall, Betty	Harvey, Suzanne	Holden, Randolph
Jeudy, Jean	Kopka, Angeline	Kurk, Neal	Lasky, Bette
Matarazzo, Anthony Sr	Pappas, Christopher	Pilotte, Maurice	Rosenwald, Cindy
Schulze, Joan	Shattuck, Gilman	Vaillancourt, Steve	
MERRIMACK			
Blanchard, Elizabeth	DeJoie, John	Foose, Robert	French, Barbara
Gile, Mary	McMahon, Patricia	Osborne, Jessie	Potter, Frances
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			

Cali-Pitts, Jacqueline	DiFruscia, Anthony	Moody, Marcia	Pantelakos, Laura
Powers, James	Robertson, Carl	Serlin, Christopher	Splaine, James
STRAFFORD			
Bickford, David	Brown, Lawrence	Domingo, Baldwin	Hofemann, Roland
Keans, Sandra	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Wall, Janet		
SULLIVAN			
Cloutier, John	Donovan, Thomas	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen

and the majority committee report adopted.
Ordered to third reading.
Rep. Infantine declared a conflict of interest and did not participate.

HB 1311-FN-A, relative to the electronic filing of reports and applications with the secretary of state and relative to certain fees paid to the secretary of state. **OUGHT TO PASS WITH AMENDMENT**
Rep. Shawn N. Jasper for Ways and Means: This bill as originally approved would require electronic filing of reports and applications with the Secretary of State and increase fees. Testimony from the Secretary of State's Office refuted the need to increase fees. The amendment maintains the policy as it came to us but eliminated the fee increase. Vote 12-4.

Amendment (1254h)
Amend the title of the bill by replacing it with the following:
AN ACT relative to the electronic filing of reports and applications with the secretary of state.
Amend the bill by deleting sections 2-5 and renumbering the original section 6 to read as 2.
AMENDED ANALYSIS
This bill authorizes the secretary of state to implement an electronic filing system for certain reports and applications that are filed with the office of the secretary of state.
Amendment adopted.
Committee report adopted and ordered to third reading.

HB 1701-FN-A, relative to boat fee agents of the department of safety, increasing the boat registration fee, and relative to the prevention of exotic aquatic weeds. **INEXPEDIENT TO LEGISLATE**
Rep. Priscilla P. Lockwood for Ways and Means: This bill would increase the boat registration fee with the money from agent collectors to go to the state for the Lakes Restoration and Preservation Fund. While this is a good purpose, the money at the present time goes to the towns in which the boats are registered. This bill would take monies from the towns which in some cases is a substantial amount. Vote 9-7.
Committee report adopted.

REMOVED FROM THE TABLE
Rep. Coughlin moved that ***HR 13,*** condemning the genocide in the Darfur region of the Sudan and urging Congress, with the support of the President, to pass the Darfur Accountability Act (S. 495) and the Darfur Genocide Accountability Act (H.R. 1424), be removed from the table.
Adopted.

The pending question being Inexpedient to Legislate.
Rep. Coughlin spoke against.
Committee report failed.

Rep. Coughlin moved Ought to Pass and offered floor amendment (1279h).

Floor Amendment (1279h)

Amend the resolution by replacing the title of the resolution with the following:
A RESOLUTION condemning the genocide in the Darfur region of the Sudan and calling upon the President, the State Department and Congress to unite the international community to end the genocide in Darfur.
Amend the resolution by replacing all after the title with the following:

Whereas, on February 1, 2005, the United Nations released the Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General which found that war crimes and crimes against humanity had been perpetrated in the Darfur region of Sudan; and

Whereas, the Report of the International Commission of Inquiry established that Sudanese government forces and the Janjaweed militia are responsible for systematic and widespread killing, torture, rape, pillaging, and forced displacement throughout Darfur and that these acts result in 10,000 deaths every month; and

Whereas, President Bush, former Secretary of State Powell, and the United States Congress have declared the attacks to be genocide, a crime against humanity; and

Whereas, 136 nations, including the United States, condemn, and seek to prevent and punish the Crime of Genocide as signatories to the Convention on the Prevention and Punishment of Crimes Against Humanity; and

Whereas, the continuing atrocities in Darfur cry out for an aggressive international response to provide protection for 2 million internally-displaced Sudanese, to expand humanitarian relief efforts without delay, and to establish political negotiations to end these atrocities; now therefore, be it

Resolved by the House of Representatives:

That the New Hampshire House of Representatives:

I. Condemns the ongoing genocide in Darfur; and

II. Calls upon the President, the State Department, and Congress to unite the international community to end the genocide in Darfur; and

That a copy of this resolution be forwarded by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the New Hampshire congressional delegation.

AMENDED ANALYSIS

This resolution condemns the genocide in the Darfur region of the Sudan and calls upon the President, the State Department, and Congress to unite the international community to end the genocide in Darfur.

Rep. Coughlin spoke in favor.
Rep. Giuda moved the previous question.
Adopted.
Floor amendment (1279h) was adopted.
Motion of Ought to Pass as Amended adopted.
Ordered to third reading.

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 Wednesday, April 5, 2005 at 10:00 a.m.
Adopted.

LATE SESSION

Third reading and final passage

CACR 30, relating to limits on the taking of private property. Providing that a person's property shall not be taken by eminent domain if the taking is for private use.
HB 1692-FN, establishing the New Hampshire sexual predators act.
HB 627-FN, relative to including persons 17 years old in the juvenile justice system.
HB 1189, relative to audits by the legislative budget assistant.
HB 1241-FN-L, extending the kindergarten construction aid program.
HB 1474-FN, relative to unemployment compensation contribution rates and benefits.
HB 1697-FN, relative to certain state salaries.
HB 1735-FN, relative to awarding the state employees' health insurance plan
HB 1167-FN-A, making an appropriation to the land and community heritage investment program.
HB 1626-FN-A, relative to appropriations for the expenses of certain departments of the state.
HB 1249-FN-A-L, relative to state reimbursement for school breakfasts and making an appropriation therefor.
HB 1459-FN-A, relative to the department of regional community-technical colleges and making an appropriation therefor.
HB 1464-FN-A-L, relative to mosquito control, establishing a mosquito control fund and making an appropriation therefor.
HB 1608-FN-A, making appropriations to reimburse certain health and human services providers for the increased cost of utilities, heating, and mileage.
HB 1710-FN, relative to appropriations to the department of health and human services for home care providers and community mental centers and making an appropriation to increase the hourly rate of pay for direct care providers for persons with developmental and acquired disabilities and extending the provision of supplemental pharmacy assistance.
HB 1726-FN, requiring the state to pay legal fees for certain supreme court justices.
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.
HB 1495, relative to setback requirements for landfills located near rivers.
HB 1673-FN, relative to the reduction of mercury emissions.
HB 1738-FN, relative to a certain highway project crossing the Merrimack River from Route 3 to Route 102 in Hudson.
HB 317-FN, relative to mooring fees.
HB 678-FN, relative to the insurance premium tax.
HB 1311-FN-A, relative to the electronic filing of reports and applications with the secretary of state.
HR 13, condemning the genocide in the Darfur region of the Sudan and calling upon the President, the State Department and Congress to unite the international community to end the genocide in Darfur.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purposes of introduction of bills, receiving enrolled bill amendments, enrolled bill reports and Senate messages only.
Adopted.
The House recessed at 11:15 p.m.

RECESS

(Rep. O'Neil in the Chair)

RESOLUTION

Rep. Price offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 103, 225, 231, 241, 244, 250, 254, 262, 284, 302, 305, 308, 318, 323, 327, 333, 337, 350, 353, 355, 363, 382, 386, 398, 399, 404, and 405, and Senate Concurrent Resolution numbered 6, shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

***SB 103-FN-A-L*,** establishing a committee to study alternatives for funding the operation and maintenance of state-owned dams and making an appropriation to the state dam maintenance fund. (Resources, Recreation and Development)

SB 225-FN-A, relative to horse and dog racing. (Ways and Means)

***SB 231*,** relative to the residency requirement to qualify for the elderly property tax exemption. (Municipal and County Government)

***SB 241*,** allowing municipalities to exclude certain retirement assets from consideration in qualifying for the elderly property tax exemption. (Municipal and County Government)

***SB 244*,** relative to alternative regulation of small incumbent local exchange carriers and relative to unclaimed deposits for utility services. (Science, Technology and Energy)

***SB 250*,** relative to lead paint poisoning prevention. (Environment and Agriculture)

SB 254, renaming a certain bridge in the town of Stratford the Janice Peaslee Bridge. Public Works and Highways)

***SB 262*,** establishing the position of an administrator of women offenders and family services within the department of corrections, and establishing an interagency coordinating council on women offenders, and making an appropriation therefor. (Criminal Justice and Public Safety)

***SB 284-FN*,** establishing a third full-time justice position in the Manchester, Nashua, and Concord District Courts and equalizing the annual salaries of all justices of the Manchester, Nashua, and Concord District Courts. (Judiciary)

***SB 302-FN*,** relative to real estate brokers. (Executive Departments and Administration)

***SB 305-FN*,** relative to the regulation of recreational therapists. (Executive Departments and Administration)

***SB 308-FN-A-L*,** making an appropriation for school building aid. (Finance)

SB 318-FN, relative to the use of deadly force to protect oneself. (Criminal Justice and Public Safety)

***SB 323*,** establishing a legislative youth advisory council. (Children and Family Law)

***SB 327*,** establishing the New Hampshire civil war cannon restoration fund. (Finance)

***SB 333*,** relative to inquiries of DWI defendants regarding establishments serving alcohol to the defendants. (Criminal Justice and Public Safety)

SB 337, relative to the sale and repurchase of property acquired by tax deed. (Municipal and County Government)

SB 350-FN, relative to boarding kennels. (Executive Departments and Administration)

***SB 353-FN*,** relative to registration of criminal offenders convicted of homicide. (Criminal Justice and Public Safety)

***SB 355-FN*,** relative to unlawful possession of alcohol by a minor. (Children and Family Law)

***SB 363-FN-A-L*,** prohibiting the department of revenue administration from collecting any communications services tax that is not permissible under federal law; and establishing a commission to study and determine the effect of ceasing the collection of Internet-related communications services tax. (Ways and Means)

SB 382, relative to the guardian ad litem board. (Children and Family Law)

SB 386, relative to large groundwater withdrawals. (Resources, Recreation and Development)
SB 398-FN**,** relative to political contributions and expenditures.
SB 399-FN**,** relative to the powers of state government in the event of a pandemic. (Health, Human Services and Elderly Affairs)
SB 404, relative to retirement benefits, service credits, and administration of the Manchester employees' contributory retirement system. (Executive Departments and Administration)
SB 405, relative to the acceptance of certain tax-sheltered funds by the Manchester employees' contributory retirement system. Executive Departments and Administration)
SCR 6**,** urging Congress to support stem cell research. (State-Federal Relations and Veterans Affairs)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 581, 1115, 1118, 1119, 1156, 1225, 1283, 1296, 1468, 1471, 1503, 1605, 1654, 1658, 1659, and Senate Bill numbered 206.

Rep. Currier, Sen. D'Allesandro for the Committee

SENATE MESSAGES
CONCURRENCE

HB 581**,** relative to approval and review of municipal charters.
HB 590**,** excluding stepchildren from the definition of "child" in the context of support orders.
HB 1118**,** requiring paper ballots at all elections.
HB 1156**,** changing the notification for public hearings on ski area passenger tramway rules from registered mail to first class mail.
HB 1225-FN-A**,** relative to the judicial branch family division for the Henniker and Hillsborough District Courts.
HB 1471-FN**,** repealing the statutes relative to regional highway conferences.
HB 1503**,** relative to financial programs administered by the postsecondary education commission.
HB 1654-FN**,** relative to the probate court mediation fund and fee.

NONCONCURRENCE

HB 162, relative to general rules for vessels operating on water.

RECESS