

HOUSE RECORD

First Year of the 160th General Court Calendar and Journal of the 2007 Session

Vol. 29

Concord, N.H.

Wednesday, April 4, 2007

No. 34

HOUSE JOURNAL No. 11 (cont.)

Wednesday, March 28, 2007

Rep. Wallner moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 12

Wednesday, April 4, 2007

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 A. Rardin, Pastor of the South Congregational Church in Concord.

In the space of this moment, O God, and in the long day ahead of us, grant to us a Holy pause, and a stilling of mind and heart. We confess that no matter what side of today's vital issues we find ourselves on, we have come armed to the hilt with our passions, our proof-texts and, if we are quite honest, perhaps a few prejudices about one another. Disarm us, we pray, and surprise us with Your Grace. Let our discourse honor the full humanity of every person in this chamber and in this state, and remind us again that our enemies are not flesh and blood but principalities and powers. Give us the courage to step out of the shadows of our fears, and guide us, we pray, in the direction of life, liberty, and hope for all.

We offer up our prayers for the Speaker today in her unenviable role; we pray for Representatives Wallner and Whalley. We offer up our prayers for all those on staff here whose hard work of preparation makes this work possible. And hear our prayer especially for Representative Stephen Johnson who is facing a lengthy recovery due to a punctured nerve in his spinal column and Steve Holland who was severely injured when struck by a car while jogging last week and faces a long rehabilitation.

O God, when the day is over, and our voices are hoarse, our hair is tussled, and the pizza no longer looks appetizing, let us look back on this day and call it good. Amen.

Rep. James Headd, member from Auburn, led the Pledge of Allegiance.

The National Anthem was sung by Sarah, Rebecca, Zachary and Amanda Blanchard, granddaughters, grandson and granddaughter-in-law of Rep. Blanchard.

LEAVES OF ABSENCE

Reps. Ahlgren, Peter Cote, Fesh, Stephen Johnson, Laliberte, Srnec and Francis Sullivan, the day, illness.

Reps. Bedrick and Tahir, the day, important business.

Rep. Parkhurst, the day, death in the family.

INTRODUCTION OF GUESTS

Josh Blanchard and Dawn Hagy, family and friend of the singers, guest of the House.

Kristina Vezinat, daughter of Rep. Manney. Debra Lacross and Elizabeth Foy, guests of Rep. Sally Kelly.

COMMITTEE REPORTS

REGULAR CALENDAR – SPECIAL ORDERS

HB 437-FN-L, permitting same gender couples to enter spousal unions and have the same rights, responsibilities, and obligations as married couples. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bette R. Lasky for Judiciary: This bill establishes civil unions in New Hampshire. RSA 457 will be amended to allow same gender couples to enter civil unions and have the same rights, responsibilities and obligations as married couples. The majority of the committee feels the time has come to give same gender couples and their families the same legal protections that married couples enjoy. Over the years the committee has heard hundreds of pleas from couples who have told us of the difficulties they encounter in their daily lives with property rights, hospital visitation, health benefits to name only a few. With the passage of HB 437 New Hampshire will move closer to equality. Vote 15-5.

Amendment (0972h)

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

AN ACT permitting same gender couples to enter civil unions and have the same rights, responsibilities, and obligations as married couples.

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

1 New Chapter; Civil Unions. Amend RSA by inserting after chapter 457 the following new chapter:

CHAPTER 457-A

CIVIL UNIONS

457-A:1 State Recognition of Civil Unions; Purpose. The state of New Hampshire recognizes the civil union between one man and another man or one woman and another woman. The purpose of this chapter is to delineate the rights, obligations, and responsibilities of parties entering a civil union, to establish a process by which the civil union is established, and to provide a process for the dissolution of a civil union.

457-A:2 Requisites. Parties entering into a civil union shall be subject to the same requirements and conditions as contained in RSA 457, provided that civil unions shall only be allowed between one man and another man or one woman and another woman, subject to the prohibitions in RSA 457-A:3 and RSA 457-A:4.

457-A:3 Civil Unions Prohibited; Men. No man shall enter into a civil union with his father, his father's brother, his mother's brother, his son, his brother, his daughter's son, his brother's son, his sister's son, his father's brother's son, his mother's brother's son, his father's sister's son, or his mother's sister's son.

457-A:4 Civil Unions Prohibited; Women. No woman shall enter into a civil union with her mother, her father's sister, her mother's sister, her daughter, her sister, her son's daughter, her daughter's daughter, her brother's daughter, her sister's daughter, her father's brother's daughter, her mother's brother's daughter, her father's sister's daughter, or her mother's sister's daughter.

457-A:5 Forms, Documents, and Applications; Solemnization. The secretary of state shall develop forms, documents and applications for entering into a civil union, which shall conform to this chapter as well as RSA 5-C:41-61. Civil unions shall be solemnized pursuant to the provisions of RSA 457:31. Nothing in this chapter shall be construed to require a minister or clergy to solemnize a civil union.

457-A:6 Rights, Obligations, and Responsibilities. Notwithstanding any other law to the contrary, the parties who enter into a civil union pursuant to this chapter shall be entitled to all the rights and subject to all the obligations and responsibilities provided for in state law that apply to parties who are joined together pursuant to RSA 457.

457-A:7 Dissolution. Parties who have entered into a civil union who wish to dissolve the civil union shall do so pursuant to RSA 458.

457-A:8 Other Jurisdictions. Civil unions or other legal domestic relationships between parties of the same gender, entered into by nonresidents or by New Hampshire residents in other jurisdictions shall be recognized by the state of New Hampshire, provided that those relationships are legal in the jurisdiction where they are performed.

2 Effective Date. This act shall take effect January 1, 2008.

AMENDED ANALYSIS

This bill permits same gender couples to enter civil unions and have the same rights, responsibilities, and obligations as married couples.

Rep. Rowe moved Recommit, spoke in favor and yielded to questions.

Reps. Vaillancourt and Lasky spoke against.

Reps. Mooney and Buxton spoke in favor.

On a division vote, 134 members having voted in the affirmative and 217 in the negative, the motion failed.

The question now being adoption of committee amendment (0972h).

Reps. Mooney, Mark Clark and Lasky spoke against.

Committee amendment failed.

Rep. Lasky offered floor amendment (1156h).

Floor Amendment (1156h)

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

AN ACT permitting same gender couples to enter civil unions and have the same rights, responsibilities, and obligations as married couples.

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

1 New Chapter; Civil Unions. Amend RSA by inserting after chapter 457 the following new chapter:

CHAPTER 457-A CIVIL UNIONS

457-A:1 State Recognition of Civil Unions; Purpose. The state of New Hampshire recognizes the civil union between one man and another man or one woman and another woman. The purpose of this chapter is to delineate the rights, obligations, and

responsibilities of parties entering a civil union, to establish a process by which the civil union is established, and to provide a process for the dissolution of a civil union.

457-A:2 Requisites. Parties entering into a civil union shall be subject to the same requirements and conditions as contained in RSA 457, provided that civil unions shall only be allowed between one unmarried man and another unmarried man both of whom are at least 18 years of age or one unmarried woman and another unmarried woman both of whom are at least 18 years of age, subject to the prohibitions in RSA 457-A:3 and RSA 457-A:4 and provided that they are not in another civil union.

457-A:3 Civil Unions Prohibited; Men. No man shall enter into a civil union with his father, his grandfather, his father's brother, his mother's brother, his son, his brother, his son's son, his daughter's son, his brother's son, his sister's son, his father's brother's son, his mother's brother's son, his father's sister's son, or his mother's sister's son.

457-A:4 Civil Unions Prohibited; Women. No woman shall enter into a civil union with her mother, her grandmother, her father's sister, her mother's sister, her daughter, her sister, her son's daughter, her daughter's daughter, her brother's daughter, her sister's daughter, her father's brother's daughter, her mother's brother's daughter, her father's sister's daughter, or her mother's sister's daughter.

457-A:5 Forms, Documents, and Applications; How Performed. The secretary of state shall develop forms, documents and applications for entering into a civil union, which shall conform to this chapter. Civil unions shall be performed pursuant to the provisions of RSA 457:31 and entered into pursuant to the analogous provisions of RSA 5-C:41-61. Nothing in this chapter shall be construed to require a minister or clergyman or clergywoman to solemnize or perform a civil union.

457-A:6 Rights, Obligations, and Responsibilities. Notwithstanding any other law to the contrary, the parties who enter into a civil union pursuant to this chapter shall be entitled to all the rights and subject to all the obligations and responsibilities provided for in state law that apply to parties who are joined together pursuant to RSA 457.

457-A:7 Dissolution. Parties who have entered into a civil union who wish to dissolve the civil union shall do so pursuant to RSA 458.

457-A:8 Other Jurisdictions. A civil union or a marriage between a man and another man or a woman and another woman legally contracted outside of New Hampshire shall be recognized as a civil union in this state, provided that the relationship does not violate the prohibitions of this chapter.

2 Effective Date. This act shall take effect January 1, 2008.

AMENDED ANALYSIS

This bill permits same gender couples to enter civil unions and have the same rights, responsibilities, and obligations as married couples.

Rep. Mooney spoke against and yielded to questions.

Reps. Lasky, Butler and Gary Richardson spoke in favor.

On a division vote, 223 members having voted in the affirmative and 137 in the negative, floor amendment (1156h) was adopted.

Rep. DiFruscia offered floor amendment (1158h).

Floor Amendment (1158h)

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

AN ACT establishing the familial relationship act.

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

1 New Chapter; Familial Relationship Act. Amend RSA by inserting after chapter 457 the following new chapter:

CHAPTER 457-A FAMILIAL RELATIONSHIP ACT

457-A:1 State Recognition of Familial Relationship; Purpose. The state of New Hampshire recognizes the contract of familial relationship between any 2 unmarried adults for the purpose of providing mutual financial support and emotional comfort to each other. The purpose of this chapter is to delineate the rights, obligations, and responsibilities of parties entering a contract of familial responsibility, to establish a process by which the contract of familial relationship is established, and to provide a process for the dissolution of a contract of familial relationship.

457-A:2 Requisites. Parties entering into a contract of familial relationship shall be 2 unmarried persons 18 years of age or older, who have the same residence and domicile and who are entering into the contract in order to provide mutual financial support and emotional comfort to each other.

457-A:3 Forms, Documents, and Applications. The secretary of state shall develop forms, documents, applications, and fees for entering into a contract of familial relationship, which shall conform to this chapter and include information as to the address, age, and health of each party.

457-A:4 Terms and Conditions; Rights, Privileges, and Responsibilities.

I. The laws of New Hampshire shall govern the terms and conditions of a contract entered into under this chapter.

II. All rights, privileges, and responsibilities conferred by state and federal law, including the laws of partnership, shall apply to contracts entered into under this chapter.

457-A:5 Inheritance. If a party to a contract of familial relationship dies intestate, the remaining party shall be considered sole heir for purposes of intestate distribution, except as to the children of the parties.

457-A:6 Dissolution; Child Support. Parties who have entered into a contract of familial responsibility under this chapter shall do so by filing suit in equity in the superior court. The child support laws under RSA 458 through RSA 458-D shall apply, if the parties have a child.

2 Effective Date. This act shall take effect January 1, 2008.

AMENDED ANALYSIS

This bill permits any 2 unmarried persons, both of whom are 18 years of age or older, to enter into a contract of familial relationship.

Rep. DiFruscia spoke in favor and yielded to questions.

Reps. Morrison, Gary Richardson and Lasky spoke against.

Reps. David Smith and Welch spoke in favor.

On a division vote, 113 members having voted in the affirmative and 253 in the negative, floor amendment (1158h) failed.

Rep. Mooney offered floor amendment (1155h).

Floor Amendment (1155h)

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

AN ACT permitting any 2 unmarried persons 18 years of age or older to enter civil unions and have the same rights, responsibilities, and obligations as married couples.

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

1 New Chapter; Civil Unions. Amend RSA by inserting after chapter 457 the following new chapter:

CHAPTER 457-A CIVIL UNIONS

457-A:1 State Recognition of Civil Unions; Purpose. The state of New Hampshire recognizes the civil union between any 2 unmarried persons 18 years of age or older. The purpose of this chapter is to delineate the rights, obligations, and responsibilities of parties entering a civil union, to establish a process by which the civil union is established, and to provide a process for the dissolution of a civil union.

457-A:2 Requisites. Parties entering into a civil union shall be subject to the same requirements and conditions as contained in RSA 457, provided that civil unions shall only be allowed between any 2 unmarried persons 18 years of age or older.

457-A:3 Forms, Documents, and Applications; Solemnization. The secretary of state shall develop forms, documents and applications for entering into a civil union, which shall conform to this chapter as well as RSA 5-C:41-61. Civil unions shall be solemnized pursuant to the provisions of RSA 457:31. Nothing in this chapter shall be construed to require a minister or clergy to solemnize a civil union.

457-A:4 Rights, Obligations, and Responsibilities. Notwithstanding any other law to the contrary, the parties who enter into a civil union pursuant to this chapter shall be entitled to all the rights and subject to all the obligations and responsibilities provided for in state law that apply to parties who are joined together pursuant to RSA 457.

457-A:5 Dissolution. Parties who have entered into a civil union who wish to dissolve the civil union shall do so by petitioning the superior court pursuant to RSA 458.

2 Effective Date. This act shall take effect January 1, 2008.

AMENDED ANALYSIS

This bill permits any 2 unmarried persons 18 years of age or older to enter civil unions and have the same rights, responsibilities, and obligations as married couples.

Reps. Pierce and Lasky spoke against.

Reps. Mooney and MacKay spoke in favor.

On a division vote, 115 members having voted in the affirmative and 249 in the negative, floor amendment (1155h) failed.

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

Reps. Nancy Elliott, Baldasaro and Mooney spoke against.

Reps. Vaillancourt, Hilliard and Lasky spoke in favor.

Rep. Carson requested a roll call; sufficiently seconded.

YEAS 243 NAYS 129

YEAS 243

BELKNAP

Allen, Janet
Pilliod, James

Arsenault, Beth
Reever, Judith

Millham, Alida
Russell, David

Morrison, Gail
Wood, Jane

CARROLL

Bridgham, Robert
Heard, Virginia

Buco, Thomas
Martin, James

Butler, Edward

Cunningham, Howard

CHESHIRE

Allen, Peter
Butynski, William
Espieffs, Peter
Plifka, Stanley Jr
Sad, Tara

Burridge, Delmar
Chase, William
Lerandeau, Alfred
Richardson, Barbara
Weber, Lucy

Butcher, Suzanne
Dunn, J. Timothy
Loll, Thomas
Roberts, Kris
Weed, Charles

Butterworth, Timothy
Eaton, Daniel
Mitchell, Bonnie
Robertson, Timothy

COOS

Hatch, William
Merrick, Scott

Ingersoll, Paul Sr
Theberge, Robert

Mears, Edgar
Thomas, Yvonne

Merrick, Evalyn

GRAFTON

Aguiar, James
Bleyler, Ruth
Hammond, Lee
McLeod, Martha
Preston, Philip

Almy, Susan
Cooney, Mary
Harding, A Laurie
Mulholland, Catherine
Solomon, Peter

Andersen, Gene
Estes, Carole
Lovett, Sid
Nordgren, Sharon
Sorg, Gregory

Benn, Bernard
Friedrich, Carol
Matheson, Robert
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Brunelle, Michael
Cote, David
Edwards, Andrew
Gargas, Carolyn
Gorman, Mary
Hammond, Jill
Irwin, Anne-Marie
Katsiantonis, George
Kopka, Angeline
Levesque, Melanie
Marshall, Seth

Beaulieu, Jane
Campbell, David
Daler, Jennifer
Essex, David
Garrity, Patrick
Hackel, Paul
Harvey, Suzanne
Jean, Claudette
Kelley, John
Lasky, Bette
Lisle, Carolyn
Martineau, Jesse

Beck, Catriona
Chase, Claudia
Dokmo, Cynthia
Fontas, Jeffrey
Ginsburg, Ruth
Haley, Robert
Hebert, Roger
Judy, Jean
Knowles, John
Leishman, Peter
Long, Patrick
Matarazzo, Anthony
Sr

Bergin, Peter
Clemmons, Jane
Drisko, Richard
Foster, Linda
Goley, Jeffrey
Hall, Betty
Holden, Randolph
Kaelin, Michael
Knowles, Mary Ann
Levasseur, Nickolas
Mack, Ron
Messier, Irene

Movsesian, Lori
Peterson, Andy
Shattuck, Gilman
Smith, Sandra
Vaillancourt, Steve

O'Brien, Michael Sr
Reuschel, Michael
Shaw, Barbara
Spratt, Stephen
Winters, Joel

O'Connell, Timothy
Rosenwald, Cindy
Shaw, Kimberly
Sullivan, Daniel

O'Neil, James
Schulze, Joan
Simon, Anthony
Sysyn, Mary

MERRIMACK

Beauchesne, Suzanne
Brueggemann, Donald
Ehlers, Eileen
Greco, Vincent
Kidder, David

Blanchard, Elizabeth
Clarke, Claire
Foose, Robert
Hager, Elizabeth
Kjellman, Eleanor
Glynn

Bouchard, Candace
Davis, Frank
French, Barbara
Hamm, Christine
Lockwood, Priscilla

Brown, Carole
DeJoie, John
Gile, Mary
Kelly, Sally
MacKay, James

McMahon, Patricia
Potter, Frances
Shurtleff, Stephen
Walz, Mary
Yeaton, Charles

Osborne, Jessie
Reardon, Tara
Tilton, Joy
Webb, Leigh

Owen, Derek
Richardson, Gary
Tupper, Frank
Wheeler, Deborah

Porter, Margaret
Ryan, Jim
Wallner, Mary
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Case, Frank
Flockhart, Eileen
Howard, Doreen
Lister, Charlotte
McGuirk, Thomas
Nord, Susi
Reagan, John
Snow, Richard

Borden, David
Casey, Kimberley
Gould, Kenneth
Kelley, Jane
Marsh, Michael
McKenna, Daniel
O'Keefe, Peter
Robertson, Carl
Splaine, James

Brown, C. Pennington
Day, Judith
Grote, Otto
Kennedy, James
McCarthy, Linda
Moody, Marcia
Pantelakos, Laura
Russell, Trinkia
Stiles, Nancy

Cali-Pitts, Jacqueline
Elliott, Robert
Henson, John
Kepner, Susan
McEachern, Paul
Moore, Bennett
Powers, James
Serlin, Christopher
Wells, Roger

STRAFFORD

Billian, Deborah
Brown, Julie
Cyr, James

Brennan, William
Brown, Larry
DeChane, Marlene

Brown, George
Browne, Brendon
Domingo, Baldwin

Brown, Jennifer
Burke, Rachel
Fargo, Thomas

Goodwin, Earle
Hutz, Sarah
Miller, Joseph
Rous, Emma
Sprague, Dale
Watson, Robert

Grassie, Anne
Kaen, Naida
Perry, Robert
Schmidt, Peter
Vachon, Dennis

Hilliard, Dana
Knowles, William
Rollo, Deanna
Smith, Marjorie
Wall, Janet

Hubbard, Pamela
Mickelonis, Shawn
Rollo, Michael
Spang, Judith
Warren, Nancy

SULLIVAN

Cloutier, John
Franklin, Peter
Jillette, Arthur Jr

Converse, Larry
Gagnon, Raymond
Nielsen, Ellen

Donovan, Thomas
Gottling, Suzanne
Phinzy, James

Ferland, Brenda
Houde, Matthew
Skinder, Carla

NAYS 129

BELKNAP

Boyce, Laurie
Nedeau, Stephen
Wendelboe, Fran

Clark, Charles
Thomas, John
Whalley, Michael

Flanders, Donald
Tilton, Franklin

Heald, Bruce
Tobin, William

CARROLL

Brown, Carolyn
Morrow, Harry

Chandler, Gene
Patten, Betsey

Denley, William
Stevens, Stanley

Knox, J. David

CHESHIRE

Hunt, John

Johnson, Jane

Pelkey, Stephen

COOS

King, Frederick

Remick, William

Stohl, Eric

Tholl, John Jr

GRAFTON

Bulis, Lyle
Ingbreton, Paul

Dingman, Vernon III
Williams, Burton

Eaton, Stephanie

Gionet, Edmond

HILLSBOROUGH

Barry, Richard
Christiansen, Lars
Daniels, Gary
Fletcher, Richard
Hansen, Ryan
Hunter, Bruce
L'Heureux, Robert
Mooney, Maureen
Pilotte, Maurice
Rowe, Robert
Stepanek, Stephen

Batula, Peter
Clark, Mark
Day, Russell
Forest, Armand
Hawkins, Ken
Infantine, William
Lawrence, James
Moran, Edward
Price, Pamela
Smith, David
Ulery, Jordan

Bergeron, Jean-Guy
Coughlin, Pamela
Elliott, Nancy
Graham, John
Hinkle, Peyton
Jasper, Shawn
Manney, Pamela
Ober, Lynne
Reeves, Sandra
Soucy, Connie
Velez, Hector

Christensen, Chris
Crane, Elenore Casey
Emerton, Larry
Haefner, Robert
Hogan, Edith
Kurk, Neal
McRae, Karen
Ober, Russell III
Renzullo, Andrew
Spaulding, Jayne
Villeneuve, Maurice

MERRIMACK

Anderson, Eric

Hess, David

Humphries, Charlie

Reed, Dennis

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Belanger, Ronald	Bishop, Franklin
Buxton, Donald	Camm, Kevin	Carson, Sharon	Charron, Gene
Dalrymple, David	Devine, James	DiFruscia, Anthony	Dumaine, Dudley
Emiro, Frank	Flanders, John Sr	Forsing, Robert	Garcia, Marilinda
Garrity, James	Griffin, Mary	Guthrie, Joseph	Headd, James
Hopfgarten, Paul	Hutchinson, Karen	Ingram, Russell	Introne, Robert
Itse, Daniel	Johnson, Robert	Kappler, Lawrence	Katsakiores, George
Katsakiores, Phyllis	Lund, Howie	Major, Norman	McKinney, Betsy
McMahon, Charles	Moore, Benjamin	Nowe, Ronald	Packard, Sherman
Pearson, Mark	Priestley, Anne	Quandt, Marshall	Quandt, Matthew
Rausch, James	Sanders, Elisabeth	Waterhouse, Kevin	Weare, Everett
Welch, David	Weyler, Kenneth	Wickson, Rick	Winchell, George

STRAFFORD

Berube, Roger Hofemann, Roland

SULLIVAN

Rodeschin, Beverly
and the committee report was adopted.
Ordered to third reading.
Rep. Solomon voted Yea and intended to vote Nay.
Rep. Emerson did not vote and notified the Clerk that she wished to be recorded against.
Rep. Bettencourt did not vote and notified the Clerk that he wished to be recorded in favor.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Splaine moved that the House reconsider its action whereby it adopted the committee report of Ought to Pass with Amendment, **HB 437-FN-L**, permitting same gender couples to enter civil unions and have the same rights, responsibilities, and obligations as married couples.
Rep. Splaine spoke against.
Motion failed.

MOTION TO PRINT DEBATE

Rep. Infantine moved that the debate on **HB 437-FN-L**, permitting same gender couples to enter civil unions and have the same rights, responsibilities, and obligations as married couples be printed in the Permanent Journal.
Adopted.

DEBATE ON HB 437

Rep. Rowe: Thank you, Madam Speaker. I would move to recommit this matter back to the Judiciary Committee and I would like to speak to my motion.
Speaker: Rep. Rowe moves that HB 437 be recommitted to the Judiciary Committee. He is recognized to speak to his motion.
Rep. Rowe: Thank you, Madam Speaker: This is a most important bill for our state and this legislature. It will make a tremendous difference to our society. It's important for all people, but the bill itself is extremely technical and it has not had as much time in our committee evaluating and studying it and that is why I would like to have it recommitted. Consider if you would, just a few points. We are here today on a committee amendment. When I wrote my presentation, I thought we had four floor amendments. Someone said we have seven now. Even at four we wouldn't get through this until Noon or 1:00 p.m. - one bill. We are falling further and further behind. Second, there are a lot of errors in the committee amendment and possibly in the floor amendments and with all of these floor amendments coming forth, we're going to be expected to listen to the speaker speaking, read the floor

amendment for the first time, evaluate it, ponder it, compare with others and to come forth and have a responsible vote. That is simply not going to be possible. This is what the committee is for. Now, I would ask you to turn to page 555 in your amendment in your House Calendar and look at the House amendment.

Speaker: Rep. Rowe. You were recognized to speak to your motion to recommit.

Rep. Rowe: Yes, thank you.

Speaker: I would ask that you keep your remarks to the motion to recommit.

Rep. Rowe: I am speaking to the amendment that's before us and that's the one that's going to be recommitted and I'm referring to it as a basis for recommitment.

Speaker: Okay. I would just note that there is no amendment before us.

Rep. Rowe: If the House committee amendment is not before us, I would be happy to sit down and wait until that's brought forward and then I will stand up and ask to recommit.

Madam Speaker, in due respect, I will accept your decision on that issue.

Speaker: There is no amendment before us at the moment. You were recognized for the motion to recommit, to recommit the bill in its entirety.

Rep. Rowe: Then I will wait until the committee amendment is brought forth so I can refer to a few points in that committee amendment that strongly suggest why it should be recommitted. Thank you.

Speaker: Rep. Rowe, did you withdraw your motion?

Rep. Rowe: I guess I have to withdraw my motion until after the motion is made for the committee amendment and when that is introduced, I will stand up and I will ask to be recognized for a higher priority motion. Yes, my request has been delayed.

Speaker: Rep. Rowe withdraws his motion to recommit. The question before the House is on committee amendment (0972h) printed in House Record 25 on pages 781 and 782. The Chair recognizes Rep. Rowe for a motion.

Rep. Rowe: Thank you, Madam Speaker. It almost seems as though I've been here before. I would move recommitment.

Speaker: Rep. Rowe moves recommitment of HB 437 and is recognized to speak to his motion.

Rep. Rowe: This legislature is made up of intelligent people with a great ability to retain facts. I respect that and I won't repeat my introduction remarks, but I ask you to transfer them to this presentation. I've indicated one reason why we should recommit because we'll be sitting here until 1:00, 2:00 or 3:00 p.m. on all of these amendments and guess what? At the end of all these, we're probably going to get another motion to recommit. Well let me talk about a few errors there are in the House amendment and there very likely is going to be an awful lot of problems, inconsistencies and ambiguities in these four, five, six or seven floor amendments so I would ask you once again to turn to page 555 in your House Calendar which has all of the amendments.

Speaker: The House will be in order. The committee amendment is on pages 781 and 782.

Rep. Rowe: I stand corrected, Madam Speaker, but I ask you to refer to that and in the House Bill, I ask you to turn to sections A3 and A4. These are the sections that indicate the relationship where a civil union is not allowed. These relationships are similar to the classes of people who can't marry and they were put into law for genetic reasons. Issue born of the brother and a sister, etc. have a high priority of it being defective, but when it's civil unions, I hardly think there can be issue born of one man who has a civil union with another man. We have discriminated in many respects against the homosexual community and I feel that we definitely should do something in that area, but this bill would prohibit two elderly brothers wanting to live their life out together or two same sex cousins wanting to live their life together so they get the benefit of health insurance. That is simply wrong. That is discrimination and there is not a strong basis for that. That's one of the issues. The other is a public policy issue. If you turn down to section A8 it says, "Civil unions or other legal domestic relationships." What is another legal domestic relationship? Is it defined? It is not defined and yet for any non-resident from Massachusetts or Africa or China that has a civil union by that country's standard and in a legal domestic relationship by that country's laws

must be accepted here under this bill. That is simply wrong. We should set policy as to what is prohibited as we do in heterosexuals.

Speaker: Would the member please suspend for just a moment. I want to explain to you and to the House why I am going to.....the motion that you have made is to recommit. The issues that you are addressing are issues about a particular amendment. When you are speaking to recommitment, you need to address the House as to why you think this bill needs to go back to the committee and leave the debate on the problems with the particular amendment to when we're having the debate about the amendment. You may continue.

Rep. Rowe: Thank you for your clarification, but this old man just plods along in his own way and yes, I am getting to that point. I've indicated some of the rationale as to why this should go back to a committee, why we should retain it, why we should once again evaluate all options so we can come forth next January and operate and pass an excellent bill. I feel it's foolhardy for us to ponder at this date so many amendments, trying to recognize them, understand them, compare them and vote on them. This is too important a task to do in a matter of hours. Thank you, Madam Speaker.

Speaker: Will the member yield to a question?

Rep. Rowe: Yes.

Speaker: The member yields, Rep. Peter Allen, you may inquire.

Rep. Peter Allen: Thank you very much, Madam Speaker. Thank you very much, Representative, for taking my question.

Rep. Rowe: Thank you for your question.

Rep. Peter Allen: We all pledge, "With liberty and justice for all." What is the problem?

Rep. Rowe: In what context?

Speaker: Will the member yield to a follow up?

Rep. Rowe: Yes.

Speaker: The member yields.

Rep. Rowe: I feel that we are discriminating against, for example, two brothers, two same sex cousins who want to have a civil union for the benefits of it, to live together the rest of their life. There's many, you might say, well it's not the same thing. I say it is because you may be thinking in terms of a stranger vs. relationship. That may or may not be a sexual one. There's others things such as brotherly love. I think it's reasonable to allow related people of the same sex to have the same benefits as non related people because there is not going to be a genetic issue and that is why this prohibitive section was put in in the first place possibly centuries ago.

Speaker: The question before the House is on the motion to recommit HB 437. The Chair recognizes the member from Manchester, Rep. Vaillancourt.

Rep. Vaillancourt: Thank you, Madam Speaker. I rise in opposition to the motion to recommit. This is not new. This House has dealt with this now since the opening of the session. We've dealt with many permutations of this for the last couple of years. What is going to be a long day has already become a longer day by this motion to recommit. I suggest this is nothing more than an attempt to kill a bill which has come to us and it's time to do something about it. What we do about it is up to the wisdom of this House. I suggest we could do one of many things, but let's not lose focus. This bill is not about brothers and sisters being allowed to fit into civil unions. If you want to do that, you can introduce another bill next January. If you want to do that I guess you can do a floor amendment and confuse this issue even more. This bill and others and the amendments are about civil unions for gays and lesbians, about giving equal rights to a group that is the last in our society to get them. To recommit this bill now would be an insult to them, an insult to the Judiciary Committee, which has worked on this and frankly I think the previous speaker was one of the people that worked on this. It may take three or four hours to do this. It may take all day to do this, but eventually we're going to give it the time it deserves and I suggest the time is now. Please do not recommit this.

Speaker: The question before the House is on the motion to recommit. The Chair recognizes

the member from Merrimack, Rep. Mooney.

Rep. Mooney: Thank you, Madam Speaker and members of this Honorable House. I rise in support of a motion to recommit. This bill was exec'd in an amendment format at the very end of the last long day to exec bills before the deadline. The bill we took up last week to recognize out of state marriages was one of these bills as well. There are currently four in depth floor amendments to make this bill better policy. At least two specific concepts for members of the committee to greatly improve this bill were not properly considered due to committee time constraints beyond our control. The floor amendments proposed are really too tedious to consider as floor amendments therefore I feel a motion to recommit is my only recourse. Those in the bi-partisan minority on the committee believe that we must properly deliberate and amend this serious bill in order to make it fair and equal for all consenting adults and I ask you to please vote green when the question is called on a motion to recommit and I thank you for your considerate attention.

Speaker: The question before the House is on the motion to recommit HB 437. The Chair recognizes the member from Nashua, Rep. Lasky.

Rep. Lasky: Thank you, Madam Speaker. Good morning fellow colleagues. There is absolutely no need to recommit HB 437. The Judiciary Committee has done its work. I'd like to say as usual, contentiously and competently. We have had long hearings on all the bills devoted to this subject matter. Everyone was heard who wanted to be and we had sufficient inclusive sub-committee meetings on the bill. There was an entire afternoon spent discussing it and yes the vote was taken at the end of that afternoon, but after we had spent hours discussing it. There is no new information to look into and no reason to recommit and I believe that part of our process is floor amendments from time to time. There is no reason that everyone in this House cannot look at those amendments. They will be spoken to and they can digest and grasp what is needed to make a good decision. Also the concepts that were alluded to will be addressed in another bill we are proposing from the committee that will be taken on later today. So I ask you, please vote red, press red and vote no to recommit. Thank you.

Speaker: The question before the House is on the motion to recommit HB 437. Are you ready for the question? A division has been requested. Will members please take their seats?

Speaker: Rep. Gionet requests a roll call. Is that sufficiently seconded? It is not sufficiently seconded. This will be a division vote.

Speaker: The question before the House is on the motion to recommit HB 437. The Chair recognizes Rep. Buxton for a parliamentary inquiry.

Rep. Buxton: Madam Speaker, my Honorable colleagues. If you believe as I believe that I participated in the executive session of HB 437 at the end of a long day, right before the calendar deadline on March 22, and if you further believe that I am convinced more than ever that HB 437 is seriously flawed and can be greatly improved, and if you know that recommitting this bill is the right thing to do to improve the quality of life for thousands of New Hampshire citizens, please join me in pressing the green button.

Speaker: The question before the House is on the motion to recommit HB 437. If you're in favor of that, you'll be pressing the green button. If you're opposed, you'll be pressing the red button. The Chair recognizes Rep. Gary Richardson for a parliamentary inquiry. The Chair recognizes Rep. Lasky for a parliamentary inquiry.

Rep. Lasky: Thank you, Madam Speaker. I know we look alike. Madam Speaker, if I know that the Judiciary Committee did its work carefully and completely, and if I further know that there is absolutely nothing to gain by recommitting this bill, would I now vote no and press the red button?

Speaker: The question before the House is on the motion to recommit HB 437. This is a division vote. If you're in favor of that, you'll be pressing the green button. If you're opposed, you'll be pressing the red button. Voting stations are open for 30 seconds.

Speaker: The House will be attentive to the state of the vote. 134 having voted in the

affirmative, 217 in the negative, the motion fails.

Speaker: The question before the House is committee amendment (0972h). The Chair recognizes the member from Merrimack, Rep. Mooney.

Rep. Mooney: Thank you, Madam Speaker, thank you members of the House. I rise opposed to the committee amendment found on page 781 of this week's House Calendar. Emotions aside, this amendment's content is flawed. It does not specify whether a person has to be married or not to enter into a civil union. This is a critical component of this bill since technically it leaves a wide open gap for someone to be married at the same time as entered into a civil union. It allows for out of state civil unions or domestic relationships to be recognized in New Hampshire and this puts us into the same position where we were last week recognizing out of state marriage laws created by courts or otherwise into New Hampshire as our law. But most importantly, this amendment is not fair or equal. There are floor amendments that you'll hear after this vote to clarify each technical point that I just named for you just now. I ask that you vote down this flawed amendment and consider one of the several substitute floor amendments that will be offered today. And again, I would request that you vote red on the committee amendment. Thank you, Madam Speaker and members of the House.

Speaker: The question before the House is on the committee amendment. The Chair recognizes the member from Bedford, Rep. Mark Clark.

Rep. Mark Clark: Thank you, Madam Speaker and Honorable members of this House. I have a running joke with my wife that since we were married in Hawaii, it doesn't count in New Hampshire. Hawaii was one of the first states to consider civil unions, but in fact they voted it down. Then they established a marriage amendment that only allows for marriage between one man and one woman. I stand here today in defense of marriage as between one man and one woman. I equate civil unions to marriage and in my opinion it is absurd to think civil unions are any different from marriage. I know some of you surround yourselves with those who argue for civil unions, but in reality most of our constituents do not want homosexual marriage. In fact, you would not even let them vote on it. The fact is this is not an issue of civil rights as you've been told over and over again. This is more about the idea that homosexual couples are no different than heterosexual couples. Hopefully we agree there is a difference between a man and a woman. We are fundamentally different. I believe in equal rights for both sexes, however, men and women are different. I don't think I have to explain that. When I asked my wife if she wants to become a man, she says "Absolutely not." I believe civil unions strike at the very core of our society, redefining its social structure and thus becoming a wrong approach to solving the issues that homosexual couples have. I'm not for taking away civil rights based on someone's sexual preference. What people do in their bedrooms is none of my business. What people do in their bedrooms should not make them married. I'm for solving issues that those who live in domestic partnerships have. They should have all financial rights as that of married couples do. Domestic partnerships should be based on what people do, not be based on what people do in their bedrooms. Civil unions should not be only allowed for those who do something in their bedrooms differently than heterosexuals. This is discrimination. Let me give you an example. If my wife died, I would like to enter into a relationship with my best friend. He could stay at home. He already has a cleaning company and is a pretty good cook. He could also help me raise my kids. We should have the rights like any other couple. However, we will not have sex with each other. Excluding us would be discrimination and clearly this court is not in the business of discriminating against anyone based on what they do or don't do in their bedrooms. Please support the domestic partnership concept and vote no on civil unions. A bill that would surely be discriminatory the way it is written. Thank you.

Speaker: The question before the House is on committee amendment (0927h). The Chair recognizes the member from Nashua, Rep. Lasky.

Rep. Lasky: Thank you, Madam Speaker. Good morning again. Fellow members of the House, I stand before you and I agree with my esteemed colleague on Judiciary, the

representative from Merrimack, and I ask you to vote against the committee report as amended. In the time since that amendment.....

Speaker: Will the member....I just want to be clear that the question before the House is on the committee amendment, not Ought to Pass with Amendment.

Rep. Lasky: No. Did I.....I am sorry, Madam Speaker, if I said that, I am in error. I am asking you to vote against the committee amendment. In the time since that amendment was proposed and placed in the calendar, issues were raised that members of this House felt they could address and present an even better bill to the House - one that would be clearer and unambiguous and would meet these concerns. Shortly, we will be able to do just that. So at this point, I ask you to vote no on the committee amendment. Thank you.

Speaker: The question before the House is on committee amendment (0972h). Are you ready for the question? All those in favor say Aye. All those opposed Nay. The Nay's have it and the committee amendment fails. The Chair recognizes Rep. Vaillancourt for the purpose of a floor amendment.

Rep. Vaillancourt: Thank you, Madam Speaker. In difference to the Judiciary Committee which will be offering a new amendment, I withdraw my amendment so we can hear their new amendment first. It could well be that their amendment does what my amendment, albeit more wordy, would also do. Words are not bad things, so I withdraw that amendment at this time. Thank you, Madam Speaker.

Speaker: The Chair recognizes Rep. Lasky for the purpose of introducing a floor amendment.

Rep. Lasky: Thank you, Madam Speaker.

Speaker: Rep. Lasky moves floor amendment (1156h). It's in your seat pockets and she's recognized to speak to her floor amendment.

Rep. Lasky: Thank you, Madam Speaker and I will give each of you a minute to get that out and follow along with me. The former teacher in me wants to say, does everyone have the right place? Okay, thank you. Honored members of the House, I proudly stand before you today in support of HB 437 as amended by amendment (1156h). A bill that will establish civil unions in our state and give same gender couples and their families the same rights, responsibilities and obligations as married couples. Over the past six years, the Judiciary Committee has listened to hundreds of stories from New Hampshire residents about the difficulties they face every day as same gender couples without the legal rights of marriage. Always heartfelt and compelling, they have told us of not being able to be with their partners in the hospital, of being denied healthcare benefits. We've heard stories of not being able to share in end of life decisions and everyday difficulties of picking up a sick child at school. These people are our neighbors, our sisters, brothers, children, teachers, politicians and they are fighting for our country. They contribute to our communities and enrich the fabric of our daily lives with their individuality and they should no longer be discriminated against because of their sexual orientation. New Hampshire has a long and proud history of independence and support for all its citizens. We can demonstrate that now by passing amendment (1156h) and HB 437 as amended. We have the opportunity to prove this legislature's commitment to minority rights by guaranteeing fair and just treatment to same gender couples. The amendment is simple, straightforward, gets the job done. The purpose of the new chapter, civil unions RSA 457A is to recognize civil unions, to delineate the rights, obligations and responsibilities of parties entering a civil union, to establish a process by which one is established and to provide a process for its dissolution, if needed. This amendment addressed concerns expressed by this House, as I stated previously, during the past couple of weeks. No one under the age of 18 can enter a civil union and there is now in the bill prohibitions against an already married person from entering a civil union nor can one who's already in a civil union, enter into another one. Other than that, the bill is as you have been presented and have seen and as was previously in the Calendar. No longer will same gender couples have to go through expensive complicated contracts for each of the approximately 399 state rights afforded to married couples. The time is right. These families have waited long enough for recognition, legitimacy and legal relief. So I ask you,

please do the right thing. What you know in your heart is right. Help our daughters, sons, friends and neighbors live their lives, the way I believe we all want to live, with the people we love in peace and dignity. Thank you, Madam Speaker.

Speaker: Will the member yield to a question?

Rep. Lasky: No.

Speaker: The member does not yield. The question before the House is on the Lasky floor amendment (1156h). I would remind all of the speakers to please confine your remarks to the amendment. The debate is not on Ought to Pass with Amendment, just on the amendment. The Chair recognizes the member from Merrimack, Rep. Mooney.

Rep. Mooney: Thank you, Madam Speaker and members of this Honorable House. I rise opposed to floor amendment (1156h). Although some technicalities have been addressed, one glaring flaw is that this civil union contract is only allowed for same gender couples. A further floor amendment will be offered to open this contract since it is not a marriage. It is a domestic partnership contractual agreement. Another interesting point to notice is in section A8 on page 2 of the floor amendment which allows marriages and civil unions created out of state of New Hampshire into New Hampshire. Even more so, in this section, it converts Massachusetts marriages, Massachusetts same gender marriages, into a New Hampshire civil union. I don't understand that provision and if a civil union is not a marriage I don't see how that works. Colleagues, we on the Judiciary Committee have not seen or examined or had a hearing on this amendment or its ramifications and I would encourage you all to vote red against this floor amendment. Thank you, Madam Speaker and members for your attention.

Speaker: Will the member yield to a question?

Rep. Mooney: I will.

Speaker: The member yields. Rep. Carson, you may inquire.

Rep. Carson: Thank you, Madam Speaker and thank you Representative for taking my question. I would just like some clarification on something. We've had discussion in this House especially on this bill concerning equality and discrimination. The one thing that I am really surprised at is the fact that in this bill there is no provision for heterosexual couples to enter into civil unions. Can you speak about that a little please?

Rep. Mooney: That is correct. This floor amendment is only applicable to same gender couples. However, I do know there are at least 2 floor amendments to follow this amendment that is inclusive of any two unmarried adults. Thank you.

Speaker: Will the member yield to another question?

Rep. Mooney: No.

Speaker: The member does not yield. The question before the House is on the Lasky floor amendment (1156h). The Chair recognizes the member from Hart's Location, Rep. Butler.

Rep. Butler: Thank you, Madam Speaker. Fellow colleagues, I rise in support of the amendment to create civil unions for same gender couples. Many of you have told me and others of our colleagues that you will support this bill today which creates a legal bond for committed gay and lesbian couples in which we will be able to access all the rights, responsibilities and obligations of marriage in the state of New Hampshire. To those supporters, and for the thousands of gay and lesbian citizens for whom this legislation will mean so much, I say thank you. Thank you for understanding that gay and lesbians deserve yet one more step on the road to full equality.

Speaker: Will the member please suspend for a moment? The question before the House is on the committee amendment so you should address your remarks to the amendment. At some point we'll get to the bill itself with any attending amendments.

Rep. Butler: My understanding is that the amendment speaks to civil unions directly and that's my intent. Writing my testimony has been somewhat difficult. It's not like I don't know the subject. I'm gay. I've been in a committed relationship with my partner Les for 29 years. I've been active in advocating for gay and lesbian equality for much of my adult life. I was on the commission created by this body to study same sex marriage and its legal

equivalents or so it was titled. Many of you received email messages over the past several days in support of this bill. I hope you read them. They were from gay and lesbian couples and singles, from parents and grandparents, friends and pastors. Allow them to help me give this testimony. One woman wrote, "I have a personal stake in this bill, as I am with a partner of ten years who is very sick. We have attorney in fact and power of attorney papers. My partner was in the ICU for ten days between December and January and again last week. She is completely bed ridden. When in the ICU, where she almost died, I was asked by a nurse if she had any family to be with her. I told the nurse that after ten years together and three children, I believed that I was her family." And this was after they had already given their power of attorney papers to the hospital. Another woman wrote, "We have been together for 24 years in a committed relationship. As we grow older together we not only want but need to be recognized by our state as a committed couple, especially in situations of poor health where we would not have access to each other and to the decisions made about each other." A gentleman from Portsmouth wrote, "No citizen who abides by the law deserves to remain in a second class status." This bill seems to me to support the sort of committed relationships and strong families that make a more civilized and stable society that benefits all of us. Several ministers sent messages. One priest said, "As a priest of the church, I have seen first hand the trauma that can ensue for those who have no legal rights upon the death of a partner or for children who are not able to avail themselves to protections of the law." We can make a difference in the lives of many people by offering them rights and protections. From someone who works in HHS, "My partner of five years had to go without medical coverage for quite a while simply because, unlike my married co-workers, I was unable to add her to my insurance." And one last and longer quote. "I write to you as a teacher. I have taught for several years as an openly gay educator. I have seen the healing that comes with honesty and integrity. Children thrive in an atmosphere of safety, honesty and inclusion. Children are very aware of the debate going on over gay marriage. They are awaiting the result like a verdict on the human value rating of their gay and lesbian family members, friends, neighbors, teachers, classmates and for some it is a statement about their very selves. Please give them the support of freedom. I write to you as a Christian, although there are some sects of Christianity that would be oppressive to gay and lesbian families. There are several denominations that believe fervently in our equality to heterosexual families before both God and man. We are assured in the New Hampshire state constitution that no one sect would have dominance over another. Those churches in favor of gay marriage are not trying to denominate other denominations by forcing them to accept that which they do not want to do. However, anti gay church groups are indeed attempting to force legislation which would set their own beliefs as the officially sanctioned beliefs of the state. Our constitution stands to keep us safe from that threat. I write to you as a gay man engaged to be married in August of 2008. Please make our special day even more special. Our priest just told me he would marry us in a second. I cannot express in words how humbled and grateful we would be." Isn't it amazing that this gentleman is using the language of the mainstream of society and even without the legal supports, he is engaged to be married - God, that younger generation. And then there was that one email in which one of our constituents said he did not favor this bill because it runs counter to his moral belief system. And the good Representative from Jaffrey quickly sent out his own message saying, "Finally, someone has made a good argument." After dozens and dozens of emails urging us to vote in favor of civil unions, many with personal stories or well thought out messages, finally someone said what at least one of our august body wanted to hear. I guess that's why it's been difficult to come up with compelling testimony. Many people have sent powerful requests for that one big step up the ladder toward equality and yet those of you who don't want to believe that we should be your equals, are not likely to listen to any of our entreaties. You can justify your position by saying, "You are already my equal. You can marry someone of the opposite sex just as I can." How many times have I heard that canard? Or that traditional marriage must be protected, that our society is losing its moral compass

and the support of gays and lesbians and our loving relationships will somehow further society's social decline. Or that society has expressed interest in supporting the model between one man and one woman because it supports and encourages procreation upon which the ability of society depends and traditional marriage is one of the basic building blocks of civilization as we know it and should not be changed any further. And because of these arguments and these fears, attempt after attempt have been made and are being made today to prevent access for gays and lesbians to those rights, responsibilities and obligations of marriage in this bill through a ceremony called civil unions. As so many people did in their messages to you over the past few days, let me try to assuage your fears. Let me try to assail your misconceptions. Let me try to appeal to your basic humanity. Gays and lesbians have worked over the past many decades to come out of the closet and into the light. That process has been difficult because of the deep fears and prejudices of many. Obviously issues of sexuality are very powerful. As you know, many people have lost their livelihoods because of being gay or lesbian. We have been rejected by family and kicked out of housing or have been marginalized in other ways. Many gays and lesbians have been beaten because of who they are. Many have lost their lives. And yet we continue to work to become more a part of society because we know that we are simply the same as you, our straight counterparts and want and deserve the same rights and responsibilities in society. We want you to know that you have nothing to fear from our lifestyle any more than we have anything to fear from yours. Our loving relationships are as precious and as powerful as yours. Most of us settle into committed relationships just as you do and as we become more an accepted part of society, our households are mirroring family norms. Many couples are having or adopting children or bringing their kids from a previous relationship. We will resist attempts to minimize our loving relationships by comparing them to any two adults who desire to have some legal benefits. As couples, we are the same as you. Our loving relationships endure the same challenges, the same exhilaration, the same communication problems, and the same negotiations over who's balancing the checkbook and who's washing the dishes tonight. We deserve the same legal and societal recognition of our relationships. I wish I was more eloquent, more clever, somehow could construct the images that help those of you who do not support this bill. Understand why you should reconsider your reasoning, but I can only say that we are requesting to have this ceremony called civil unions, not because we want to undermine the institution of marriage, but rather because we respect it. Ours is a vibrant statement that reinforces the tradition of marriage and looks forward to the securities that civil unions will provide for our families. I'm asking you to support your gay and lesbian constituents by supporting this bill. Civil unions do not give us equality, but it does bring us closer. It sanctions our love and commitment in a way that has not yet been done in this state. You will continue to learn in a way that has not yet been seen that we are not a threat to the safety or civility of your belief systems or the stability of society or the family structure. Thank you.

Thank you, Madam Speaker and I will not take questions.

Speaker: The member does not yield. The question before the House is on the Lasky floor amendment (1156h). Are you ready for the question? All those in favor say Aye. I'm sorry, a division was requested. Will members please take their seats?

Speaker: Who requested a roll call? Rep. Vaillancourt has requested a roll call. Is that sufficiently seconded? It is not sufficiently seconded.

Speaker: This is a division vote. The question before the House is on the Lasky floor amendment (1156h). If you're in favor of that, you'll be pressing the green button. If you're opposed, you'll be pressing the red button. The Chair recognizes Rep. Mooney for a parliamentary inquiry.

Rep. Mooney: Thank you, Madam Speaker. Madam Speaker, if you believe as I believe that several of the flaws in the original committee amendment have been corrected in this floor amendment, however, Madam Speaker, if you believe that two glaring discrepancies are left in this floor amendment, that being that it is not fair and equal and that it converts

Massachusetts same gender marriages into New Hampshire civil unions, and if you further know that this amendment was not properly considered by a policy committee, then would you join me in voting red? Thank you.

Speaker: The question before the House is on Lasky floor amendment (1156h). If you're in favor of that, you'll be pressing the green button. If you're opposed, you'll be pressing the red button. The Chair recognizes Rep. Gary Richardson for a parliamentary inquiry.

Rep. Gary Richardson: Thank you, Madam Speaker. If you agree as I do that this bill will grant to gay and lesbian couples in New Hampshire all of the rights, obligations and responsibilities of marriage, and if you believe as I do that the reason that people want to be able to enter into civil unions is to support and enhance stable and familial relationships, and if you believe as I do that civil unions not only do not threaten traditional marriage but in fact further the same goals that we strive for in traditional marriage, would you join me in pressing the green button?

Speaker: The question before the House is on Lasky floor amendment. If you're in favor, you'll be pressing the green button. If you're opposed, you'll be pressing the red button. Voting stations are open for 30 seconds. The House will be attentive to the state of the vote. 223 having voted in the affirmative, 137 in the negative, Lasky floor amendment (1156h) is adopted. Rep. DiFruscia moves floor amendment (1158h). That's also located in your seat pocket. He is recognized to speak to his amendment.

Rep. DiFruscia: Thank you, Madam Speaker. I hope that floor amendment (1158h) be adopted. A week ago we talked about the constitutional amendment, you may remember, and I was very interested to hear that one of the new State Representatives, a young one, talked about discrimination and how she saw it first hand. I must share with you that I feel that that's occurred to me too. The last Speaker, Madam Speaker could never pronounce my name, but somehow he didn't have that situation with the other members. What I am really concerned about is the family unit and when you look at the family unit what do you want? The Judiciary Committee with it's amendment today or at least in the Judiciary Committee proposing it, if you think about it, seem that that amendment itself is in and of itself a situation that expands marriage and expands family. How does that happen? How many of you are divorced? Do you like paying alimony? That's simple. Under the floor amendment from the committee, you are paying alimony. Did you bargain for that? Did you really bargain for that? What my amendment does is it takes it out of the category of family, so called family law, so that you're dealing with two adult individuals who have a common purpose. I was asked when I was coming up here today whether or not the amendment is printed could have been any smaller. Quite frankly, I don't think so. But I would like you to come with me for a few seconds to just hear what it says. It expands what a family is and it says that the purpose, of course, in the first section is to form a contract. It also says qualified two people over 18 consistent with the present law. It also says if you jump down to line 22 and 23, it talks about rights, privileges and responsibility conferred by state and federal law including law of partnership. I'm not so sure I'm happy with the word partnership. But I must share with you the fact that we are now not in the family court. This is the only bill before you, by the way, that has bi-partisan support. The next speaker is a member of the Democratic Party. I don't view this at all to be simply a case dealing with marriage. It's not. Traditionally we all know what a marriage is and traditionally we know too that there is no place for discrimination. So if you want to be fair, if this family contract is dissolved, it's in equity court. Now, what does that mean? You're not subjecting yourself to the family court. Equity court which is now able to and has been able to do for the last couple of hundred years, divides various property interests between various individuals such as partitions to partition. They deal with contribution. They deal with who has contributed what in building up that asset. If you look also within our own statute you deal with liens, Medicare liens. You'll see in Medicare liens that anyone who is a member of that household, including a spouse, would not be evicted. I sit now as the Chairman of that subcommittee. So, what this amendment does, the amendment quite frankly simply makes it a contract

issue and makes it fair. The word is fair. I can understand both sides of the issue. I feel they have some merit, but I also feel the biggest pitfall here. The biggest one is by trying to make this something of more than what it is not. If you keep it in equity, it's a contract. If you make it a contract, and you put the terms of a contract that the laws of the state of New Hampshire shall govern no matter where you go. We now know, as so often happens, that when you make a contract, you can make a contract and say the laws of a particular state will be applied. Is it unique? Yes. Is it different? Yes. Does it handle and take care of people of the same sex or not of the same sex? Yes, as long as you're unmarried. Is it fair? Yes. And if you don't have a will, does it take care of the other party? Yes. Because if you look at it, under line 25 dealing with inheritance, it means that if there's no will, the other party to the contract now would end up picking the remaining share, except in one spot. And that's the rights of children, children of either party. So what are we doing now? What we're trying to do is we're trying to say clear and simple, it's a contract. Now whatever either party wants to do, whatever church they want to go to, they can do it. The same thing applies. I'm suggesting to all of us that if you really want to be fair, if you really don't want to discriminate, if you really and truly as in the bill it says that the purpose is to provide mutual financial support and emotional comfort to each other, is there anything else you want? When you get into a situation like this, isn't that what it's all about? I know it's a little bit different. Further on you're going to see a bill that talks about a study concerning this issue. Nobody wants to talk about a study. But let me suggest to you. If we're going to amend and change the family unit, the best way to do it is dispassionately, fairly, adopting amendment (1158h). Thank you, Madam Speaker.

Speaker: Will the member yield to a question?

Rep. DiFruscia: Yes.

Speaker: The member yields, Rep. Dumaine, you may inquire.

Rep. Dumaine: Thank you, Madam Speaker. My voice is a little rough today because I don't know how long it is going to last. I'm just curious, if it's going to have basically the same elements as a marriage, what's to stop the Supreme Court from coming in and just saying "Hey, might as well be a marriage," and it is?

Rep. DiFruscia: Thank you for the question. It's simple why the Supreme Court wouldn't. With the current amendment, the Supreme Court can, because you're clearly saying with the current amendment that all of the statutes dealing with marriage dissolution fall within a civil union. In my amendment it does not, it says the equity court that does not deal specifically with the section dealing with dissolving of a marriage, the creation of a marriage, or in fact divorce, alimony and all the other good things. Thank you because I think the present amendment that's before you that's been submitted. Now the biggest nightmare we ever have is the court coming in and trying to figure out what we meant today. And I can possibly see somebody coming forward and challenging and saying, "Well, why are you calling it civil unions, it's really a marriage." Now do you want that to happen in the court system? It's your choice.

Speaker: Will the member yield to a further question?

Rep. DiFruscia: Sure.

Speaker: The member yields. Rep. Dumaine, you may inquire.

Rep. Dumaine: Thank you, Madam Speaker. As you know, Representative, I don't trust the Supreme Court as far as I can throw a school bus. And, what's to stop them from even taking your amendment and doing it anyway?

Rep. DiFruscia: Very specific within my amendment, it says clearly that the laws of contract from the state of New Hampshire shall apply and it also says clearly under line 28 by filing suit in equity in the superior court. To me that's clear, so clear that even a Supreme Court judge can understand it.

Speaker: Will the member yield to another question?

Rep. DiFruscia: Yes.

Speaker: The member yields. Rep. Itse, you may inquire.

Rep. Itse: Thank you, Madam Speaker. Thank you to the Representative from Windham for taking my question. Representative, does your amendment allow the execution of civil rights and distribution of property absolutely blind to sexuality?

Rep. DiFruscia: Thank you for the question. I want everybody to know that I did not set up these questions. Okay? The answer is yes, of course it does. Sexuality has nothing to do with this amendment dealing with the family contract. I hope that you will consider my amendment seriously because I think it's a step forward and I hope that you listen to the other two speakers and Madam Speaker I'm requesting a division. The next speaker is going to be a Democrat who certainly will have a different point of view. Thank you.

Speaker: The question before the House is on the DiFruscia floor amendment. The Chair recognizes the member from Sanbornton, Rep. Morrison.

Rep. Morrison: Thank you, Madam Speaker, esteemed members of this House. You have heard people say in response to the plea for the right of marriage, "You can have the same thing by drawing up a series of contracts." The usual response is that no one can carry a suitcase of contracts around with them to show proof of that relationship. One document could do the whole thing. The civil union's bill, as amended a few moments ago, is a very simple document and it does what is needed at this moment. This amendment that is being discussed is even simpler. It does nothing to address the needs of gay families. It does not extend the family court system and its dissolution process that we've been working on for so many years. It does not extend it to gay families. It leaves that to the equity courts. That is not right. This is a sham. It's a sham with a fancy title, the title being, family relationship act. Is that so? It allows parties to make an agreement and that's something we can do now. It does not extend rights and that's what we really and truly need, the extension of rights. You heard the Representative from Hart's Location say that very same thing. I'll say that to you again, too. We need those rights. This last weekend, my partner and I of 25 years did something that we had been hoping to do on Valentines' Day. We exchanged rings and I'm glad to take your congratulations. We exchanged rings with the knowledge that this was something that was going to have special meaning because in a very short time we would be able to enter a civil union. I spoke with someone in the women's room just before we came in and she said, "You know, this may be the most important bill we pass this year." And so, I urge you to defeat this amendment and to support the bill as amended by the Lasky amendment. Thank you so much.

Speaker: The question before the House is on the DiFruscia floor amendment. The Chair recognizes the member from Nashua, Rep. David Smith.

Rep. David Smith: Thank you very much Madam Speaker. My friends, this is a most important issue as you all know. I spoke in this well last year on a constitutional amendment for a marriage between a man and a woman. And I alluded to the fact that there was an alternative. The reciprocal benefits agreements that are working in the state of Hawaii are working very, very well. The DiFruscia amendment pretty much reflects what those reciprocal benefits are. So we have a system here that is in fact tested and it is working well in society. This is about equal rights and the amendment, I feel, does address that factor. It was mentioned there were 390 rights that people who are in homosexual relationships do not have the benefit of as if they were married. This is to grant them those rights. I've heard an awful lot about equality. I'd like to remind everyone here that we are not equal. And before you take a quick breath, our constitution in the first paragraph says most clearly that all men are equally created to be free and independent and that means that we have equal opportunities and by having the equal opportunities you should have access to those equal rights. The problem with marriage is not in the institution itself. The problem with marriage is manmade law that we've attached over the years. The tax benefits, the benefits of visiting someone in the hospital, inheritance. The list goes on and on and on. And people who have the strong committed relationships are being denied those. Let's fix man's law. That's what this amendment does. And, to my friend in Hart's Location, I say you ought to be commended for having had such a long and steady relationship with someone

who you obviously dearly love and are committed to. And what this legislature does here or does not do here is not going to change that one bit. And you should be very proud of that relationship, just as I am very proud of my relationship with my wife. There is another thing that we should consider also. We've all received a lot of communications. We've received a lot of emails on this issue. We have denied the people of New Hampshire the right to vote on what they feel should be a constitutional amendment. I think that we should also remember when we cast our votes today to remember what our oath is and that is to what we should be doing for our constituents. Do you feel that your constituents truly want this or would they prefer to have people being able to come before the law freely and independent on equal terms as they should be able to? I thank you all for listening to me. I thank you very much Madam Speaker.

Speaker: The question before the House is on the DiFruscia floor amendment. The Chair recognizes Rep. Gary Richardson.

Rep. Gary Richardson: Thank you, Madam Speaker. First I would like to give my compliments to my friend and fellow Judiciary Committee member, the Honorable Representative from Windham for making a really excellent argument on a very poor and weak bill. There is a fundamental flaw in the amendment. And that is that although it talks about familial relationship, nowhere in the bill does it define, nor in the amendment, does it define what a familial relationship would be nor does it give it any status. Basically all the bill does is to say that two people can enter into a contract to do something. Well, I have news for you. Two people can enter into a contract to do something as long as it's not illegal right now. We don't need a bill labeled as a familial relationship bill to give us that. With respect to the substance of the bill, it really doesn't say much, but what it does address – the one area where there is some specificity, is related to the area of inheritance. And it says the remaining party, if one of the parties dies, shall be considered the sole heir except as to the children of the parties, but nowhere in the bill does it define what interest the children of the parties would have in inheritance and it is an illustration of the fundamental problem of not adopting the process that we have in this state to deal with relationships between people who are in a marriage or hopefully will be in a civil union. We have 200 years of statutes and development of law with respect to the relationship between married people. The Lasky amendment we have just adopted incorporates that language into the relationship of civil union. I beg to disagree seriously with the Representative from Windham that the judges will not be able to interpret this. They interpret issues of law in divorce every day and by adopting that language in civil unions, they will know how to interpret those relationships. The other last comment I would like to make is with respect to the last speaker from Nashua and he raised the issue of what our constituents want. I think what our constituents want, ladies and gentlemen, is that people be treated fairly. I think they want to let people do what they want to do in the privacy of their own homes and I think they want to let them enter into relationships such as civil unions and respect their rights as well as the rights of those of us who are heterosexual. I don't think it's a disallowance of what our constituents want to adopt the policy that people be treated fairly regardless of their race, creed or sexual preference. Thank you.

Speaker: Will the member yield to a question?

Rep. Gary Richardson: No.

Speaker: The member does not yield. A division has been requested. Will members please take their seats? The question before the House is on the DiFruscia floor amendment (1158h). This is a division vote. If you're in favor of that amendment, you'll be pressing the green button. If you're opposed, you'll be pressing the red button. The Chair recognizes Rep. Welch for a parliamentary inquiry.

Rep. Welch: Thank you, Madam Speaker. If I believe this amendment is fair and equal to all New Hampshire citizens who wish to contract with each other for mutual financial and emotional support, would I now vote yes and press the green button?

Speaker: The question before the House is on the DiFruscia floor amendment. If you're in

favor of that, you'll be pressing the green button. If you're opposed, you'll be pressing the red button. The Chair recognizes Rep. Lasky for a parliamentary inquiry.

Rep. Lasky: Thank you, Madam Speaker. Madam Speaker if you know as I know that the proposals in this amendment deal with problems that have not been clearly identified and will do nothing to rectify the inequities among same gender couples, and if you further know that this amendment is just not ready to be passed, then would you now vote no and press the red button?

Speaker: The question before the House is on the DiFruscia floor amendment. If you're in favor of that, you'll be pressing the green button. If you're opposed, you'll be pressing the red button. Voting stations are open for 30 seconds. The House will be attentive to the state of the vote. 113 having voted in the affirmative and 253 in the negative, the DiFruscia floor amendment fails. Rep. Mooney is recognized for a motion.

Rep. Mooney: Thank you, Madam Speaker and members of this Honorable court. I rise in support of floor amendment (1155h) which should have been found in your seat pockets first thing this morning.

Speaker: Rep. Mooney moves the Mooney/MacKay floor amendment (1155h). That is in your seat pocket and she is recognized to speak to her amendment.

Rep. Mooney: Thank you, Madam Speaker. Article 2 of our state constitution etches life, liberty, property and happiness as natural rights. There is no greater happiness than human companionship. Our state constitution also emphasizes equality of all in part first Article 1. This floor amendment blends these two key elements of life in New Hampshire to benefit all family relationships in whatever form they come in. The floor amendment opens the civil union concept to any two unmarried people who so wish to enter such a contract. It takes the concept behind the committee amendment and the floor amendment that was adopted earlier, but fairly and equally broadens it by replacing the phrase "same gender couples" with the phrase "any two unmarried persons 18 years of age or older." It takes the state out of the business of love and instead deals with the fair and equal distribution of the economic benefits of marriage. The family unit has evolved over time to include all sorts of combinations. Why shut the door after same gender couples? I've been told repeatedly that a civil union is not a marriage. If this is the case, then why can't a civil union, a domestic contract between parties, be opened to any two unmarried people who so choose to enter one. Upon adoption of this floor amendment, we in New Hampshire will establish ourselves as a leader in caring for all combinations of family relationships. The bill as it is now as amended is a separate but equal clause in our law, an exclusive contract for only a certain sect of New Hampshire society. Lastly, I want to draw your attention and direct your attention to the blurb on 755 of your calendar. The last line states that the bill will move us closer to equality. It will move us closer to equality and I say let's get to equality today. Thank you, Madam Speaker and I would appreciate a vote of green on my floor amendment. Thank you, Madam Speaker.

Speaker: The question before the House is on the Mooney/MacKay floor amendment. The Chair recognizes the member from Etna, Rep. Pierce.

Rep. Pierce: Thank you, Madam Speaker. Amendment (1155h) is a fatally flawed bill to recognize civil unions in New Hampshire. First of all, amendment (1155h) is really a solution searching for a problem. My emails and I'm sure everyone else's emails have been flooded with pleas from gay and lesbian couples across the state pleading for recognition of their relationships. I've not received one email, one letter, one phone call from any two brothers seeking the same relationship. Have you? If not, again this is a solution searching for a problem. Should we relegate our gay and lesbian citizens to fear status in the law and keep them there because of this misguided bill? If someone wants a bill to have the state elevate these relationships to civil union status, they can offer one, but let's deal with the problem in front of us today. Indeed the sponsors of this amendment and all the other floor amendments we've heard favor equality for same sex couples. So let's deal with that, let's vote on it and then let's move on. Second, you'll see in amendment (1155h) there is no incest

prohibition as the last amendment inserts. Now I'm not for, and most of you probably agree with me, having any kind of state or implicit or tacit state approval of incest relationships. We shouldn't be passing any bills that recognize relationships, familial relationships like this that do not have these prohibitions in it. Again, if someone wants to offer a bill that condones state approval of incest relationships, they can offer one. I'm not going to vote for one, but they can offer it. Third, amendment (1155h) has no exclusivity requirement. Although it does speak in terms of that no married person shall enter into a civil union, it does not go further and say that no one already in a civil union shall not enter into another civil union. And again, if someone wants to offer a bill that puts out that we should have these types of polygamous civil unions, they can offer it, we can debate it but that's not what we're here to do today. Again, I won't vote for it, but as another Representative, I believe a Representative from the Judiciary Committee said, "This amendment has no process for applying for civil unions." The Lasky amendment has direct references to RSA 5-c 41-61 which is the law as it has evolved in New Hampshire over 100 years about how these licenses will be applied for. Amendment (1155h) does not do that. There is no reason to and no application for it so we don't know how it would work. Amendment (1155h) does not say. Finally, amendment (1155h) provides no mechanism for recognition of out of state civil unions like the Lasky amendment does. So even those, it seems, we're mostly all in agreement that civil unions should be the law of the state, and I even note that President Bush has come out in favor of civil unions for same sex couples. Amendment (1155h) would not recognize any civil union that has been solemnized in Connecticut, Vermont, New Jersey or California here in New Hampshire. That's another fatal flaw and another reason why I think we should vote against this amendment. For these reasons, I ask you to vote down amendment (1155h) and Thank you, Madam Speaker.

Speaker: Will the member yield to a question?

Rep. Pierce: No.

Speaker: The member does not yield. The question before the House is on the Mooney/MacKay floor amendment (1155h). The Chair recognizes the member from Concord, Rep. MacKay.

Rep. MacKay: Thank you, Madam Speaker. Madam Speaker, I'll be brief because I have to be. I am losing my voice. Just so there is no confusion, I support civil unions for gay and lesbian couples and there is nothing in my presentation that is intended to denigrate that part of it. This bill is based on the basic principle of keep it simple and I'll leave out the other aspect that it does some things that make it possible to get where so many people want to get to. We worked with this yesterday and after quite a considerable amount of consultation, felt that at least this is another avenue to get to civil unions for those that deserve it. There are some that feel that adding in this for everybody 18 and over for any and unmarried is overly broad, but it does what people want it to do. I felt it might be a way that some people that are rather conflicted about this could find this a way to move ahead with this subject. I hope you can support this. As I say, I support civil unions and my final vote will be in support of that. I hope along the way you can do this and I hope you vote green. Thank you, Madam Speaker.

Speaker: The question before the House is on the Mooney/MacKay floor amendment. Are you ready for the question? A division has been requested. Will the members please take their seats? The question before the House is on the Mooney/MacKay floor amendment (1155h). If you're in favor of that, you'll be pressing the green button. If you're opposed, you'll be pressing the red button. The Chair recognizes Rep. Mooney for a parliamentary inquiry.

Rep. Mooney: Thank you, Madam Speaker. Madam Speaker if you know as I know that this floor amendment opens up a civil union contract to all unmarried couples making it fair and achieving equality today, and if you know, as I certainly do and everyone here does that incest referred to earlier is an illegal form of intimacy and my amendment does not refer to intimacy of any kind, and if you further know that this floor amendment will make New

Hampshire a leader in the country in family law to properly care for all family combinations in whatever form they come in, then would you join me now in pressing the green button?
Thank you.

Speaker: The question before the House is on the Mooney/MacKay floor amendment (1155h). This is a division vote. If you're in favor of that, you'll be pressing the green button. If you're opposed, you'll be pressing the red button. The Chair recognizes Rep. Lasky for a parliamentary inquiry.

Rep. Lasky: Thank you, Madam Speaker. Madam Speaker if you know as I know that this amendment will again do nothing to rectify the problems and the injustices that same gender couples have among us, and if you know as I know that we are ignoring intimacy with this bill, and if you further know as I know that this amendment's content can be looked at in a different way in another bill that will come before us, then would you please vote no and press red button? Thank you.

Speaker: The question before the House is on the Mooney/MacKay floor amendment (1155h). If you're in favor of that, you'll be pressing the green button. If you're opposed, you'll be pressing the red button. Voting stations are open for 30 seconds. The House will be attentive to the state of the vote. 115 having voted in the affirmative, 249 in the negative, the Mooney/MacKay floor amendment fails. The question before the House is on the committee report of Ought to Pass with amendment. The Chair recognizes the member from Merrimack, Rep. Nancy Elliott.

Rep. Nancy Elliott: Thank you, Madam Speaker. Please bear with me. I've had to revise my speech several times through this debate. This bill is unconstitutional because it discriminates and does not allow other groups access to this new class. Proponents of HB....
Speaker: Will the member please suspend? The House will please be in order. The member deserves to be heard. You may continue.

Rep. Nancy Elliott: Thank you. As I said before, this bill is unconstitutional because it discriminates and does not allow other groups access to this new class. Proponents of HB 437 say that same sex pairs love and are committed to each other and that should be a basis for marriage. Lot's of people love and are committed to each other that would be excluded in this bill. For example, three people that love and are committed to each other, two couples that love and are committed to each other and all forms of groups: a mother and daughter, two sisters or a father and son who may be interested due to finances. There is an issue as to whether the concept of civil unions is constitutional. We will have two institutions that are exactly the same except for the title. A rose by any other name is still a rose. We have heard discussion of separate but equal. Would this be the case? California has ruled this unconstitutional to have separate but equal. Traditional marriage is not discriminatory. It allows every woman to marry a man and every man to marry a woman. Marriage is for procreation. While all married couples do not have children, that does not change the fact that procreation requires a man and a woman. Nature bears witness to the legitimacy of one man and one woman. This bill is unconstitutional in the fact that it recognizes out of state unions. It does not recognize their marriages. Couples married in Mass., same sex couples, will most certainly sue and have their marriages recognized. The court will see this as reasonable due to the changes in our state. We are recognizing their relationship, but are we really? We are saying that you were a marriage and now you are just a union. Do you really think that our courts are going to accept that? The first same sex marriage union that is recognized from Mass. will spark a planned lawsuit to demand this equal protection of the law for New Hampshire based same sex couples. This state will be forced by the court to recognize same sex marriage just like the situation in Massachusetts. Face it. Is it fair that people who move here from another state have more rights than natives? No. Therefore we must all recognize that gay marriage is the end result of passing this bill. Know that if you vote for this bill that you are in fact voting for full gay marriage. What changes will gay marriage make in our state? Marriage will lose its meaning. It will no longer be a standard of morality. There will be a new morality. The need for marriage will decrease as it becomes

irrelevant. It will affect our schools and children. As in Mass., our children will be forced to study the methods of homosexuality, something many parents feel their children would be okay never knowing. In Mass., the court's ruled that parents do not have the right to have their children excused from classes even if they oppose this teaching. And in Mass. this starts at the kindergarten level. Faith based adoption agencies will be forced by this statute to place children in gay homes in opposition to their teachings or face closure as is happening in Massachusetts. This bill now has a conflict in it due to all the amending processes. It says that no one under 18 can enter into a civil union. However, it also references the marriage laws which allow girls of 13 and boys of 14 to enter in, so I think we have a conflict already. Know that if you vote for this bill you are in fact voting for full gay marriage. If that is your intent to impose gay marriage on the citizens of this state, then you want to vote yes. But if you are looking at this civil union's bill as a compromise and not really marriage or even that by voting for civil unions you are protecting marriage, you are deceiving yourself. Be honest with yourself and your constituents. If you do not want gay marriage, and this is a gay marriage bill, you must vote no and press the red button.

Speaker: Will the member yield to a question?

Rep. Nancy Elliott: No.

Speaker: The member does not yield. The question before the House is on the committee report of Ought to Pass with amendment. The Chair recognizes the member from Manchester, Rep. Vaillancourt.

Rep. Vaillancourt: Thank you, Madam Speaker. I rise in support of Ought to Pass with Amendment. As I alluded to earlier, I had an amendment which basically would have done the same thing. I think it was more elaborate and would have been better, but I don't think we should be any more confused than we already are here today. There was a time in my life, just a couple of years ago, when I thought when this bill came forward, I was going to have to get up here and plead with my colleagues to pass something that would at last bring the final segment of our society into equality with everyone else in the human race. I'm not going to have to do that. I can read the votes. Junie Blaisdell or Lyndon Johnson, some great man, I always forget which one, said, "When you've got the votes, sit down and vote." But I'm not as wise as either Junie Blaisdell or Lyndon Johnson or whoever said that and I would like to clear up some misconceptions about this bill. The previous speaker said this was gay marriage. It is not gay marriage. In fact, later this morning, later this afternoon we will consider HB 791 which in its original form, was and is about gay marriage. It has been amended to a study committee. The reason I mention this is because this bill as it stands today is a compromise, similar to the bill I introduced, a compromise. And what I see now is something rather miraculous happening. A lot of members of the gay and lesbian community showed up in this room to push for full fledged marriage – 791, the members of the Judiciary Committee and the members of this House. My friend from the North Country who served on the same sex marriage commission with me voted against this compromise on the same sex marriage commission. He has now accepted this compromise. What I see today are members of the gay community, the lesbian community saying, "You know we've got 99 percent of what we want. We're willing to accept that. We're willing to compromise." So I think what we need to do now is to ask the other side to say okay we're willing to compromise as well. It would be nice to see this not pass by a two to one margin, but by unanimity. In the Declaration of Independence, perhaps the most important document every penned, Thomas Jefferson wrote those immortal words. I hope you'll allow me to read them. "We hold these truths to be self evident, that all men are created equal, that they are endowed, by their Creator, with certain unalienable rights, that among these are life, liberty and the pursuit of happiness." The New Hampshire House today, in adopting this measure, will bring our society, albeit somewhat belatedly, into compliance with Jeffersonian ideals. All men and women are created equal whether they are black or white, gay or straight. Whether they are tall or short, color blind or can see colors, left handed or right handed. In the Jeffersonian spirit, the New Hampshire constitution, adopted June 2, 1784, reaffirmed in

Part I, Article II all men, all men have certain natural, essential and inherent rights among which are the enjoying and defending of life and liberty, acquiring and possessing and protecting property and in a word, of seeking and obtaining happiness. I ask you, what could a more basic happiness be than that attained by two individuals falling so much in love that they wish to share their lives together in body, mind and soul. To deny two people that basic right, that right to sanctify that love before God, if they choose, and man is to deny an expression of that basic right of happiness. In 1974, in Article 2 of the New Hampshire constitution, we included the rather radical words, equality of rights under the law shall not be denied or abridged by this state on account of race, creed, sex or natural origin. And in Part 10 of the constitution it was kind of a right of revolution, if you remember, that so many constitutional scholars like to bring up Part 10, it says, "Government being instituted for the common benefit," similar to common benefit in Vermont law, "common benefit protection and security of the whole community and not for the private emolument of any man, family or class of man." And then it goes on to enumerate the right of revolution when government becomes dedicated to only one segment of society. By passing this bill today, although we are not granting full marriage rights to homosexuals, gays and lesbians, we are saying, "Hey, you have the same rights as other people and we are acknowledging that as other states have done." On the other hand this bill does not go as far as Massachusetts. This bill is not something handed down on high from a court as was the case in Massachusetts or Vermont. I am proud to say that this bill comes out of the Legislature. This bill which I hope will pass by tremendous margin, comes out of the peoples' will. And you know,

Speaker: The House will be in order.

Rep. Vaillancourt: No, they should be allowed to boo. I believe that shows the situation we are in, in society today.

Speaker: The House will be in order. I would ask the guests in the gallery to please remain in their seats or you will be removed from the gallery.

Rep. Vaillancourt: All men are created equal. They are endowed with their Creator with certain unalienable rights among these are life, liberty and the pursuit of happiness. It's time that we recognize that gays and lesbians have a right to pursue that happiness.

Madam Speaker, one thing this bill does not do is force any religion to honor the wishes of a gay or lesbian. If you will look at page 2, lines 3 and 4 of the amendment, nothing in this chapter shall be constructed to require a minister or clergyman or clergywoman to solemnize and perform a civil union. So this bill is not forcing any lifestyle on anybody else. Forest Gump, yes Forest Gump had that famous line, "Life is like a box of chocolates." Remember that? Well, to those people who are afraid of this bill, to those people who say that if we allow homosexuals, gays and lesbians this kind of right, we're going to be taking something away from the straight community, I say to you life may be like a box of chocolates, but love is not like a box of chocolates. If I take a chocolate and eat it out of a box, I am denying you that chocolate. If a gay or lesbian choose to marry or get united with another gay or lesbian they are denying nobody anything. They are not denying you a chocolate. Love is infinite. There is enough love for everybody to go around. You know opinion polls and again I don't think we should act because of opinion polls and I have to tell you the truth, I never lie so I am going to tell you I had a caller last night, night before who said, "I will never vote for you if you pass this." I explained that I am going to pass it if I can. Opinion polls show that while the majority of New Hampshire residents do not yet support gay marriage, they do support civil unions. So be not afraid. We are not taking a chocolate away from the heterosexual community. We're not forcing anything on the heterosexual community. What we are doing is bringing society a little bit forward. In 1967, the Supreme Court in the Loving vs. Virginia decision stated that blacks and whites could indeed be allowed to solemnize their love for each other and marry. As you may know, public opinion was very much against that decision, but today no one among us would deny blacks and whites to solemnize their love for each other. And I think in 15 to 20 years society will feel the same way about denying gays and lesbians to solemnize their love in this form. I will take the

question if you want to ask me if this is indeed a racial matter. What it does is say society advances incrementally. After this bill passed the committee, a gay activist was quoted in the Concord Monitor as saying, "This was one of the happiest days of my life." And you know I thought it would be a happy day for everybody who honors and appreciates equality. I thought it would be this uplifting experience, but it's an evolutionary process. We didn't arrive here overnight. You know when I realized that this was the kind of bill that would pass here today? And I hope it will. A couple of weeks ago on *This Week with George Stephanopoulos*, the godfather of conservatism, and I say that with all pride. I like the man a great deal. George Will was quoted as saying, "For most young people, being gay is like being left handed or being color blind." George Will saying that. In other words, George Will said that if we all think like young people and they are the future, then we're going to consider gays and the rights of lesbians and homosexuals and gay people just like we consider left handed people and color blind people. That's from George Will. If George Will can recognize it, I believe the rest of us can as well. Let's just clear up a few things this bill does not do. It does not allow more than one person to marry or enter into civil unions. It does not allow civil unions between a man or a woman and a young boy or girl. It does not give any special rights for gay people. Let's get that clear. In fact, gay people still come up a little bit short because they can't have that full thing of marriage. So what it does is provide equal rights virtually, nothing special. A song that I love a great deal was by Rod Stewart who is coming to the Verizon Center in less than a month. I hope he sings the song. It's called *The Killing of Georgie* about a young gay person who realizes that he is gay and leaves home and ends up getting killed on the cruel streets of New York City. There is a line that I would like to quote as I leave you and I would like you to think about it because we all deserve what Georgie wanted, nothing more and nothing less. Rod Stewart wrote and sang to us, "His mother's tears fell in vain the day Georgie tried to explain that he needed love like all the rest." It's time to say that gays and lesbians need love like all the rest and we honor the right to that love. Thank you, Madam Speaker.

Speaker: The question before the House is on the committee report of Ought to Pass with Amendment. Will the member yield to a question?

Rep. Vaillancourt: No.

Speaker: The member does not yield. The question before the House is on the committee report of Ought to Pass with Amendment. A roll call has been requested and sufficiently seconded. We are down to our last two speakers. I would ask the Sergeant at Arms to please ask members to come up from the common room and in from the anteroom and quietly take their seats. The Chair recognizes the member from Londonderry, Rep. Baldasaro.

Rep. Baldasaro: Thank you, Madam Speaker.

Speaker: The House will be in order.

Rep. Baldasaro: First of all before I get started, for my friend from Manchester about being the will of the people. I hope we all wake up here because this is a small minority pushing the choices on the will of the people. Okay, so this here is not the will of the people and they will speak here come 2008. Thank you. You heard fellow Representatives tell you the homosexual rights are being stepped on is unconstitutional. I come to you today as a straight speaker and I don't use no three dollar words. I tell it like it is. Okay, and I will try to stay right to the point. This is a choice. I am tired of hearing about civil rights. Okay, this has nothing to do with your rights. This is your choice. You choose it. Whether you choose male on male or female on female or you're a male with two women, it does not make a difference. That's your choice. This is a stepping stone to an agenda and we all know it. As a fellow Representative, I agree with what was said before. This is a shame. It's actually a shame on the good people of New Hampshire that you have to sit here and listen to discussions here with people pushing their agenda. Hello, this is about opening the door. I want to make sure. This is about opening the door to the gay agenda. This is about marriage. This ain't about unions. This is about getting equal rights as a male/female. That's been around for many years. That's all this is about. Let's not kid ourselves. This is the stepping stone, as I

said, to teaching our children from kindergarten on as they do in Massachusetts. This is about telling our kids that it's alright for Johnny and Joey to kiss together and cross dress or whatever. This is about Mary and Lucy or whatever coming together in our schools. Okay? This must stop right now because there is a slope that we're going down with this here. This is wrong. I wish you'd keep your choices in the bedroom and not push them on to the American people or the people of New Hampshire. I notice my friends, on the other side are in sequence on their votes. There is an agenda and it's not the peoples or New Hampshire's agenda. It's a national agenda. I hope that you keep the Massachusetts agenda out of New Hampshire because we talk about immigration. I believe that we need to put up fences around our border and keep the people of New Hampshire. We must not recognize the marriages of Massachusetts. That's what this is leading to. Marriage is not an American invention. It has existed as an institution since the beginning of civilization. As a marine, I've been through this once before during the White House a few years ago. I'm not going to mention any names, because I don't know if it's proper or what is or what's not. There was a certain President that was pushing their agenda down on the people of the military. We were disgusted. I was ready to throw in my retirement. We turned around. We talked about okay, now if in the military we're going to have gay sex or gay marriage or homosexuals in the military. The big discussion was were we going to have four bathrooms? Because I as a male marine I refused to take a shower, eat, drink, and sleep with a gay homosexual. I don't knock them because I have them in my family. I love them. This is not about being against them and knocking them down. This is about I don't support their choices and don't push it on me. And let me tell you today, I am not a religious man. I'm a Catholic and I walked away from the church. Okay, so this has nothing to do about religion, the Bible or any of that stuff there. I was married by a justice of the peace 20 years ago to my wife who is disgusted over this and she is a person of the Bible. Okay? Once again I talked to you a little bit about as my experience as a marine because what has to happen in the schools if you approve civil unions. My daughter of 15 years old said "Dad, does this mean that now in high school if lesbians come out and say they're lesbians, I have to take showers with them?" I said you know something, you're right 'cause we had talked about this at the dinner table. Okay? So this is opening the doors here because I as a male, as a marine like I was do not want to take a shower with a homosexual. If that's the case, bring in the women and let me shower with women then because it's not right. Once again, let me tell you. Once again, this is not right. This is not about marriage. This is about a hidden agenda. This is about people up there that want to take people to court there if their agenda comes to here. We're going to be fighting them in court. Okay? On other issues this will go all the way to the Supreme Court. So be prepared to pay the good taxpayers' money and we're trying to educate our children so this is what this is all about. Some say that same sex marriage or, you know, should be between a man and a woman and of course they say it's unjust because people that make other choices are not invited in. Well, let me tell you here. Marriage, like I said once again, has been around for many years.

Speaker: Will the member please suspend? The question before the House is on Ought to Pass with amendment.

Rep. Baldasaro: Yes Ma'am, that's what I'm on. I'm on Ought to Pass here. I'm talking about the final bill Ought to Pass. Thank you. I apologize if I did something wrong.

Speaker: The bill is not a marriage bill.

Rep. Baldasaro: Yes Ma'am, you're correct but it's leading us down a slippery slope there to marriage. Is that proper? Today I see my friends once again and of course I dropped my notes here and I'll get with the program. Today I see my friends on the other side voting in sequence. I think we talked about that. This is about a national agenda. This is not about the good people of New Hampshire. We're pushing this around the country.

Speaker: Will the member please suspend? I want to explain that Masons 124-3 talks about, says, it is not the person, but the measure that is the subject of the debate and it is not allowable to arraign the motives of another. That means that you cannot assign motives for

people's actions in a floor debate so I would ask you to please to refrain from doing that.

Rep. Baldasaro: Ma'am is that as an individual member or is that as a nation, on an agenda? That's what I'm confused on.

Speaker: Well, you should not be assigning motives to others during a floor debate.

Rep. Baldasaro: Okay. I'll rephrase that then. I apologize.

Speaker: Thank you very much.

Rep. Baldasaro: Today, I see my friends around the country voting in sequence on some special agenda. It's not right. The good people of New Hampshire don't deserve it for a small minority that goes on here. We do not want to be like everyone else. We demand that marriage be between one man one woman and keep your choices in the bedroom. In closing, I'm sure some are happy, I ask all New Hampshire residents to hold people accountable for pushing civil unions on to the great people of New Hampshire, without no say. This is a marriage. Who we trying to kid? In 2008, we will come back and repeal this bill. I guarantee it. So don't get too comfortable. I ask you to put your party platform aside, all of you, and vote for the people of New Hampshire by opposing this gay civil unions. Thank you.

Speaker: Will the member yield to a question?

Rep. Baldasaro: No, thank you.

Speaker: The member does not yield. The question before the House is on Ought to Pass. The House will be in order. The question before the House is on the committee report of Ought to Pass with amendment. A roll call has been requested and sufficiently seconded. We are down to the last speaker. I would ask members to please quietly take their seats. The Chair recognizes the member from Somersworth, Dana Hilliard. Please quietly take your seats.

Rep. Hilliard: Thank you, Madam Speaker. It's been a long morning, Madam Speaker. As most of you in this Honorable body are aware, I am a high school teacher. I am used to talking for 90 minutes three times a day. I assure you I will not do that. We'll keep all of you happy and I'm going to try and break my record as far as a lesson goes this morning. I'll have to agree with some of the opposition. This isn't about business. This isn't about marriage. You're right it's about something higher. It's about something a little bit more pertinent. It's about something that we identify all as ourselves; all of us together as a collective body. It's about something that holds us together as Americans. It's not about a fight that has been in existence or a battle for 20 years. This thought started, believe it or not, over 400 years ago. Quick history lesson: late 1600's things in Europe got shaken up a little bit by a gentlemen by the name of John Locke when he wrote this famous book called The Two Treatises on Government. Underneath that, Locke talked about this brand new concept called inalienable rights. Locke referred to these rights as life, liberty and property. Bringing you back across the Atlantic - In June of 1776 this gentleman stood up in the 2nd Continental Congress, a gentleman by the name of Richard Henry Lee, a delegate from Virginia, and called for a Declaration of Independence. Of course that legislative body like us did the norm, assigned it to a committee for study. The committee then of course did the norm which we like to do, look for the volunteer for who was going to write it. At that point, this 33 year old redhead aristocrat stands up and says, "I'll do it." Thank you, Thomas Jefferson. See, Thomas Jefferson was a scholar of Locke in theory. Mr. Jefferson wrote that document, on his own and with a few editorial changes he produced the greatest human manifesto that has ever been written in western civilization. Mr. Jefferson tweaked Locke in theory a little bit and included life, liberty and the pursuit of happiness. With Lockean theory he included that these are inalienable rights, God given rights, the right of the pursuit of happiness. This is what we identify, us, ourselves, as being part of American. This is the fabric of our foundation; such the fabric of the foundation of the citizens of this state that we included it in Article 2 of the New Hampshire constitution. This is part of who we are. This is part of what we are committed to. This is part of what we are all about. Today is about the right thing to do. It is about ensuring that we will stand up for inalienable rights for everyone. This country has gone through tremendous growing pains in

the past 231 years; the growing pains of civil rights. In July 1776 when we adopted that Declaration of Independence, when we adopted the foundation of who we are, we knew it was going to encompass growing pains. We knew it was going to be a venture to get there. Our history has been plagued with racism. Our history has been plagued with injustice, yet at the end of the day we are still trying to get there. We are still committed to that promise. We are committed to that promise as New Hampshire citizens. We are committed to that promise as American citizens. Why? Because it is the right thing to do; because it is who we identify ourselves as; standing up for those inalienable rights for all. Today is about the current generation of New Hampshire citizens being able to enjoy that promise that we inscribed on that document on July 4, 1776. It's about the future generations of this state being able to partake in that promise. Our state motto "Live Free or Die" is a reflection of this. It is a reflection of the promise that we set forth in our revolution. If we are not willing to deliver on that promise, colleagues, then I ask you, what are we all about? What are we all about as a state? What are we all about as a nation? What are we all about as a people? Now I love activities as a teacher so I would like to indulge you to look at your neighbor to your right, look deep into their eyes and say the following: "You are not worthy." Now look to your left. Look into their eyes and say the following: "You are not worthy." Because by not supporting this today, that's what you are saying. You are not worthy.

Speaker: Will the member please suspend? I want to repeat Masons 124-3 which is that you may not assign motives to other peoples' action during floor debate.

Rep. Hilliard: Point well taken, Madam Speaker. Great classroom management. Do the right thing today. We set forth great motions with that document. I believe in that document. I believe in the ideals that we stand up for as a state. I believe in the ideals that we stand up for as a nation. I would be willing to sacrifice my life for those ideals. I know that everyone in this body believes that we are all equal. Carry forward on that promise today. Push the green button. Thank you, Madam Speaker.

Speaker: Will the member yield to a question?

Rep. Hilliard: In the interest of civil rights, no.

Speaker: The member does not yield. The question before the House is on the committee report of Ought of Pass with Amendment. A roll call has been requested by Rep. Carson and it has been sufficiently seconded. Will the members please take their seats? The question before the House is on the committee report of Ought to Pass with Amendment. This is a roll call vote. If you're in favor of that, you'll be pressing the green button. If you're opposed, you'll be pressing the red button. The Chair recognizes Rep. Mooney for a parliamentary inquiry.

Rep. Mooney: Thank you, Madam Speaker. Madam Speaker, if you know as I do that we debated several floor amendments today because this bill as amended could be greatly improved, and if you know that as responsible legislators our role is to produce the best possible policy for all citizens regardless of gender, and if you further know that this bill is just a subsection of the domestic relations RSA's that refers the reader back to the marriage and the divorce statutes, and additionally allows court created marriages outside of New Hampshire to come into New Hampshire and be called civil unions then why not vote this amended bill down so that we can come back with a marriage bill or fair civil unions or both. Thank you, Madam Speaker.

Speaker: The question before the House is on the committee report of Ought to Pass with Amendment. If you're in favor of that, you'll be pressing the green button. If you're opposed, you'll be pressing the red button. The Chair recognizes Rep. Lasky for a parliamentary inquiry.

Rep. Lasky: Thank you, Madam Speaker. Madam Speaker, if you know as I know that the time is now to put an end to discrimination for thousands of good and decent New Hampshire families, and if you further know that passing HB 437 as amended will give legal relief and overdue legitimacy to these same families, and if you know as I know that this is a proud day in New Hampshire's history and honors all of us, those who are here and many who are not

able to be here, then would you please now vote yes by pressing the green button? Thank you.

Speaker: The question before the House is on the committee report of Ought to Pass with Amendment. If you're in favor of that, you'll be pressing the green button. If you're opposed, you'll be pressing the red button. And I would please ask you to stay in your seats. Voting stations are now open for 30 seconds. The House will be attentive to the state of the vote. 243 having voted in the affirmative, 129 in the negative, the committee report is adopted. The Chair recognizes Rep. Splaine. For what purpose does the member rise? Rep. Splaine moves reconsideration on HB 437 and is recognized to speak to his motion.

Rep. Splaine: Madam Speaker. If I am very proud of the equality that the New Hampshire legislature has just given by its vote to the residents of New Hampshire on this historic vote, would I say no?

Speaker: The question before the House is on the motion to reconsider HB 437. Are you ready for the question? All those in favor say Aye. All those opposed Nay. The Nays have it. Reconsideration fails and the committee report is adopted.

REGULAR CALENDAR – SPECIAL ORDERS (CONT'D)

HB 518-FN, relative to establishing reciprocity for liability limitations on claims against the state and against foreign jurisdictions. **INEXPEDIENT TO LEGISLATE.**

Rep. Anthony R. DiFruscia for Judiciary: The purpose of this bill was to begin the process of establishing reciprocal arrangements with other states to limit the liability of each when sued for damages in another. The exposure to damages of each state enacting this or any substantially identical bill would be limited to the statutory limit (if any) enacted by that state, regardless of in which other participating state it was sued. In the case of New Hampshire this would mean that, when sued in the courts of any other participating state, its exposure would be limited to the current statutory cap of \$250,000 establishing by RSA 541-B:14, the same limit to which it is exposed when sued in the courts of this state. Several objections to this bill were raised, which included its confusing wording, the questions of why other states would wish to limit the recovery rights of its citizens to a cap so low as that of New Hampshire, and the constitutionality – notwithstanding decisions of our Supreme Court upholding it – of any statutory cap on damage awards, given the right expressed in Article 14 of our Bill of Rights that every subject of the state is entitled to have recourse to a complete remedy of all injuries. Vote 16-0.

Committee report adopted.

HB 554, requiring that funds in the civil legal services fund be distributed to New Hampshire Legal Assistance to establish an office in Concord. **OUGHT TO PASS.**

Rep. Frances D. Potter for Judiciary: Concord area residents needing legal assistance are served by the Legal Assistance Office in Manchester which is stretched thin. NH Legal Assistance has a proven record in easing state and local budgets by helping clients obtain SSI benefit, Medicare coverage, town/city welfare payments and child support in domestic violence cases. The poor and the near-poor (those with incomes at or below the basic needs budget) must often represent themselves in court proceedings – a daunting role – especially for the growing population of elderly. HB 554 has no FN since it only provides for the distribution of existing funds from the civil legal services fund in the office of the state treasurer. Vote 16-1.

Committee report adopted.

Ordered to third reading.

HB 577-FN, establishing the number of associate justices of the superior court. **OUGHT TO PASS.**

Rep. Lucy M. Weber for Judiciary: This bill requested by the Supreme Court would increase the number of justices on the Superior Court from 21 to 23. In support of the bill, the court

produced a weighted case study showing that, even with the transfer of domestic cases to the Family Court, the Superior Court would require 23.8 associate justices to keep up with the case load. The request was for only two additional associate justices. Vote 16-1.

Committee report adopted.

Referred to the Committee on Finance.

HB 612-FN, relative to coercion of abortion on a minor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Philip Preston for the Majority of Judiciary: This bill makes anyone who uses or threatens the use of force to make a minor undergo an abortion guilty of a class A felony. It makes a person guilty of a class B felony if he or she uses coercion to induce a minor to have an abortion. Although the committee believed that coercion and the use or threat of physical force in order to procure this type of medical procedure is inappropriate and unjustifiable, it also believed that existing criminal statutes covering simple assault and criminal threatening adequately address the issues raised by the sponsor. Thus the committee decided that additional legislation is unnecessary. Vote 13-4.

Rep. Nancy J. Elliott for the Minority of Judiciary: This bill establishes a class A felony if a person uses or threatens the use of physical force against a pregnant minor under 18 years of age in order to force the minor to have an abortion. The bill also establishes a class B felony if a person uses coercion to induce such a minor to have an abortion against her will. There was substantial testimony in committee that there is abuse happening in this state, both physical and psychological. We currently do not have laws that would make this aggressive behavior a crime. As the decision to have an abortion has far reaching consequences, the minority feels that this bill should be passed to protect the girls of this state.

Reps. Nancy Elliott and Dumaine spoke against.

Reps. Philip Preston and Weber spoke in favor.

Rep. Nancy Elliott requested a roll call; sufficiently seconded.

YEAS 268 NAYS 99

YEAS 268

BELKNAP

Allen, Janet
Nedeau, Stephen

Heald, Bruce
Pilliod, James

Millham, Alida
Reever, Judith

Morrison, Gail

CARROLL

Bridgham, Robert
Cunningham, Howard

Buco, Thomas
Heard, Virginia

Butler, Edward
Knox, J. David

Chandler, Gene
Patten, Betsey

CHESHIRE

Burrige, Delmar
Chase, William
Hunt, John
Richardson, Barbara
Weber, Lucy

Butcher, Suzanne
Dunn, J. Timothy
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Butterworth, Timothy
Eaton, Daniel
Mitchell, Bonnie
Robertson, Timothy

Butynski, William
Espieffs, Peter
Plifka, Stanley Jr
Sad, Tara

COOS

Hatch, William
Merrick, Evalyn

Ingersoll, Paul Sr
Merrick, Scott

King, Frederick
Stohl, Eric

Mears, Edgar
Thomas, Yvonne

GRAFTON

Almy, Susan
Bulis, Lyle
Gionet, Edmond
Matheson, Robert
Pierce, David
Williams, Burton

Andersen, Gene
Cooney, Mary
Hammond, Lee
McLeod, Martha
Preston, Philip

Benn, Bernard
Estes, Carole
Harding, A Laurie
Mulholland, Catherine
Solomon, Peter

Bleyler, Ruth
Friedrich, Carol
Lovett, Sid
Nordgren, Sharon
Sorg, Gregory

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Cote, David
Edwards, Andrew
Fontas, Jeffrey
Ginsburg, Ruth
Hackel, Paul
Hebert, Roger
Kaelin, Michael
Knowles, Mary Ann
Leishman, Peter
Long, Patrick
Messier, Irene
O'Connell, Timothy
Pilotte, Maurice
Schulze, Joan
Simon, Anthony
Sullivan, Daniel
Winters, Joel

Beaulieu, Jane
Chase, Claudia
Daler, Jennifer
Emerton, Larry
Foster, Linda
Goley, Jeffrey
Hall, Betty
Holden, Randolph
Katsiantonis, George
Kopka, Angeline
Levasseur, Nickolas
Mack, Ron
Moran, Edward
O'Neil, James
Price, Pamela
Shattuck, Gilman
Smith, Sandra
Sysyn, Mary

Beck, Catriona
Christensen, Chris
Dokmo, Cynthia
Essex, David
Gargasz, Carolyn
Gorman, Mary
Hammond, Jill
Irwin, Anne-Marie
Kelley, John
Kurk, Neal
Levesque, Melanie
Marshall, Seth
Movsesian, Lori
Ober, Russell III
Reuschel, Michael
Shaw, Barbara
Spaulding, Jayne
Vaillancourt, Steve

Bergin, Peter
Clemons, Jane
Drisko, Richard
Fletcher, Richard
Garritty, Patrick
Graham, John
Harvey, Suzanne
Jean, Claudette
Knowles, John
Lasky, Bette
Lisle, Carolyn
McRae, Karen
O'Brien, Michael Sr
Peterson, Andy
Rosenwald, Cindy
Shaw, Kimberly
Spratt, Stephen
Velez, Hector

MERRIMACK

Anderson, Eric
Bouchard, Candace
Davis, Frank
Foose, Robert
Hager, Elizabeth
Kjellman, Eleanor
Glynn
Osborne, Jessie
Reardon, Tara
Shurtleff, Stephen
Walz, Mary
Yeaton, Charles

Baxley, Maureen
Brown, Carole
DeJoie, John
French, Barbara
Hamm, Christine
Lockwood, Priscilla
Owen, Derek
Reed, Dennis
Tilton, Joy
Webb, Leigh

Beauchesne, Suzanne
Brueggemann, Donald
DeStefano, Stephen
Gile, Mary
Kelly, Sally
MacKay, James

Porter, Margaret
Richardson, Gary
Tupper, Frank
Wheeler, Deborah

Blanchard, Elizabeth
Clarke, Claire
Ehlers, Eileen
Greco, Vincent
Kidder, David
McMahon, Patricia

Potter, Frances
Ryan, Jim
Wallner, Mary
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Buxton, Donald
Charron, Gene
Flockhart, Eileen
Henson, John
Kelley, Jane
Major, Norman
McKenna, Daniel
Moore, Benjamin
Pantelakos, Laura
Robertson, Carl

Allen, Mary
Cali-Pitts, Jacqueline
Day, Judith
Gould, Kenneth
Howard, Doreen
Kennedy, James
Marsh, Michael
McKinney, Betsy
Moore, Bennett
Powers, James
Russell, Trink

Borden, David
Case, Frank
DiFruscia, Anthony
Griffin, Mary
Ingram, Russell
Kepner, Susan
McEachern, Paul
McMahon, Charles
Nord, Susi
Preston, Mark
Serlin, Christopher

Brown, C. Pennington
Casey, Kimberley
Flanders, John Sr
Grote, Otto
Katsakiores, George
Lister, Charlotte
McGuirk, Thomas
Moody, Marcia
O'Keefe, Peter
Priestley, Anne
Snow, Richard

Splaine, James

Wells, Roger

Wickson, Rick

Winchell, George

STRAFFORD

Berube, Roger
Brown, Jennifer
Cyr, James
Goodwin, Earle
Hutz, Sarah
Miller, Joseph
Rous, Emma
Sprague, Dale
Watson, Robert

Billian, Deborah
Brown, Larry
DeChane, Marlene
Grassie, Anne
Kaen, Naida
Perry, Robert
Schmidt, Peter
Vachon, Dennis

Brennan, William
Browne, Brendon
Domingo, Baldwin
Hilliard, Dana
Knowles, William
Rollo, Deanna
Smith, Marjorie
Wall, Janet

Brown, George
Burke, Rachel
Fargo, Thomas
Hubbard, Pamela
Mickelonis, Shawn
Rollo, Michael
Spang, Judith
Warren, Nancy

SULLIVAN

Cloutier, John
Gagnon, Raymond
Nielsen, Ellen

Converse, Larry
Gottling, Suzanne
Phinizy, James

Ferland, Brenda
Houde, Matthew
Skinder, Carla

Franklin, Peter
Jillette, Arthur Jr

NAYS 99

BELKNAP

Boyce, Laurie
Thomas, John
Whalley, Michael

Clark, Charles
Tilton, Franklin
Wood, Jane

Flanders, Donald
Tobin, William

Russell, David
Wendelboe, Fran

CARROLL

Brown, Carolyn
Stevens, Stanley

Denley, William

Martin, James

Merrow, Harry

CHESHIRE

Emerson, Susan

Johnson, Jane

Pelkey, Stephen

COOS

Remick, William

Tholl, John Jr

GRAFTON

Dingman, Vernon III

Eaton, Stephanie

Ingbertson, Paul

HILLSBOROUGH

Barry, Richard
Christiansen, Lars
Daniels, Gary
Haley, Robert
Hogan, Edith
Judy, Jean
Mooney, Maureen
Rowe, Robert
Ulery, Jordan

Batula, Peter
Clark, Mark
Day, Russell
Hansen, Ryan
Hunter, Bruce
L'Heureux, Robert
Ober, Lynne
Smith, David
Villeneuve, Maurice

Bergeron, Jean-Guy
Coughlin, Pamela
Elliott, Nancy
Hawkins, Ken
Infantine, William
Lawrence, James
Reeves, Sandra
Soucy, Connie

Brunelle, Michael
Crane, Elenore Casey
Haefner, Robert
Hinkle, Peyton
Jasper, Shawn
Martineau, Jesse
Renzullo, Andrew
Stepanek, Stephen

MERRIMACK

Hess, David

Humphries, Charlie

ROCKINGHAM

Baldasaro, Alfred
Camm, Kevin
Dumaine, Dudley
Garcia, Marilinda
Hopfgarten, Paul
Kappler, Lawrence
Nowe, Ronald
Rausch, James
Waterhouse, Kevin

Belanger, Ronald
Carson, Sharon
Elliott, Robert
Garrity, James
Introne, Robert
Katsakiores, Phyllis
Packard, Sherman
Reagan, John
Weare, Everett

Bettencourt, David
Dalrymple, David
Emiro, Frank
Guthrie, Joseph
Itse, Daniel
Lund, Howie
Quandt, Marshall
Sanders, Elisabeth
Welch, David

Bishop, Franklin
Devine, James
Forsing, Robert
Headd, James
Johnson, Robert
McCarthy, Linda
Quandt, Matthew
Stiles, Nancy
Weyler, Kenneth

STRAFFORD

Brown, Julie

Hofemann, Roland

SULLIVAN

Donovan, Thomas Rodeschin, Beverly
and the majority committee report was adopted.

HB 614-FN*, relative to eminent domain. **INEXPEDIENT TO LEGISLATE.*

Rep. Gary B. Richardson for Judiciary: This bill attempts to redefine the term “public use” in the statutes and codify the constitutional language adopted last year found in Part 1, Article 12-a. Last session, the House and Senate had separate task forces to study eminent domain legislation in light of the *Kelo v New London* US Supreme Court decision. Additionally, the House had a subcommittee that extensively studied eminent domain legislation. Last session’s legislature carefully defined the term “public use” for the first time in the New Hampshire statutes and carefully crafted constitutional language to further protect private property from unlawful government takings. The changes to the statute became effective on January 1, 2007 and the constitutional language was adopted by the voters in November 2006. The committee felt the changes in HB 614 are premature in light of the statutory revisions made last session. Vote 17-1.
Committee report adopted.

HB 615-FN*, relative to the locations of superior courts, district courts, and the judicial branch family division. **INEXPEDIENT TO LEGISLATE.*

Rep. David J. Bettencourt for Judiciary: This legislation as originally referred to the committee would have vastly changed where superior and district courts throughout New Hampshire would or could be physically located. While the majority was sympathetic to the predicament in Cheshire County, as detailed by the sponsor, we believed that the original methodology in locating the courts in the current locations was sound and carefully crafted. We further believed that the particular issue raised could be dealt with individually. Vote 13-4.
Committee report adopted.

HB 744-FN*, relative to informed consent before abortion. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.*

Rep. Bette R. Lasky for the Majority of Judiciary: This bill would require informed consent before a woman procures an abortion. Health care service providers now carefully follow all legal and regulatory requirements and RSA 332-I:32 already mandates informed consent and protects the rights of patients to be fully informed. The majority of the committee felt HB 744 would establish government intrusion into the relationship between a health care professional and the patient and would impose an undue burden by requiring a 24 hour

waiting period. Also, the testimony given by many who stated that they had not been informed sufficiently was generally 20 years old. Vote 12-5.

Rep. Nancy J. Elliott for the Minority of Judiciary: This bill requires informed consent before a woman procures an abortion unless it is a medical emergency. The bill requires the Commissioner of the Department of Health and Human Services to publish printed materials relative to options available to the woman. This information shall also be available on the internet. Information is always a good thing. We heard many women discuss the less than favorable outcomes of their abortions due to misleading information or no information at all. Given that women in our state have suffered consequences in our abortion clinics that could have been avoided if they had been given the necessary information; the minority feels that we should pass this legislation.

Rep. Dumaine spoke against.

Reps. Lasky, Mitchell and Velez spoke in favor.

Rep. Rowe requested a roll call; sufficiently seconded.

YEAS 276 NAYS 88

YEAS 276

BELKNAP

Allen, Janet
Pilliod, James

Arsenault, Beth
Reever, Judith

Millham, Alida

Morrison, Gail

CARROLL

Bridgham, Robert
Cunningham, Howard
Morrow, Harry

Buco, Thomas
Heard, Virginia
Patten, Betsey

Butler, Edward
Knox, J. David

Chandler, Gene
Martin, James

CHESHIRE

Allen, Peter
Chase, William
Hunt, John
Richardson, Barbara
Weber, Lucy

Burridge, Delmar
Dunn, J. Timothy
Lerandean, Alfred
Roberts, Kris
Weed, Charles

Butcher, Suzanne
Eaton, Daniel
Mitchell, Bonnie
Robertson, Timothy

Butterworth, Timothy
Espieffs, Peter
Plifka, Stanley Jr
Sad, Tara

COOS

Hatch, William
Merrick, Evalyn
Thomas, Yvonne

Ingersoll, Paul Sr
Merrick, Scott

King, Frederick
Stohl, Eric

Mears, Edgar
Theberge, Robert

GRAFTON

Aguiar, James
Bleyler, Ruth
Friedrich, Carol
Matheson, Robert
Pierce, David

Almy, Susan
Bulis, Lyle
Hammond, Lee
McLeod, Martha
Preston, Philip

Andersen, Gene
Cooney, Mary
Harding, A Laurie
Mulholland, Catherine
Solomon, Peter

Benn, Bernard
Estes, Carole
Lovett, Sid
Nordgren, Sharon
Williams, Burton

HILLSBOROUGH

Baroody, Benjamin
Bergin, Peter
Clemons, Jane
Dokmo, Cynthia

Barry, Richard
Brunelle, Michael
Cote, David
Drisko, Richard

Beaulieu, Jane
Chase, Claudia
Daler, Jennifer
Edwards, Andrew

Beck, Catriona
Christensen, Chris
Day, Russell
Emerton, Larry

Essex, David
Gargas, Carolyn
Gorman, Mary
Hammond, Jill
Irwin, Anne-Marie
Katsiantonis, George
Kopka, Angeline
Levasseur, Nickolas
Mack, Ron
Movsesian, Lori
Ober, Russell III
Reeves, Sandra
Shattuck, Gilman
Smith, David
Sullivan, Daniel
Winters, Joel

Fletcher, Richard
Garrity, Patrick
Graham, John
Harvey, Suzanne
Jean, Claudette
Kelley, John
Kurk, Neal
Levesque, Melanie
Marshall, Seth
O'Brien, Michael Sr
Peterson, Andy
Reuschel, Michael
Shaw, Barbara
Smith, Sandra
Sysyn, Mary

Fontas, Jeffrey
Ginsburg, Ruth
Hackel, Paul
Hebert, Roger
Jeudy, Jean
Knowles, John
Lasky, Bette
Lisle, Carolyn
McRae, Karen
O'Connell, Timothy
Pilotte, Maurice
Rosenwald, Cindy
Shaw, Kimberly
Spaulding, Jayne
Vaillancourt, Steve

Foster, Linda
Goley, Jeffrey
Hall, Betty
Holden, Randolph
Kaelin, Michael
Knowles, Mary Ann
Leishman, Peter
Long, Patrick
Messier, Irene
O'Neil, James
Price, Pamela
Schulze, Joan
Simon, Anthony
Spratt, Stephen
Velez, Hector

MERRIMACK

Anderson, Eric
Bouchard, Candace
Davis, Frank
Foote, Robert
Hager, Elizabeth
Kidder, David

McMahon, Patricia
Potter, Frances
Ryan, Jim
Wallner, Mary
Williams, Robert

Baxley, Maureen
Brown, Carole
DeJoie, John
French, Barbara
Hamm, Christine
Kjellman, Eleanor
Glynn
Osborne, Jessie
Reardon, Tara
Shurtleff, Stephen
Walz, Mary
Yeaton, Charles

Beauchesne, Suzanne
Brueggemann, Donald
DeStefano, Stephen
Gile, Mary
Hess, David
Lockwood, Priscilla

Owen, Derek
Reed, Dennis
Tilton, Joy
Webb, Leigh

Blanchard, Elizabeth
Clarke, Claire
Ehlers, Eileen
Greco, Vincent
Kelly, Sally
MacKay, James

Porter, Margaret
Richardson, Gary
Tupper, Frank
Wheeler, Deborah

ROCKINGHAM

Abbott, Dennis
Buxton, Donald
Casey, Kimberley
Emiro, Frank
Griffin, Mary
Howard, Doreen
Kennedy, James
Marsh, Michael
McKenna, Daniel
Nord, Susi
Preston, Mark
Serlin, Christopher
Wells, Roger

Allen, Mary
Cali-Pitts, Jacqueline
Charron, Gene
Flanders, John Sr
Grote, Otto
Johnson, Robert
Kepner, Susan
McCarthy, Linda
McKinney, Betsy
O'Keefe, Peter
Priestley, Anne
Snow, Richard
Winchell, George

Borden, David
Camm, Kevin
Day, Judith
Flockhart, Eileen
Guthrie, Joseph
Katsakiores, George
Lister, Charlotte
McEachern, Paul
Moody, Marcia
Pantelakos, Laura
Robertson, Carl
Splaine, James

Brown, C. Pennington
Case, Frank
DiFruscia, Anthony
Gould, Kenneth
Henson, John
Kelley, Jane
Major, Norman
McGuirk, Thomas
Moore, Bennett
Powers, James
Russell, Trinkia
Weare, Everett

STRAFFORD

Berube, Roger
Brown, Jennifer
Cyr, James
Goodwin, Earle
Hutz, Sarah
Miller, Joseph
Rous, Emma

Billian, Deborah
Brown, Larry
DeChane, Marlene
Grassie, Anne
Kaen, Naida
Perry, Robert
Schmidt, Peter

Brennan, William
Browne, Brendon
Domingo, Baldwin
Hilliard, Dana
Knowles, William
Rollo, Deanna
Smith, Marjorie

Brown, George
Burke, Rachel
Fargo, Thomas
Hubbard, Pamela
Mickelonis, Shawn
Rollo, Michael
Spang, Judith

Sprague, Dale
Watson, Robert

Vachon, Dennis

Wall, Janet

Warren, Nancy

SULLIVAN

Cloutier, John
Gagnon, Raymond
Nielsen, Ellen

Converse, Larry
Gottling, Suzanne
Phinizy, James

Ferland, Brenda
Houde, Matthew
Skinder, Carla

Franklin, Peter
Jillette, Arthur Jr

NAYS 88

BELKNAP

Boyce, Laurie
Nedeau, Stephen
Wendelboe, Fran

Clark, Charles
Russell, David
Whalley, Michael

Flanders, Donald
Tilton, Franklin
Wood, Jane

Heald, Bruce
Tobin, William

CARROLL

Brown, Carolyn

Denley, William

Stevens, Stanley

CHESHIRE

Butynski, William

Emerson, Susan

Johnson, Jane

Pelkey, Stephen

COOS

Remick, William

Tholl, John Jr

GRAFTON

Dingman, Vernon III
Sorg, Gregory

Eaton, Stephanie

Gionet, Edmond

Ingbretson, Paul

HILLSBOROUGH

Batula, Peter
Daniels, Gary
Hansen, Ryan
Hunter, Bruce
Lawrence, James
Ober, Lynne
Stepanek, Stephen

Bergeron, Jean-Guy
Elliott, Nancy
Hawkins, Ken
Infantine, William
Martineau, Jesse
Renzullo, Andrew
Ulery, Jordan

Christiansen, Lars
Haefner, Robert
Hinkle, Peyton
Jasper, Shawn
Mooney, Maureen
Rowe, Robert
Villeneuve, Maurice

Coughlin, Pamela
Haley, Robert
Hogan, Edith
L'Heureux, Robert
Moran, Edward
Soucy, Connie

MERRIMACK

Humphries, Charlie

ROCKINGHAM

Baldasaro, Alfred
Devine, James
Garcia, Marilinda
Ingram, Russell
Katsakiores, Phyllis
Nowe, Ronald
Rausch, James
Waterhouse, Kevin

Bettencourt, David
Dumaine, Dudley
Garrity, James
Introne, Robert
Lund, Howie
Packard, Sherman
Reagan, John
Welch, David

Carson, Sharon
Elliott, Robert
Headd, James
Itse, Daniel
McMahon, Charles
Quandt, Marshall
Sanders, Elisabeth
Weyler, Kenneth

Dalrymple, David
Forsing, Robert
Hopfgarten, Paul
Kappler, Lawrence
Moore, Benjamin
Quandt, Matthew
Stiles, Nancy
Wickson, Rick

STRAFFORD

Hofemann, Roland

SULLIVAN

Donovan, Thomas Rodeschin, Beverly
and the majority committee report was adopted.

HB 791-FN, relative to religious freedom and civil marriage. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Bette R. Lasky for the Majority of Judiciary: This bill would have removed the marriage prohibition for same gender couples. The committee felt for a myriad of reasons that the bill as written was not ready to be passed. The committee chose to amend the entire bill and replace it with a commission to study the legal and social effects of permitting same gender marriage. While some in the majority of the committee strongly believes in marriage equality, we feel that too many legal questions and concerns are still unanswered. With the establishment of a commission which will seriously study all the ramifications of same gender marriages and all the marriage statutes we believe true equality can be achieved. Vote 15-5.

Rep. Nancy J. Elliott for the Minority of Judiciary: The minority feels that marriage should be between a man and a woman. Additionally, civil unions will most likely pass giving the protections that were sought. The minority also feels this issue was studied extensively in the last commission and that the expense of an additional commission is unnecessary.

Majority Amendment (0954h)

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

AN ACT establishing a commission to study the legal and social effects of permitting same gender marriage.

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

1 Commission Established. There is established a commission to study the legal and social effects of permitting same gender marriage.

2 Membership and Compensation.

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

(a) Four members of the house of representatives, at least 2 of whom shall be members of the judiciary committee, appointed by the speaker of the house of representatives.

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

(c) One representative of the governor's office, appointed by the governor.

(d) Four public members, 2 of whom shall be appointed by the speaker of the house of representatives and 2 of whom shall be appointed by the president of the senate.

(e) An attorney who specializes in family law, appointed by the New Hampshire Bar Association.

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

3 Duties. The commission shall study the legal and social effects of permitting same gender marriage. The commission shall compile information on the legal and social effects of legislative acts and judicial decisions to permit same gender marriage. The commission's study shall include, but not be limited to, the collection and analysis of data to determine the legal and societal changes which have occurred in other jurisdictions as a result of permitting same gender marriage.

4 Chairperson; Quorum; Hearing and Meetings.

I. The commission shall choose a chairperson, vice-chairperson, and clerk at its first meeting. The clerk shall keep a complete record of the proceedings of the commission and may call upon the resources of the legislature for assistance.

II. The first meeting of the commission shall be called by the first-named house member and shall be held within 45 days of the effective date of this section. A majority of the members of the commission shall constitute a quorum.

III. The commission shall hold no fewer than 3 public hearings in different parts of the state. Notice of all commission meetings and hearings shall be printed in the house and senate calendars. Commission meetings and hearings shall be open to the public and shall be subject to the requirements of RSA 91-A:2.

5 Report. The commission shall make a final report to the speaker of the house of representatives and the senate president on or before December 1, 2008.

6 Effective Date. This act shall take effect June 30, 2007.

AMENDED ANALYSIS

This bill establishes a commission to study the legal and social effects of permitting same gender marriage.

Rep. Vaillancourt spoke against.

Rep. Lasky spoke in favor and yielded to questions.

On a division vote, 245 members having voted in the affirmative and 120 in the negative, the majority committee amendment was adopted.

MOTION TO LAY ON THE TABLE

Rep. Hunt moved that **HB 791-FN**, establishing a commission to study the legal and social effects of permitting same gender marriage, be laid on the table.

On a division vote, 158 members having voted in the affirmative and 207 in the negative, the motion failed.

Rep. Wendelboe offered floor amendment (1011h).

Floor Amendment (1011h)

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

AN ACT relative to marriage.

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

1 New Section; Legally Recognized Marriage. Amend RSA 457 by inserting after section 2 the following new section:

457:2-a Legally Recognized Marriage. A marriage between one man and one woman shall be the only legal marriage that shall be valid or recognized in this state.

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

AMENDED ANALYSIS

This bill establishes that a marriage between one man and one woman shall be the only legal marriage that shall be valid or recognized in this state.

Rep. Weber spoke against.

Rep. Wendelboe spoke in favor and yielded to questions.

Rep. Wendelboe requested a roll call; sufficiently seconded.

YEAS 148 NAYS 219

YEAS 148

BELKNAP

Allen, Janet
Heald, Bruce
Tilton, Franklin
Wood, Jane

Boyce, Laurie
Nedeau, Stephen
Tobin, William

Clark, Charles
Russell, David
Wendelboe, Fran

Flanders, Donald
Thomas, John
Whalley, Michael

CARROLL

Brown, Carolyn
Martin, James

Chandler, Gene
Merrow, Harry

Denley, William
Patten, Betsey

Knox, J. David
Stevens, Stanley

CHESHIRE

Butynski, William
Pelkey, Stephen

Emerson, Susan

Hunt, John

Johnson, Jane

COOS

King, Frederick

Remick, William

Stohl, Eric

Tholl, John Jr

GRAFTON

Bulis, Lyle
Ingbretson, Paul

Dingman, Vernon III
Sorg, Gregory

Eaton, Stephanie
Williams, Burton

Gionet, Edmond

HILLSBOROUGH

Barry, Richard
Christiansen, Lars
Day, Russell
Emerton, Larry
Haefner, Robert
Hinkle, Peyton
Infantine, William
L'Heureux, Robert
Moran, Edward
Ober, Russell III
Renzullo, Andrew
Smith, David
Ulery, Jordan

Batula, Peter
Coughlin, Pamela
Dokmo, Cynthia
Fletcher, Richard
Haley, Robert
Hogan, Edith
Jasper, Shawn
Lawrence, James
O'Connell, Timothy
Peterson, Andy
Rowe, Robert
Soucy, Connie
Velez, Hector

Bergeron, Jean-Guy
Crane, Elenore Casey
Drisko, Richard
Gargas, Carolyn
Hansen, Ryan
Holden, Randolph
Judy, Jean
McRae, Karen
O'Neil, James
Price, Pamela
Schulze, Joan
Stepanek, Stephen
Villeneuve, Maurice

Christensen, Chris
Daniels, Gary
Elliott, Nancy
Graham, John
Hawkins, Ken
Hunter, Bruce
Kurk, Neal
Mooney, Maureen
Ober, Lynne
Reeves, Sandra
Simon, Anthony
Sullivan, Daniel

MERRIMACK

Anderson, Eric
Reed, Dennis

DeStefano, Stephen

Hess, David

Humphries, Charlie

ROCKINGHAM

Allen, Mary
Camm, Kevin
Dalrymple, David
Elliott, Robert
Garrity, James
Hopfgarten, Paul
Johnson, Robert
Lund, Howie
Moore, Benjamin
Quandt, Marshall
Sanders, Elisabeth
Welch, David
Winchell, George

Baldasaro, Alfred
Carson, Sharon
Devine, James
Emiro, Frank
Griffin, Mary
Ingram, Russell
Kappler, Lawrence
Major, Norman
Nowe, Ronald
Quandt, Matthew
Stiles, Nancy
Wells, Roger

Bettencourt, David
Case, Frank
DiFruscia, Anthony
Forsing, Robert
Guthrie, Joseph
Introne, Robert
Katsakiores, George
McKinney, Betsy
Packard, Sherman
Rausch, James
Waterhouse, Kevin
Weyler, Kenneth

Buxton, Donald
Charron, Gene
Dumaine, Dudley
Garcia, Marilinda
Headd, James
Itse, Daniel
Katsakiores, Phyllis
McMahon, Charles
Priestley, Anne
Reagan, John
Weare, Everett
Wickson, Rick

STRAFFORD

Berube, Roger

Goodwin, Earle

Hofemann, Roland

Sprague, Dale

SULLIVAN

Donovan, Thomas

Rodeschin, Beverly

NAYS 219

BELKNAP

Arsenault, Beth
Reever, Judith

Millham, Alida

Morrison, Gail

Pilliod, James

CARROLL

Bridgham, Robert
Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

CHESHIRE

Allen, Peter
Chase, William
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Burridge, Delmar
Dunn, J. Timothy
Mitchell, Bonnie
Robertson, Timothy

Butcher, Suzanne
Eaton, Daniel
Plifka, Stanley Jr
Sad, Tara

Butterworth, Timothy
Espieffs, Peter
Richardson, Barbara
Weber, Lucy

COOS

Hatch, William
Merrick, Scott

Ingersoll, Paul Sr
Theberge, Robert

Mears, Edgar
Thomas, Yvonne

Merrick, Evalyn

GRAFTON

Aguiar, James
Bleyler, Ruth
Hammond, Lee
McLeod, Martha
Preston, Philip

Almy, Susan
Cooney, Mary
Harding, A Laurie
Mulholland, Catherine
Solomon, Peter

Andersen, Gene
Estes, Carole
Lovett, Sid
Nordgren, Sharon

Benn, Bernard
Friedrich, Carol
Matheson, Robert
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Brunelle, Michael
Cote, David
Fontas, Jeffrey
Ginsburg, Ruth
Hall, Betty
Irwin, Anne-Marie
Kelley, John
Lasky, Bette
Lisle, Carolyn
Martineau, Jesse
Pilotte, Maurice
Shaw, Barbara
Spratt, Stephen

Beaulieu, Jane
Campbell, David
Daler, Jennifer
Forest, Armand
Goley, Jeffrey
Hammond, Jill
Jean, Claudette
Knowles, John
Leishman, Peter
Long, Patrick
Messier, Irene
Reuschel, Michael
Shaw, Kimberly
Sysyn, Mary

Beck, Catriona
Chase, Claudia
Edwards, Andrew
Foster, Linda
Gorman, Mary
Harvey, Suzanne
Kaelin, Michael
Knowles, Mary Ann
Levasseur, Nickolas
Mack, Ron
Movsesian, Lori
Rosenwald, Cindy
Smith, Sandra
Vaillancourt, Steve

Bergin, Peter
Clemons, Jane
Essex, David
Garritty, Patrick
Hackel, Paul
Hebert, Roger
Katsiantonis, George
Kopka, Angeline
Levesque, Melanie
Marshall, Seth
O'Brien, Michael Sr
Shattuck, Gilman
Spaulding, Jayne
Winters, Joel

MERRIMACK

Baxley, Maureen
Brown, Carole
DeJoie, John

Beauchesne, Suzanne
Brueggemann, Donald
Ehlers, Eileen

Blanchard, Elizabeth
Clarke, Claire
Foosse, Robert

Bouchard, Candace
Davis, Frank
French, Barbara

Gile, Mary
Kelly, Sally

Greco, Vincent
Kidder, David

Hager, Elizabeth
Kjellman, Eleanor
Glynn

Hamm, Christine
Lockwood, Priscilla

MacKay, James
Porter, Margaret
Ryan, Jim
Wallner, Mary
Williams, Robert

McMahon, Patricia
Potter, Frances
Shurtleff, Stephen
Walz, Mary
Yeaton, Charles

Osborne, Jessie
Reardon, Tara
Tilton, Joy
Webb, Leigh

Owen, Derek
Richardson, Gary
Tupper, Frank
Wheeler, Deborah

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Gould, Kenneth
Kelley, Jane
Marsh, Michael
McKenna, Daniel
O'Keefe, Peter
Robertson, Carl
Splaine, James

Borden, David
Day, Judith
Grote, Otto
Kennedy, James
McCarthy, Linda
Moody, Marcia
Pantelakos, Laura
Russell, Trinkia

Brown, C. Pennington
Flanders, John Sr
Henson, John
Kepner, Susan
McEachern, Paul
Moore, Bennett
Powers, James
Serlin, Christopher

Cali-Pitts, Jacqueline
Flockhart, Eileen
Howard, Doreen
Lister, Charlotte
McGuirk, Thomas
Nord, Susi
Preston, Mark
Snow, Richard

STRAFFORD

Billian, Deborah
Brown, Larry
DeChane, Marlene
Hilliard, Dana
Knowles, William
Rollo, Deanna
Smith, Marjorie
Warren, Nancy

Brennan, William
Browne, Brendon
Domingo, Baldwin
Hubbard, Pamela
Mickelonis, Shawn
Rollo, Michael
Spang, Judith
Watson, Robert

Brown, George
Burke, Rachel
Fargo, Thomas
Hutz, Sarah
Miller, Joseph
Rous, Emma
Vachon, Dennis

Brown, Jennifer
Cyr, James
Grassie, Anne
Kaen, Naida
Perry, Robert
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Gagnon, Raymond
Phinizy, James
and floor amendment (1011h) failed.

Converse, Larry
Gottling, Suzanne
Skinder, Carla

Ferland, Brenda
Houde, Matthew

Franklin, Peter
Nielsen, Ellen

Rep. John Flanders voted Nay and intended to vote Yea.

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

Rep. Lasky spoke in favor and yielded to questions.

Reps. Mooney and Nancy Elliott spoke against.

Rep. Weber spoke in favor.

Rep. Nancy Elliott requested a roll call; sufficiently seconded.

YEAS 210 NAYS 160

YEAS 210

BELKNAP

Arsenault, Beth
Reever, Judith

Millham, Alida

Morrison, Gail

Pilliod, James

CARROLL

Bridgham, Robert	Butler, Edward	Cunningham, Howard	Heard, Virginia
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CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Dunn, J. Timothy	Eaton, Daniel
Espiefs, Peter	Hunt, John	Lerandeau, Alfred	Mitchell, Bonnie
Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sad, Tara	Weber, Lucy	Weed, Charles	

COOS

Hatch, William	Ingersoll, Paul Sr	Mears, Edgar	Merrick, Evalyn
Merrick, Scott	Theberge, Robert	Thomas, Yvonne	

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Estes, Carole	Friedrich, Carol	Hammond, Lee
Harding, A Laurie	Lovett, Sid	Matheson, Robert	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Pierce, David	Preston, Philip
Solomon, Peter	Sorg, Gregory		

HILLSBOROUGH

Beaulieu, Jane	Beck, Catriona	Campbell, David	Chase, Claudia
Clemons, Jane	Cote, David	Daler, Jennifer	Dokmo, Cynthia
Edwards, Andrew	Essex, David	Fontas, Jeffrey	Foster, Linda
Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Graham, John	Hackel, Paul	Hall, Betty	Hammond, Jill
Harvey, Suzanne	Hebert, Roger	Irwin, Anne-Marie	Jean, Claudette
Judy, Jean	Kaelin, Michael	Katsiantonis, George	Kelley, John
Knowles, John	Knowles, Mary Ann	Kopka, Angeline	Lasky, Bette
Levasseur, Nickolas	Levesque, Melanie	Lisle, Carolyn	Long, Patrick
Mack, Ron	Marshall, Seth	Martineau, Jesse	Messier, Irene
Movsesian, Lori	O'Brien, Michael Sr	Pilotte, Maurice	Reuschel, Michael
Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara
Shaw, Kimberly	Smith, Sandra	Spratt, Stephen	Sysyn, Mary
Velez, Hector			

MERRIMACK

Baxley, Maureen	Beauchesne, Suzanne	Bouchard, Candace	Brown, Carole
Brueggemann, Donald	Clarke, Claire	Davis, Frank	DeJoie, John
Ehlers, Eileen	Foose, Robert	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Hamm, Christine	Kjellman, Eleanor Glynn
Lockwood, Priscilla	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Porter, Margaret	Potter, Frances	Reardon, Tara	Richardson, Gary
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary	Walz, Mary	Wheeler, Deborah	Williams, Robert
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Borden, David	Brown, C. Pennington	Cali-Pitts, Jacqueline
----------------	---------------	----------------------	------------------------

Casey, Kimberley
Gould, Kenneth
Kelley, Jane
McEachern, Paul
Moore, Bennett
Powers, James
Serlin, Christopher

Day, Judith
Grote, Otto
Kennedy, James
McGuirk, Thomas
Nord, Susi
Preston, Mark
Snow, Richard

DiFruscia, Anthony
Henson, John
Lister, Charlotte
McKenna, Daniel
O'Keefe, Peter
Robertson, Carl
Splaine, James

Flockhart, Eileen
Howard, Doreen
Marsh, Michael
Moody, Marcia
Pantelakos, Laura
Russell, Trinka

STRAFFORD

Billian, Deborah
Browne, Brendon
Domingo, Baldwin
Hilliard, Dana
Knowles, William
Rollo, Deanna
Smith, Marjorie
Wall, Janet

Brennan, William
Burke, Rachel
Fargo, Thomas
Hubbard, Pamela
Mickelonis, Shawn
Rollo, Michael
Spang, Judith
Warren, Nancy

Brown, Jennifer
Cyr, James
Goodwin, Earle
Hutz, Sarah
Miller, Joseph
Rous, Emma
Sprague, Dale

Brown, Larry
DeChane, Marlene
Grassie, Anne
Kaen, Naida
Perry, Robert
Schmidt, Peter
Vachon, Dennis

SULLIVAN

Cloutier, John
Gottling, Suzanne
Phinizy, James

Converse, Larry
Houde, Matthew
Skinder, Carla

Franklin, Peter
Jillette, Arthur Jr

Gagnon, Raymond
Nielsen, Ellen

NAYS 160

BELKNAP

Allen, Janet
Heald, Bruce
Tilton, Franklin
Wood, Jane

Boyce, Laurie
Nedeau, Stephen
Tobin, William

Clark, Charles
Russell, David
Wendelboe, Fran

Flanders, Donald
Thomas, John
Whalley, Michael

CARROLL

Brown, Carolyn
Knox, J. David
Stevens, Stanley

Buco, Thomas
Martin, James

Chandler, Gene
Morrow, Harry

Denley, William
Patten, Betsey

CHESHIRE

Emerson, Susan

Johnson, Jane

Pelkey, Stephen

COOS

King, Frederick

Remick, William

Stohl, Eric

Tholl, John Jr

GRAFTON

Andersen, Gene
Gionet, Edmond

Bulis, Lyle
Ingretson, Paul

Dingman, Vernon III
Williams, Burton

Eaton, Stephanie

HILLSBOROUGH

Baroody, Benjamin
Bergin, Peter
Coughlin, Pamela
Drisko, Richard

Barry, Richard
Brunelle, Michael
Crane, Elenore Casey
Elliott, Nancy

Batula, Peter
Christensen, Chris
Daniels, Gary
Emerton, Larry

Bergeron, Jean-Guy
Christiansen, Lars
Day, Russell
Fletcher, Richard

Forest, Armand
Hansen, Ryan
Holden, Randolph
Kurk, Neal
McRae, Karen
O'Neil, James
Price, Pamela
Simon, Anthony
Stepanek, Stephen
Villeneuve, Maurice

Gargas, Carolyn
Hawkins, Ken
Hunter, Bruce
L'Heureux, Robert
Mooney, Maureen
Ober, Lynne
Reeves, Sandra
Smith, David
Sullivan, Daniel
Winters, Joel

Haefner, Robert
Hinkle, Peyton
Infantine, William
Lawrence, James
Moran, Edward
Ober, Russell III
Renzullo, Andrew
Soucy, Connie
Ulery, Jordan

Haley, Robert
Hogan, Edith
Jasper, Shawn
Leishman, Peter
O'Connell, Timothy
Peterson, Andy
Rowe, Robert
Spaulding, Jayne
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Humphries, Charlie
Reed, Dennis

Blanchard, Elizabeth
Kelly, Sally
Webb, Leigh

DeStefano, Stephen
Kidder, David

Hess, David
MacKay, James

ROCKINGHAM

Allen, Mary
Buxton, Donald
Charron, Gene
Elliott, Robert
Garcia, Marilinda
Guthrie, Joseph
Introne, Robert
Katsakiores, George
Major, Norman
Moore, Benjamin
Quandt, Marshall
Sanders, Elisabeth
Welch, David
Winchell, George

Baldasaro, Alfred
Camm, Kevin
Dalrymple, David
Emiro, Frank
Garrity, James
Headd, James
Itse, Daniel
Katsakiores, Phyllis
McCarthy, Linda
Nowe, Ronald
Quandt, Matthew
Stiles, Nancy
Wells, Roger

Belanger, Ronald
Carson, Sharon
Devine, James
Flanders, John Sr
Gleason, John
Hopfgarten, Paul
Johnson, Robert
Kepner, Susan
McKinney, Betsy
Packard, Sherman
Rausch, James
Waterhouse, Kevin
Weyler, Kenneth

Bettencourt, David
Case, Frank
Dumaine, Dudley
Forsing, Robert
Griffin, Mary
Ingram, Russell
Kappler, Lawrence
Lund, Howie
McMahon, Charles
Priestley, Anne
Reagan, John
Weare, Everett
Wickson, Rick

STRAFFORD

Berube, Roger

Brown, George

Hofemann, Roland

Watson, Robert

SULLIVAN

Donovan, Thomas Ferland, Brenda Rodeschin, Beverly
and the majority committee report was adopted.
Ordered to third reading.

The House recessed at 1:10 p.m.

RECESS

(Speaker Norelli in the Chair)

The House reconvened at 2:05 p.m.

REGULAR CALENDAR – SPECIAL ORDERS (CONT'D)

HB 849, relative to rent payments by voucher issued by a state or municipal agency.
MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.
Rep. Frances D. Potter for the Majority of Judiciary: The existing statute RSA 540:9-a provides that rent vouchers (promises to pay) from state, county or town agencies shall constitute payment by the tenant of the amount stated in the voucher. Typically such agencies also expect “ordinary and reasonable verification” from the landlord of the

requested rental information. HB 849 provides that in any eviction based on non-payment it shall be an affirmative defense that the tenant's payment was refused or that the landlord hasn't provided verification. (The gap in the existing law arises when the landlord fails to complete the verification form.) Affected tenants are often destitute and have no way to get a new apartment. Vote 11-6.

Rep. Robert H. Rowe for the Minority of Judiciary: The minority agrees that this bill fills an important requirement for New Hampshire tenants who are financially needy or possibly in a temporary status where they need financial assistance to make their rent payments. The bill insures that landlords cannot evict those tenants just because rent payments are made by a municipal voucher. The objection to the bill is that it gives the many agencies providing the voucher undefined and broad authority to demand information from the landlord that may be an invasion of the property owner's privacy. The bill should limit or define the tenancy information the landlord must provide, such as a copy of the lease or other specified information.

On a division vote, 209 members having voted in the affirmative and 106 in the negative, the committee report was adopted.

Ordered to third reading.

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

HB 866, relative to the right-to-know law application to board of tax and land appeals and public utilities commission matters. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Janet G. Wall for the Majority of Judiciary: This bill addresses a unique situation within the Right to Know law. The Public Utilities Commission is a full-time Commission with quasi-judicial functions and is comprised of only three members. The provisions contained in HB 866 will allow the PUC to conduct its business efficiently with a quorum of two in a timely manner. HB 866 would exempt the PUC from certain specific provisions of RSA 91-A. Notwithstanding, the PUC must make their adjudicating proceedings and investigations publicly available. Vote 18-1.

Rep. Nancy J. Elliott for the Minority of Judiciary: This bill as amended exempts the Public Utilities Commission from some of the Right to Know provisions. It is the concern of the minority that we are heading in the wrong direction and weakening the public's right to know.

Majority Amendment (0847h)

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

AN ACT relative to the right-to-know law application to public utilities commission matters.

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

1 New Section; Public Utilities Commission. Amend RSA 363 by inserting after section 17-b the following new section:

363:17-c Meetings of the Commission. The commission's deliberative processes in adjudicatory proceedings held pursuant to RSA 541-A and investigations held pursuant to its authority under Title 33 shall be privileged and exempt from the public meeting, notice, and disclosure provisions of RSA 91-A. Decisions and orders in adjudicatory proceedings and investigations shall be publicly available but only after they have been announced at a public meeting or hearing of the commission or reduced to writing, signed by a majority of the commission and served upon the parties. Discussions and actions by the commission concerning procedural, administrative, legal, and internal matters shall be exempt from the meeting and notice provisions of RSA 91-A:2.

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

AMENDED ANALYSIS

This bill clarifies certain administrative procedures of the public utilities commission with respect to RSA 91-A.

Majority committee amendment adopted.

Majority committee report adopted.

Ordered to third reading.

HB 882-FN, relative to limitations on tort liability of government units. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Anthony R. DiFruscia for the Majority of Judiciary: The bill as amended raises the limits of liability of a governmental unit from 150,000 to 275,000 and from 500,000 to 925,000 per occurrence. The committee amendment is a compromise since the present limits have not been raised since 1986. The bill also raises the tort limits against any agency from 250,000 to 475,000 per claimant to a max of 3,750,000 per incident. The committee felt that this is below the inflation level from 1986 to the present. Vote 12-7.

Rep. Robert H. Rowe for the Minority of Judiciary: This bill will increase the municipal liability caps for bodily injury, personal injury and property damage suits against New Hampshire towns and cities from the current cap of \$150,000 per single incident to \$1,000,000. The bill will increase the aggregate damage limit cap from \$500,000 to \$3,000,000. The bill was sponsored and supported by only one individual. Testimony in objection was made by the municipal association, the office of the attorney general and one selectman. While the purpose of this bill is laudable, this six-fold raise will increase the liability insurance costs to our cities and towns, and may be considered as a unfunded mandate under section 28A of our Constitution.

Majority Amendment (0921h)

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

1 Limit of Liability. Amend RSA 507-B:4, I to read as follows:

I. Liability of a governmental unit for bodily injury, personal injury or property damage sustained by any one person in actions brought under this chapter is limited to ~~[\$150,000]~~ **\$1,000,000**. Such limit applies in the aggregate to any and all actions to recover for bodily injury, personal injury or property damage arising out of bodily injury, personal injury or property damage sustained by one person in a single incident or occurrence. Liability of a governmental unit for bodily injury, personal injury or property damage sustained by any number of persons in a single incident or occurrence is limited to ~~[\$500,000]~~ **\$3,000,000**.

2 Limitation on Action and Claims. Amend RSA 541-B:14, I to read as follows:

I. All claims arising out of any single incident against any agency for damages in tort actions shall be limited to an award not to exceed ~~[\$250,000]~~ **\$1,000,000** per claimant and ~~[\$2,000,000]~~ **\$3,000,000** per any single incident, or the proceeds from any insurance policy procured pursuant to RSA 507-B, whichever amount is greater; except that no claim for punitive damages may be awarded under this chapter.

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

AMENDED ANALYSIS

This bill increases the cap for tort liability of governmental units.

Rep. Rowe spoke against.

Reps. Sorg and DiFruscia spoke in favor.

Majority committee amendment failed.

Rep. Gary Richardson offered floor amendment (1002h).

Floor Amendment (1002h)

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

1 Limit of Liability. Amend RSA 507-B:4, I to read as follows:

I. Liability of a governmental unit for bodily injury, personal injury or property damage sustained by any one person in actions brought under this chapter is limited to ~~[\$150,000]~~ **\$275,000**. Such limit applies in the aggregate to any and all actions to recover for bodily injury, personal injury or property damage arising out of bodily injury, personal injury or property damage sustained by one person in a single incident or occurrence. Liability of a governmental unit for bodily injury, personal injury or property damage sustained by any number of persons in a single incident or occurrence is limited to ~~[\$500,000]~~ **\$925,000**.

Beginning January 1, 2009, each of the limits stated above shall be increased or decreased annually by an amount that represents the percentage increase or decrease in the consumer price index for all urban consumers, as published by the Bureau of Labor Statistics, United States Department of Labor, since the last adjustment of such limits. The state treasurer shall determine the adjustment provided for herein on or before January 1 of each year and shall transmit it to the director of the administrative office of the courts. The limits so established shall take effect on January 1 and remain in effect through December 31 of the same year. The limits applicable to any action shall be the limits in effect at the time of judgment.

2 Limitation on Action and Claims. Amend RSA 541-B:14, I to read as follows:

I. All claims arising out of any single incident against any agency for damages in tort actions shall be limited to an award not to exceed ~~[\$250,000]~~ **\$475,000** per claimant and ~~[\$2,000,000]~~ **\$3,750,000** per any single incident, or the proceeds from any insurance policy procured pursuant to RSA 507-B, whichever amount is greater; except that no claim for punitive damages may be awarded under this chapter. ***Beginning January 1, 2009, each of the limits stated above shall be increased or decreased annually by an amount that represents the percentage increase or decrease in the consumer price index for all urban consumers, as published by the Bureau of Labor Statistics, United States Department of Labor, since the last adjustment of such limits. The state treasurer shall determine the adjustment provided for herein on or before January 1 of each year and shall transmit it to the director of the administrative office of the courts. The limits so established shall take effect on January 1 and remain in effect through December 31 of the same year. The limits applicable to any action shall be the limits in effect at the time of judgment.***

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

AMENDED ANALYSIS

This bill increases the cap for tort liability of governmental units and ties further increases or decreases to the consumer price index.

Rep. Gary Richardson spoke in favor.

Floor amendment (1002h) was adopted.

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

Rep. Gary Richardson yielded to questions.

On a division vote, 220 members having voted in the affirmative and 118 in the negative, the majority committee report was adopted.

Ordered to third reading.

HB 905, establishing civil unions as legally recognized relationships. **INEXPEDIENT TO LEGISLATE.**

Rep. Bette R. Lasky for Judiciary: This bill was one of a group of bills the committee dealt with regarding same gender marriages. We chose to find this bill inexpedient to legislate and incorporated many of the concepts and ideals into another bill. Vote 19-1. Committee report adopted.

HCR 1, declaring the directives of the judicial branch in the Claremont cases that the legislative and executive branches define an "adequate education," adopt "standards of accountability," and "guarantee adequate funding" of a public education are not binding on the legislative and executive branches. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Gary B. Richardson for the Majority of Judiciary: This resolution requests that the Legislature declare that the Claremont rulings are not binding on the Legislative and Executive branches of government. The majority of the committee believes that under the New Hampshire Constitution the Supreme Court is the final arbiter of the constitutionality of legislative acts. Vote 15-5.

Rep. Gregory M. Sorg for the Minority of Judiciary: This resolution is identical to that which, as HCR 14, passed the House 213-142 in 2003, but was tabled in the Senate. It declared that the Claremont school funding decisions were not impartial adjudications, but were in fact result-driven policy choices by the Supreme Court that usurped the authority of the Legislature. The adoption of this resolution would, in the view of the minority, go a long way towards restoring the proper balance of power between the Legislative and Judicial branches.

Rep. Sorg spoke against.

Rep. Gary Richardson spoke in favor.

On a division vote, 242 members having voted in the affirmative and 109 in the negative, the majority committee report was adopted.

HR 8, requesting an opinion from the New Hampshire supreme court on certain questions regarding education funding. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lucy M. Weber for the Majority of Judiciary: The resolution would require the justices of the New Hampshire Supreme Court to answer many detailed questions for the entire series of education funding decision dating back to 1993. The questions include each justice's training in New Hampshire and American history and constitutional law, the bases for the individual justice's nomination and confirmation in addition to the bases for each justice's legal decisions. Article 74, Part II of the New Hampshire Constitution provides that "... the legislature ... shall have the authority to require the opinions of the Justices of the Supreme Court upon important questions of law and upon solemn occasions. The majority of the committee did not believe that Article 74 was sufficiently broad to include the information sought in the resolution. Vote 13-7.

Rep. Gregory M. Sorg for the Minority of Judiciary: By this resolution, the House would invoke Article 74 of Part II of the New Hampshire Constitution to require the Supreme Court to answer specific questions concerning the constitutional, historical and factual basis of the conclusion in the Claremont school funding decision that the word "cherish" in Article 83 of Part II creates an individual right to an "adequate" education at state expense. Scholarly articles published since the original Claremont decision was issued in 1993 strongly suggest that the founding generation plainly intended to continue the colonial-era practice of funding public schools 100 percent by means of locally raised property taxes. This is not to say that this is the best way to fund public education, but only that it is not unconstitutional. The Supreme Court, however, has consistently refused not only to revise its prior rulings in light of this scholarship; it has refused even to address pleadings filed in subsequent Claremont cases that have directed its attention to it. This refusal leaves begging the fundamental issue of the very legitimacy of the Claremont decision, and invites the fundamental question of whether the Court can defend the intrusive role it has carved out for itself in education funding policy. The authority of the Court must not be permitted to control the discretion of the Legislature any further than the force of its reasoning may deserve.

Reps. Sorg and Ingretson spoke against.

Rep. Itse spoke against and yielded to questions.
Rep. Weber spoke in favor.
Rep. Dumaine requested a roll call; sufficiently seconded.

YEAS 239 NAYS 119

YEAS 239

BELKNAP

Arsenault, Beth	Millham, Alida	Morrison, Gail	Pilliod, James
Reever, Judith	Tobin, William		

CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
Heard, Virginia	Knox, J. David	Martin, James	

CHESHIRE

Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Chase, William	Dunn, J. Timothy	Eaton, Daniel	Espiefs, Peter
Lerandeu, Alfred	Loll, Thomas	Mitchell, Bonnie	Plifka, Stanley Jr
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sad, Tara
Weber, Lucy	Weed, Charles		

COOS

Hatch, William	Ingersoll, Paul Sr	King, Frederick	Mears, Edgar
Merrick, Scott	Theberge, Robert	Thomas, Yvonne	

GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Estes, Carole	Friedrich, Carol
Hammond, Lee	Harding, A Laurie	Lovett, Sid	Matheson, Robert
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Pierce, David
Preston, Philip	Solomon, Peter	Williams, Burton	

HILLSBOROUGH

Barody, Benjamin	Beaulieu, Jane	Beck, Catriona	Bergin, Peter
Brunelle, Michael	Campbell, David	Chase, Claudia	Clemons, Jane
Cote, David	Coughlin, Pamela	Daler, Jennifer	Edwards, Andrew
Essex, David	Fontas, Jeffrey	Forest, Armand	Foster, Linda
Gargas, Carolyn	Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Hackel, Paul	Haley, Robert	Hall, Betty
Hammond, Jill	Harvey, Suzanne	Hebert, Roger	Irwin, Anne-Marie
Jean, Claudette	Jeudy, Jean	Kaelin, Michael	Kelley, John
Knowles, John	Knowles, Mary Ann	Kopka, Angeline	Lasky, Bette
Leishman, Peter	Levesque, Melanie	Lisle, Carolyn	Long, Patrick
Mack, Ron	Marshall, Seth	Martineau, Jesse	Matarazzo, Anthony Sr
Messier, Irene	Movsesian, Lori	O'Connell, Timothy	O'Neil, James
Peterson, Andy	Pilotte, Maurice	Reuschel, Michael	Rochette, Eric
Rosenwald, Cindy	Rowe, Robert	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Simon, Anthony	Smith, Sandra
Spratt, Stephen	Sysyn, Mary	Vaillancourt, Steve	Velez, Hector

Winters, Joel

MERRIMACK

Baxley, Maureen	Beauchesne, Suzanne	Blanchard, Elizabeth	Bouchard, Candace
Brown, Carole	Brueggemann, Donald	Clarke, Claire	Davis, Frank
DeJoie, John	DeStefano, Stephen	Ehlers, Eileen	Foose, Robert
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Hamm, Christine	Hess, David	Kelly, Sally	Kidder, David
Kjellman, Eleanor	Lockwood, Priscilla	Mackay, James	McMahon, Patricia
Glynn			
Osborne, Jessie	Owen, Derek	Porter, Margaret	Potter, Frances
Reardon, Tara	Richardson, Gary	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary	Walz, Mary
Webb, Leigh	Wheeler, Deborah	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Borden, David	Brown, C. Pennington	Cali-Pitts, Jacqueline
Casey, Kimberley	Day, Judith	Flanders, John Sr	Flockhart, Eileen
Gould, Kenneth	Grote, Otto	Henson, John	Howard, Doreen
Johnson, Robert	Kelley, Jane	Kennedy, James	Kepner, Susan
Marsh, Michael	McCarthy, Linda	McEachern, Paul	McKenna, Daniel
Moody, Marcia	Moore, Bennett	Nord, Susi	Pantelakos, Laura
Powers, James	Rausch, James	Robertson, Carl	Russell, Trinka
Serlin, Christopher	Snow, Richard	Splaine, James	Wells, Roger

STRAFFORD

Berube, Roger	Billian, Deborah	Brennan, William	Brown, George
Brown, Jennifer	Brown, Julie	Brown, Larry	Browne, Brendon
Burke, Rachel	Cyr, James	DeChane, Marlene	Domingo, Baldwin
Fargo, Thomas	Goodwin, Earle	Hilliard, Dana	Hofemann, Roland
Hubbard, Pamela	Hutz, Sarah	Kaen, Naida	Knowles, William
Mickelonis, Shawn	Miller, Joseph	Perry, Robert	Rollo, Deanna
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Sprague, Dale	Vachon, Dennis	Wall, Janet
Watson, Robert			

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gagnon, Raymond	Gottling, Suzanne	Houde, Matthew
Jillette, Arthur Jr	Nielsen, Ellen	Phinizy, James	Skinder, Carla

NAYS 119

BELKNAP

Boyce, Laurie	Clark, Charles	Flanders, Donald	Heald, Bruce
Nedeau, Stephen	Russell, David	Tilton, Franklin	Wendelboe, Fran
Whalley, Michael			

CARROLL

Brown, Carolyn	Chandler, Gene	Denley, William	Marrow, Harry
Patten, Betsey	Stevens, Stanley		

CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Pelkey, Stephen
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COOS

Merrick, Evalyn	Remick, William	Stohl, Eric	Tholl, John Jr
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GRAFTON

Dingman, Vernon III	Gionet, Edmond	Ingbretson, Paul	Sorg, Gregory
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HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Christensen, Chris
Christiansen, Lars	Crane, Elenore Casey	Daniels, Gary	Day, Russell
Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy	Emerton, Larry
Fletcher, Richard	Francoeur, Bea	Graham, John	Haefner, Robert
Hansen, Ryan	Hawkins, Ken	Hinkle, Peyton	Hogan, Edith
Holden, Randolph	Hunter, Bruce	Infantine, William	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Lawrence, James	Levasseur, Nickolas
Manney, Pamela	McRae, Karen	Mooney, Maureen	Moran, Edward
Ober, Lynne	Ober, Russell III	Price, Pamela	Renzullo, Andrew
Smith, David	Soucy, Connie	Spaulding, Jayne	Stepanek, Stephen
Ulery, Jordan	Villeneuve, Maurice		

MERRIMACK

Anderson, Eric	Humphries, Charlie	Reed, Dennis
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ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Belanger, Ronald	Bettencourt, David
Bishop, Franklin	Buxton, Donald	Camm, Kevin	Carson, Sharon
Case, Frank	Charron, Gene	Dalrymple, David	Devine, James
DiFruscia, Anthony	Dumaine, Dudley	Elliott, Robert	Emiro, Frank
Garcia, Marilinda	Garrity, James	Gleason, John	Griffin, Mary
Guthrie, Joseph	Headd, James	Hopfgarten, Paul	Ingram, Russell
Introne, Robert	Itse, Daniel	Kappler, Lawrence	Katsakiores, George
Katsakiores, Phyllis	Lund, Howie	Major, Norman	McKinney, Betsy
McMahon, Charles	Nowe, Ronald	Packard, Sherman	Priestley, Anne
Quandt, Marshall	Reagan, John	Sanders, Elisabeth	Stiles, Nancy
Waterhouse, Kevin	Weare, Everett	Welch, David	Weyler, Kenneth
Wickson, Rick	Winchell, George		

STRAFFORD

None

SULLIVAN

Rodeschin, Beverly
and the majority committee report was adopted.

HB 81, relative to required pay for employees called into work. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey P. Goley 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 no 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 into work. Vote 10-7.

Rep. William J. Infantine for the Minority of Labor, Industrial and Rehabilitative Services: The minority of the committee believes the bill is unnecessary and will do nothing other than increase the cost of doing business in New Hampshire. Current law requires employers to pay for two hours of work in situations where an employee is scheduled to work and then sent home. The majority argues that increasing the number of mandatory hours paid to three instead of four is a good compromise. It is not a compromise made by the employers who are affected by it and is still a 50% increase in costs to employers complying with the law. Other than the sponsor of the bill, no one spoke in favor of this proposal at the public hearing. This is not a good time to needlessly increase costs to small business in the state and the minority of the committee asks that you join us in opposing this measure.

Majority Amendment (0709h)

Amend RSA 275:43-a as inserted by section 1 of the bill by replacing it with the following:
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 **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. The following are exempt from paragraph I:

(a) Any employee who reports to work and then requests to leave on the basis of illness or personal or family emergency, providing that a written explanation initialed by the employee is entered on the employee's time slip or card:

(b) Any employee who is hired and reports to work with the expectation that he or she will work fewer than 3 hours and who is notified in advance of his or her schedule, provided that the notification is in writing.

(c) Any health care employee of community based outreach services providers including licensed home health and hospice providers who voluntarily makes schedule changes to meet the needs of the physically or mentally infirm clients he or she serves and who signs a statement upon hire stating that he or she understands this job requirement.

AMENDED ANALYSIS

This bill:

I. Requires an employer to pay 3 hours wages to an employee called in to work unless the employer makes a good faith effort to notify an employee not to report to work.

II. Creates exemptions for health care employees of community based outreach services providers, employees who leave work for illness or family emergency, and certain employees who report to work with the expectation of working fewer than 3 hours.

Majority committee amendment adopted.

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

Rep. Infantine spoke against and yielded to questions.

Rep. Skinder spoke against.

Rep. Goley spoke in favor.

On a division vote, 153 members having voted in the affirmative and 141 in the negative, the majority committee report was adopted.

Ordered to third reading.

HB 203, relative to protections for temporary workers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey P. Goley for Labor, Industrial and Rehabilitative Services: This legislation defines the differences between a day laborer employer, and a temporary worker employer. It also prohibits a temporary help service from charging a fee for the cashing of an employee's check. Day laborers are paid daily and are charged up to \$1.00 a day if they are given cash from their employer. The majority of the committee felt the fees were excessive to be paying daily and felt that no employee should have to pay to receive cash from their employer versus a check. Vote 12-4.

Amendment (0754h)

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

1 New Subdivision; Temporary Workers. Amend RSA 275 by inserting after section 66 the following new subdivision:

Temporary Workers

275:67 Definitions. In this subdivision:

I. "Day labor worker" means any person who:

(a) Is employed on a day-to-day basis and whose work assignments are for a day at a time; and

(b) Reports to, or assembles at the office of the temporary services employer or other location, is dispatched to the work assignment from that office or location directly to the worksite of the client, and returns to the temporary services employer's office upon completion of the assignment.

II. "Temporary help service" means any person, entity, or agency that recruits, dispatches, or otherwise facilitates the employment of temporary workers or day labor workers by third-party clients.

III. "Temporary worker" means any person or entity who directly or indirectly, or through an agency, agent, or other entity working in the employer's interest, engages in work for wages or other benefits on a temporary basis and is not employed by the third party client entity.

IV. "Temporary worker employer" means any person or entity whose business consists primarily of:

(a) Recruiting and hiring its own employees;

(b) Locating organizations requiring the services of those employees;

(c) Assigning those employees to work for those organizations to support or supplement such organizations' workforces, or to provide assistance in special work situations such as, but not limited to, employee absences, skill shortages, seasonal workloads, or to perform special assignments or projects; and

(d) Attempting to reassign the employees to other organizations at the completion of each assignment.

V. "Third-party client" means any person or entity that contracts for temporary labor through a temporary help service.

VI. "Wages" means payment made under RSA 275:43 or more frequently at the employer's discretion.

275:68 Wages.

I. If a temporary worker's term of employment is less than one week, payment of wages shall be made by the temporary help service pursuant to RSA 275:43.

II. If a day labor worker's term of employment is less than one week, payment of wages by check shall be made available by the temporary help service at the end of each workday.

III. Under no circumstances shall a temporary help service charge a direct or indirect fee for the cashing of paychecks.

275:69 Transportation Fees. Under no circumstances shall a temporary worker employer charge a fee of any kind for transportation when such transportation is a condition of employment. If transportation is provided from the point of hire to the worksite, transportation shall be made available from the worksite back to the point of hire.

275:70 Notice. Temporary work service agencies shall post the terms of this subdivision in a public access area.

275:71 Waiver Prohibited. Any contract between a temporary worker and a temporary worker employer to waive rights or responsibilities assigned under this subdivision shall be considered void and unenforceable.

275:72 Penalties.

I. An employee shall have all of the remedies under RSA 275:53 to enforce the provisions of this subdivision.

II. The commissioner may, after hearing, impose a civil penalty not to exceed \$2,500, for a violation of any provision of this subdivision. Any person on whom a penalty is imposed under this section may appeal as provided in RSA 273:11-c and 273:11-d. All moneys collected under this section shall be deposited in the general fund.

III. The labor commissioner may prosecute any violation of this subdivision in accordance with RSA 273:11

275:73 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the conduct of hearings under RSA 275:72, II.

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

Amendment adopted.

Committee report adopted.

Ordered to third reading.

HB 254, relative to mandatory employer meetings about political and religious beliefs, including beliefs about joining a union. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sally H. Kelly for the Majority of Labor, Industrial and Rehabilitative Services: This bill allows employees the right not to attend a meeting that is about either political or religious beliefs or about joining a union without fear of reprisal. It does still allow employers to conduct meetings in these three areas. However, it is the choice of the employee to attend or not attend. HB 254 is neither in conflict nor is it duplicative of existing federal labor law. Vote 11-5.

Rep. Gary L. Daniels for the Minority of Labor, Industrial and Rehabilitative Services: This bill is preempted by the National Labor Relations Act (NLRA) and would be invalid if enacted. HB 254 would also have the unintended effect of subjecting employees to conduct currently unlawful under the NLRA. Under the proposed law, employees would be put in the position of identifying themselves to their employer and co-workers as supporting or being against unionization when they choose or choose not to attend meetings or participate in communications. Such self identification would run counter to the protection afforded by secret ballot elections and would interfere with the established body of NLRA law protecting employees in these circumstances. No other state has seen fit to enact legislation such as this.

Amendment (0741h)

Amend the bill by replacing section 1 with the following:

1 New Chapter; Worker Freedom Act. Amend RSA by inserting after chapter 275-E the following new chapter:

CHAPTER 275-F WORKER FREEDOM ACT

275-F:1 Definitions. In this chapter:

I. "Constituent group" includes, but is not limited to, civic associations, community groups, social clubs, mutual benefit alliances and labor organizations.

II. "Constituent group matters" includes representation of constituents, such as employees or other members of the constituent group, or considerations relative to joining or not joining, participating in or not participating in, and supporting or not supporting the constituent group or any lawful activity of the constituent group.

III. "Labor organization" means any organization that exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment.

IV. "Political matters" includes political party affiliation, campaigns for candidates for political office or legislation or both, and considerations relative to joining or not joining, participating in or not participating in, and supporting or not supporting the political party, candidate, or legislative campaign or any lawful activity in support thereof.

V. "Religious matters" includes religious affiliation or identification or considerations relative to joining or not joining, adhering to or not adhering to, supporting or not supporting any bona fide religious faith, organization, or activity.

275-F:2 Prohibition of Mandatory Meetings on Politics, Religion, or Joining a Union.

I. No employer, employer's agent, representative, or designee shall require its employees to attend an employer-sponsored meeting for the purpose of communicating the employer's opinion about politics, religion, or joining a union.

II. No employer, employer's agent, representative, or designee shall discharge, discipline, otherwise penalize, or threaten to discharge, discipline, or otherwise penalize or take any adverse employment action against any employee:

(a) As a means of requiring an employee to attend a meeting.

(b) Because the employee refused to attend a meeting or to respond to, address, or participate in a meeting.

(c) Because the employee, or a person acting on behalf of the employee, makes a good faith report, verbally or in writing, of a violation or a suspected violation of this chapter, except that such prohibition shall not be applicable when the employee knows that such report is false.

(d) Because the employee has challenged or opposed any practice that the employee reasonably believes violates or would violate this section, or because the employee has made a charge, filed suit, testified, assisted in doing any of these things, or assisted or participated in any manner in any investigation, proceeding, or hearing under this section.

III. Any aggrieved employee, may enforce the provisions of this section by commencing a civil action no later than 90 days after the date of the alleged violation in the court for the judicial district where the violation is alleged to have occurred or where the employer has its principal office. The court may award a prevailing employee all appropriate relief, including injunctive relief, rehiring or reinstatement of the employee to the employee's former position or equivalent position, back pay and reestablishment of any employee benefits including seniority, to which the employee would otherwise have been eligible if such violation had not occurred, damages for any reasonably foreseeable losses sustained by such employee as a result of such violation, and any other appropriate relief as deemed necessary by the court to make the employee whole, and to restrain violation of this section. The court shall award a prevailing employee treble damages, together with reasonable attorney's fees and costs.

IV. In any proceeding under this section, when it is alleged that an employer or employer's agent, representative, or designee engaged in conduct constituting retaliation prohibited by this section within 180 days of the date on which the employee refused to attend a meeting or to respond to, address, or participate in a meeting or mandatory communication; made a good faith report; challenged or opposed a practice; or charged, filed

suit, testified, assisted, or participated as described in this section, a presumption shall arise that the alleged conduct violated this section. The employer may rebut the presumption by adducing clear and convincing evidence that the discharge of or action taken against the employee was for a bona fide job-related or business reason unrelated to any conduct prohibited by this section.

V. Nothing in this chapter shall be construed to limit an employee's right to bring a common law cause of action against an employer for wrongful termination or to diminish or impair the rights of a person under any collective bargaining agreement.

VI. Nothing in this chapter shall prohibit:

(a) A religious organization from requiring its employees to attend an employer-sponsored meeting or to participate in any communications with the employer or its agents or representatives for the primary purpose of communicating the employer's religious beliefs, practices, or tenets.

(b) A political organization, including political parties and other organizations which engage in substantial part in political activities, from requiring its employees to attend an employer-sponsored meeting or to participate in any communications with the employer or its agents or representatives, for the primary purpose of communicating the employer's political tenets or purposes.

(c) A labor organization, when acting as an employer, from requiring its employees to attend an employer-sponsored meeting.

(d) Meetings for the purpose of collective bargaining or the administration of a collective bargaining agreement or the resolution of employee grievances.

(e) Meetings of an employer's executive or administrative personnel to discuss issues related to the employer's business.

(f) Meetings for the purpose of training employers and employees to understand and eliminate discrimination in the workplace on the basis of race, color, religion, religious creed, national origin, gender, sexual orientation or identity, disability, age, or any other form of invidious discrimination, if such action does not include a meeting otherwise prohibited by this section;

(g) Any employer from allowing employees to use its facilities, bulletin board, inter-office mail, or electronic messaging systems for or in connection with voluntary meetings or expression by employees on religious, political, or constituent group matters, so long as such access is extended on a non-discriminatory basis, and if the grant of such access does not involve a meeting or mandatory communication otherwise prohibited by this section.

VII. Covered employers shall post a notice to employees of employee rights under this bill.

The posting shall be in a place normally reserved for such employment-related notices and in a place frequented by employees.

Majority committee amendment adopted.

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

Reps. Daniels, Infantine and Price spoke against.

Reps. Sally Kelly and Mears spoke in favor.

Rep. Patrick Garrity requested a roll call; sufficiently seconded.

YEAS 232 NAYS 127

YEAS 232

BELKNAP

Arsenault, Beth

Morrison, Gail

Pilliod, James

Reever, Judith

CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
Heard, Virginia	Knox, J. David	Merrow, Harry	

CHESHIRE

Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Chase, William	Dunn, J. Timothy	Eaton, Daniel	Espiefs, Peter
Lerandeu, Alfred	Loll, Thomas	Mitchell, Bonnie	Plifka, Stanley Jr
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sad, Tara
Weber, Lucy	Weed, Charles		

COOS

Hatch, William	Ingersoll, Paul Sr	Mears, Edgar	Merrick, Evalyn
Merrick, Scott	Theberge, Robert	Thomas, Yvonne	

GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Estes, Carole	Friedrich, Carol
Hammond, Lee	Harding, A Laurie	Lovett, Sid	Matheson, Robert
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Pierce, David
Preston, Philip	Solomon, Peter		

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Bergin, Peter
Brunelle, Michael	Campbell, David	Chase, Claudia	Clemons, Jane
Cote, David	Daler, Jennifer	Edwards, Andrew	Essex, David
Fontas, Jeffrey	Forest, Armand	Foster, Linda	Gargas, Carolyn
Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Hackel, Paul	Hall, Betty	Hammond, Jill	Harvey, Suzanne
Hebert, Roger	Holden, Randolph	Irwin, Anne-Marie	Jean, Claudette
Judy, Jean	Kaelin, Michael	Kelley, John	Knowles, John
Knowles, Mary Ann	Kopka, Angeline	Lasky, Bette	Leishman, Peter
Levasseur, Nickolas	Levesque, Melanie	Lisle, Carolyn	Long, Patrick
Mack, Ron	Manney, Pamela	Marshall, Seth	Martineau, Jesse
Matarazzo, Anthony Sr	Movsesian, Lori	O'Brien, Michael Sr	O'Neil, James
Pilotte, Maurice	Reuschel, Michael	Rochette, Eric	Rosenwald, Cindy
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Simon, Anthony	Spratt, Stephen	Sullivan, Daniel	Sysyn, Mary
Velez, Hector			

MERRIMACK

Baxley, Maureen	Beauchesne, Suzanne	Blanchard, Elizabeth	Bouchard, Candace
Brown, Carole	Brueggemann, Donald	Clarke, Claire	Davis, Frank
DeJoie, John	DeStefano, Stephen	Ehlers, Eileen	Foose, Robert
French, Barbara	Gile, Mary	Greco, Vincent	Hamm, Christine
Kelly, Sally	Kjellman, Eleanor	McMahon, Patricia	Osborne, Jessie
	Glynn		
Owen, Derek	Porter, Margaret	Potter, Frances	Reardon, Tara
Richardson, Gary	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary	Walz, Mary	Webb, Leigh

Wheeler, Deborah

Williams, Robert

Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
Elliott, Robert
Henson, John
Kepner, Susan
McGuirk, Thomas
Nord, Susi
Priestley, Anne
Russell, Trink
Weare, Everett

Bishop, Franklin
Casey, Kimberley
Emiro, Frank
Howard, Doreen
Marsh, Michael
McKenna, Daniel
Pantelakos, Laura
Quandt, Marshall
Serlin, Christopher
Winchell, George

Borden, David
Day, Judith
Flockhart, Eileen
Kelley, Jane
McCarthy, Linda
Moody, Marcia
Powers, James
Quandt, Matthew
Snow, Richard

Brown, C. Pennington
DiFruscia, Anthony
Gould, Kenneth
Kennedy, James
McEachern, Paul
Moore, Bennett
Preston, Mark
Robertson, Carl
Splaine, James

STRAFFORD

Berube, Roger
Brown, Jennifer
Cyr, James
Goodwin, Earle
Hutz, Sarah
Miller, Joseph
Rous, Emma
Sprague, Dale
Watson, Robert

Billian, Deborah
Brown, Larry
DeChane, Marlene
Hilliard, Dana
Kaen, Naida
Perry, Robert
Schmidt, Peter
Vachon, Dennis

Brennan, William
Browne, Brendon
Domingo, Baldwin
Hofemann, Roland
Knowles, William
Rollo, Deanna
Smith, Marjorie
Wall, Janet

Brown, George
Burke, Rachel
Fargo, Thomas
Hubbard, Pamela
Mickelonis, Shawn
Rollo, Michael
Spang, Judith
Warren, Nancy

SULLIVAN

Cloutier, John
Gagnon, Raymond
Nielsen, Ellen

Converse, Larry
Gottling, Suzanne
Phinzy, James

Donovan, Thomas
Houde, Matthew
Skinder, Carla

Franklin, Peter
Jillette, Arthur Jr

NAYS 127

BELKNAP

Boyce, Laurie
Nedeau, Stephen
Wendelboe, Fran

Clark, Charles
Russell, David
Whalley, Michael

Flanders, Donald
Tilton, Franklin

Millham, Alida
Tobin, William

CARROLL

Brown, Carolyn
Patten, Betsey

Chandler, Gene
Stevens, Stanley

Denley, William

Martin, James

CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

Pelkey, Stephen

COOS

King, Frederick

Remick, William

Stohl, Eric

Tholl, John Jr

GRAFTON

Bulis, Lyle
Williams, Burton

Dingman, Vernon III

Gionet, Edmond

Sorg, Gregory

HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Christensen, Chris
Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey	Daniels, Gary
Day, Russell	Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy
Emerton, Larry	Fletcher, Richard	Francoeur, Bea	Graham, John
Haefner, Robert	Hansen, Ryan	Hawkins, Ken	Hinkle, Peyton
Hogan, Edith	Hunter, Bruce	Infantine, William	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Lawrence, James	McRae, Karen
Messier, Irene	Mooney, Maureen	Moran, Edward	O'Connell, Timothy
Ober, Lynne	Ober, Russell III	Peterson, Andy	Price, Pamela
Renzullo, Andrew	Rowe, Robert	Smith, David	Soucy, Connie
Spaulding, Jayne	Stepanek, Stephen	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Maurice	Winters, Joel		

MERRIMACK

Anderson, Eric	Hager, Elizabeth	Hess, David	Humphries, Charlie
Kidder, David	Lockwood, Priscilla	Mackay, James	Reed, Dennis

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bettencourt, David	Buxton, Donald
Camm, Kevin	Carson, Sharon	Case, Frank	Charron, Gene
Dalrymple, David	Devine, James	Dumaine, Dudley	Flanders, John Sr
Garcia, Marilinda	Garrity, James	Gleason, John	Griffin, Mary
Grote, Otto	Guthrie, Joseph	Headd, James	Hopfgarten, Paul
Ingram, Russell	Introne, Robert	Itse, Daniel	Johnson, Robert
Kappler, Lawrence	Katsakiores, George	Katsakiores, Phyllis	Lund, Howie
Major, Norman	McKinney, Betsy	McMahon, Charles	Nowe, Ronald
Packard, Sherman	Rausch, James	Reagan, John	Sanders, Elisabeth
Stiles, Nancy	Waterhouse, Kevin	Welch, David	Wells, Roger
Weyler, Kenneth	Wickson, Rick		

STRAFFORD

Brown, Julie

SULLIVAN

Ferland, Brenda
and the majority committee report was adopted.
Ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Pilliod moved that the House reconsider its action whereby it adopted the majority committee report of Ought to Pass with Amendment, **HB 81**, relative to required pay for employees called into work.
Reps. Pilliod, Vaillancourt and Chandler spoke in favor.
Reps. Mears and Daniel Eaton spoke against.
On a division vote, 158 members having voted in the affirmative and 201 in the negative, the motion failed.

REGULAR CALENDAR – SPECIAL ORDERS (CONT'D)

HB 514-FN-L, relative to the applicable minimum wage for hourly employees. **OUGHT TO PASS.**

Rep. Sally H. Kelly for Labor, Industrial and Rehabilitative Services: The minimum wage

for New Hampshire citizens has not increased in nine years and in that time, education costs healthcare costs and housing costs have all increased. A strong bi-partisan committee vote supports the bill. Vote 15-2.

Rep. Mears yielded to questions.

Rep. Marjorie Smith spoke in favor.

Rep. Mary Ann Knowles requested a roll call; sufficiently seconded.

YEAS 286 NAYS 69

YEAS 286

BELKNAP

Arsenault, Beth
Nedeau, Stephen

Flanders, Donald
Pilliod, James

Millham, Alida
Reever, Judith

Morrison, Gail
Whalley, Michael

CARROLL

Bridgham, Robert
Cunningham, Howard
Merrow, Harry

Brown, Carolyn
Heard, Virginia
Patten, Betsey

Buco, Thomas
Knox, J. David

Butler, Edward
Martin, James

CHESHIRE

Burrige, Delmar
Chase, William
Lerandeau, Alfred
Plifka, Stanley Jr
Sad, Tara

Butcher, Suzanne
Dunn, J. Timothy
Loll, Thomas
Richardson, Barbara
Weber, Lucy

Butterworth, Timothy
Eaton, Daniel
Mitchell, Bonnie
Roberts, Kris
Weed, Charles

Butynski, William
Espieffs, Peter
Pelkey, Stephen
Robertson, Timothy

COOS

Hatch, William
Merrick, Scott
Thomas, Yvonne

Ingersoll, Paul Sr
Remick, William

Mears, Edgar
Stohl, Eric

Merrick, Evalyn
Theberge, Robert

GRAFTON

Aguiar, James
Bleyler, Ruth
Gionet, Edmond
Matheson, Robert
Pierce, David

Almy, Susan
Cooney, Mary
Hammond, Lee
McLeod, Martha
Preston, Philip

Andersen, Gene
Estes, Carole
Harding, A Laurie
Mulholland, Catherine
Solomon, Peter

Benn, Bernard
Friedrich, Carol
Lovett, Sid
Nordgren, Sharon

HILLSBOROUGH

Baroody, Benjamin
Brunelle, Michael
Cote, David
Drisko, Richard
Fontas, Jeffrey
Garrity, Patrick
Graham, John
Harvey, Suzanne
Infantine, William
Kaelin, Michael
Kopka, Angeline
Levasseur, Nickolas

Beaulieu, Jane
Campbell, David
Coughlin, Pamela
Edwards, Andrew
Forest, Armand
Ginsburg, Ruth
Hackel, Paul
Hebert, Roger
Irwin, Anne-Marie
Kelley, John
Kurk, Neal
Levesque, Melanie

Beck, Catriona
Chase, Claudia
Daler, Jennifer
Emerton, Larry
Foster, Linda
Goley, Jeffrey
Hall, Betty
Holden, Randolph
Jean, Claudette
Knowles, John
Lasky, Bette
Lisle, Carolyn

Bergin, Peter
Clemons, Jane
Dokmo, Cynthia
Essex, David
Gargas, Carolyn
Gorman, Mary
Hammond, Jill
Hunter, Bruce
Judy, Jean
Knowles, Mary Ann
Leishman, Peter
Long, Patrick

Mack, Ron
Matarazzo, Anthony Sr
Movsesian, Lori
Pilotte, Maurice
Rochette, Eric
Shaw, Barbara
Smith, Sandra
Sysyn, Mary

Manney, Pamela
Messier, Irene

O'Brien, Michael Sr
Price, Pamela
Rosenwald, Cindy
Shaw, Kimberly
Spaulding, Jayne
Velez, Hector

Marshall, Seth
Mooney, Maureen

O'Neil, James
Renzullo, Andrew
Schulze, Joan
Simon, Anthony
Spratt, Stephen
Villeneuve, Maurice

Martineau, Jesse
Moran, Edward

Peterson, Andy
Reuschel, Michael
Shattuck, Gilman
Smith, David
Sullivan, Daniel
Winters, Joel

MERRIMACK

Anderson, Eric

Baxley, Maureen

Beauchesne, Suzanne

Bouchard, Candace

Brown, Carole
DeJoie, John
French, Barbara
Hamm, Christine
Kjellman, Eleanor
Glynn
Osborne, Jessie
Reardon, Tara
Tilton, Joy
Webb, Leigh

Brueggemann, Donald
DeStefano, Stephen
Gile, Mary
Hess, David
Lockwood, Priscilla

Clarke, Claire
Ehlers, Eileen
Greco, Vincent
Kelly, Sally
MacKay, James

Davis, Frank
Foosse, Robert
Hager, Elizabeth
Kidder, David
McMahon, Patricia

Owen, Derek
Richardson, Gary
Tupper, Frank
Wheeler, Deborah

Porter, Margaret
Ryan, Jim
Wallner, Mary
Williams, Robert

Potter, Frances
Shurtleff, Stephen
Walz, Mary
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Buxton, Donald
Charron, Gene
Elliott, Robert
Gleason, John
Henson, John
Katsakiores, George
Kepner, Susan
McEachern, Paul
Nord, Susi
Powers, James
Quandt, Matthew
Serlin, Christopher
Welch, David

Bishop, Franklin
Cali-Pitts, Jacqueline
Dalrymple, David
Emiro, Frank
Gould, Kenneth
Howard, Doreen
Katsakiores, Phyllis
Major, Norman
McKenna, Daniel
Nowe, Ronald
Preston, Mark
Rausch, James
Snow, Richard
Wells, Roger

Borden, David
Case, Frank
Day, Judith
Flanders, John Sr
Griffin, Mary
Ingram, Russell
Kelley, Jane
Marsh, Michael
Moody, Marcia
Packard, Sherman
Priestley, Anne
Robertson, Carl
Splaine, James
Wickson, Rick

Brown, C. Pennington
Casey, Kimberley
DiFruscia, Anthony
Flockhart, Eileen
Grote, Otto
Introne, Robert
Kennedy, James
McCarthy, Linda
Moore, Bennett
Pantelakos, Laura
Quandt, Marshall
Russell, Trinka
Weare, Everett
Winchell, George

STRAFFORD

Berube, Roger
Brown, Jennifer
Burke, Rachel
Fargo, Thomas
Hutz, Sarah
Miller, Joseph
Rous, Emma
Sprague, Dale
Watson, Robert

Billian, Deborah
Brown, Julie
Cyr, James
Hilliard, Dana
Kaen, Naida
Perry, Robert
Schmidt, Peter
Vachon, Dennis

Brennan, William
Brown, Larry
DeChane, Marlene
Hofemann, Roland
Knowles, William
Rollo, Deanna
Smith, Marjorie
Wall, Janet

Brown, George
Browne, Brendon
Domingo, Baldwin
Hubbard, Pamela
Mickelonis, Shawn
Rollo, Michael
Spang, Judith
Warren, Nancy

SULLIVAN

Cloutier, John
Franklin, Peter

Converse, Larry
Gagnon, Raymond

Donovan, Thomas
Gottling, Suzanne

Ferland, Brenda
Houde, Matthew

Jillette, Arthur Jr

Nielsen, Ellen

Phinizy, James

Skinder, Carla

NAYS 69

BELKNAP

Boyce, Laurie
Tobin, William

Clark, Charles
Wendelboe, Fran

Russell, David

Tilton, Franklin

CARROLL

Chandler, Gene

Denley, William

Stevens, Stanley

CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

COOS

King, Frederick

Tholl, John Jr

GRAFTON

Bulis, Lyle

Dingman, Vernon III

Sorg, Gregory

HILLSBOROUGH

Barry, Richard
Christiansen, Lars
Elliott, Nancy
Hansen, Ryan
Jasper, Shawn
O'Connell, Timothy
Soucy, Connie

Batula, Peter
Crane, Elenore Casey
Fletcher, Richard
Hawkins, Ken
L'Heureux, Robert
Ober, Lynne
Stepanek, Stephen

Bergeron, Jean-Guy
Daniels, Gary
Francoeur, Bea
Hinkle, Peyton
Lawrence, James
Ober, Russell III
Ulery, Jordan

Christensen, Chris
Day, Russell
Haefner, Robert
Hogan, Edith
McRae, Karen
Rowe, Robert
Vaillancourt, Steve

MERRIMACK

Humphries, Charlie

Reed, Dennis

ROCKINGHAM

Allen, Mary
Carson, Sharon
Garrity, James
Itse, Daniel
McMahon, Charles
Waterhouse, Kevin

Baldasaro, Alfred
Devine, James
Guthrie, Joseph
Kappler, Lawrence
Reagan, John
Weyler, Kenneth

Bettencourt, David
Dumaine, Dudley
Headd, James
Lund, Howie
Sanders, Elisabeth

Camm, Kevin
Garcia, Marilinda
Hopfgarten, Paul
McKinney, Betsy
Stiles, Nancy

STRAFFORD

None

SULLIVAN

None

and the committee report was adopted.

Ordered to third reading.

Rep. Emerson voted Nay and intended to Vote Yea.

HB 797, regulating mandatory overtime for nurses and assistants. **OUGHT TO PASS.**
Rep. Mary J. Gorman for Labor, Industrial and Rehabilitative Services: This bill allows a nurse who has been working 12 consecutive hours the option to say “no” if asked to stay longer than his or her shift without being subject to disciplinary action. Nurses are bound to act in the patient’s best interest. The chances for medical errors increase with human fatigue. This bill also allows an employer to enter into a written agreement with employees wishing to be exempt from this legislation and submitting such agreements to the Department of Labor. Vote 11-2.

Rep. Millham offered floor amendment (1160h).

Floor Amendment (1160h)

Amend RSA 275:67, II as inserted by section 1 of the bill by replacing it with the following:

- II. The prohibition against mandatory overtime shall not apply in the case of:
- (a) A nurse participating in surgery, until the surgery is completed;
 - (b) A nurse working in a critical care unit, until another employee beginning a scheduled work shift relieves him or her;
 - (c) A public health emergency;
 - (d) An institutional emergency, such as adverse weather, a catastrophe, or illness, that a facility administrator believes will reduce the number of nursing personnel available for a scheduled shift to an unsafe level;
 - (e) An absence of a subsequent worker or caregiver;
 - (f) Any situation where the purpose of the overtime is to prevent imminent harm to a resident or patient; or
 - (g) A nurse covered by a collective bargaining agreement containing provisions addressing the issue of mandatory overtime.

Rep. Holden spoke against and yielded to questions.

Rep. Goley spoke against.

Rep. Millham spoke in favor.

On a division vote, 129 members having voted in the affirmative and 198 in the negative, floor amendment (1160h) failed.

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

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

Reps. Gorman and DeChane spoke in favor.

On a division vote, 262 members having voted in the affirmative and 69 in the negative, the committee report was adopted.

Ordered to third reading.

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

HB 819, establishing a right to work act which provides for freedom of choice on whether to join a labor union. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Randolph N. S. Holden for the Majority of Labor, Industrial and Rehabilitative Services: The majority of the committee felt that HB 819 was not in the best interest of the working citizen of New Hampshire. The committee felt that this bill is a bi-annual bill and is killed time and time again. The committee voted overwhelming in a non partisan vote. Vote 15-3.
Rep. Gary L. Daniels for the Minority of Labor, Industrial and Rehabilitative Services: This bill is about individual freedom in the work place. At a time when we are focusing on the rights of workers in the labor force, no one should face the prospect of losing their job for choosing to join a union and paying dues, or choosing not to join a union and paying a mandated fee to the union (a private organization). Basic rights such as these must not be on the negotiating table and HB 819 would uphold those workers rights.

Rep. Baldasaro spoke against and yielded to questions.
Rep. Holden spoke in favor and yielded to questions.
Rep. Daniels spoke against.
Reps. Mears and DiFruscia spoke in favor.
Rep. Mears requested a roll call; sufficiently seconded.

YEAS 272 NAYS 75

YEAS 272

BELKNAP

Arsenault, Beth
Nedeau, Stephen

Clark, Charles
Pilliod, James

Millham, Alida
Reever, Judith

Morrison, Gail
Russell, David

CARROLL

Bridgham, Robert
Cunningham, Howard

Brown, Carolyn
Heard, Virginia

Buco, Thomas
Knox, J. David

Butler, Edward
Stevens, Stanley

CHESHIRE

Burridge, Delmar
Chase, William
Lerandeau, Alfred
Plifka, Stanley Jr
Sad, Tara

Butcher, Suzanne
Dunn, J. Timothy
Loll, Thomas
Richardson, Barbara
Weber, Lucy

Butterworth, Timothy
Eaton, Daniel
Mitchell, Bonnie
Roberts, Kris
Weed, Charles

Butynski, William
Espieffs, Peter
Pelkey, Stephen
Robertson, Timothy

COOS

Hatch, William
Stohl, Eric

King, Frederick
Theberge, Robert

Mears, Edgar
Tholl, John Jr

Remick, William
Thomas, Yvonne

GRAFTON

Aguiar, James
Bleyler, Ruth
Friedrich, Carol
Matheson, Robert
Pierce, David

Almy, Susan
Bulis, Lyle
Hammond, Lee
McLeod, Martha
Preston, Philip

Andersen, Gene
Cooney, Mary
Harding, A Laurie
Mulholland, Catherine
Solomon, Peter

Benn, Bernard
Estes, Carole
Lovett, Sid
Nordgren, Sharon

HILLSBOROUGH

Baroody, Benjamin
Bergin, Peter
Christensen, Chris
Daler, Jennifer
Emerton, Larry
Forest, Armand
Ginsburg, Ruth
Hackel, Paul
Holden, Randolph
Jean, Claudette
Knowles, John
Lasky, Bette
Lisle, Carolyn
Marshall, Seth

Batula, Peter
Brunelle, Michael
Clemons, Jane
Day, Russell
Essex, David
Foster, Linda
Goley, Jeffrey
Hall, Betty
Infantine, William
Jeudy, Jean
Knowles, Mary Ann
Leishman, Peter
Long, Patrick
Martineau, Jesse

Beaulieu, Jane
Campbell, David
Cote, David
Dokmo, Cynthia
Fletcher, Richard
Gargas, Carolyn
Gorman, Mary
Hammond, Jill
Irwin, Anne-Marie
Kaelin, Michael
Kopka, Angeline
Levasseur, Nickolas
Mack, Ron
Matarazzo, Anthony
Sr

Beck, Catriona
Chase, Claudia
Crane, Elenore Casey
Edwards, Andrew
Fontas, Jeffrey
Garrity, Patrick
Graham, John
Harvey, Suzanne
Jasper, Shawn
Kelley, John
L'Heureux, Robert
Levesque, Melanie
Manney, Pamela
Messier, Irene

Movsesian, Lori
Peterson, Andy
Rosenwald, Cindy
Shaw, Kimberly
Soucy, Connie
Vaillancourt, Steve

O'Brien, Michael Sr
Pilotte, Maurice
Schulze, Joan
Simon, Anthony
Spratt, Stephen
Velez, Hector

O'Neil, James
Renzullo, Andrew
Shattuck, Gilman
Smith, David
Sullivan, Daniel
Villeneuve, Maurice

Ober, Lynne
Reuschel, Michael
Shaw, Barbara
Smith, Sandra
Sysyn, Mary
Winters, Joel

MERRIMACK

Baxley, Maureen

Beauchesne,
Suzanne

Bouchard, Candace

Brown, Carole

Brueggemann, Donald
DeStefano, Stephen
Gile, Mary
Kelly, Sally

Clarke, Claire
Ehlers, Eileen
Greco, Vincent
Kidder, David

Davis, Frank
Foose, Robert
Hager, Elizabeth
Kjellman, Eleanor
Glynn

DeJoie, John
French, Barbara
Hamm, Christine
Lockwood, Priscilla

MacKay, James
Porter, Margaret
Ryan, Jim
Wallner, Mary
Williams, Robert

McMahon, Patricia
Potter, Frances
Shurtleff, Stephen
Walz, Mary
Yeaton, Charles

Osborne, Jessie
Reardon, Tara
Tilton, Joy
Webb, Leigh

Owen, Derek
Richardson, Gary
Tupper, Frank
Wheeler, Deborah

ROCKINGHAM

Abbott, Dennis
Borden, David
Case, Frank
Day, Judith
Flockhart, Eileen
Guthrie, Joseph
Kepner, Susan
McGuirk, Thomas
Moore, Bennett
Powers, James
Russell, Trinkia
Stiles, Nancy
Winchell, George

Allen, Mary
Brown, C. Pennington
Casey, Kimberley
DiFruscia, Anthony
Garritty, James
Howard, Doreen
Marsh, Michael
McKinney, Betsy
Nord, Susi
Quandt, Marshall
Serlin, Christopher
Weare, Everett

Bettencourt, David
Buxton, Donald
Charron, Gene
Emiro, Frank
Gould, Kenneth
Kelley, Jane
McCarthy, Linda
McMahon, Charles
Packard, Sherman
Quandt, Matthew
Snow, Richard
Wells, Roger

Bishop, Franklin
Carson, Sharon
Dalrymple, David
Flanders, John Sr
Grote, Otto
Kennedy, James
McEachern, Paul
Moody, Marcia
Pantelakos, Laura
Robertson, Carl
Splaine, James
Wickson, Rick

STRAFFORD

Berube, Roger
Brown, Jennifer
Cyr, James
Hilliard, Dana
Kaen, Naida
Perry, Robert
Schmidt, Peter
Vachon, Dennis

Billian, Deborah
Brown, Larry
DeChane, Marlene
Hofemann, Roland
Knowles, William
Rollo, Deanna
Smith, Marjorie
Wall, Janet

Brennan, William
Browne, Brendon
Domingo, Baldwin
Hubbard, Pamela
Mickelonis, Shawn
Rollo, Michael
Spang, Judith
Warren, Nancy

Brown, George
Burke, Rachel
Fargo, Thomas
Hutz, Sarah
Miller, Joseph
Rous, Emma
Sprague, Dale
Watson, Robert

SULLIVAN

Cloutier, John
Franklin, Peter
Jillette, Arthur Jr

Converse, Larry
Gagnon, Raymond
Nielsen, Ellen

Donovan, Thomas
Gottling, Suzanne
Phinizy, James

Ferland, Brenda
Houde, Matthew

BELKNAP

Boyce, Laurie
Wendelboe, Fran

Flanders, Donald
Whalley, Michael

Tilton, Franklin

Tobin, William

CARROLL

Chandler, Gene
Patten, Betsey

Denley, William

Martin, James

Merrow, Harry

CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

COOS

None

GRAFTON

Dingman, Vernon III

Gionet, Edmond

Ingbretson, Paul

Sorg, Gregory

HILLSBOROUGH

Barry, Richard
Coughlin, Pamela
Francoeur, Bea
Hinkle, Peyton
Lawrence, James
O'Connell, Timothy
Spaulding, Jayne

Bergeron, Jean-Guy
Daniels, Gary
Haefner, Robert
Hogan, Edith
McRae, Karen
Ober, Russell III
Stepanek, Stephen

Christiansen, Lars
Drisko, Richard
Hansen, Ryan
Hunter, Bruce
Mooney, Maureen
Price, Pamela
Ulery, Jordan

Clark, Mark
Elliott, Nancy
Hawkins, Ken
Kurk, Neal
Moran, Edward
Rowe, Robert

MERRIMACK

Anderson, Eric

Hess, David

Humphries, Charlie

Reed, Dennis

ROCKINGHAM

Baldasaro, Alfred
Garcia, Marilinda
Hopfgarten, Paul
Kappler, Lawrence
Major, Norman
Sanders, Elisabeth

Camm, Kevin
Gleason, John
Ingram, Russell
Katsakiores, George
Nowe, Ronald
Waterhouse, Kevin

Devine, James
Headd, James
Introne, Robert
Katsakiores, Phyllis
Rausch, James
Welch, David

Dumaine, Dudley
Henson, John
Itse, Daniel
Lund, Howie
Reagan, John
Weyler, Kenneth

STRAFFORD

Brown, Julie

SULLIVAN

Skinder, Carla

and the majority committee report was adopted.

(Deputy Speaker Foster in the Chair)

REGULAR CALENDAR – SPECIAL ORDERS (CONT'D)

HB 848, relative to a private right of action to recover workers' compensation coverage payments. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey P. Goley for the Majority of Labor, Industrial and Rehabilitative Services: A

private right of action to recover workers' compensation coverage payments allows a civil action in the name of the State of New Hampshire to be taken against an employer if probable cause exists, showing an employer is engaging in workers' compensation fraud. Vote 11-5.

Rep. William J. Infantine for the Minority of Labor, Industrial and Rehabilitative Services: The minority believes that this bill at its core has to do with independent contractors and workers' compensation laws. The bill sets a dangerous precedent by allowing private individuals and groups the ability to bring suit and receive compensation costs and attorneys fees if they prove an employer was not in compliance with current workers' compensation laws. Until now, fines and penalties could only be assessed by the Department of Labor. Also, some of the collected funds can not be used by the Department of Labor administration fund as outlined in the bill.

Rep. Infantine spoke against.

Reps. Long and Mears spoke in favor.

On a division vote, 197 members having voted in the affirmative and 132 in the negative, the majority committee report was adopted.

Ordered to third reading.

HB 293, allowing municipalities to establish agricultural commissions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L. Patten for Municipal and County Government: The Farm Viability Task Force worked on HB 293 in order to create local agricultural champions to promote farms and offer advice to other town boards on how to encourage towns to be farm-friendly. The amendment offered removed any authority for the commission to control any money received and the ability to buy and control real property. The committee felt that having an advisory commission on agriculture was a good idea as long as there were no enforcement powers or regulatory authority given the commission. The local legislative body may establish this commission so the bill is enabling at the local level. The stakeholders on the Farm Viability Task Force invested a lot of time and effort into this bill and they agreed with the amendment. Vote 15-1.

Amendment (0834h)

Amend RSA 674:44-e – 674:44-g as inserted by section 1 of the bill by replacing it with the following:

674:44-e Agricultural Commission. An agricultural commission may be established in accordance with RSA 673 for the proper recognition, promotion, enhancement, encouragement, use, management, and protection of agriculture and agricultural resources, tangible or intangible, that are valued for their economic, aesthetic, cultural, historic, or community significance within their natural, built, or cultural contexts. The word "agriculture" shall include the entirety of RSA 21:34-a, which is the definition of farm, agriculture, and farming.

674:44-f Powers. Agricultural commissions shall have advisory and review authority and other duties as follows:

- I. Survey and inventory all agricultural resources.
- II. Conduct activities to recognize, promote, enhance, and encourage agriculture, agricultural resources, and agricultural-based economic opportunities.
- III. Assist the planning board, as requested, in the development and review of those sections of the master plan which address agricultural resources.
- IV. Advise, upon request, local agencies and other local boards in their review of requests on matters affecting or potentially affecting agricultural resources.
- V. Coordinate activities with appropriate service organizations and nonprofit groups.
- VI. Publicize and report its activities.
- VII. Hire consultants and contractors as needed.

VIII. Receive gifts of money to assist in carrying out its purpose.

IX. Hold meetings and hearings necessary to carry out its duties.

674:44-g Appropriations Authorized.

I. A town or city, having established an agricultural commission under this subdivision, may appropriate money as deemed necessary to carry out its purposes. The whole or any part of money so appropriated in any year and any gifts of money received pursuant to RSA 674:44-f shall be placed in an agricultural fund and allowed to accumulate from year to year.

II. The town treasurer, pursuant to RSA 41:29, shall have custody of all moneys in the agricultural fund and shall pay out the same only upon order of the agricultural commission. The disbursement of agricultural funds shall be authorized by a majority of the agricultural commission. The use of such funds shall not be for the purchase of any interest in real property.

Amend RSA 673:4-b, II-III as inserted by section 3 of the bill by replacing it with the following:

II. Each agricultural commission member shall be a resident of the city or town which establishes the commission. One commission member may be a member of the local governing body. One commission member may be a member of the planning board. Not more than 5 alternate members may be appointed. When an alternate sits in absence or disqualification of a regular member, the alternate shall have full voting powers. In determining each member's qualifications, the appointing authority shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate, and promote the purpose of the agricultural commission.

III. Members of an agricultural commission also may serve on other municipal boards and commissions, including but not limited to a conservation commission established under RSA 36-A, a historic district commission established under RSA 674:46, or a heritage commission established under RSA 674:44-a.

Amend RSA 673:7, II(c) as inserted by section 4 of the bill by replacing it with the following:

(c) Either one appointed member or one ex officio member may be a member of the heritage commission, ~~or~~ the historic district commission, ~~or both,~~ **or the agricultural commission, or all three** if such ~~a commission exists~~ **commissions exist** in the city.

On a division vote, 306 members having voted in the affirmative and 6 in the negative, the committee amendment was adopted.

On a division vote, 306 members having voted in the affirmative and 9 in the negative, the committee report was adopted.

Ordered to third reading.

HB 390, relative to review of developments of regional impact. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert J. Elliott for Municipal and County Government: The Regional Planning Commissions (RPCs) are a resource tool for the local communities within their regions and are supported by dues paid by each municipality. When a local planning board determines that a development will have regional impact, a copy of the plans and discussion are given to the RPC and a review is done. HB 390 would require each regional planning commission to develop guidelines to assist local land use boards to determine if there is a potential regional impact. The process for developing these guidelines would be paid for by the applicants, putting the cost onto individuals, not the RPCs who are making decisions regarding regional impacts. Testimony was given that the RPCs are already assisting the local land use boards when asked and have sufficient authority now for assisting the municipalities. Vote 13-3. On a division vote, 301 members having voted in the affirmative and 9 in the negative, the committee report was adopted.

HB 457, allowing municipalities to restrict lawn watering during declared droughts.

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

Rep. Robert J. Watson for the Majority of Municipal and County Government: This bill would enable cities and towns to establish regulations to restrict residential lawn watering when the state or federal government have designated the region as being under a declared state of drought. Each municipality would have the authority to decide what restrictions, if any, would be appropriate for its community. The bi-partisan majority, while respectful of individual property rights, believes that water is a shared resource that should be used responsibly during droughts. We agree with the Department of Environmental Services that reasonable restrictions on a discretionary water use like lawn watering can help prevent water supply emergencies. Vote 9-5.

Rep. Betsey L. Patten for the Minority of Municipal and County Government: During times of drought it is very necessary to educate every citizen to conserve water, which is one of our basic needs. Currently public alerts and notices advise the citizens of any drought situations and those public alerts have worked. HB 457 would require restricting the use of water from private or public water systems for residential outdoor water when any administrative agency of the state or federal government designates a drought in any region. The intention of HB 457 is to distinguish agricultural watering and golf courses or other businesses where watering is critical. Commercial property land owners also sprinkle their lawns but these properties are not included in the "residential outdoor lawn watering" category. The minority of the committee feels that this restriction will be hard to enforce and is also uncertain who will be the enforcement arm of the government. Private land is a sacred right of our citizens. Many residential land owners are not on public water systems and the minority of the committee believes that those owners are intelligent enough not to water lawns during a drought. Not to require the restriction of all outdoor lawn watering during drought conditions discriminates against private property owners.

Majority Amendment (0684h)

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

AN ACT allowing local governing bodies to restrict lawn watering during declared droughts.

Amend the bill by replacing section 1 with the following:

1 New Section; Restricting the Watering of Lawns. Amend RSA 41 by inserting after section 11-c the following new section:

41:11-d Restricting the Watering of Lawns.

I. The local governing body may establish regulations restricting the use of water from private wells or public water systems for residential outdoor lawn watering when administrative agencies of the state or federal government have designated the region as being under a declared state or condition of drought.

II. The local governing body shall give notice prior to the implementation of the regulations in paragraph I. Notice shall be given at least 3 calendar days before the regulations are implemented. The notice required under this section shall not include the day notice is posted. Notice of the regulations shall be published in a paper of general circulation in the municipality and shall be posted in at least 2 public places.

III. The full text of the proposed regulations need not be included in the notice if an adequate statement describing the proposal and designating the place where the proposal is on file for public inspection is stated in the notice.

AMENDED ANALYSIS

This bill allows local governing bodies to restrict lawn watering during declared droughts.

On a division vote, 244 members having voted in the affirmative and 63 in the negative, the majority committee amendment was adopted.

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

Rep. Patten spoke against.

Rep. Theberge spoke in favor.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 187 NAYS 131

YEAS 187

BELKNAP

Arsenault, Beth

Morrison, Gail

Pilliod, James

Reever, Judith

CARROLL

Bridgham, Robert
Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

CHESHIRE

Burridge, Delmar
Dunn, J. Timothy
Mitchell, Bonnie
Robertson, Timothy

Butterworth, Timothy
Eaton, Daniel
Plifka, Stanley Jr
Sad, Tara

Butynski, William
Espieffs, Peter
Richardson, Barbara
Weber, Lucy

Chase, William
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

COOS

Hatch, William
Thomas, Yvonne

Mears, Edgar

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Bleyler, Ruth
Hammond, Lee
McLeod, Martha
Preston, Philip

Almy, Susan
Cooney, Mary
Harding, A Laurie
Mulholland, Catherine
Solomon, Peter

Andersen, Gene
Estes, Carole
Lovett, Sid
Nordgren, Sharon

Benn, Bernard
Friedrich, Carol
Matheson, Robert
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Chase, Claudia
Essex, David
Gorman, Mary
Harvey, Suzanne
Kaelin, Michael
Lasky, Bette
Lisle, Carolyn
Matarazzo, Anthony
Sr
Pilotte, Maurice
Shattuck, Gilman
Spratt, Stephen

Beaulieu, Jane
Clemons, Jane
Garrity, Patrick
Hackel, Paul
Hebert, Roger
Kelley, John
Leishman, Peter
Mack, Ron
Messier, Irene
Reuschel, Michael
Shaw, Barbara
Sullivan, Daniel

Beck, Catriona
Cote, David
Ginsburg, Ruth
Hall, Betty
Irwin, Anne-Marie
Knowles, Mary Ann
Levasseur, Nickolas
Marshall, Seth
Movsesian, Lori
Rosenwald, Cindy
Simon, Anthony
Sysyn, Mary

Campbell, David
Edwards, Andrew
Goley, Jeffrey
Hammond, Jill
Jeudy, Jean
Kopka, Angeline
Levesque, Melanie
Martineau, Jesse
O'Brien, Michael Sr
Schulze, Joan
Smith, Sandra
Velez, Hector

MERRIMACK

Baxley, Maureen

Beauchesne,
Suzanne

Bouchard, Candace

Brown, Carole

Brueggemann, Donald
French, Barbara
Kjellman, Eleanor
Glynn
Porter, Margaret
Ryan, Jim
Wallner, Mary
Yeaton, Charles

Davis, Frank
Greco, Vincent
McMahon, Patricia

Potter, Frances
Shurtleff, Stephen
Walz, Mary

Ehlers, Eileen
Hamm, Christine
Osborne, Jessie

Reardon, Tara
Tilton, Joy
Webb, Leigh

Foose, Robert
Kelly, Sally
Owen, Derek

Richardson, Gary
Tupper, Frank
Wheeler, Deborah

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Henson, John
Kepner, Susan
Nord, Susi
Serlin, Christopher

Borden, David
Day, Judith
Kappler, Lawrence
Marsh, Michael
Pantelakos, Laura
Snow, Richard

Brown, C. Pennington
DiFruscia, Anthony
Kelley, Jane
McEachern, Paul
Powers, James

Buxton, Donald
Grote, Otto
Kennedy, James
Moore, Bennett
Russell, Trink

STRAFFORD

Berube, Roger
Brown, Jennifer
Cyr, James
Hofemann, Roland
Knowles, William
Rollo, Deanna
Smith, Marjorie
Warren, Nancy

Billian, Deborah
Brown, Larry
Domingo, Baldwin
Hubbard, Pamela
Mickelonis, Shawn
Rollo, Michael
Spang, Judith
Watson, Robert

Brennan, William
Browne, Brendon
Fargo, Thomas
Hutz, Sarah
Miller, Joseph
Rous, Emma
Vachon, Dennis

Brown, George
Burke, Rachel
Hilliard, Dana
Kaen, Naida
Perry, Robert
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Gagnon, Raymond
Nielsen, Ellen

Converse, Larry
Gottling, Suzanne
Skinder, Carla

Donovan, Thomas
Houde, Matthew

Franklin, Peter
Jillette, Arthur Jr

NAYS 131

BELKNAP

Boyce, Laurie
Nedeau, Stephen
Wendelboe, Fran

Clark, Charles
Russell, David
Whalley, Michael

Flanders, Donald
Tilton, Franklin

Millham, Alida
Tobin, William

CARROLL

Brown, Carolyn
Martin, James

Chandler, Gene
Morrow, Harry

Denley, William
Patten, Betsey

Knox, J. David
Stevens, Stanley

CHESHIRE

Emerson, Susan

Hunt, John

Pelkey, Stephen

COOS

King, Frederick

Stohl, Eric

Tholl, John Jr

GRAFTON

Bulis, Lyle

Dingman, Vernon III

Gionet, Edmond

Ingbertson, Paul

Sorg, Gregory

HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Brunelle, Michael	Christensen, Chris	Clark, Mark	Coughlin, Pamela
Crane, Elenore Casey	Daniels, Gary	Day, Russell	Dokmo, Cynthia
Drisko, Richard	Emerton, Larry	Fletcher, Richard	Francoeur, Bea
Graham, John	Haefner, Robert	Hansen, Ryan	Hawkins, Ken
Hinkle, Peyton	Hogan, Edith	Holden, Randolph	Hunter, Bruce
Jasper, Shawn	Kurk, Neal	L'Heureux, Robert	Lawrence, James
Manney, Pamela	McRae, Karen	Mooney, Maureen	Moran, Edward
O'Connell, Timothy	O'Neil, James	Ober, Lynne	Ober, Russell III
Peterson, Andy	Price, Pamela	Renzullo, Andrew	Shaw, Kimberly
Smith, David	Soucy, Connie	Spaulding, Jayne	Stepanek, Stephen
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Winters, Joel

MERRIMACK

Anderson, Eric	Clarke, Claire	Hess, David	Humphries, Charlie
Lockwood, Priscilla	MacKay, James	Reed, Dennis	

ROCKINGHAM

Allen, Mary	Bettencourt, David	Camm, Kevin	Carson, Sharon
Case, Frank	Charron, Gene	Dalrymple, David	Devine, James
Emiro, Frank	Flanders, John Sr	Garcia, Marilinda	Garrity, James
Gleason, John	Gould, Kenneth	Guthrie, Joseph	Headd, James
Hopfgarten, Paul	Howard, Doreen	Ingram, Russell	Introne, Robert
Itse, Daniel	Katsakiores, George	Katsakiores, Phyllis	Lund, Howie
Major, Norman	McKinney, Betsy	McMahon, Charles	Nowe, Ronald
Packard, Sherman	Quandt, Marshall	Quandt, Matthew	Rausch, James
Reagan, John	Robertson, Carl	Sanders, Elisabeth	Stiles, Nancy
Waterhouse, Kevin	Weare, Everett	Welch, David	Wells, Roger
Weyler, Kenneth	Wickson, Rick	Winchell, George	

STRAFFORD

Brown, Julie	Sprague, Dale
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SULLIVAN

Ferland, Brenda Phinizy, James
and the majority committee report was adopted.
Ordered to third reading.

***HB 479*, relative to the default budget in official ballot towns. INEXPEDIENT TO LEGISLATE.**

Rep. Bennett F. Moore for Municipal and County Government: The committee believes that abuse, if any, of default budget calculations, which the sponsors wished to address in the bill, can best be remedied by voters at the local ballot box. Towns and school boards can also adopt, under existing law, a process that allows default budget calculations to be used by a town budget committee. Testimony received did raise questions of potential unintended consequences on towns who do not abuse the system. Detailed laws to govern the calculation of a default budget may never be sufficient to totally avoid abuse. Support for the bill was limited to citizens from one community in the state. The bill was opposed by the NH Municipal Association. Vote 11-3.

Reps. Kurk and Weyler spoke against and yielded to questions.

Reps. Bennett Moore, Patten and Theberge spoke in favor.

On a division vote, 206 members having voted in the affirmative and 117 in the negative, the committee report was adopted.

(Speaker Norelli in the Chair)

REGULAR CALENDAR – SPECIAL ORDERS (CONT'D)

HB 662-FN-A-L, exempting vehicles adapted for use by persons with disabilities from motor vehicle registration fees. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Larry Brown for the Majority of Municipal and County Government: The majority of the committee while agreeing that the scope and costs of vehicle modifications can, in particular cases, be high, felt that the financial resources of disabled individuals, trust to established for their benefit, and the resources of family members vary and that this was an issue separate from the transportation needs of individuals with a permanent and total disability. Vote 9-5.

Rep. Joseph A. Guthrie for the Minority of Municipal and County Government: The minority vote reflected a desire to assist those persons with a permanent and total disability by exempting them from paying registration fees on vehicles specially modified or adapted to accommodate the person's disability.

Reps. Guthrie, Knox and Martin spoke against.

Reps. Patten and Theberge spoke in favor.

On a division vote, 224 members having voted in the affirmative and 96 in the negative, the majority committee report was adopted.

Rep. Trinka Russell declared a conflict of interest and did not participate.

HB 838-FN-L, allowing municipalities to recover certain costs related to right-to-know requests. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jessie L. Osborne for the Majority of Municipal and County Government: The committee felt that the "costs associated" was a nebulous term in the bill and left open many costly options which could be a disincentive for citizens to get the public information they need and request. The commission on the Right to Know Law is currently addressing many issues and the issue contained in this bill will be addressed by the commission this year. Vote 11-3.

Rep. Earle Goodwin for the Minority of Municipal and County Government: There have been many instances in Dover when one or two individuals have imposed unreasonable and extensive requests for public records. These very expensive costs in turn are passed on to the taxpayers of the community. The minority appreciates that 91A must be preserved, but in this instance, the action of a few adversely affects the pocket book of all taxpayers, many who can't afford any increase in taxes. This information may be passed onto the Right to Know Commission, but the potential problem could occur in any community in the state. In addition, the bill does not state the actual amount of costs that could be charged for "public records."

On a division vote, 308 members having voted in the affirmative and 11 in the negative, the majority committee report was adopted.

HB 863, relative to the assessment of property subject to a housing subsidy restriction. **INEXPEDIENT TO LEGISLATE.**

Rep. Bennett F. Moore for Municipal and County Government: This bill would have limited property tax liability on property subject to housing subsidy restrictions to 10%. The committee recommendation of ITL was based on the perception that such property already benefits from federal subsidies or tax credits and low interest loans. The issue of

determining fair market value for such properties may also be discussed by the assessing standards board. Vote 13-1.

On a division vote, 317 members having voted in the affirmative and 4 in the negative, the committee report was adopted.

HB 739, relative to contractor accountability and disclosure in the public works construction procurement process. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin T. Tilton for Public Works and Highways: This bill deals with information on subcontractor bid prices, the requirement of state approval for the substitution of a new subcontractor, and the posting of details on subcontractors on the jobsite. Most, if not all, of these requirements currently are routinely being done on Department of Transportation projects. The additional paperwork suggested by the legislation is not desirable. The details proposed in the bill are limited to the traditional design-bid-build method and would not be compatible with the construction management, or design-build methods that are becoming more common in public as well as private construction. While the study has been useful in drawing attention to these contract administration procedures and has caused sharing of different procedures among agencies, the legislation is not necessary. Vote 9-7.

Rep. Benn spoke against.

Reps. Franklin Tilton, Sprague and Bouchard spoke in favor.

On a division vote, 268 members having voted in the affirmative and 41 in the negative, the committee report was adopted.

MOTION TO SPECIAL ORDER

Rep. Spang moved that **HB 777-FN-A**, imposing a fee and a fine for certain changes to terrain alteration permits, be made a Special Order for April 5, 2007 as the first order of business.

Adopted.

SUSPENSION OF RULES

Rep. Wallner moved that the Rules be so far suspended to allow the deadline for reporting on House Bills not in a second committee, except budgets, be extended until April 5, 2007.

Adopted by the necessary two-thirds.

MOTION TO SPECIAL ORDER

Without objection, the Chair made the remainder of the bills on today's calendar be made Special Orders for April 5, 2007 in their Regular Calendar order.

RESOLUTION

Rep. Wallner offered the following: RESOLVED, 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 recesses today it be to reconvene Thursday, April 5, 2007 at 10:00 a.m.

Adopted.

Third reading and final passage

HB 437-FN-L, permitting same gender couples to enter civil unions and have the same rights, responsibilities, and obligations as married couples.

HB 554, requiring that funds in the civil legal services fund be distributed to New Hampshire Legal Assistance to establish an office in Concord.

HB 791-FN, establishing a commission to study the legal and social effects of permitting same gender marriage.

HB 849, relative to rent payments by voucher issued by a state or municipal agency.
HB 866, relative to the right-to-know law application to public utilities commission matters.
HB 882-FN, relative to limitations on tort liability of government units.
HB 81, relative to required pay for employees called into work.
HB 203, relative to protections for temporary workers.
HB 254, relative to mandatory employer meetings about political and religious beliefs, including beliefs about joining a union.
HB 514-FN-L, relative to the applicable minimum wage for hourly employees.
HB 797, regulating mandatory overtime for nurses and assistants.
HB 848, relative to a private right of action to recover workers' compensation coverage payments.
HB 293, allowing municipalities to establish agricultural commissions.
HB 457, allowing local governing bodies to restrict lawn watering during declared droughts.

RECESS MOTION

Rep. Wallner moved that the House stand in recess.
Adopted.

The House recessed at 6:30 p.m.

RECESS