

tion needs to be put into place. This is something that again, doesn't need law. We are able to do it now. We are able to do it with a good effectiveness. Thank you.

SENATOR MCCARLEY: I rise to speak briefly. This came out of committee 3-0. I did not vote on this because at the time of the vote, I was under the impression that there was still some concerns by various groups about the language. In further following up on that, there did continue to be concerns. Senator D'Allesandro did a very good job of speaking to the issues about best interest. I would also point out that I think that the way the bill drafted, with the amendment, which is in your calendar on page three, you will notice that page three has III-a and it puts into place that each school board shall indeed establish a change of school assignment. However, that is the only change the amendment makes. So the rest of the bill after that is in place. If you look at the top of the second page, the way that it reads is that "the superintendents involved in the reassignment of a pupil, shall jointly establish a tuition rate for each such pupil." I think that is problematic by virtue of whatever you are establishing that a school board policy is going to say. You then have an RSA that says, "superintendents can establish that tuition rate." Most of us that sit on school boards might not be comfortable with that. I, too, do not support this legislation and at a minimum, would hope that we would rerefer it or would encourage that you not vote for it.

SENATOR O'HEARN: The best interest of a child is a standard that is not defined in law and neither is manifest educational hardship which we also have in law. As we have tried to define it in the past, it was always deferred to the State Board of Education to define. To this day, we still do not have a definition of Manifest Educational Hardship best interests. The best way that I can get to the term of best interest is a standard that is designed to isolate the decision from other relevant factors such as costs, the general preference for intact families. So when we have that piece in there about the costs, it is because we are looking at different circumstances with these children. The House Education Committee has spent considerable time, meaning the past few years dealing with this issue. We were trying to deal with the issue in Barnstead that doesn't have a high school, that goes through tuition payments for students. From that, they found that there were a number of agreements that superintendents were making as a gentlemen's agreement on a handshake, and recognized that they were breaking the law because there is no allowance for that to happen. What we were trying to do is to pinpoint it to a specific area. We are also asking the school board to set the policy on when a superintendent could do this. We have letters from the Kearsarge School District. One in particular said that there are times in a student's life when a simple and uncomplicated reassignment to another school will spell the difference between success and failure. Sometimes a student needs to start fresh without any baggage. You cannot wait for a school board decision, for the school board to meet, for the school board to negotiate what the cost of that tuition will be. We have to let our superintendent who is the CEO of our schools, act in the best interest of that child as well as in the best interest of our school. The remarkable success that these superintendents are having with these reassignments is something that we should be putting first. We are putting our students first. These are kids that need to be placed and they need to be placed quickly. I ask for your support on this bill.

SENATOR FERNALD: Senator O'Hearn, I am concerned that this is limiting local control because it is mandating that schools have a choice policy within the district even if they don't want one.

SENATOR O'HEARN: As I read the amendment, "each school board shall establish a change of school assignment policy based on the best interest of a child." If they don't want that policy in place all that they have to do is to say that there shall be no policy or this shall not happen within our school district.

SENATOR FERNALD: I am looking at the amendment, here in the yellow. I guess that I don't see it that way. It says "shall establish a policy." My understanding...correct me if I am wrong, if we passed this as amended, every school district has to have one of these policies with best interest of the child as the standard for when a parent brings forth the request for change. Is that correct?

SENATOR O'HEARN: That is correct. I would understand that they could write that policy as it would fit what they would like it to read. I am sure that they could write it in such a way that it would say that it is impossible to do within our district.

SENATOR FERNALD: The second concern that I have is the best interest of the child standard. We put anything in the law at some point and so it is going to need the litigation. I guess what I am concerned about is that a parent asks for a transfer for his or her child or children, and the school board turns them down then they go to court and say that it is going to be better for my kids to be in this school than that school. Do we want our school boards in our school districts getting into this kind of fight?

SENATOR O'HEARN: Well first of all, the decision would be made by the superintendent. For cases of manifest educational hardship, that would be the school board. We are asking the superintendents to make those decisions based on what the school board sets as policy.

SENATOR D'ALLESANDRO: I realize that the hour is late, but we have the authority. We have the power to do this now. It is being done and it is being done satisfactorily. I think that what we run into or what we may run into if we codify this is, future problems about kids coming to boards and saying, "I am a good athlete and I belong at X school rather than Y school because they have better athletic programs. Or they have better Spanish or they have better this and/or better that." We do it, we handle the problem now. There are 17,500 students in the Manchester school system. Our superintendent testified. It is amazing but the superintendent of Kearsarge who was our deputy superintendent also testified that it is working now, as it is. It works. It seems to me that this is another case of us trying to make more laws when we have situations in hand and under control. Thank you.

Senator Disnard moved the question.

Adopted.

Question in on the adoption of the committee amendment.

A division vote is requested.

Yeas: 11 - Nays: 10

Amendment adopted.

Senator Below offered a floor amendment.

2001-1440s
03/04

Floor Amendment to HB 726-LOCAL

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

AN ACT relative to change of school assignment and transfers of public school pupils and relative to the voting procedures for authorizing certain capital projects in interstate school districts.

Amend the bill by replacing all after section 2 with the following:

3 Interstate School Compact; Borrowing; Authorization Proceedings Amended. Amend Article VII, Paragraph D of RSA 200-B:1 to read as follows:

D. AUTHORIZATION PROCEEDINGS. An interstate district shall authorize the incurring of debts to finance capital projects by a majority vote of the district passed at an annual or special district meeting. Such vote shall be taken by secret ballot after full opportunity for debate, and any such vote shall be subject to reconsideration and further action by the district at the same meeting or at an adjourned session thereof. *As an alternative, an interstate district may provide in its articles of agreement that such a vote be conducted by Australian or official balloting under procedures set forth in the articles of agreement, and that such vote be subject to any method of reconsideration, if any, which the interstate district sets forth in the articles of agreement.*

4 Interstate School Compact; Borrowing; Authorization Proceedings Amended. Amend Article VII, Paragraph D of RSA 200-B:1 to read as follows:

D. AUTHORIZATION PROCEEDINGS. An interstate district shall authorize the incurring of debts to finance capital projects by a majority vote of the district passed at an annual or special district meeting. *As an alternative, an interstate district may provide in its articles of agreement that such a vote be passed by a specified percentage greater than a simple majority but not to exceed 60 percent.* Such vote shall be taken by secret ballot after full opportunity for debate, and any such vote shall be subject to reconsideration and further action by the district at the same meeting or at an adjourned session thereof. *As an alternative, an interstate district may provide in its articles of agreement that such a vote be conducted by Australian or official balloting under procedures set forth in the articles of agreement, and that such vote be subject to any method of reconsideration, if any, which the interstate district sets forth in the articles of agreement.*

5 Contingency. Section 3 of this act shall take effect when a bill of the Vermont general assembly incorporating substantially the same language inserted by section 3 of this act becomes a law in Vermont and when it is approved by the United States Congress. Section 4 of this act shall take effect when a bill of the Vermont general assembly incorporating substantially the same language inserted by section 4 of this act becomes a law in Vermont and when it is approved by the United States Congress. The secretary of state of the state of New Hampshire shall certify that contingency provisions set forth in this section have been satisfied.

6 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 2002.

II. Sections 3 and 4 of this act shall take effect as provided in section 5 of this act.

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

2001-1440s

AMENDED ANALYSIS

This bill:

I. Authorizes superintendents of school districts, under certain circumstances, to approve requests for changes in school assignment where such changes are in the best interest of the pupil.

II. Authorizes superintendents to negotiate the apportionment of tuition costs associated with a change in school assignment to another school district.

III. Provides that pupils reassigned to another school district shall be counted in the average daily membership in residence in the pupil's resident district and that any tuition payment due to the receiving district shall be paid by the pupil's resident district.

IV. Amends the New Hampshire-Vermont interstate school compact by providing that, as an alternative to existing provisions in the compact governing a vote to incur debt to finance a capital project, an interstate district, in its articles of agreement, may:

(a) Provide for the adoption of Australian or official ballot voting.

(b) Provide that the margin for such a vote be a percentage greater than a simple majority but not to exceed 60 percent.

SENATOR BELOW: What this amendment is, is the content of SB 199 which the Senate passed, I believe, without opposition. It simply amends the interstate school compact, which applies to the Dresden school district and potentially the Rivendell school district, allowing them, if they so desire, to adopt official ballot voting methods at their school district meetings. Also to increase the requirement...the majority vote requirement from the simple majority to 60 percent to authorize bond issuance. The reason that I am offering this amendment, although the Senate suspended its rules for a later introduction on SB 199 when we sent it to the House **TAPE CHANGE**

Floor Amendment adopted.

Ordered to third reading.

HB 758, relative to the sale of gasoline containing ethers. Environment Committee. Vote 5-0. Ought to pass, Senator Prescott for the committee.

SENATOR PRESCOTT: At this time, there is an amendment being prepared for HB 758. We are not ready to present that at this time.

Senator Boyce moved to have **HB 758**, relative to the sale of gasoline containing ethers, laid on the table.

Adopted.

LAIID ON THE TABLE

HB 758, relative to the sale of gasoline containing ethers.

HB 405, establishing a committee to study the creation of an at-home infant child care program in New Hampshire. Public Institutions, Health and Human Services Committee. Vote 3-0. Ought to pass with amendment, Senator McCarley for the committee.

2001-1275s

05/03

Amendment to HB 405

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

AN ACT relative to the advisory council on child care's study of the creation of an at-home infant child care program in New Hampshire.

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

1 Study of the Creation of an At-Home Infant Child Care Program by the Advisory Council on Child Care. The advisory council on child care, established under RSA 126-A:17, shall study the creation of an at-home infant child care program in New Hampshire.

I. The council shall:

(a) Study the Minnesota at-home infant child care program, Minn. Stat. section 3400.0235, and solicit such information from program administrators as may be helpful to the council in assessing the structure and success of the Minnesota program.

(b) Consider the means by which an at-home infant child care program could be established in New Hampshire, including program structure, department administration, and funding sources.

(c) To the extent feasible and appropriate, develop draft legislation for an at-home infant child care program in New Hampshire.

II. The council shall report its findings and any recommendations to all members of the advisory council on child care, the governor, and the state library on or before November 1, 2001.

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

2001-1275s

AMENDED ANALYSIS

This bill directs the advisory council on child care to study the creation of an at-home infant child care program in New Hampshire.

SENATOR MCCARLEY: House Bill 405 reflects increasing public interest in the value of home based child care. The current thinking is that it may be better to have a child at an at-home child care program with parents in the daycare program. Originally when it came to our committee there was going to be a legislative study committee; however, the amendment reflects that we are asking the Advisory Council on Child Care to conduct this study. I would ask that you support this ought to pass with amendment motion and not be put on a study committee with this issue because someone else is being requested to study it. Thank you.

Amendment adopted.

Ordered to third reading.

HB 743, transfers the department of youth development services to the department of health and human services. Public Institutions, Health and Human Services Committee. Vote 3-2. Ought to pass with amendment, Senator McCarley for the committee.

2001-1415s

05/09

Amendment to HB 743

Amend the bill by inserting after section 20 the following and renumbering the original sections 21-23 to read as 22-24, respectively:

21 Effect of Transfer on Administrative Rules. The existing rules of the department of youth development services shall remain in effect until they are amended, repealed, or expired.

SENATOR MCCARLEY: This bill would transfer the Department of Youth Development Services to the Department of Health and Human Services where it would be a stand alone division dealing with juvenile justice. A completely stand alone division, not under any other division. The head

of the division would be reporting directly to the commissioner of HHS. This bill, I think, is about improving efficiencies and management in government and guaranteeing that better services are being delivered, particularly at the community level for our children who have found themselves running into some difficulties with the law, but certain are not ready to be served up as hard core criminals, as adults. As these children are at the Youth Development Center and they are returned to the local communities, there are often services where they interact with other divisions within the Department of Health and Human Services. Therefore, this really speaks to being a bill about good efficiency, good management and I am sorry that it is so late but I need to ask you in this particular case, we received at the very end of the hearing on this bill, an opinion from Administrative Services that we might need to think about an amendment regarding one set of rules at the Department of Youth Development Services. We passed it without asking any questions. In later looking at it, that turned out to be a complete nonissue. In the interest of not asking the House to do anymore work on anything, I would like to ask that we defeat that amendment, pass this bill clean as it came to us on an ought to pass. My understanding is the first vote is on the amendment, and I would encourage you to vote no, then the ought to pass will be before you, and I would encourage you to vote yes.

SENATOR BARNES: I would like to address the two members on the Public Institutions, Health and Human Services Committee and ask them to tell us why they voted against it, if possible?

SENATOR BOYCE: The reason that I voted against this was this was...this is undoing what was done several years ago. This was the result of having been a bad situation, when the Department of Youth Development Services was in the Health and Human Services department in the past and this is to put them back there. I don't think that that will solve any problems. It will simply make an already bloated arm of government, the Health and Human Services even more bloated and more cumbersome and less efficient and less able to do any useful business.

SENATOR PRESCOTT: I voted this not ought to pass out of committee; however, after further thought and understanding of the situation, I have changed my vote and I will be voting for this bill as ought to pass. Thank you.

SENATOR BARNES: I thank both of the Senators for addressing that.

Amendment failed.

Question is on the motion of ought to pass.

A roll call was requested by Senator Boyce.

Seconded by Senator Francoeur.

The following Senators voted Yes: Burns, Gordon, Johnson, Below, McCarley, Flanders, Disnard, Eaton, Fernald, O'Hearn, Pignatelli, Larsen, Gatsas, Barnes, Prescott, D'Allesandro, Klemm, Hollingworth, Cohen.

The following Senators voted No: Boyce, Francoeur.

Yeas: 19 - Nays: 2

Adopted.

Ordered to third reading.

Senator Roberge voted yes on the ought to pass motion on HB 743.

TAKEN OFF THE TABLE

Senator Prescott moved to have **HB 126-FN**, relative to the board of pharmacy and the regulation of pharmacists, taken off the table.

Adopted.

HB 126-FN, relative to the board of pharmacy and the regulation of pharmacists.

Question is on the adoption of the committee amendment (0742).

Amendment adopted.

Senator Prescott offered a floor amendment.

2001-1443s

10/04

Floor Amendment to HB 126-FN

Amend the bill by inserting after section 4 the following and renumbering the original sections 5-8 to read as 7-10, respectively:

5 Rulemaking; Punctuation Corrected. Amend RSA 318:5-a, VIII and IX to read as follows:

VIII. Procedures for the conduct of hearings consistent with the requirements of due process; [and]

IX. Procedures for the inspection of licensees[-];

6 Rulemaking; Pharmacy Technicians. RSA 318:5-a, X and XI are repealed and reenacted to read as follows:

X. Registration of pharmacy technicians, including:

(a) Requirements for registration;

(b) The duties, functions, and standards of conduct of registered pharmacy technicians;

(c) Requirements for the supervision of pharmacy technicians by licensed pharmacists;

(d) Standards for denial and revocation of registration;

(e) Establishment of the effective period of registration; and

(f) Requirements for renewal of registration; and

XI. The establishment of fees for registration of pharmacy technicians, including a fee for renewal of registration.

2001-1443s

AMENDED ANALYSIS

This bill clarifies certain definitions, allows graduates of Canadian colleges of pharmacy to directly apply for examination and licensure, and increases the per diem compensation paid to members of the board of pharmacy. This bill also adds rulemaking provisions for pharmacy technicians.

This bill is a request of the board of pharmacy.

SENATOR PRESCOTT: In our committee, we had a committee amendment by Representative Dyer and it was not adopted at that time because we did not act on it. It was inadvertently overlooked. So I have made it as a floor amendment, under my name. It is being passed out now. I request that you would... we have polled the ED & A Committee and they are all in favor of this bill as amended, as this floor amendment would complete the duties for ED & A. I would ask that the full Senate agree. Thank you, Mr. President.

Floor Amendment adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Francoeur moved to have **HB 261-FN**, including the judiciary as a public employer under the public employee labor relations act, taken off the table.

Adopted.

Question is on the committee report of ought to pass.

SENATOR FRANCOEUR: House Bill 261 is a bill to allow certain members of the Judiciary to unionize. I have a floor amendment that I have to present. I met with the House and they said that this would be fine. I met with Dennis Parker also. The amendment – which I will speak to now to save you the trouble of getting up too many times. The amendment says that if you decide to unionize, you can't all of a sudden get a raise and then decide to unionize and then...

PRESIDENT KLEMM: Senator Francoeur, excuse me...the amendment is not out yet and not in front of the Senators and we have to vote on the ought to pass motion first.

SENATOR FRANCOEUR: Okay. Thank you.

Adopted.

Senator Francoeur offered a floor amendment.

2001-1530s
06/09

Floor Amendment to HB 261-FN

Amend RSA 490:26-b, II as inserted by section 4 of the bill to read as follows:

II. If court employees exercise their rights under RSA 273-A, their wages, benefits, and other conditions of employment shall be negotiated through their bargaining agent. Once a petition for certification covering court employees has been filed, the terms and conditions of their employment shall remain in force and preserve the status quo until either an election has been conducted or an initial contract has been negotiated, whichever is the last to occur. If they choose not to organize under RSA 273-A or are unsuccessful, their wages, benefits, and terms and conditions of employment shall be determined by the provisions of RSA 490:28.

SENATOR FRANCOEUR: As I already started to mention, but you can play both sides, you can't all of a sudden get a raise and then try and go bargaining and be in the union. So the amendment says that you can't do that. There is a fiscal note on the bill and it says that it will cost \$70,000. I would ask the Senate President that the bill would go to the Finance Committee if there are questions about the Judiciary about what's really happening, that the cost is going to be there, that they will deal with that in Finance.

Floor Amendment adopted.

Referred to Finance (Rule #24).

HB 354-FN-A-L, extending the kindergarten construction program. Education Committee. Vote 4-0. Ought to pass with amendment, Senator O'Hearn for the committee.

2001-1390s
04/09

Amendment to HB 354-FN-A-LOCAL

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

1 School Money; Kindergarten Construction Program Extended. Amend RSA 198:15-r, I to read as follows:

I. There is established in the department of education a kindergarten construction program. For the ~~5-year~~ **7-year** period starting July 1, 1997, and ending June 30, ~~2002~~ **2004**, the commissioner of education shall make grants available to eligible districts that currently do not operate a public kindergarten program to cover 75 percent of the actual cost of construction of kindergarten facilities, exclusive of site acquisition and core facilities. The commissioner shall also make grants available to eligible districts that currently operate a public kindergarten program for 75 percent of the cost of construction, exclusive of site acquisition, needed to provide the kindergarten program with classrooms that meet the appropriate standards for school building construction established by the state board of education, pursuant to RSA 541-A and under the authority of RSA 21-N:9, II(c). Grants shall also cover the cost of initial equipment needed to operate a kindergarten program.

2 Kindergarten Construction Program; Appropriation Amended. Amend 1997, 348:6 to read as follows:

348:6 Appropriation; Kindergarten Construction. A sum not to exceed ~~[\$22,500,000]~~ **\$37,500,000** is hereby appropriated to the department of education for the purposes of constructing kindergarten classrooms. This appropriation shall be nonlapsing and in addition to any other appropriation to the department of education; provided, however, that the department of education shall not approve grant requests for such purposes for more than:

- I. \$6,000,000 in the biennium ending June 30, 1999.
- II. \$5,000,000 in the fiscal year ending June 30, 2000.
- III. \$5,000,000 in the fiscal year ending June 30, 2001.
- IV. \$6,500,000 in the fiscal year ending June 30, 2002.
- V. **\$7,500,000 in the fiscal year ending June 30, 2003.**
- VI. \$7,500,000 in the fiscal year ending June 30, 2004.

3 Kindergarten Construction Program; Bonding Amount Amended. Amend 1997, 348:7, I as amended by 1997, 351:56 to read as follows:

I. To provide funds for the appropriation made in section 6 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of ~~[\$22,500,000]~~ **\$37,500,000** and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A; provided that bonds or notes shall not be issued in excess of:

- (a) \$6,000,000 in the biennium ending June 30, 1999.
- (b) \$5,000,000 in the fiscal year ending June 30, 2000.
- (c) \$5,000,000 in the fiscal year ending June 30, 2001.
- (d) \$6,500,000 in the fiscal year ending June 30, 2002.
- (e) **\$7,500,000 in the fiscal year ending June 30, 2003.**
- (f) **\$7,500,000 in the fiscal year ending June 30, 2004.**

4 Effective Date. This act shall take effect July 1, 2001.

2001-1390s

AMENDED ANALYSIS

This bill extends the kindergarten construction program through the fiscal year ending June 30, 2004 and increases by \$15,000,000 the amount of the bonded appropriation for the kindergarten construction program.

SENATOR O'HEARN: House Bill 354 started out in the House as a very similar bill to SB 110 which the Senate passed last month. Both bills extend the existing kindergarten construction program with the fiscal year June 30, 2004 and increase by \$10 million the bonded appropriation for the program. Unfortunately, the House Finance Committee amended HB 354 and reduced the funding to \$1.5 million. That is the version that passed the House. The Senate Education Committee still feels that \$10 million is the appropriate amount of funding for kindergarten construction. We amended HB 354 to restore the funding that House Finance...I will correct that, it was House Education that removed it. The bill is now identical to SB 110 as amended by...as adopted by the Senate. I ask for your support for this vital program so that we can extend the benefits of public kindergarten to all communities that need and want assistance. Thank you.

Amendment adopted.

Referred to the Finance Committee (Rule #24).

HB 748-FN-A-L, revising the definition of an adequate education and revising the weighted pupil formula used to calculate the cost of an adequate education. Education Committee. Vote 4-0. Rereferred, Senator O'Hearn for the committee.

Senator O'Hearn moved to have **HB 748-FN-A-L**, revising the definition of an adequate education and revising the weighted pupil formula used to calculate the cost of an adequate education, laid on the table.

LAI D ON THE TABLE

HB 748-FN-A-L, revising the definition of an adequate education and revising the weighted pupil formula used to calculate the cost of an adequate education.

HB 279-FN-A-L, relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor. Executive Departments and Administration Committee. Vote 4-0. Ought to pass, Senator Flanders for the committee.

SENATOR FLANDERS: Please bear with me, I know that this has been a tough day. This is a really complicated bill so I will try to make it as clear as possible. We were advised by Representative Dyer that in the 1990's...1995 and 1996, the state agreed to start paying back to the retirement program, monies that they did not pay in the early 1990's. This resulted in a lot of money and they agreed to make payments on a yearly basis for forty years. Recently, the state has realized a way to make its payments and save money by bonding these payments. It is estimated that we will save \$5-7 million, and the retirement system will have the money in order to earn an extra 1 or 2 percent on their investment. The Treasury Department has stated that this bill will increase state general fund expenditures by approximately \$540,000 in the next four years, and it will have no effect on revenues. General fund bonded indebtedness will increase by \$5,250,000. The committee voted unanimously that this bill ought to pass. Representative Dyer said that this is a win-win-

win situation because the state is able to get an excellent bonding rate, and it gives the retirement system the money to invest, and it solves the payment back to the retirement system. We ask that you pass this bill as recommended by the committee.

SENATOR FERNALD: Did I understand you to say that we borrowed this money at about 6 percent and then the retirement system can earn 7 percent, so we make money in the deal?

SENATOR FLANDERS: Representative Dyers didn't know how they got such a wonderful bonding rate.

SENATOR FERNALD: Well they better do it quickly before our bond rating goes down, right? Thank you.

Adopted.

Referred to the Finance Committee (Rule #24).

HB 362-FN, relative to the practice of veterinary medicine. Executive Departments and Administration Committee. Vote 3-1. Inexpedient to legislate, Senator Larsen for the committee.

SENATOR LARSEN: This bill was first passed out of committee and then rereferred. At that time we heard from the state veterinarian regarding lameness in animals, especially horses and the fact that they can mask a lot of other ailments and possible diseases. The veterinarian went through a list of five diseases. I could read them to you but I suspect that we are going to see this again after it comes through Finance. I would recommend that we refer this bill to Finance and you will hear about this bill when it comes back to the floor. Because this bill is inexpedient to legislate, it will in fact stay here if we vote to pass the inexpedient motion. Lameness in animals, especially in horses, can mask a host of other ailments and possible diseases that may be affecting the animals health. If the owner is not aware of this, then simple massage therapy, acupuncture would not benefit the animal and would only prolong the condition or cause further deterioration. Therefore, the committee believes that it is in the best interest of both the owner and the animal in question to have a qualified veterinarian inspect the animal in cases of lameness. As I said, we heard from the State Veterinarian who was very convincing, that in fact, there are many diseases which show up as lameness but may mask issues such as rabies, West Nile virus, Lyme disease, Eastern, Western encephalitis. There are 25 or more diseases of animals or birds that could adversely affect livestock and pet animal communities if they occurred. It is essential that the diagnosis be made and reported to the Department of Agriculture to protect the public health and animal industries of the state. Lameness is an essential and important diagnostic tool that needs to remain in the practice act of the veterinarians. For this reason, the committee recommends this bill inexpedient to legislate and I encourage my colleagues to do the same. Thank you.

SENATOR BARNES: The Senate Finance Chairman asks you to please inexpedient to legislate this bill. It will save us about half an hour tomorrow.

SENATOR FERNALD: Senator Larsen, did the State Veterinarian indicate what percentage of lameness is due to simply a pulled muscle and what percentage is due to the serious possible diseases that you mentioned?

SENATOR LARSEN: I don't know that he could have done that. I am not sure that they keep track, but I think what his point was, that it takes a veterinary skilled in seeing symptoms, and skilled in being able to draw blood or whatever else it takes, to be able to recognize the various viral bacterial and other infections that could show up as lameness but in fact, the blood diseases could be parasitic diseases, it could be viral diseases. He felt that the public's health and the animal industries health, was important that we not treat lameness just as a muscle issue that it was in fact...it sometimes masked much more serious disease.

SENATOR FERNALD: I guess that my question is, if 90 percent of lameness is simply lameness, but we are requiring horseowners to go to a vet every time their horse is lame, nine times out of ten, they are going to pay for a vet visit and he is going to say the horse has a pulled muscle. That is what I am trying to get at: Whether we are using a sledge hammer to kill a bug. That we don't need to call a vet every time. I am not sure that this is the right way to approach this issue.

SENATOR LARSEN: My recollection is, we heard in Rules, that there are many rules that outline the circumstances under which you don't need to call a vet, and that in fact, a therapist, a massage therapist, equine massage therapist and others can be called. We were told that the rules outline the ability for calling alternative therapists for animals, and that in fact, the only circumstance that is not covered...the rules don't cover chiropractors' visits to a horse because there are veterinarians that are trained as massage therapists or veterinarians who are trained as chiropractic for chiropractic adjustment, but the licensed chiropractor in the state is not trained to do the others. We were told that Rules cover everything but chiropractic coverage, and that in fact, there are ways that whether primarily horseowners, can call alternative therapists and not be breaking the veterinary practice act.

SENATOR FERNALD: Would you believe that if we have a statute that says a massage therapist can't treat lameness and then we have a rule that says that they can, maybe it is working, but we have a rule that is inconsistent with our statute and really isn't properly enacted?

SENATOR LARSEN: We did not pull out the rule and look at how it was written. That is what we were told by the state veterinarian, that the rules cover it.

SENATOR FERNALD: Thank you.

SENATOR FLANDERS: Just briefly, the veterinary testified, Senator Fernald, that every time the horse is lame, they don't call a vet. What they are basically saying is that if it does need medical attention, it should be a vet. Something that I learned that I did not know was that there are veterinarians who are chiropractors and there are veterinarians who do other acupuncture. I did not know that until this hearing. So what they are saying basically is, if you have a lame horse, a person who is trained in animal treatment...if you want to use a chiropractor, you can use a chiropractor, but it should be somebody who is trained as a veterinarian to treat the horse. He said that when he was in practice, just like...you may not be old enough to remember the two Tenny's. The farmer in Antrim and the vet in Peterborough. Doctor Tenny always said that his brother was a farmer and knew more about horses and cows than he did. He didn't go every time there was a sick cow. They don't go every time there is a lame horse. But if the horse needs treatment, it is very strong with the veterinarian people that you should see someone who is trained in treating the horse. We all agreed.

SENATOR GATSAS: Mr. President, Gander says, inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

HB 408,-FN, relative to the regulation of nursing by the board of nursing. Executive Departments and Administration Committee. Vote 4-0. Ought to pass, Senator D'Allesandro for the committee.

SENATOR D'ALLESANDRO: This bill goes a long way to making some needed changes in the nursing industry within our state. As amended, this bill would allow licensed nurses to delegate certain responsibilities to unlicensed personnel while still holding the licensed nurse liable for actions taken by the unlicensed personnel. This legislation is necessary due to the extreme shortage of available staff of the overwhelming caseload of patients within our state, among several other minor changes. The bill also reduces the active in-practice requirement in this state, from 900 hours in four years, to 400 hours in four years. This is an attempt to retain the talents of those nurses, due to the high requirements who would normally stay licensed, would not normally stay licensed. The committee recommends unanimously that this bill ought to pass and I urge the Senate to do the same. Thank you.

SENATOR FRANCOEUR: Senator D'Allesandro, you just said as amended. The report says ought to pass. I have an amendment that somebody had offered but not being present **TAPE CHANGE** is there supposed to be an amendment to this bill or not?

SENATOR D'ALLESANDRO: I thought that it was taken care of. It is ought to pass. So if you have an amendment to offer, go ahead.

SENATOR FRANCOEUR: There is going to be a floor amendment then?

SENATOR D'ALLESANDRO: I thought that it was corrected in committee, that is why it is ought to pass. The Chairman of the committee can address that.

SENATOR PRESCOTT: To refresh the memory of the Senate, this bill was asked by Representative Millham, who is the prime sponsor to be rereferred or recommitted when we brought it to the floor initially. When we brought it back to the committee, we resolved the situation there in committee and brought it out as written, ought to pass.

Recess.

Out of Recess.

Adopted.

Referred to the Finance Committee (Rule #24).

HB 649-FN, relative to compensation for time lost by state employees injured in the line of duty. Executive Departments and Administration Committee. Vote 4-0. Ought to pass with amendment, Senator Flanders for the committee.

2001-1457s

06/01

Amendment to HB 649-FN

Amend the bill by replacing section 2 with the following:

2 Line of Duty Injury; State Police Employees. Amend RSA 106-B:18 to read as follows:

106-B:18 Line of Duty Injury. Any injury, *which is due to a hostile or overt act*, received by any state police employee ~~[because of his]~~ *while on* assignment, patrol or duty that requires that ~~[he]~~ *the employee* be

hospitalized or to the extent that [he] *the employee* is unable to perform [his] normal or routine duties shall not be charged against [his] earned sick leave or annual leave, and during such time [his name] *the employee* shall remain on the payroll. The commissioner of safety shall make the final determination as to whether the injury received is in line of duty *and due to a hostile or overt act*, and [his] *the commissioner's* decision is final, subject to approval of governor and council.

SENATOR FLANDERS: I rise to speak to HB 649. I know that it has been a long time, but you will recall some weeks ago that we had a bill in front of us that was inexpedient to legislate because we said that there was a bill coming from the House that did a better job. This is the bill. The bill that we made inexpedient to legislate was a bill that covered state police officers that were injured and they collected their...if they were out, they collected their sick leaves, and upon returning to work, on the decision of the Governor and Council, they could receive their sick leave back. What this law does is it included all state employees who are injured as a result of a hostile act. So if something happens at the State House and Sandy gets hurt, she is covered the same as the state police officer and she also could go before the Governor and Council and get her time back. The reason that they do this is so that when somebody is out on workers' compensation, they can receive their full weeks pay, workers' compensation plus the time. We ask that this be....it is a good bill. It is a good bill for the state employees. It is something that helps keep the state police and the state employees on an equal basis and we ask that you please pass this bill as it was unanimously passed by the committee.

SENATOR BARNES: Senator Flanders, does this have any general fund money?

SENATOR FLANDERS: No.

SENATOR BARNES: There is no general fund money in here?

SENATOR FLANDERS: I believe not.

SENATOR FERNALD: Senator Flanders, looking at the first page, lines 13-20, if I read through it and try to figure out what the current law is, it looks like it says that if anyone is injured in the line of duty they get some compensation.

SENATOR FLANDERS: Right.

SENATOR FERNALD: And the change would be, if you are injured in the line of duty because of a hostile act, you can compensation? So what happens if you get injured but it is not a hostile act, if we pass this?

SENATOR FLANDERS: If we pass this and you stub your toe on the corner of a desk, you collect workers' compensation. We are saying that in order to get this benefit back, it has to be a hostile act. Obviously the state police are going to use it much more than any other state employee, but that is all state employees...but especially the state police officer who is out there doing his work and protecting the people and the laws and highway worker who might get hurt while out directing traffic. A hostile act is if someone gets pushed or shoved down. So anybody who is a state employee who is injured in a hostile act, are well indeed able to collect this benefit.

Amendment adopted.

Recess.

Out of Recess.**Referred to the Finance Committee (Rule #24).**

HB 276-FN-A, relative to reimbursement of legal fees of supreme court employees who were subpoenaed and incurred legal fees during the impeachment proceedings regarding chief justice David A. Brock and making an appropriation therefor. Judiciary Committee. Vote 3-1. Ought to pass, Senator Pignatelli for the committee.

SENATOR PIGNATELLI: Currently when a state employee is subpoenaed into court in line with their work, they are represented by the Attorney General's office. However, because the Attorney General was representing the state during the recent impeachment proceedings, this same office could not also represent individual employees inasmuch as these employees were subpoenaed because of their employment and not because of any wrongdoing on their part, it is appropriate that they be reimbursed for their legal fees. House Bill 276 provides that these monies will be budgeted to the Supreme Court in order to reimburse these employees. The Judiciary Committee recommends that HB 276 be ought to pass. I encourage your support. Thank you.

SENATOR JOHNSON: Senator Pignatelli, could you roughly tell us how much money that we are talking about?

SENATOR PIGNATELLI: Yes. The appropriation is \$7,354.

Adopted.**Referred to the Finance Committee (Rule #24).**

HB 308-FN, relative to administrative fees added to restitution payments. Judiciary Committee. Vote 4-0. Ought to pass, Senator Fernald for the committee.

SENATOR FERNALD: Under current law, when people are ordered to make restitution, there is added to their restitution payments, an administrative fee, which I believe is 17 percent, but the law provides for a repeal that is coming up. This bill repeals the repeal of the administrative fee, so the administrative fee on restitution will stay in place. The reason for the administrative fee is to compensate the system for the cost of collecting the restitution. The committee believed unanimously that we should continue to have this administrative fee. We voted ought to pass and we urge your support for this. Thank you.

Adopted.**Referred to the Finance Committee (Rule #24).**

HB 289-FN, implementing procedures for a hospital to assume care and custody of an abandoned child and creating an exception to the crime of endangering the welfare of a child. Public Institutions, Health and Human Services Committee. Vote 5-0. Rereferred, Senator McCarley for the committee.

SENATOR MCCARLEY: The committee felt that this was a very important bill in terms of guaranteeing that abandoned infants have a safe haven, and that hospitals will be required to care for them even though we currently believe that hospitals would be caring for them. There are a couple of fundamental issues around parental rights and the identification of the mother in these circumstances or the parent in these circumstances, so we have asked to have this bill rereferred. Thank you.

Adopted.

HB 289 is rereferred to the Public Institutions, Health and Human Services Committee.

HB 177-FN, relative to the purchase of a wheelchair van for the veterans' home in Tilton and making an appropriation therefor. Finance Committee. Vote 7-0. Ought to pass, Senator Barnes for the committee.

SENATOR BARNES: Thank you for getting this bill up on the floor. There are a lot of people who are anxiously awaiting to see the results of this bill. House Bill 177 appropriates state funds for the purchase of a wheelchair van for the veterans' home in Tilton. Up to \$50,000 will be appropriated from the general fund for this purpose and the van will be purchased by June 30, 2002 for the veterans. I want to thank Senator McCarley very much. She is the one who came forward with the amendment on this to finally put this one to rest. The reason for the up to \$50,000 is that there was a lot of work done on it and we don't think that it is going to take that, so that is why we have 'up to' and anything that isn't use, obviously, won't be used. Senator McCarley, the veterans and myself thank you very much. The Committee on Finance voted 7-0 that it ought to pass. I hope that you can all go along with that.

Adopted.

Ordered to third reading.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled Bills sent down from the Senate:

HB 112, establishing a study committee on issues relating to hospital business practices and managed care organizations' networks.

HB 123, relative to the retirement system classification for the director of the division of safety services, department of safety and relative to retirement allowances for certain state employees.

HB 347, relative to terminal pay for certain state officials or employees.

HB 388, clarifying the rights of patients of nursing facilities in the event of a proposed transfer or discharge from the facility.

HB 396, relative to the practice of physicians and surgeons.

HB 459, relative to inspection requirements for antique vehicles.

HB 443, relative to a state energy plan and relative to road toll fees for vehicles powered by alternative energy sources.

HB 477, relative to supplemental allowances for certain retired group I members of the New Hampshire retirement system.

HB 499, making state-appointed advisory committees subject to the right-to-know law.

HB 525, relative to property and casualty insurance.

HB 570, relative to the unemployment compensation law and creating a dedicated fund for the job training program for economic growth and making certain changes to the program.

HB 580, requiring health insurance carriers to provide loss information to large employers at least once every 6 months.

HB 591, relative to certain prescription discount cards.

HB 615, relative to the duties of motor vehicle inspectors and fees payable to the department of safety.

HB 720, relative to permitting the use of certain firearms for hunting deer.

HJR 5, encouraging the use of renewable energy systems in new or rehabilitated state buildings.

COMMITTEE REPORTS

HB 547-FN, authorizing participation in a regional electronic toll collection system. Transportation Committee. Vote 4-0. Ought to pass, Senator Gordon for the committee.

SENATOR GORDON: This bill is going to allow what is frequently called in other states, "easy pass". The ability for people who are passing through the toll booths, to pass through by virtual fact of electronic identification without actually having to throw tokens or change or dollars at the toll attendant. It would be implemented on a gradual basis as it becomes more accepted. An individual lane would be set up and then more lanes, then dedicated lanes at some point in time in the future, will be set up strictly for this purpose. The cost is approximately \$14 million, but that \$14 million will come out of high-ways funds. The pay back...the issue of payback is an issue that pay-back is approximately seven years. It is not particularly cost effective; however, the one thing that it does provide is convenience for the residents of the state, particularly those residents who use the toll booths on a regular basis. The Department of Transportation testified that particularly with the backups that have occurred in Hampton recently, Memorial weekend, it might ease the pressure.

SENATOR BARNES: Senator Gordon, is there any impact on the general fund?

SENATOR GORDON: No. There is no impact on the general fund.

SENATOR HOLLINGWORTH: Right now I believe that the highway fund is in deficit and I would like to take and make sure that this bill...I don't know how this is portioned out and I would like to hear from the department how they are going to make this work. So if you wouldn't mind, Senator Barnes, I would like to see this one come to Finance.

SENATOR BARNES: I will defer to my vice chairman.

Adopted.

Referred to the Finance Committee (Rule #24).

HB 717, establishing a committee to make recommendations on policy concerning state-operated trails for all terrain vehicles and trail bikes and relative to increasing the nonresident OHRV registration fees for snow traveling vehicles. Transportation Committee. Vote 3-0. Ought to pass with amendment, Senator Gordon for the committee.

2001-1404s

10/04

Amendment to HB 717

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

AN ACT establishing a committee to make recommendations on policy concerning state-operated trails and private lands used by all terrain vehicles and trail bikes and relative to increasing the resident and nonresident OHRV registration fees for snow traveling vehicles.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to make recommendations on policy concerning state-operated trails and private lands used by all terrain vehicles (ATVs) and trail bikes, as defined in RSA 215-A.

Amend subparagraph I(d) of section 3 of the bill by replacing it with the following:

(d) State enforcement procedures for ATV and trail bike trails, whether on state lands or on private lands, including rescue capabilities and enforcement concerns in surrounding communities.

Amend the bill by replacing section 7 with the following:

7 OHRV Resident Registration; Increase for Snow Traveling Vehicles. Amend RSA 215-A:23, I to read as follows:

I. Individual resident registration-\$26 for each 2-wheeled trail bike registration, **\$45 for each snow traveling vehicle registration**, or \$35 for each other OHRV registration upon presentation of resident tax receipt, or a valid New Hampshire driver's license issued to a person 18 years of age or older.

(a) The first \$7 of each 2-wheeled trail bike registration, **\$25 for each snow traveling vehicle registration**, or \$16 of each other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, **\$10.30 from each snow traveling vehicle registration or \$9.30 from each 2-wheeled trail bike or other OHRV registration** shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and \$9.70 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

8 Effective Date.

I. Sections 6 and 7 of this act shall take effect July 1, 2001.

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

2001-1404s

AMENDED ANALYSIS

This bill establishes a committee to make recommendations on policy concerning state-operated trails and private lands used by all terrain vehicles and trail bikes.

This bill also increases the resident and nonresident OHRV registration fees for snow traveling vehicles.

SENATOR GORDON: This bill started out as simply a study bill to study the policy concerning state-operated trails for all-terrain vehicles and trail bikes. As you know, that has been a very sensitive issue in the state in regard to access by people who own ATV's and the trail system. This would create that study committee. In addition to that, an amendment was put on this bill in the House, which would raise the registration fees for snowmobilers. Currently there are 60-70,000 snowmobiles registered in New Hampshire. Last winter, probably because it was a good snow winter, there was an increase in registrations of 20 percent. So the demand for usage on the trails has reached a peak and the ability to groom and manage those trails has run into problems because there aren't adequate fees from registrations to do that. This would increase the registrations in order to fund that. That request was made by the snowmobile clubs that do the maintenance. We urge you to pass the bill.

SENATOR DISNARD: How much is the increase?

SENATOR GORDON: I think that Senator Eaton could answer that question. I would like to defer to Senator Eaton.

SENATOR EATON: It would be \$12 per vehicle?

SENATOR DISNARD: That includes business? That increases their business and you still want to sock it to them? The snowmobilers?

Amendment adopted.

Referred to the Finance Committee (Rule #24).

HB 731-FN, relative to securities laws. Executive Departments and Administration Committee. Vote 4-0. Ought to pass with amendment, Senator Prescott for the committee.

2001-1526s

10/04

Amendment to HB 731-FN

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

AN ACT relative to securities laws and making a change to Article 9 of the Uniform Commercial Code.

Amend RSA 421-B:7, VII(d)(1) as inserted by section 8 of the bill by replacing it with the following:

(1) Certified Financial Planner (CFP) awarded by the Certified Financial Planner Board of Standards, Inc.;

Amend the bill by replacing all after section 16 with the following:

17 Administration. Amend RSA 421-B:21, I to read as follows:

I. This chapter shall be administered by the secretary of state *who may appoint a deputy, a designee, or a director who shall be a classified employee whose salary shall be comparable to that of a deputy, to administer the provisions of this chapter.* The secretary of state shall, to the greatest extent practical, physically and substantively consolidate the activities and functions related to corporations, limited partnerships, and other business organizations and entities administered by the department of state with the activities and functions related to the registration of securities.

18 Article 9; Uniform Commercial Code; Contingent Amendment; HB 745-FN. Amend RSA 382-A:9-334(e)(3) and (4) to read as follows

(3) the conflicting interest is a lien on the real property obtained by legal or equitable proceedings after the security interest was perfected by any method permitted by this article[; or

(4) the security interest is:

(A) created in a manufactured home in a manufactured-home transaction; and

(B) perfected pursuant to a statute described in Section 9-311(a)(2)].

19 Contingency. If HB 745-FN of the 2001 legislative session becomes law then section 18 of this act shall take effect July 1, 2001, at 12:01 am. If HB 745-FN of the 2001 legislative session does not become law then section 18 of this act shall not take effect.

20 Repeal. The following are repealed:

I. RSA 421-B:9, VII, relative to examination charges for broker-dealers.

II. RSA 421-B:13, I-a, relative to registration by coordination.

III. RSA 421-B:21, II-b, relative to expenses of administration of securities laws.

21 Effective Date.

I. Section 18 of this act shall take effect as provided in section 19 of this act.

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

2001-1526s

AMENDED ANALYSIS

This bill makes a variety of changes to the securities laws administered by the secretary of state.

This bill also makes a change to Article 9 of the Uniform Commercial Code in HB 745-FN of the 2001 legislative session.

SENATOR PRESCOTT: This bill would make some changes to the securities laws administered by the secretary of state. According to testimony it is rather a simple bill in regard that it only updates older laws and puts our state regulations in compliance with federal law that has already been implemented. The committee heard no opposition to the bill and the secretary of state fully supports it as amended. The committee, therefore, recommends that it ought to pass and I encourage my colleagues to vote for the bill. Thank you, Mr. President.

Amendment adopted.

Referred to the Finance Committee (Rule #24).

HB 745-FN, revising Article 9 of the Uniform Commercial Code and related statutes. Executive Departments and Administration Committee. Vote 3-0. Ought to pass, Senator Flanders for the committee.

SENATOR FLANDERS: This is a bill that we heard yesterday. A very interesting bill. I don't have it with me, but it is about 145 pages. I understand that an awful lot of work has gone into this bill. Interesting to note, I am going to go by memory, but the testimony was that banks were for it, insurance companies were for it, the secretary of state is for it, life insurance companies are in favor of it. Nobody testified against it, except one person that wanted an amendment which did not make sense at the time. This has been in the works for five years and has had discussions and negotiations with the secretary of state. What this does basically is makes it easier and more automated for the public and much more cost effective in order to do interstate transactions. The committee felt that this would benefit our state as well. Forty-five other states have adopted the same exact legislation. We were told that this should be passed by July 1 so that our state could put this into effect. We recommend that you support the committee recommendation of ought to pass. Thank you.

SENATOR FRANCOEUR: If anybody would like to read it, as Senator Flanders mentioned, I have a copy of it here. Senator Gordon is one of the sponsors, I am sure that he did a great job.

Adopted.

Referred to the Finance Committee (Rule #24).

HB 317-FN, revising the New Hampshire Aeronautics Act. Transportation Committee. Vote 3-0. Rereferred, Senator Eaton for the committee.

SENATOR EATON: I move to rerefer.

Adopted.

HB 317-FN is rereferred to the Transportation Committee.

HB 320-FN, relative to leasing certain portions of railroad properties and relative to the definition and taxation of amusement railroads. Transportation Committee. Vote 5-0. Ought to pass with amendment, Senator Gordon for the committee.

2001-1523s
06/04

Amendment to HB 320-FN

1 Administration of Transportation Laws; Railroads and Other Common Carriers; Leasing Certain Portions of Railroad Properties; Eligibility and Cost.

Amend RSA 228:57-a, I as inserted by section 1 of the bill to read as follows:

I. Notwithstanding RSA 228:57, portions of real estate owned by the state and managed by the bureau of rail and transit in the department of transportation that are on the shores of public waters, as defined by RSA 271:20, may *not* be leased for private, noncommercial use by owners of adjacent properties separated from the shore only by the railroad land [~~as long as such use does not interfere with railroad operations. Any property owner meeting the requirements of this section may request in writing to be allowed to lease such property from the state. However, when the adjacent property is owned by more than one individual, such as a condominium association, the association, only as a single entity, may request the lease. In no case shall more than one access point to the leased property be allowed~~].

Amend the bill by replacing section 2 with the following:

2 Definition; Amusement Railroad. Amend RSA 82:1 to read as follows:
82:1 Definitions. *In this chapter:*

I. The word "company" as used in RSA 82:2 shall apply to all persons, co-partnerships or associations.

II. The term "express corporation or company" shall be construed to mean any corporation or company engaged in the business of transporting property as express over the lines of railroads.

III. The term "amusement railroad" means a railroad operating as a tourist, scenic, or historic operation, which provides train rides solely for one or more such purposes.

Amend the bill by replacing section 4 with the following:

4 Effective Date.

I. Section 1 of this act shall take effect July 1, 2002.

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

2001-1523s

AMENDED ANALYSIS

This bill prohibits certain leases of state-owned railroad properties, and increases the cost of such leases from \$5 to \$10 per running foot per year. This bill also defines amusement railroads and provides for their taxation.

SENATOR GORDON: This bill comes really in two parts. The first part is of great significance in that it deals with the leasing of state property. Many of you are familiar with the fact that particularly on Lake Winnepesaukee, Paugas Bay and other lakes around the state, that there are state owned railroads or railroad beds that run between people's property and the lake. They run right along the shore. The current law was intended at some point in time to prevent that land

from being leased. But to go back and find those people who had built docks in the past and subject them to leases so that we can get control of that. Unfortunately, the current statute has been construed to mean that these properties can be leased. People are applying for leases and the department has submitted this legislation with the idea of preventing that from happening. Unfortunately, what they did is they tried to make it retroactive to 1994. What we, in the committee felt, was that it was more fair to make it prospective. So what we have done is to give anybody that owns that type of land, one year to make their application. After that there will be no more leases on those state railroad beds out into the water. The second part of this has to do with amusement railroads. These are railroads that you are familiar with like the Hobo railroad and the Winnepesaukee railroad, that give train rides. Right now they are treated like any other railroad in terms of their method of taxation, which unfortunately, has created some unfairness. So what this would do is tax them differently as a wash. The wash in terms of taxation, they would still pay in essence, the same amount of taxation, but not be treated in the same manner as the larger railroads. I wish that I had a copy of the bill, but I can't find it.

SENATOR LARSEN: Senator Gordon, I am sorry, I know that you don't have a copy of the bill, but I just wanted to understand. In Concord, we have an amusement ride that runs in the fall foliage season for a very short part of the track on a commercial track. It is used at other times for commercial uses. Would that particular operation then be covered as an amusement railroad? **TAPE CHANGE**

SENATOR GORDON: **TAPE CHANGE**

Amendment adopted.

Referred to the Finance Committee (Rule #24).

HB 653-FN, relative to certain signs within highway rights-of-way. Transportation Committee. Vote 3-1. Ought to pass, Senator Flanders for the committee.

SENATOR FLANDERS: This is a bill that was put in by some people who live in Weare and other areas in my district. What happened was the state of New Hampshire came in and picked an area with a chain saw and literally went through and cut down signs that were private signs for businesses. It was interesting at the hearing, the deputy commissioner came and she verified that they do not have very good law enforcement and they do indeed go into areas and cut down signs. We had people come down from Orford who brought pictures in of signs to advertise their services or businesses or whatever. The testimony that we heard was if they can't put their sign on the right-of-way, it can't be seen. New Hampshire, being a tourist state, it is very difficult for them to advertise their wares on these roads if they can't put their signs up. Also this says that the signs have to be put up in accordance with the local zoning ordinances. So the directions and the signs and everything have to be under the zoning ordinances of the towns. We felt that they should be able to put signs within the right-of-way. Again, the Transportation Department said that they let some people get away with it and they don't let other people get away with it, evidently, if somebody doesn't like something, they can go and cut it down. We had one woman in Weare who came in and testified that her building sets next to the road and she is about three feet from the right-of-way and she would have to put her

sign in front of the front door in order to advertise. I will tell you that we had somebody from the Federal Highway Association there who threatened that we would lose highway federal money. I was also told that the same threat was made when we didn't enforce seatbelts. We recommend ought to pass and I ask you to do the same. Thank you.

SENATOR BARNES: Senator Flanders can you tell me if the one person who voted against it is here in the room?

SENATOR FLANDERS: I don't know who it is.

SENATOR BARNES: Never mind. Senator Eaton has told me that they are not here. That is fine. Thank you.

SENATOR HOLLINGWORTH: Senator Flanders, I am sorry that I didn't have a copy of this bill so I wasn't prepared for it. I have to tell you that I was here in the old days when we had billboards and major fights over billboards. I am a little concerned about what it is going to look like if we allow all of these signs to go up in the states right-of-way, within highways right of ways. Is this bill...the fiscal note says that they're unable to complete a fiscal note at this time. Is there a chance that this is one that we could look at, because I would just like to look at...maybe it is benign, but it...

SENATOR FLANDERS: I don't know why it is a FN bill.

SENATOR BARNES: We will see it tomorrow around nine o'clock. If there is no fiscal note it has a problem.

Adopted.

Referred to the Finance Committee (Rule #24).

TAKEN OFF THE TABLE

Senator Flanders moved to have **HB 211-FN**, establishing a restricted probationary permit to drive and correcting the ignition interlock program laws, taken off the table.

Adopted.

HB 211-FN, establishing a restricted probationary permit to drive and correcting the ignition interlock program laws.

Question is on the committee report of ought to pass.

Adopted.

Senator Eaton offered a floor amendment.

Sen. Eaton, Dist. 10

Sen. Flanders, Dist. 7

Sen. Gordon, Dist. 2

2001-1527s

03/09

Floor Amendment to HB 211-FN

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

AN ACT establishing a 2-year pilot program authorizing restricted probationary permits to drive and correcting the ignition interlock program laws.

Amend the bill by replacing section 1 with the following:

1 Pilot Program; Department of Safety; Restricted Probationary Permit to Drive.

I. Notwithstanding the provisions of RSA 265:91-c and RSA 265:92, any licensee whose license or privilege to drive has been revoked under RSA 265:82-b and who has served all other periods of suspension or revocation, but whose license or privilege to drive remains suspended under the provisions of RSA 265:92 only, may apply for a review by the director of the division of motor vehicles of the department of safety to determine if a restricted probationary permit to drive may be issued for the remaining period of the suspension.

II. Upon proper application and proof that the licensee can safely drive a motor vehicle during the time of suspension under RSA 265:92, and following a hearing on such application, the director may issue a restricted probationary permit to drive. The director may impose such restrictions applicable to the licensee as the director determines to be appropriate to assure the safe driving of a motor vehicle by the licensee. The restrictions may include the operation of a motor vehicle during certain hours only. If the director issues an order granting a restriction as to the hours of operation, the licensee may only drive a motor vehicle during such hours.

III. Upon receiving satisfactory evidence of any violation of the restrictions imposed in a restricted probationary permit, the director may revoke the permit and the licensee shall remain under suspension pursuant to RSA 265:92, provided, however, that if the director revokes the permit the department shall grant an application for a hearing.

IV. Any subsequent license suspension or revocation shall immediately nullify the restricted probationary permit.

V. A person is guilty of an offense if the person drives a motor vehicle in any manner in violation of the restrictions imposed in a restricted probationary permit. Any operation of a motor vehicle outside the time period for the restricted privileges or after the revocation of a restricted probationary permit shall constitute a violation of RSA 263:64, and the person shall be guilty of a misdemeanor.

VI. The department shall notify every person issued a restricted probationary permit under this section that operating a motor vehicle outside the time period for the restricted privileges or after the revocation of a restricted probationary permit shall constitute a violation of RSA 263:64, and the person shall be guilty of a misdemeanor.

Amend the bill by replacing all after section 2 with the following:

3 Restricted Probationary Permit to Drive Pilot Program; Report by Department of Safety. Not later than March 31, 2003, the department of safety shall report to the speaker of the house of representatives and the senate president as to the number of operators who have been granted restricted probationary permits to drive under section 1 of this act, the types of restrictions placed on such operators, the circumstances under which such permits have been granted, and the overall effectiveness of the pilot program in reducing the likelihood of repeat driving under the influence of alcohol or drug offenses.

4 Applicability; Repeal of Restricted Probationary Permit to Drive Pilot Program. The repeal in section 5 of this act of the restricted probationary permit to drive pilot program established in section 1 of this act shall not affect the validity of any restricted probationary permit to drive validly issued prior to the repeal. Such permits in effect on the effective date of the repeal shall expire at the end of the applicable period of suspension in accordance with paragraph I of section 1.

5 Repeal. Section 1 of this act, relative to the restricted probationary permit to drive pilot program, is repealed.

6 Effective Date.

I. Section 5 of this act shall take effect July 1, 2003.

II. The remainder of this act shall take effect July 1, 2001.

2001-1527s

AMENDED ANALYSIS

This bill establishes a 2-year pilot program authorizing the issuance of a restricted probationary permit to drive, which may be issued to a licensee during the time of suspension for refusing to consent to testing to determine alcohol concentration. The licensee may only apply for the permit after serving all other periods of suspension and revocation, and may only operate a motor vehicle consistently with the restrictions in the permit.

This bill also makes technical corrections to the alcohol ignition interlock laws.

SENATOR FLANDERS: This is a bill that I have explained before and did not do a very good job of explaining, so I am going to start again at the beginning and I will be brief. This is a two-part bill. The second part of the bill basically just puts the ignition interlock laws into the correct section of the RSA's and it doesn't change anything, it just puts it under the right RSA. The first part of the bill, as I explained before, first offense DWI, a person loses their license and they take a blower test or not. The second one is the one that we are concerned about. Second offense DWI, you lose your license for three years because of the courts. If you refuse to take the breathalyzer test on the first offense and the second offense, it is an administrative loss of license for two additional years. The second offense for DWI is a loss of license for five years. There are those who felt, after hearing the testimony, that it was fair...and this bill will be amended to be a limited test trial. What we want to do is once a person loses their license on the second offense, they lose it for three years. If they behave well in that three year period, and they go to school and they take their test, they will be allowed to go in front of the Department of Safety hearing, and if the evidence by the police or chief or whoever testifies...if that hearing officer feels that it is safe and it is proper, and this person deserves a chance, they will grant a special license to drive from their home to their business and from their business to their home. There were those of us that feel that this is a good bill for the family, for someone who has behaved themselves and has learned their lesson. There won't be many of these. This is not going to be an everyday effect. There won't be many of these, but those people who really try hard, and I have some friends who were in this predicament, they have really tried hard, they have been dry for two years. I think that they have a right to try. Also, the Department of Safety will be sure that the chief of police in the town where this occurs knows it. Knows that they have the license and they will be followed up on. We ask that you consider passage of this bill. Thank you.

SENATOR BARNES: I would like to say a couple of words about this. I am not going to question you Senator Flanders, I understand your position. This past weekend in Raymond - I am sure that you read in the paper, we had three DWI people that killed themselves on route 27. Speed and alcohol were the factors. Thank the good Lord that they didn't take my wife or my kids with them, they took themselves. They committed suicide to themselves and they didn't harm my family. I think that anybody on this DWI stuff, and we have fought this on the floor several years ago when we got .08 in. I have no sympathy for these people that

drink while they are driving. No sympathy at all. They kill innocent people. You read about it every day and you see it. If somebody ran into some member of my family and they were drunk and they killed them, it wouldn't go to court because I would take care of it myself. I feel very strongly about this. I am going to ask for a roll call on this. I think that it is dead wrong. These guys...one chance, two chances, three chances. If there is a second chance, they already had a first chance. Just because somebody has a friend that had this problem, I don't think that is the reason to have a piece of legislation and for this Senate to pass it. I am very passionate about this and I am sorry. I have no sympathy for these bums at all. I call them bums. I will sit down.

SENATOR JOHNSON: I have a problem starting on line 11 where it says, that the "director may impose such restrictions applicable to the licensee." It was my understanding that it is going to be more authoritarian than that and it would be more restrictive than a "may", so I have a problem with that.

SENATOR FRANCOEUR: I, like Senator Barnes, have sponsored some other legislation with drunk drivers. Last time it was three strikes and you are in. I think that you have already given these individuals one chance. I think that if you look at most of the alcohol related crimes, it is within a seven year period, so if they do it and ten years later they do it again, well it is still only their first offense, but when does it ever stop? When is enough enough? In the past, the Senate has taken a position that we have been tough on drunk drivers. I think that as I ride down the road, I believe that I see signs on the side of the roads that say that we are tough on drunk drivers. I think that we ought to keep that stance. If they have already done it twice, you think another law is going to stop them? The law didn't stop them the first time or the second time. I would ask the Senate to take a look at that. If we are going to be tough on drunk drivers, then let's be tough on it. If not, let's take down the signs on the road.

Senator Eaton moved to have **HB 211-FN**, establishing a restricted probationary permit to drive and correcting the ignition interlock program laws, laid on the table.

Adopted.

LAI D ON THE TABLE

HB 211-FN, establishing a restricted probationary permit to drive and correcting the ignition interlock program laws.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 129, relative to amending condominium instruments governing assignment of limited common areas.

HB 166, requiring the gas utility restructuring oversight committee to study gas and hazardous substance pipeline safety.

HB 175, relative to the amount of the homestead right.

HB 194, relative to municipal budget hearings, recommendations and reports.

HB 203, allowing a psychiatric/mental health nurse practitioner employed under contract with the department of corrections to be indemnified and defended by the state under the same conditions as psychiatrists.

HB 218, relative to the motor vehicle road toll law and motor vehicle registration fees.

HB 224, relative to persons who may sign nomination papers.

HB 245, relative to the duties and staff of the state geologist.

HB 403, relative to the effective date of special contracts for telephone utilities.

HB 416, relative to fire safety inspections for foster family homes.

HB 435, relative to assessment of service charges by municipalities and counties that accept credit cards for payment of local taxes, utility charges, or other fees.

HB 620, relative to arrangements between birth parents and adoptive parents.

HB 639, relative to the preparation of town ballots.

HB 663, relative to lights on school buses.

HB 680, relative to foreign reinsurers.

SB 13, relative to the duties of a school nurse and relative to school food and nutrition programs.

SB 14, relative to the definition of "school" for the purpose of the universal service fund for schools and libraries and ratifying the school board meetings and elections for Mascoma Valley Regional and Bartlett school districts.

SB 42, relative to charges for access to medical records.

SB 59, relative to the inclusion of a signature declaration and verification statement on teacher certification applications.

SB 93, establishing a committee to study the public health and environmental benefit of requiring stationary and mobile sources that burn virgin petroleum products or coal to comply with the requirements of the air toxic control act.

SB 156, relative to the suspension of drivers licenses of persons under 20 years of age.

SB 169, relative to the procedure for appeal of a timber yield tax assessment and relative to the notice of intent to cut.

Senator Pignatelli moved adoption.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 19, establishing a committee to study prevention of voter fraud.

SB 46, relative to payments of scheduled awards under the workers' compensation law.

SB 47, relative to ownership of certified public accounting firms.

SB 76-FN, requiring attendance in an education and training program by those who obtain a liquor license and relative to applications for one-day liquor licenses.

SB 83, relative to the New Hampshire film and television commission.

SB 98, relative to notice requirements prior to the sale of manufactured housing parks.

SB 106, relative to consumers' cooperative associations.

SB 121, relative to the advisory committee on international trade.

SB 152-FN, relative to the regulation of business practices between motor vehicle manufacturers, distributors, and dealers.

SB 174-FN, including Martin Luther King, Jr. Civil Rights Day as a holiday for which certain state employees are entitled to holiday pay and relative to employees of the department of youth development services.

In recess.

Out of Recess.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 20, relative to possessory actions instituted on the basis of nonpayment of rent.

SENATOR FERNALD: May I ask for an explanation of what this is?

SENATOR PRESCOTT: This was Senator Johnson's bill to be able to remove the tenants from a primary residence home for cause. The Committee of Conference removed some language that would have applied it to tenement houses. So now it just applies to those tenants that are within your primary residence. That was the concurrence and we concurred.

Senator Prescott moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 84, relative to funeral processions.

SENATOR EATON: I move that we concur with this. This is a bill sponsored by Senator Pignatelli. It allows funeral processions to have a purple flashing light.

Senator Eaton moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 107-FN, relative to violations of motor vehicle laws by foreign diplomatic and consular officers.

SENATOR EATON: This was I believe, a housekeeping measure. It just...you insert in the bill "the provisions of this section shall not pro-

hibit or limit the application of any other provision of law to a person who has or claims immunities or privileges under title 22." I believe that had to do with the diplomatic immunity bill.

Senator Eaton moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 147, relative to the calculation of stumpage value in determining the timber tax assessment.

SENATOR D'ALLESANDRO: This is the definition of stumpage value and the timber tax. It explains what the stumpage value is. It talks about how you access it when it is sold to a purchaser. It talks about when the product is not sold as standing timber, it says that the "official shall use the average stumpage value list provided by the Department of Revenue Administration." Thank you, Mr. President.

Senator D'Allesandro moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 190, dedicating the I-93 causeway at Moore Dam and the Cottage Street Bridge in Littleton.

SENATOR EATON: This bill dedicates the I-93 causeway at the Moore Dam as the Curran/McAvoy Causeway and the Cottage Street Bridge as the Veterans Memorial Bridge and the Smith Bridge as the Smith Millennium Bridge.

Senator Eaton moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 118, relative to individual health insurance coverage.

SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 118, relative to individual health insurance coverage.

Senator Burns moved to nonconcur and requests a Committee of Conference.

SENATOR BURNS: Senate Bill 118 is the bill that changes some of the things for health care. It sets up a risk pool to take care of the people that couldn't get their insurance. The House has made a small change that we want to look further at, then I think that we can probably go forward with it, but we do need the Committee of Conference.

SENATOR LARSEN: In nonconcurring, are we not agreeing with the amendment that the House made that was to study the Healthy Kids request to continue their subcommittee?

SENATOR BURNS: I believe that they did not put that on. The Speaker of the House ruled that was nongermane and the copy that I received did not have it. It is another amendment that they put on.

SENATOR HOLLINGWORTH: Mr. President, I would like to know if we could hold that one before we vote on it, just so that we can look at it. In my brief look at it, it looks like the Healthy Kids is there in the House amendment.

SENATOR BURNS: I would just like to correct...it was my understanding that the Speaker took it out. I understand that the House overruled him and it is in there.

PRESIDENT KLEMM: It is an amendment, Senator Hollingworth.

SENATOR HOLLINGWORTH: I would hope that this body would concur with that. I think that the changes that were made were those that were necessary to the bill and to allow for the Healthy Kids to move forward. I would hope that this body would vote to concur.

Question is on the motion of nonconcurrence and requesting a Committee of Conference.

A roll call was requested by Senator Hollingworth.

Seconded by Senator Cohen.

The following Senators voted Yes: Burns, Gordon, Johnson, Boyce, Flanders, Roberge, Eaton, O'Hearn, Francoeur, Gatsas, Barnes, Prescott, Klemm.

The following Senators voted No: Below, McCarley, Disnard, Fernald, Pignatelli, Larsen, O'Neil, D'Allesandro, Wheeler, Hollingworth, Cohen.

Yeas: 13 - Nays: 11

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Francoeur, Burns, D'Allesandro

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 119, relative to small group health insurance coverage.

SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 119, relative to small group health insurance coverage.

SENATOR BURNS: There have been some changes to this that they made in the House and we would like to address those in a Committee of Conference. They deleted almost half of the bill in the House.

Senator Burns moved to nonconcur and requests a Committee of Conference.

Question is on the motion of nonconcurrency and requesting a Committee of Conference.

A roll call was requested by Senator Hollingworth.

Seconded by Senator Cohen.

The following Senators voted Yes: Burns, Gordon, Johnson, Boyce, Flanders, Roberge, Eaton, O'Hearn, Francoeur, Gatsas, Barnes, Prescott, D'Allesandro, Klemm.

The following Senators voted No: Below, McCarley, Disnard, Fernald, Pignatelli, Larsen, O'Neil, Wheeler, Hollingworth, Cohen.

Yeas: 14 - Nays: 10

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Francoeur, Burns, D'Allesandro

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s), to the following entitled Bill sent down from the Senate:

HB 274-FN, banning the residential open burning of trash and relative to a dioxin emissions reduction and control program.

And requests a Committee of Conference.

The Speaker, on the part of the House, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Bradley, Norelli, Sloan, Gabler

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 274-FN, banning the residential open burning of trash and relative to a dioxin emissions reduction and control program.

Senator Johnson moved to accede to the request for a Committee of Conference.

SENATOR JOHNSON: There was a correction that had to be made in the amendment that was proposed. It was giving DES the authority to monitor the program, but there seems to be a difference of opinion to the fine that would be imposed, so we are asking for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Johnson, Francoeur, Below

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s), to the following entitled Bill sent down from the Senate:

HB 332, relative to resuscitation protocols for emergency medical care providers and relative to payment of autopsy expenses.

And requests a Committee of Conference.

The Speaker, on the part of the House, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Batula, Pilliod, French, Johnson, Rogers

**SENATE ACCEDES TO HOUSE REQUEST FOR A
COMMITTEE OF CONFERENCE**

HB 332, relative to resuscitation protocols for emergency medical care providers and relative to payment of autopsy expenses.

Senator Wheeler moved to accede to the request for a Committee of Conference.

SENATOR WHEELER: This bill is a very important one to the Attorney General's Office and a lot of it has to do with who is going to pay for the autopsies. It would change who pays. If the county orders the autopsy, then the county pays. If the state orders the autopsy, then the state pays. It is not any extra money, it is the shifting of responsibility and making it fair. I certainly think that we ought to have a Committee of Conference rather than killing it.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Boyce, Prescott, Wheeler

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s), to the following entitled Bill sent down from the Senate:

HB 585, relative to the membership and duties of the council on resources and development.

And requests a Committee of Conference.

The Speaker, on the part of the House, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Dyer, Zolla, Schulze, Charles Hall

**SENATE ACCEDES TO HOUSE REQUEST FOR A
COMMITTEE OF CONFERENCE**

HB 585, relative to the membership and duties of the council on resources and development.

Senator Below moved to accede to the request for a Committee of Conference.

SENATOR BELOW: The House amended it – not amended it, they requested a Committee of Conference because we amended the bill...at the request of the council to make a minor change whereby other people could be appointed to sit in on the committee rather than just the commissioners, I believe. It is a fairly minor point, but we thought that we should discuss it in a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Below, Johnson, Gatsas

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s), to the following entitled Bill sent down from the Senate:

HB 723, relative to vacancies in county offices.

And requests a Committee of Conference.

The Speaker, on the part of the House, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Brundige, Marilyn A. Fraser, Lockwood,
Twombly

**SENATE ACCEDES TO HOUSE REQUEST FOR A
COMMITTEE OF CONFERENCE**

HB 723, relative to vacancies in county offices.

SENATOR ROBERGE: I accede to the Committee of Conference request.

Senator Roberge moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Roberge, Barnes, O'Neil

COMMITTEE REPORTS

HB 694, establishing a separate high school civics graduation requirement. Education Committee.

MINORITY REPORT: Ought to pass, Senator McCarley for the minority. Vote 1-3.

MAJORITY REPORT: Inexpedient to legislate, Senator O'Hearn for the majority. Vote 3-1.

SENATOR O'HEARN: House Bill 694 tries to address a very important issue: Civics education in our schools. The NHEIAP assessment test indicates that we do have a problem with a number of young people who do not have a good handle on how government works or how votes are being taken in elections. The Education Committee agrees with the sponsors that there is a concern. However, we disagree with the proposed solution. The proposed solution is to put this curriculum guide into law and that is an inappropriate place to put it. The answer to either low test scores on the NHEIAP test is better curriculum frameworks at the local level, developed by educators, parents and community members. There is another area that this can also be addressed is with the state Board of Education as the state Board of Education works on curriculum through the school approval standards or through administrative rules. I ask that the committee...the committee recommends inexpedient to legislate on HB 694 and I ask for your concurrence with us. Thank you.

SENATOR MCCARLEY: I would encourage this body to consider overturning the majority report and vote on ought to pass on this legislation. I will speak to it very briefly. Dictionaries define civics as the branch of political science that deals with the rights and duties of citizens. Part II, Article 83 of our constitution begins: knowledge and learning, generally diffused through a community, being essential to the preservation of free government.... The authors of our constitution understood that the

success of a free republic governed by popularly elected officials depends on an educated and informed citizenry. If you look at this legislation, and I will tell you, I am not driven remotely by our scores on the assessment test. But I do believe that we currently have, and if you look in current law, we require...which is in the bill, which you can pull out if you take a look at it...in all public and private schools in the state, there shall be given regular courses of instruction in the history, government and constitutions of the United States and New Hampshire. The language...we do often put curriculum requirements and specific course requirements in rule and that is true. But that does not prohibit us from putting in law, a requirement that children take a half a year of civics as a part of their high school graduation requirements. So you understand – this is not an addition, this is not going to be any unfunded mandate. Currently, children are required to take one elective, a full year elective in high school, on social studies or history. All that we are saying here is, half of that elective, for which they are already required to take a full elective, a half year has got to be on civics, very specifically. There is language in the bill that indicates that you can develop the course however you want, but it is critical that it involves the duties and responsibilities of a citizen, opportunities of citizen participation and involvement in the governmental process, the structure and operation of government, the constitutional basis of our government, and the interaction between local, state and federal governments. When we hear these days about how we want our kids to get more involved, we want them to take part in this great process that we consider to be government. Why would we shy away from asking our teachers to put their heads together across this state and put into place a course that teaches kids and say that every high school, upon graduation, is going to have taken the required course? We require economics in rules. I will tell you, the DOE came to us and said you know, we could get to this in rules, but we just haven't. The School Board Association came and said, you know, this ought to be in rules and maybe they will get to it when they get to it. Well you know, sometimes we all disagree with our departments or various associations, if we believe that fundamentally we should make a statement in law. So I would encourage you at this time, to vote ought to pass on this. Thank you.

SENATOR COHEN: I am really surprised that we are debating this issue. I can't imagine why. As long as I served in the state Senate, I have heard the argument that the second amendment, the right to bear arms is essential to the preservation of a free democratic government. This year, in this body, we killed SB 129 that would have established a minimum age of 21 for a permit to carry a concealed weapon, presumably because some members of the Senate believe it is appropriate for young people to be armed. I am not going to reopen that debate, but I am going to say that if we believe that I believe, that if we expect our young people to become good citizens, we must arm them with the knowledge and understanding and appreciation of our free democratic government, and how it works. That education is required for good citizenship. I would urge my colleagues to vote ought to pass. Thank you.

SENATOR D'ALLESANDRO: I support the motion of ought to pass. Maybe I am a bit prejudiced because I was a civics teacher. Every ninth grader that I taught, I hope learned something about state government. Let me tell you some of the things that are so essential. Since 1960 voter participation in this country has been going down. People have no knowledge of government, no interest in government, and they don't believe

in government. Why? Because many of them don't understand government. They don't understand what their duties and responsibilities as a citizen are. Those duties are, you should participate in the process. If you don't, you get what you deserve. Why is it inconsistent to say in our schools, that you should learn about local government, state government and the national government, why is that not a basic principle of this free society? Why do we fear making this happen? Are we afraid that more people will participate in the process because they know something about it? Keep them in the dark. That is what it is all about. If you keep them in the dark and they don't participate, then the few run the situation. This bill, if enacted, will say to our schools, you should and must teach people about your government. The pluses and the minuses of government. The structure of the government. What involvement in government means, and encourage everyone to participate in the process. Why is it inconsistent with good government for people to know their duties and responsibilities as a citizen of the country? It seems to me, this is a most acceptable situation. It is something that should have a 24 - 0 positive vote and we should move forward. Thank you, Mr. President.

SENATOR BARNES: Senator O'Hearn, would you believe that I would like you to read the majority report one more time?

SENATOR O'HEARN: Certainly. House Bill 694 tries to address a very important issue. Civics education in our schools. The NEAC tests, the assessment test indicates that we do not have a number of young people that know enough about how government works or the number of votes that are taken in elections. The Education Committee agrees with the sponsors that there is a concern. However, we disagree with their proposed solution. The answer to low test scores is better curricular frameworks at the local level, developed by educators, parents and community members, not by writing curriculum into state law. The State Board of Education has another avenue to address our civics curriculum, which is through our school approval standards or through administrative rules.

SENATOR FERNALD: Senator O'Hearn, when I think of curriculum, I think of textbooks and materials. I have a bill in front of me that is less than one page long. Do you really feel that this is curriculum? That we are telling people the day to day teaching requirements?

SENATOR O'HEARN: What I object to in this bill is setting curriculum into law when we have a set of K-12 social studies curriculum frameworks, which is 32 pages. I would rather see local districts deal with the shortfalls that our schools are experiencing in civics by working on this curriculum frameworks, at home, with community members, with teachers and with parents. When you have curriculum frameworks, and courses developed at home, you have a better opportunity of those curriculum frameworks and the curriculum being better at that development stage.

SENATOR FERNALD: I understand that you have K-12 curriculum frameworks there. But my understanding is the current state of the laws and regulations in New Hampshire is that we don't have any mandated teaching of civics curriculum frameworks or whatever...in high school. We have frameworks but it is not mandatory, is that correct?

SENATOR O'HEARN: That is wrong. We also have a social studies program that is mandated through the minimum standards for public school approval.

SENATOR FERNALD: I went to school here in New Hampshire. I know that I had to take U.S. History, but I didn't have to take any civics. So

I don't think that those standards have changed since I went to high school here in New Hampshire. So I guess...are you sure that your answer to that previous question is correct because I do not believe that there is a requirement that a high school student today, in New Hampshire, has to study those things? Let me change my question. I guess that my question is...you say that it is mandated. Is it coming through the U.S. History courses?

SENATOR O'HEARN: It is coming through the social study program that is mandated through the minimum standards for public school approval. Where the minimum standards or school approval standards were when you were in school, I am unfamiliar. This was readopted in 1996.

SENATOR FERNALD: I understand again, according to the state regulations that high school students have to have electives in social studies. They generally take two half year courses to fulfill that requirement, but since they are electives, and they can choose to take economics and something else, isn't it true that they might never get the civics?

SENATOR O'HEARN: In the social studies program, it is instruction in history and government and the constitution of the United States and New Hampshire. Opportunities for students to acquire the knowledge, skills and attitudes necessary for effective participation in the life of the community of the state, the nation and the world. It is the purpose of the curriculum frameworks that this is developed through the curriculum frameworks in social studies, developed at home, by local people and instituted in local schools. I don't see how by putting into law, a half year course of civics and mandating it through a half a year, is going to change attitudes that are going on in our schools. I think that it takes more than just a half year course. If you had attended, for instance, the program that was held for the veterans two weeks ago that Senator Bob Dole was at, and felt the patriotism in that room, that is a better tribute for civics than having to sit in the classroom for half a year and being instructed on what they should do, what their duties are. I think that it is participating in the process, but not always sitting in the classroom is not the only answer to how to develop a better attitude towards our government.

SENATOR O'HEARN: I ask that this body overturn the minority report of ought to pass. It is not the place for state government to be addressing what the curriculum is in our schools. Our curriculum has been developed through our curriculum frameworks. I will just read a few lines of what we have in the curriculum frameworks for social studies in our schools. "Students will understand and accept the responsibilities of citizenship and share in the rights and benefits granted to citizens as expressed in the Declaration of Independence and the Constitution of the United States and New Hampshire. Students will be able to use the knowledge, skills, principles and ideals of civics, government, economics, geography, history and other fields of social studies to understand and address contemporary problems and issues. The purpose for the Civics in Government course, central to this objective, is the development of students knowledge relative to the purpose, structure and functions of government at all levels as well as the understanding of the political process and the role of law. Equally important is the development of the skills and motivation necessary to apply the knowledge through civics participation." It is in our curriculum frameworks. Our students are tested in grade six and grade ten. If there is a problem with those scores...if our children are not participating, it is best handled at the local level. Where we have stated

that the purpose of the assessment test, the purpose of an adequate education, is to work on improvement plans in our local area through a development plan including, teachers and educators, parents and community members. If you want to get our pupils participating in the program, I think that it is best handled at the local level, not by putting it into law. I don't see how putting it into law will make one bit of difference. I ask you to vote down the minority report of ought to pass.

SENATOR MCCARLEY: I have a huge amount of respect for the Chairman of the Senate Education Committee, but I fundamentally disagree with her on this particular bill. I think that there is absolutely everything right about the elected officials in this state saying, "kids, you don't get an option on taking civics, you are going to take civics for half a year." And, I am going to empower every teacher in this state to bring forward to kids, an exciting and instructional plan, maybe it has kids out doing all sorts of stuff, who knows, but let's don't hold our teachers back. Let's tell them, those kids are going to be in your classroom and you figure out the curriculum, you do it locally, you invite parents, you invite anybody that you want in to develop that course, but we, as elected officials say, "kids, we want you to understand why it is important to participate, and we want to let teachers infuse their kids with wanting to participate. But the one thing that we are going to say is it is not an elective. It is a requirement. You are going to take that course, and those courses are going to be good, because those teachers are going to want them good, because they want them to participate. I implore you, this is an opportunity to start our day in a way that speaks to our kids and what we want in terms of participatory government. I implore you to vote ought to pass.

Recess.

Senator Burns in the Chair.

SENATOR BARNES: I just have a couple of comments. I understand a little bit about what you are saying. I guess that I have been disturbed for a number of years. My wife and I have three children. The oldest boy went through the school system in Massachusetts. The second boy went through the school system in New York state and our daughter went through the school system here in New Hampshire. I, as a parent, had a problem with all three systems as far as what they taught my children. The subject that I had a real problem with, was American History. I am talking about the Korean War. The 35,000 young men and women that died. There was a paragraph in each of the books that my children had as they came through school. Those of you who know me know that I am a very meek person. But I went to their schools and questioned them. The principal was nice enough, in each of those schools to give me two days to teach the children about the Korean War. I have a real problem with curriculums. I guess that is good on the local level, because these local people in three different states let the big mouth come in and spend a couple of days with the kids. I think that all over the place, we have a problem. Each one of us may think that there should be something else that should be in the curriculum than others of us do. To me, the Korean War was very important to be taught to the kids. You learn through history. I realize that isn't civics, but I would love to see the history curriculum in the state of New Hampshire include at least more than two lines about the Korean War and also now, the Vietnam War, which I think had maybe three lines on it where some 50,000 plus men

and women did not come home. I think that our youngsters that are learning in school, should know something about the history of this country and what the people before them have gone through. Perhaps if they read it and understand it, maybe their kids won't have to go through it and come back in body bags from some far off place. Thank you, Mr. President.

SENATOR FERNALD: I am a little bit confused because what I have heard in this debate is that the state should not be mandating this curriculum. That it can be done at the local level and then in the next breath, we hear that we have state minimum standards and frameworks that say that the school districts will teach this and this. So we have state mandates on curriculum now. And to say that we shouldn't have them is flying in the face of the facts of the way that our state is now. What I also heard from the reading from the frameworks, or maybe it was from the minimum standards or both is that social studies includes geography, economics, government and so forth. So if you are a high school student in New Hampshire today, you can take economics and geography, fulfill your social studies requirement and learn nothing about civics. I happen to think that is a problem and I am going to support the minority report that is on the floor because I think that our children should know about civics. It is entirely possible for them to go through four years of high school and not spend one minute on it. They probably won't come and hear Bob Dole speak in Manchester, either. Thank you.

SENATOR COHEN: I frankly am surprised. I don't know what my fellow Senators are afraid of in having a civics requirement. To me, there...we have a democratic government here. A democracy. There is a big difference between a democracy and an authoritarian government. The big difference is that an authoritarian government, to hang on to power, requires that people not be familiar with citizenship. Be unfamiliar with participatory democracy. Be unfamiliar with their rights. And a democratic government they require for citizenship, that people be familiar with those rights and responsibilities. That is the big difference between the two forms of government. We should support the minority report of ought to pass.

SENATOR DISNARD: I would like to speak in a different tact. I hear when other senators say that his children didn't receive enough American history. I hear others say that we should mandate civics in the schools. I hear other people indicate that we have economics in schools and try to get the students interested in business education, like finance, for further on in life. If we are going to mandate civics in the schools, when are we going to water it down? Are we going to tell the students that they are going to have a half year of economics? Are we going to tell the students that we don't want them to learn anything about business and finance in the future? Two ways to handle the bill. Pay for it if we are mandating it. I am sick and tired of hearing that it is not a mandate. It is a mandate. Or...help the Department of Education, the state department, where we have taken staff away, pay for a staff member to work with the schools in technical improvements of these situations. Thank you.

SENATOR MCCARLEY: Senator Disnard, are you aware that actually economics is a required half year course right now in rule? So therefore, we are not going to have any impact on their missing economics. It is already a required course for graduation in every high school in the state.

SENATOR DISNARD: It is a required course in every high school in the state?

SENATOR MCCARLEY: Correct.

SENATOR DISNARD: American History is required in every high school in the state.

SENATOR MCCARLEY: U.S. History is also a requirement.

SENATOR DISNARD: New Hampshire History is a requirement, at least in grade four. Some schools also teach it in the high schools. Now if they are paying a teacher to teach a half year of economics and a half year of something else, and we are telling the schools that they are also going to teach civics, what is going to be watered down? What is going to be lost? Who pays for it?

SENATOR MCCARLEY: We, right now, Senator Disnard, require a full year of elective American History Social Studies. A full year of some social studies elective. What we are suggesting by this legislation, is that one half of that already required year in social studies, will be spent on civics. So children simply will have one elective...one half year of an elective removed, if you will, and will be required to have that elective to become a required course. Nothing is actually being watered down because the full year course, in terms of a requirement, is an elective requirement.

SENATOR DISNARD: You believe that. I think that the rest of the Senate believes me. Thank you.

SENATOR MCCARLEY: I am just basing it on the testimony that we had on the bill.

SENATOR WHEELER: Senator McCarley, I think as I was listening to the debate...I think that I heard that there is a lot of flexibility in how this civics requirement would be met. It could be bringing people like Senator Barnes in or any one of us. I don't know about the rest of you, but I never get paid **TAPE CHANGE**

SENATOR MCCARLEY: **TAPE CHANGE** possible to teach our kids about participatory government.

SENATOR D'ALLESANDRO: I want to be brief because we tend to get into expanded debates here on issues that there are more important issues waiting in the ante room. How could anybody be opposed to a local municipality helping to develop a program in civics that does the following things: It talks about the duties and responsibilities of a citizen. One would hope that as a child learns that in school, he brings that home, he or she brings that home, talks about it to the parents and to the siblings. How can we be opposed to that? Actually isn't it fundamental? How about telling people about their opportunities? Opportunities for participation and involvement in the government process. How many times has someone said to you, I didn't know anything about that? I had no idea that that office was there. Or how many times have you talked to a youngster who might have said gee, I learned that in school. Why could we be opposed to that? How could we be opposed to that? How could we be opposed to people learning the structure of government at the secondary level? It is fundamental. How does this government work? How is it structured? How could we be opposed to kids learning about the constitutional basis of our government? Certainly the interaction between the local, state and federal governments. I always thought that civics was mandatory. It seems to me, a half year of learning this creates years and years and years and years of activity which we hope will be responsive to the process, participating in the process and becoming better citizens. That is why we have mandatory public education. So that people can learn. Thank you, Mr. President.

SENATOR O'HEARN: Civics is an important course. It is mandatory. But to have the years and years and years of participation doesn't come from a curriculum that is put into law. It doesn't come from instruction in school. It comes from examples from parents and people participating in government. It takes more than a half year course to get out children involved in government. To get people involved in the democratic process. I don't believe the curriculum is going to do the work that we want of our children to participate in government, to be able to go out and vote. Studies have shown the reason why we have such low voter turnouts, it is because we don't have the adults going out to vote. It starts here with ourselves as adults, setting good examples. It is not something that we should put the responsibility on our schools again to make sure that our children go out to vote. That responsibility falls on us.

Question is on the motion of ought to pass.

A roll call was requested by Senator McCarley.

Seconded by Senator Wheeler.

The following Senators voted Yes: Below, McCarley, Fernald, Larsen, O'Neil, D'Allesandro, Wheeler, Hollingworth, Cohen.

The following Senators voted No: Burns, Gordon, Johnson, Boyce, Flanders, Disnard, Roberge, Eaton, O'Hearn, Pignatelli, Francoeur, Gatsas, Barnes, Prescott, Klemm.

Yeas: 9 - Nays: 15

Motion failed.

Question is on the adoption of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

HB 206-FN-A, establishing an equipment depository and disabled person's employment fund in the department of administrative services. Executive Departments and Administration Committee. Vote 4-0. Rereferred, Senator D'Allesandro for the committee.

SENATOR D'ALLESANDRO: The committee recommends that this bill be rereferred for the time being. We have already passed SB 176 which is identical to this House Bill. Currently SB 176 is making its way through the House and is likely to pass. Since there is no need to pass identical legislation, the committee would like to rerefer this bill and hold on to it in case further action may need to be taken in the future. Thank you, Mr. President.

Adopted.

HB 206-FN-A is rereferred to the Executive Departments and Administration Committee.

HB 288-FN, relative to the licensure of interpreters for the deaf and hard of hearing. Executive Departments and Administration Committee. Vote 4-0. Ought to pass, Senator Prescott for the committee.

SENATOR PRESCOTT: It was brought to our committee's attention that there are no current regulations concerning interpreters in the state of New Hampshire for those who are hard of hearing. Many who are deaf are dismayed at the lack of qualified interpreters who practice within the state. A licensing board established under this bill would help to

ensure that interpreters who work in New Hampshire are well qualified to do the job. This bill has been in the works for a long time: According to supporting testimony, would greatly benefit all those in our state who are hard of hearing. I would also like to point out that should a person wish to use a particular interpreter, who may not be licensed, such as a son or a daughter, he or she may still do so under this bill by requesting a written waiver. The committee voted unanimously that this bill ought to pass and I ask the full Senate to do the same. Thank you Mr. President.

Adopted.

Ordered to third reading.

HB 387, relative to the regulation of dentistry by the board of dental examiners. Executive Departments and Administration Committee. Vote 4-0. Ought to pass, Senator D'Allesandro for the committee.

SENATOR D'ALLESANDRO: This bill would make some changes to the regulation of dental practice within the state of New Hampshire. This bill, if passed, would protect the public, both in licensing of dentists and the inspection of dental practices and facilities. Some concerns were raised regarding the risk of surprise inspections, disrupting office environments. However, we believe that any inconvenience caused by these visits is offset by the benefit that it provides to the public. For these reasons, the committee voted unanimously, that this bill ought to pass. I ask my fellow Senators to do the same. Thank you.

Adopted.

Ordered to third reading.

HB 402, relative to the establishment of a state universal service fund. Executive Departments and Administration Committee. Vote 4-0. Ought to pass, Senator Larsen for the committee.

SENATOR LARSEN: This bill does not require the establishment of a state universal service fund, but merely requires that the PUC develop draft rules consistent with the principles set forth in HB 402, and the Telecommunications Act of 1996. These draft rules would then come back to the House and the Senate for review before any state universal service fund is established. Twenty-four states have established this state USF and ten more are in the process. In the 1996 Telecommunications Act, congress directed the FCC in states to take steps necessary to establish mechanisms to ensure the delivery of affordable telecommunication services to all Americans. After the act was passed, the Telecommunications Oversight Committee made a recommendation that the PUC investigate the need for a state USF. Our PUC has commenced proceedings under the act and has issued an order stating that it is critical to have a framework in place in the event that a state USF is needed. The draft rules required by this legislation will provide that framework. The committee recommended this bill as ought to pass and I ask my colleagues to do the same.

Adopted.

Ordered to third reading.

HB 450, relative to certain work product under the right-to-know law. Executive Departments and Administration Committee. Vote 4-0. Ought to pass with amendment, Senator Prescott for the committee.

2001-1458s
01/09

Amendment to HB 450

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

AN ACT relative to certain work product and relative to attorneys' fees under the right-to-know law.

Amend the bill by replacing all after section 2 with the following:

3 New Paragraph; Attorneys' Fees. Amend RSA 91-A:8 by inserting after paragraph I the following new paragraph:

I-a. The court may award attorneys' fees to a board, agency or employee or member thereof, for having to defend against a person's request under the provisions of this chapter, when that person's request for access to public proceedings or records is in bad faith, obstinate, unjust, vexatious, wanton, or oppressive.

4 Effective Date. This act shall take effect January 1, 2002.

2001-1458s

AMENDED ANALYSIS

This bill clarifies that certain work papers are not subject to the right-to-know law.

This bill also allows the court to award attorneys' fees under RSA 91-A in certain circumstances.

SENATOR PRESCOTT: This bill is the result of a Supreme Court decision involving the LBA and the issuing of releasing internal communications auditing decisions. We, as a committee, don't believe that it makes sense for records to be released to the public before audit work is completed. Making audit work papers public before the final product is finished would only lead to confusion and misunderstandings about what conclusions may have been reached. Making these internal deliberations public may hinder future work due to increased...or decreased flow of internal information between departments and other agencies. For these reasons, we recommend unanimously that this bill ought to pass with amendment. I encourage my fellow Senators to do the same.

Amendment adopted.

Senator Prescott offered a floor amendment.

2001-1529s
01/09

Floor Amendment to HB 450

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

AN ACT relative to work product and relative to attorneys' fees under the right-to-know law.

Amend the bill by replacing all after section 3 with the following:

4 Exemption Added; Work Product. Amend RSA 91-A:5 to read as follows: 91-A:5 Exemptions. The *following* records [of the following bodies] are exempted from the provisions of this chapter:

- I. *Records of* grand and petit juries.
- II. *Records of* parole and pardon boards.
- III. Personal school records of pupils.

IV. Records pertaining to internal personnel practices; confidential, commercial, or financial information; test questions, scoring keys, and other examination data used to administer a licensing examination, ex-

amination for employment, or academic examinations; and personnel, medical, welfare, library user, videotape sale or rental, and other files whose disclosure would constitute invasion of privacy. Without otherwise compromising the confidentiality of the files, nothing in this paragraph shall prohibit a body or agency from releasing information relative to health or safety from investigative files on a limited basis to persons whose health or safety may be affected.

V. Teacher certification records, both hard copies and computer files, in the department of education, provided that the department shall make available teacher certification status information.

VI. Preliminary drafts, notes, and memoranda and other documents not in their final form.

5 Effective Date. This act shall take effect January 1, 2002.

2001-1529s

AMENDED ANALYSIS

This bill clarifies that work papers are not subject to the right-to-know law.

This bill also allows the court to award attorneys' fees under RSA 91-A in certain circumstances.

SENATOR PRESCOTT: The LBA office has a few clerical corrections on the bill that came to our committee and request that the full Senate look at the floor amendment. It is just a couple recordkeeping changes. As you see before you, the bill has a few dark lettered changes. The bill is very straightforward. We would appreciate your adoption on the floor amendment. Thank you very much.

Floor Amendment adopted.

Ordered to third reading.

HB 453, establishing a 4-year term for the commissioner of the department of corrections. Executive Departments and Administration Committee. Vote 3-1. Ought to pass, Senator D'Allesandro for the committee.

SENATOR D'ALLESANDRO: No other state department relies more heavily on the recruitment of qualified directors than the Department of Corrections. We have to be able to provide not only the benefits that will draw highly qualified candidates, but also a four-year term that will replace the current policy of serving at the pleasure of the Governor. No one wants a position that can be terminated at any given time, which results in the Department of Corrections having difficulty finding good directors. Giving a four-year term to this position, will also bring it in line with most other director positions within the state. The committee recommends that this bill ought to pass and I urge my colleagues to do the same. Thank you.

Adopted.

Ordered to third reading.

HB 469-FN-L, relative to the applicable minimum wage for hourly employees. Executive Departments and Administration Committee.

MINORITY REPORT: Ought to pass, Senator D'Allesandro for the minority. Vote 2-3

MAJORITY REPORT: Inexpedient to legislate, Senator Prescott for the majority. Vote 3-2

SENATOR PRESCOTT: I would like to commend the committee. This bill was heard on Wednesday morning of last week at 8 a.m. I would also

like to commend Marilyn Priest and Chris Williams for doing such a good job and for being around at a time when we are scheduling things at the end of the year and having a hard time getting them to fit into our calendar. We heard this bill that morning. There was great testimony on both sides; however, I came down on one side of inexpedient to legislate because of the pressures that were put on wage inflation. We have, in New Hampshire, no one that testified, nor have I found anybody that is paying minimum wage to gain workers in the state of New Hampshire. They are paying \$1 or more above minimum wage. The testimony suggested that if we raise minimum wage then that would put pressure upon those that are already making \$1 above minimum wage, they would want to continue at that height above minimum wage, and it would just be an across the board increase in wages in New Hampshire, accentuated by the passing of a higher minimum wage. Also this would surpass the national minimum wage. I believe that it is more appropriate to wait upon the judgement there in this instance, of national policy of minimum wage. For that reason, we came out of committee with a split decision, however, of inexpedient to legislate in the majority of 3-2. I would ask that the full body vote this bill as inexpedient to legislate. Thank you Mr. President.

SENATOR D'ALLESANDRO: I rise to offer the minority report of ought to pass. Let's say that the concept of the minimum wage is a democratic process. It is a process that was put in place when Franklin Roosevelt became President of the United States. What does minimum wage mean? That is the minimum amount that you can earn as an hourly wage. Does it have a negative effect on the economy? Absolutely not. It has been proven time and time again that when the minimum wage has been increased that it has always had a positive effect on the economy. What does the minimum wage mean? We have just gone through a cycle of creating many, many jobs in this country. Many jobs are in the service industry. We have also instituted a welfare-to-work program. In order to make the transaction from welfare-to-work, you have to earn a living wage. A living wage. What this bill is calling for is the minimum wage to be increased to \$5.65 an hour on October 1, 2001 and \$6.15 on October 1, 2002. Let's talk about what the minimum wage is in our surrounding states. In Massachusetts, the minimum wage is \$6.75 an hour. In Connecticut it is \$6.40 an hour. In Rhode Island it is \$6.15 an hour. In Vermont it is \$5.75 an hour. I am sure that many of us in this body, at one time in our lives, worked for the minimum wage. As a freshman at the University of New Hampshire, I worked in the kitchen washing dishes. I worked for the minimum wage. At that time it was 40 cents an hour, in 1957. I got one of the great jobs of my life as a senior, when I went to work on a labor job in Boston that paid me \$2.74 an hour. I was in clover at \$2.74 an hour. That was almost 40 years ago. In 40 years we are talking about a transition from \$2.40 to \$5.65 and \$6.15. It is absolutely incredible when you think of it, that that 40 year transition, if you just look at inflation over 40 years, and applied it to that \$2.74, where would you be? We want people working. We want those people working to get a living wage. The basic work week in America is 40 hours. You multiply 6 x 40 and you don't have a lot of money. You don't have a lot of money for the basic expenses of life. By creating a minimum wage, we are at least opening a door, even it is just a crack, to opportunity. We want people working. We want people in the workforce. We have made wonderful strides over the years to making that happen. This just provides another opportunity. We have the opportunity to make that oppor-

tunity happen. I would hope that my colleagues could support the minimum wage of \$5.65 an hour and a second increase to \$6.15 an hour. It is just...essential. Think of what it does. We all have our little calculators. Multiply \$6.15 x 40 and what do you have? You don't have a lot of money. Thank you, Mr. President.

SENATOR FRANCOEUR: Senator D'Allesandro, can you tell me that if you know anybody that is a primary wage earner in a family, making minimum wage today?

SENATOR D'ALLESANDRO: Senator Francoeur, I cannot say that I know somebody who is making minimum wage, but I can say that I am 62 years old. If you are not above the minimum wage and if you are in my peer group, you are not only in serious trouble, you are in the depths of despair.

SENATOR FRANCOEUR: I know that in your public service as a Senator, and on the school board and all of your contacts through all of the different groups and organizations that you deal with Senator, is there any kids or anybody out there that you know, that is making minimum wage?

SENATOR D'ALLESANDRO: I know some youngsters that do make minimum wage. Yes.

SENATOR FRANCOEUR: Thank you.

SENATOR WHEELER: Whether you know individually someone who is making minimum wage or not, 60 percent of the minimum wage earners in our nation are women. Only one out of 14 is a teenager from a family that has an above average income. The testimony in the Senate hearing, from one of the Republican House members testifying, said that it was a Republican issue. President Bush has said that we have to expand the American dream to include everybody. She talked about her constituents where there is a couple...and between the two of them, they have five minimum wage jobs to support their children. No you cannot support a family on one minimum wage job. We are not even talking about a livable wage. We are talking about a minimum wage. A family of three, the federal poverty level is \$14,613. A minimum wage earner cannot keep a child out of poverty. Passing this increase, I believe, is just about the most important thing that we can do to tell the people of New Hampshire that we believe truly, that politics and public service is about helping people. This increase won't pull people out of poverty, but it will enable more workers to meet basic living costs. A higher wage could cover rent increase, a rapidly rising cost in fuel. There are 27,000 minimum wage workers in New Hampshire. Forty percent of them are sole breadwinners. We may not know them, but they are there. They are silent and they are working very, very hard and they are not getting healthcare benefits either. Another Republican testifying before the Senate committee said that the House Republican Alliance supported this. One said that he changed his vote because he had to live with his conscience. He said further that this is a family values issue. Do we value our families enough to give them a few more resources? In the 1980's when we had a slowing economy in New Hampshire, Governor Sununu signed three increases in the minimum wage before the federal government increased the wage. That is bipartisan Republican dominated legislature. A Republican governor signed that into law because he understood. The House and the Senate understood that we needed to value work. The argument that we should forego a minimum wage increase because only a small number of workers are affected doesn't make a whole lot of sense because the fact that a small number of workers will

be affected means that there would be less cost to the employer community, so that should be an argument in favor of the raise. The sad reality is that we expect poor workers to remain background furniture. No we don't know their names. They are just doing their job silently and serving the needs of the rest of us. One of the main reasons that I am so strongly in favor of this is that the laws that we have passed that have required people who heretofore were able to be on welfare, we now have the welfare-to-work program. We are requiring them to go out and get minimum wage jobs. That is the kind of job that they are getting, unless we give them access to postsecondary education, but we will work on that later. These welfare-to-work people are today's low wage workers. They have a right to an adequate income and decent lives. They shouldn't be putting their children to bed hungry. We should support the work ethic which has always been a core value of our nation by showing that we respect and honor work, by voting for this minimal increase in the minimum wage. Thank you.

SENATOR LARSEN: Since 1997 we have created thousands of jobs that the federal minimum wage was raised to the current \$5.15 an hour. For some workers, an increase in the minimum wage means the difference between living in poverty and not. As a society, we have sent a message that you must work, yet we have not paid attention to what wages those people are making. As recently as 1979, a full-time worker making a minimum wage could earn enough to keep a family of three out of poverty. Today, as the result of erosion, the buying power of the minimum wage means a parent who works full-time year round, can't even keep a single child out of poverty. To meet the current poverty level, a family of three would require a full-time wage that is about \$6.50 an hour. Every year without an increase **TAPE CHANGE** buys less than it used to. Some may say that no one earns the minimum wage and if they do they are just teens. The fact is that the New Hampshire Department of Employment Security says that there are 27,000 minimum wage earners. Approximately two-thirds of those are adults and 40 percent of those are bread winners, sole bread winners for their family. Almost half the workers who benefited from that last increase worked between 20 and 34 hours per week and only one in four as we heard early, is a teenager. Given that during the last decade that the top income wage earners increased their wages \$19,000 a year which is more than the total annual income of a minimum wage earner. Is it right that we don't increase the minimum wage in two 50 cent increments that might total to those low wage workers, a total of \$2,000 annually? Some may fear or say that they fear that minimum wage earners will lose their job if we raise the minimum wage, but past increases in the minimum wage have not cost jobs. A study by the Economic Policy Institute failed to find any significant job loss associated with a wage increase. The Jerome Levy Institute showed that 90 percent of small businesses said that their hiring was not affected by the increase. It is unfortunate that in this day when we have so many bills to handle, that the most important bill to affect low wage workers of our state, is passing through this Senate, without the full and careful thought of those who sit here today. I think that the reason that some of us don't know minimum wage workers is because we are down interviewing Wal Mart workers and we aren't down talking to small business...employees in small business. We are spending a lot of our time here, in fact, perhaps not aware of what it is like to try to be a single woman with two children, earning minimum wage, trying to pay for childcare costs, trying to make ends meet in terms of medical, car pay-

ments, house rents...this is an incredibly important bill for the lowest wage workers of our state. I think that it is the very least that we can do. It brings up to a match with other states around us. It is important that you vote for the minimum wage today. Please consider that if you believe that people ought to be out working, you have got to allow them to have a livable wage. This brings them up to even approaching...it may not be a livable wage, but it is at least the beginning of a fair wage for a days work. Thank you.

SENATOR FRANCOEUR: Senator Larsen, you mentioned there are 27,000 people in the state of New Hampshire that are earning minimum wage. I know waitresses and wait persons and wait staff, tipped employees, collect a percentage of minimum wage, can you tell me if your number of 27,000 includes these individuals or not?

SENATOR LARSEN: The 27,000 included some workers in the restaurant business, but it also includes a lot of other people who are not in the restaurant business, and who in fact are not tipped employees. They did not give us an actual breakdown, but when you have 27,000 employees, I don't think that those are all covered by the restaurant and hospitality industry.

SENATOR FRANCOEUR: But it could be true that a large percentage of those are?

SENATOR LARSEN: There is a percentage that is in the hospitality industry and they are tipped employees, but 27,000 employees have the potential to in fact need to... live on a minimum wage and that is why it is important that we raise it. That we bring ourselves up to the other states and in fact, are able to attract the employees that perhaps live on border states who might be tempted to go into Massachusetts where it is \$6.75 an hour or cross over to Vermont where it is \$6.25 an hour. They are in fact, thinking of increasing theirs to \$6.75. We are a very low wage paying state. If we want to keep our employees in state and keep our welfare rolls low, we need to increase the minimum wage for those working poor of this state.

SENATOR FRANCOEUR: Thank you.

SENATOR FERNALD: This bill lies at the intersection of economics and public policy. When you study economics you learn about the law of supply and demand. That is how prices are determined. When you read the fine print in the economic text book, you find out that that law assumes that there's perfect mobility in the market and that there is perfect knowledge that if nose drops are \$3 at CVS and they are \$3.50 at Rite Aid, you will not go to Rite Aid, you will go to CVS. The labor market doesn't work that way. People can't necessarily drive themselves great distances to a job if they are in a low paying job or if they are stuck in a place without any kind of public transportation and they don't have a car. I have heard a lot of people say that we should let the marketplace determine the level of wages. If you believe that... I think that we really have a choice here between...have no minimum wage at all, let the marketplace do it, let supply and demand determine, or we set the minimum wage at a realistic level to provide people with at least a minimum decent income. The problem with the labor market is that there are some people who are so powerless in the labor market, they have so little access to education, to transportation, to resources of any type, that they get stuck taking whatever wage is offered. If the minimum wage were reduced to \$4.15,

some of those people who are working for \$5.15 now, would be working for \$4.15 if we did away with or lowered the minimum wage. They might even work for less if we did away with it entirely. The reason for the minimum wage is to set a floor to give the people with the least economic power in our society, a little boost from the government so that they are not exploited by the law of supply and demand. But the marketplace and \$5.15 is too low to be that floor. It is lower than all of our neighboring states. They have all adopted higher rates. It simply is not enough, let alone a person who is trying to support somebody else. I don't think that you can support yourself on \$5.15 an hour, working full time. So this is about whether...this is about should we have a minimum wage and then what rate do we set it at? I say that \$5.15 is too low. It does not do the job that it is intended to do. Those people who say, "well do you know anybody who is working at \$5.15?" The more relevant question is do you know anyone who is working for less than \$6.15 because that is what we are proposing to change it to. Please vote in support of this bill. Thank you.

Question is on the motion of ought to pass.

A roll call was requested by Senator Wheeler.

Seconded by Senator D'Allesandro.

The following Senators voted Yes: Below, McCarley, Disnard, Fernald, Pignatelli, Larsen, O'Neil, D'Allesandro, Wheeler, Hollingworth, Cohen.

The following Senators voted No: Burns, Gordon, Johnson, Boyce, Flanders, Roberge, Eaton, O'Hearn, Francoeur, Gatsas, Barnes, Prescott, Klemm.

Yeas: 11 - Nays: 13

Motion failed.

Question is on the motion of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

HB 511, relative to continuing medical education requirements for physicians. Executive Departments and Administration Committee. Vote 4-0. Ought to pass, Senator Prescott for the committee.

SENATOR PRESCOTT: For a number of years, the New Hampshire Medical Society has been in charge of reviewing CME forms in the state to ensure that all physicians are maintaining a continual educational update in their perspective fields of medicine. This was originally under the jurisdiction of the Board of Medicine, but has been handled by the society due to the fact that the board never had the means to effectively maintain these records. We believe that a change in this status quo will result in a loss of efficiency and professionalism concerning the update of these records. The board's manner of updating these differs drastically from the society, in that the board only performs...will perform only random audits of a percentage of physicians instead of covering all physicians each cycle. Therefore, it is in the best interest of the state, that the society continues to monitor these records for the next couple cycles, after which the process can then again be reviewed. The committee unanimously recommends that this bill ought to pass. Thank you, Mr. President.

Adopted.

Ordered to third reading.

HB 684, relative to the occupational therapy practice act. Executive Departments and Administration Committee. Vote 4-0. Ought to pass, Senator Larsen for the committee.

SENATOR LARSEN: House Bill 684 makes changes to the definitions and procedure for treatment authorizations, licensure and supervision of therapy assistance and supervision of aids for persons regulated by the Occupational Therapy Governing Board. This practice act has not been amended in over 20 years. This new practice act for Occupational therapists will define the role for therapy assistants and require that therapists keep up-to-date on changes within their field. The bill also makes changes to the credentials used in New Hampshire for practicing occupational therapy. The committee voted unanimously to recommend this bill ought to pass and I encourage the full Senate to do so as well. Thank you.

Adopted.**Ordered to third reading.**

HB 152-FN, relative to expanding the legal methods of taking deer. Finance Committee. Vote 7-0. Ought to pass, Senator Eaton for the committee.

SENATOR EATON: House Bill 152 will expand the permitted methods of taking deer to include cross bow for hunters holding a firearms deer tag and to hunt during the same rifle season only. It also allows the Executive Director of Fish and Game to adopt rules regarding the cross bow. This bill will increase state Fish and Game fund revenue and expenditures in each of the fiscal years because there will be a permit for a licensing fee for the proposed rulemaking authority.

Adopted.**Ordered to third reading.**

HB 554-FN, establishing a division of information technology within the department of safety. Finance Committee. Vote 7-0. Ought to pass, Senator Eaton for the committee.

SENATOR EATON: The information needs of the department are complex and vary greatly between the divisions of the state police, motor vehicles, fire safety, fire standards and training, safety services and emergency medical services. Passage of this bill will allow the department to elevate an essential and important aspect of its operations. The net results will be for a division director to advise the commissioner of safety to meet the information needs of the agency and the public in a coherent and unified manner of all of the divisions. The division director would be a part of top management at the department. He would strive to provide accurate, efficient and timely technology design, development implementation and maintenance support to all department of safety divisions in support of their business objectives. The division director would also assist the commission in reviewing issues of access to information where appropriate and consistent with law, so that necessary security and privacy concerns are met and there is no unauthorized access or dissemination of information. The creation of this division of information technology will not alter or have an effect on the centralized approval process for information technology already in place within the Department of Administrative Services. The administrator of the

current Bureau of Information Technology, who is a classified employee, currently at labor grade 33, will become an unclassified employee at group P which is also consistent with other directors of the department. I would also recommend that this bill pass. I will have an amendment to change of the lines.

Adopted.

Senator Eaton offered a floor amendment.

2001-1632s

05/01

Floor Amendment to HB 554-FN

Amend the bill by replacing section 1 with the following:

1 Purpose. The New Hampshire department of safety is a large agency operating under the direction of a commissioner, assistant commissioner, and directors of the various divisions. The various divisions provide emergency service and training of emergency personnel and administrative functions in the division of motor vehicles to the residents and visitors to New Hampshire. The information needs of the department are complex and vary greatly between the divisions. All divisions need their information in a timely fashion, and in some instances they need to communicate with each other and with other agencies. They also need to provide certain technologically dependent services to the general public, such as motor vehicle on-line registration and relicensure or payment of motor vehicle violations. Some department information is confidential; some information is provided on a need-to-know basis; and some information is public. The purpose of the office of information technology established in this act is to advise the commissioner and assistant commissioner on how to meet the needs of the agency and the public in a coherent and unified manner. The general court also intends that, where appropriate, information within the department of safety, including information derived from motor vehicle records on a case-by-case basis, should be accessible to other departments.

Recess.

Out of Recess.

SENATOR EATON: The amendment keeps in section one, all of the wording except part of the last sentence. That part of the last sentence will be deleted. It says, "and the Department of Safety should be able to access other departments information data basis."

SENATOR HOLLINGWORTH: Senator Eaton, it appears that this was a request of Representative Kurk. Did the department have any feelings on whether that amendment was acceptable or not?

SENATOR EATON: This was definitely an amendment requested by Representative Kurk. I did speak to the commissioner and the assistant commissioner. They said that they would go along with that. Representative Kurk guaranteed that it would be concurred in the House.

Floor Amendment adopted.

Ordered to third reading.

HB 584-FN-A, relative to the registration and licensure of OHRV dealers and rental agents. Finance Committee. Vote 7-0. Ought to pass, Senator Boyce for the committee.

SENATOR BOYCE: House Bill 584 increases the registration fees for Off Highway Recreational Vehicle dealers and rental agents and provides

for their licensing. This bill will increase state restricted revenue and comes to no cost to the general fund. These funds so raised will be used to continue the maintenance of the trail system. A system which has more trails than the state has roads. The Committee on Finance has voted unanimously ought to pass and I urge the Senate to do the same.

Adopted.

Ordered to third reading.

HB 603-FN-A, providing the commissioner of administrative services an option to self-fund the state employee health plan and requiring a reserve fund therefor. Finance Committee. Vote 7-0. Ought to pass with amendment, Senator Boyce for the committee.

2001-1481s

10/03

Amendment to HB 603-FN-A

Amend RSA 21-I:28 as inserted by section 1 of the bill by replacing it with the following:

21-I:28 Contract. The commissioner of administrative services shall be authorized to enter into permanent group life insurance ~~(and group hospitalization, hospital medical care, surgical care and other medical and surgical benefits)~~ contracts with an insurance company or companies, or other group licensed to do business in the state of New Hampshire. *The commissioner of administrative services shall be authorized to enter into group hospitalization, hospital medical care, surgical care, and other medical and surgical benefits contracts with an insurance company or companies, third party administrators, or any organization necessary to administer and provide a health plan under the provisions of this subdivision.* The commissioner of administrative services, *in consultation with the fiscal committee of the general court*, shall from time to time assess the medical insurance coverage given by its present insurer and by others in order to determine which of various contracts would best serve the interests of the state employees.

SENATOR BOYCE: House Bill 603 permits the Commissioner of Administrative Services to contract for a self insured group health plan for state employees and maintains that there will be a reserve fund to cover certain claims and expenses. The Committee on Finance has amended the bill to include legislative oversight by the Fiscal Committee. House Bill 603 may decrease state expenditures by \$1.7 million in 2002, \$1.8 million in 2003, \$2 million in 2004 and \$2.2 million in 2005; therefore, the Committee on Finance has voted unanimously ought to pass with amendment and I urge my colleagues to support it.

SENATOR WHEELER: Senator Boyce, it still stays enabling legislation, doesn't it?

SENATOR BOYCE: It is enabling and if the Department of Administration can find a way to self insure state employees, to save money while still keeping the same insurance package that they are getting...in other words, not change their benefits but simply make it less expensive. In other words, instead of paying some insurance company for the whole service, we will take over some of the liability of covering it ourselves, and therefore, save some money.

SENATOR WHEELER: I ask only because I was on the study committee and we had talked about this. It might be an excellent idea, but we still are making it enabling and not mandatory?

SENATOR BOYCE: Absolutely.

SENATOR WHEELER: Thank YOU.

Amendment adopted.

Ordered to third reading.

HB 604-FN, relative to increasing certain fees and making other changes to fish and game licenses. Finance Committee. Vote 7-0. Ought to pass, Senator Eaton for the committee.

SENATOR EATON: House Bill 604 increases the hunting and fishing license fees in 2002 and 2003 in addition to repealing certain licenses and adding a one-day nonresident fishing license. The fee will increase Fish and Game restricted revenues by approximately \$1.9 million in 2002 and \$2.9 million in 2003 and each year thereafter. As a side note, there have been no complaints made by constituents against the increase. They actually feel that it is a good change and is time for it. Also, if I remember right, there has not been a change since 1989 on the fishing license fees.

Adopted.

Ordered to third reading.

HB 643-FN, extending the moratorium on new nursing home beds. Finance Committee. Vote 7-0. Ought to pass, Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: House Bill 643 extends the moratorium on new nursing home beds to June 30, 2003. It requires issuance of a certification of needs (CON) subject to the CON process for replacement or renovations of beds to meet the life safety codes or licensing deficiencies found by the state surveying and certification.

Adopted.

Ordered to third reading.

HB 648-FN, authorizing licensing of homeless youth programs. Finance Committee. Vote 7-0. Ought to pass, Senator Larsen for the committee.

SENATOR LARSEN: House Bill 648 defines homeless youth programs and establishes admissions, parental notification and licensing requirements for homeless youth programs. The bill came to the Finance Committee because of the licensing provision of the Department of Health and Human Services. The department indicates that this will have no impact on state, county, local revenue expenditures, nor will it place a financial strain on the department. The Committee on Finance has voted ought to pass and I ask for your support.

Adopted.

Ordered to third reading.

HB 760-FN, relative to the use of silencing devices for taking game. Finance Committee. Vote 7-0. Ought to pass, Senator Boyce for the committee.

SENATOR BOYCE: House Bill 760 clarifies existing law prohibiting the taking of wildlife using silencing devices and provides that a person who has obtained a depredation permit shall be exempt from the prohibition for the purpose of taking wildlife under that permit. This bill originally had a fiscal note because it had a penalty which could have caused indigent defense costs to rise. I believe that was amended out and is no

longer part of the process. This bill also had the effect of taking out...the original bill as it...the original law as it stands today, would prohibit anyone in the state from possessing a silencer; however, federal law has some very stiff licensing requirements which do allow someone to own a silencer. That is a conflict that was a problem. Since our Fish and Game laws were covering it and not the criminal laws, it was felt that this should be revised to only apply to the Fish and Game laws and let the criminal statutes take care of criminal purposes. So this bill was voted out of committee ought to pass. I would ask the Senate to support it.

Adopted.

Ordered to third reading.

HB 103, relative to the possession of deadly weapons by convicted felons or during the commission or attempted commission of a violent crime. Judiciary Committee. Vote 5-0. Ought to pass, Senator Gordon for the committee.

SENATOR GORDON: This bill amends the current statute which prohibits a felon from possessing any dangerous weapon. The current statute, there is no definition in law as to what constitutes a dangerous weapon. This amends the statute to provide that they may not own any other deadly weapon as is currently defined in statute RSA 625:11, V. The committee recommends ought to pass.

SENATOR BARNES: Senator Gordon, can you tell me what the definition of a deadly weapon is? Could it be a baseball bat or something like that?

SENATOR GORDON: That is exactly what the concern is. The current statute says that you cannot own or possess or control a pistol or revolver or other firearms, sling shot, metallic knuckles, billies, stilettos, switch blade knife, sword, cane, pistol cane, black jack, dagger, dirk knife or any other dangerous weapon. The problem with law enforcement is that they don't know what might constitute another dangerous weapon. Is that a baseball bat? So what they would like is a more specific definition of what a dangerous weapon is. So there is already a definition in the statute of what a deadly weapon is, in RSA 625:11 they have asked that that definition be included. That definition of deadly weapon means any firearm, knife or other substance of thing, which in the manner that it is used, intended to be used, or threatened to be used, is known to be capable of producing death or serious bodily injury.

Adopted.

Ordered to third reading.

HB 132-FN, relative to the damage or destruction of an emergency vehicle or emergency services equipment. Judiciary Committee. Vote 4-0. Ought to pass with amendment, Senator Gordon for the committee.

2001-1495s

04/01

Amendment to HB 132-FN

Amend RSA 634:2, II as inserted by section 1 of the bill by replacing it with the following:

II Criminal mischief is a class B felony if the actor purposely causes or attempts to cause:

(a) Pecuniary loss in excess of \$1,000; or

(b) A substantial interruption or impairment of public communication, transportation, supply of water, gas or power or other public service; or

(c) Discharge of a firearm at an occupied structure, as defined in RSA 635:1, III; or

(d) Damage to private or public property, real or personal, when the actor knows that the property has historical, cultural, or sentimental value that cannot be restored by repair or replacement.

(e) Criminal mischief is a class B felony if the actor recklessly causes or attempts to cause damage to any emergency vehicle, emergency, apparatus, or private vehicle containing emergency equipment which causes the vehicle, equipment, or apparatus to be taken out of service.

SENATOR GORDON: This bill provides that any person who purposely or recklessly causes damage or destruction to an emergency vehicle
TAPE CHANGE

Amendment adopted.

Ordered to third reading.

HB 134, permitting challenges to judges. Judiciary Committee. Vote 4-0. Rereferred, Senator Roberge for the committee.

SENATOR ROBERGE: House Bill 134 permits a challenge to judges. Parties currently have the right to file a challenge to a judge, but there is no obligation on the part of the judge to step aside. The present recusal policy works in writing, but in practice leaves much to be desired. This is particularly true for pro se litigants. Critics of this legislation feel that it will lead to "judge shopping" and will be especially problematic in courts with few judges assigned. Proponents of the bill feel that this ability to challenge a judge would rarely be used, but when used, would offer valuable information regarding which judges seem to have bias. The Judiciary Committee feels that there is merit to this proposal and that it deserves consideration and deliberation, therefore, recommends that HB 134 be rereferred to committee. Thank you.

Adopted.

HB 134 is rereferred to the Judiciary Committee.

HB 135, creating a commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload. Judiciary Committee. Vote 4-0. Ought to pass, Senator Gordon for the committee.

SENATOR GORDON: Over the past 30 years New Hampshire's appellate caseload has expanded steadily. In the early 1970's the annual Supreme Court filings were in the range of 100 cases. In 1997 the caseload had reached a high of 900. Many factors have contributed to the expansion of the appellate caseload: they include the growth of the states population, an increase in the number of Superior Court justices and marital masters, an increase in the number of lawyers, an increase in the number of laws passed by the New Hampshire General Court. Throughout this period, the number of justices on the New Hampshire Supreme Court have remained at five. The Supreme Court attempted to manage the caseload increase through rules adopted in 1979 that eliminated universal access to appellate review, including briefing and oral argument and substituted a system under which a full appellate review became a matter of judicial discretion. As the caseload continued to increase, this practice resulted in a

steady decrease in the percentage of cases being accepted for full appellate review. While the acceptance rate of cases in 1980 was 73 percent, by 1998 the acceptance rate had declined to 36 percent. This bill creates a commission to investigate how appellate matters might be handled in the state of New Hampshire. The fact is, if you don't have the opportunity of having an appeal in the state, you have been denied justice, in my opinion. We need to find a way to make appellate review available to everybody in the state. This commission is charged with making a recommendation as to how that can be brought about.

Adopted.

Ordered to third reading.

HB 140, relative to interest on judgments. Judiciary Committee. Vote 4-0. Ought to pass with amendment, Senator Fernald for the committee.

2001-1498s

06/04

Amendment to HB 140

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

2 Index for Interest Rate on Judgments. Amend RSA 336:1, II to read as follows:

II. The annual simple rate of interest on judgments, including pre-judgment interest, shall be a rate determined by the state treasurer as the prevailing discount rate of interest on [52] 26-week United States Treasury bills at the last auction thereof preceding the last day of September in each year, plus 2 percentage points, rounded to the nearest tenth of a percentage point. On or before the first day of December in each year, the state treasurer shall determine the rate and transmit it to the director of the administrative office of the courts. As established, the rate shall be in effect beginning the first day of the following January through the last day of December in each year.

3 Effective Date.

I. Section 2 of this act shall take effect September 1, 2001.

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

2001-1498s

AMENDED ANALYSIS

This bill establishes that simple interest on judgments shall be imposed from the date of the writ or the filing of the petition to the date of judgment and provides that the interest rate shall be determined by the state treasurer using 26-week United States Treasury bills.

SENATOR FERNALD: This bill does two things. Under our current practice, everyone had expected that if you get a verdict in a case and that you are owed a certain amount of money that you can collect interest from the date of that verdict. What we found out from a Supreme Court decision is that you can't get the interest until the date of the judgement, which is usually 30 days later because you have to allow for a period of appeal, which means that the plaintiffs who get these judgements are losing 30 days of interest. So this bill corrects that, so that the winning party can collect interest on the judgement. The other thing that it does is to change what we call the statutory rate of interest, in terms of how we calculate it. Right now, it is a floating rate that is based on the 52 week T-bill rate. The problem is that the treasury is no longer going to sell 52 week T-bills. So instead, we are going to change this so that the rate is based on the 26 week T-bill, which the treasury will continue to

sell. So we have a market interest rate to which we can peg our statutory rate on judgements. The committee voted unanimously ought to pass with amendment. Please support the committee.

Amendment adopted.

Ordered to third reading.

HB 156, relative to the detention of juveniles in delinquency proceedings. Judiciary Committee. Vote 4-0. Ought to pass, Senator Gordon for the committee.

SENATOR GORDON: This bill involves the detention of juveniles in delinquency proceedings. It amends the definition of detention to exclude placement and residential treatment or evaluation facilities, shelter care facilities and foster care. The bill also permits the court to detain juveniles in delinquency proceedings provided that the juvenile is represented by counsel at the detention hearing or within 24 hours thereafter in the case of an emergency detention. Finally, the bill repeals a current statute which would prohibit subsequent detention of a juvenile if the juvenile pleads true and waives counsel at the arraignment. The committee recommends ought to pass.

Adopted.

Ordered to third reading.

HB 157, clarifying the immunity from liability of persons providing emergency care. Judiciary Committee. Vote 4-0. Rereferred, Senator Gordon for the committee.

SENATOR GORDON: This bill clarifies the immunity from liability of persons who provide emergency care at scenes of emergency or to victims of crime. The bill, as it is currently written and as it was received from the House, appears to be somewhat confusing. We made the effort to try to make it work for this session, we found that difficult and as a result, we are asking to have this rereferred so that we can work on it over the summer.

Adopted.

HB 157 is rereferred to the Judiciary Committee.

HB 160, establishing a committee to study the issue of one-day/one-trial jurors. Judiciary Committee. Vote 5-0. Ought to pass, Senator Roberge for the committee.

SENATOR ROBERGE: House Bill 160 establishes a committee to study the issue of one-day/one-trial jurors. This concept of jury service is widely used in other states such as Massachusetts. Under this form of jury duty, when called, a person serves for either one trial or one day, and then is considered to have completed their duty. Currently, when one is called for jury duty, they have to continue returning to the court each Monday for a month to see whether they will be drawn for service on a trial. The Judiciary Committee feels that a study committee looking into this "user friendly" means of performing jury duty is worth studying and recommends that HB 160 be ought to pass. Thank you.

Adopted.

Ordered to third reading.

HB 180-FN, relative to criminal neglect of elderly, disabled, or impaired adults. Judiciary Committee. Vote 5-0. Ought to pass with amendment, Senator Fernald for the committee.

2001-1504s
04/09

Amendment to HB 180-FN

Amend RSA 631:8, I and II as inserted by section 1 of the bill by replacing it with the following:

I. In this section:

(a) "Adult" means any person who is 18 years of age or older.

(b) "Caregiver" means any person who has been entrusted with, or has assumed the responsibility voluntarily, by contract, or by order of the court, for frequent and regular care of or services to an elderly, disabled, or impaired adult, including subsistence, medical, custodial, personal or other care, on a temporary or permanent basis.

(c) "Disabled adult" means an adult who has a diagnosed physical or mental impairment.

(d) "Elderly adult" means an individual who is 60 years of age or older.

(e) "Impaired adult" means any adult who suffers from an impairment by reason of mental illness, developmental disability, organic brain disorder, physical illness or disability, chronic use of drugs, chronic intoxication, memory loss, or other cause, that causes an adult to lack sufficient understanding or capacity to make or communicate reasonable decisions concerning the adult's person or property or to be substantially impaired in the adult's ability to provide adequately for his or her own care and custody.

(f) "Neglect" means the failure or omission on the part of the caregiver to provide the care, supervision, and services which he or she has voluntarily, by contract, or by order of the court agreed to provide and which are necessary to maintain the health of an elderly, disabled, or impaired adult, including, but not limited to, food, clothing, medicine, shelter, supervision, and medical services, that a prudent person would consider necessary for the well-being of an elderly, disabled, or impaired adult. The term "neglect" also means the failure of a caregiver to make a reasonable effort to protect a disabled adult or an elderly person from abuse, neglect, or exploitation by others. "Neglect" is repeated conduct or a single incident which produces or could reasonably be expected to result in serious bodily injury.

(g) "Person" means any natural person, corporation, trust, partnership, unincorporated association, or any other legal entity.

(h) "Serious bodily injury" means serious bodily injury as defined in RSA 625:11, VI.

II. Any caregiver who purposely causes serious bodily injury to an elderly, disabled, or impaired adult shall be guilty of a class A felony.

SENATOR FERNALD: If you look further down your list in Judiciary, you will see HB 463, which has to do with relative to protective services to adults. This bill also has to do with neglect or mistreatment of adults. On further reflection, in talking with Senator Gordon, we think it is a good idea to rerefer both of them and work on them together rather than to pass one and not the other. So I would ask you to agree to the motion of rerefer.

Senator Fernald moved to rerefer.

Adopted.

HB 180-FN is rereferred to the Judiciary Committee.

HB 197, extending the reporting date of the commission to study methods for reducing violent incidents involving children and guns. Judiciary Committee. Vote 5-0. Ought to pass, Senator Gordon for the committee.

SENATOR GORDON: Just as was indicated, this bill extends from November 1, 2000 to November 1, 2001, the reporting date of the commission to study methods for reducing violent incidents involving children and guns.

Adopted.

Ordered to third reading.

HB 210-FN, relative to the penalties for persons convicted of subsequent DWI offenses. Judiciary Committee. Vote 5-0. Ought to pass with amendment, Senator Gordon for the committee.

2001-1500s

03/10

Amendment to HB 210-FN

Amend the bill by replacing section 4 with the following:

4 Motor Vehicles; Habitual Offenders; Penalty. Amend RSA 262:23, III to read as follows:

III. Notwithstanding paragraph I, any person who qualifies under RSA 259:39[~~who does not have a conviction under RSA 265:82 or any misdemeanor or felony motor vehicle convictions pursuant to RSA title XXI~~] shall not be subject to the minimum mandatory provisions of paragraph I *if, and only if, that person's certification was not based on any conviction under RSA 265:82 or any misdemeanor or felony motor vehicle conviction pursuant to RSA title XXI, and that person has not been convicted of any such offense, or any reasonably similar offense in any jurisdiction within the United States and Canada, since the date of the certification*; provided, however, that any such person shall be guilty of a class A misdemeanor and may be sentenced to one year or less. Any person incarcerated upon the effective date of this paragraph, pursuant to certification as an habitual offender under RSA 259:39, who does not have a conviction under RSA 265:82 or any misdemeanor or felony motor vehicle convictions pursuant to RSA title XXI, may apply immediately to the superior court for sentence review and reduction.

SENATOR GORDON: This bill changes the penalty for four, or subsequent violations of the intoxication or under the influence of drugs law from a misdemeanor to a felony. This bill also extends the period of time which may be considered in determining prior offenses from seven years to ten years, making it consistent with other surrounding states. It also clarifies the law with regard to hearings for habitual offenders. We recommend ought to pass.

Amendment adopted.

Senator Eaton offered a floor amendment.

Sen. Eaton, Dist. 10

Sen. Gordon, Dist. 2

2001-1598s

03/01

Floor Amendment to HB 210-FN

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

AN ACT relative to the penalties for persons convicted of subsequent DWI offenses and correcting the ignition interlock program laws.

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

6 Technical Correction; Renumbering of Alcohol Ignition Interlock Laws. The director of legislative services is hereby authorized to renumber the provisions of the Alcohol Ignition Interlock Program subdivision, enacted as RSA 265:82-e - 82-g, to read as RSA 265:93-a - 93-c, in order to correct the placement of the subdivision within RSA 265. The director of legislative services is authorized to make technical corrections to any RSA sections amended or inserted by 2000, 287 or any other act as necessary to accommodate the renumbering herein. The authority granted to the director of legislative services under this section shall not include the power to make any substantive changes.

2001-1598s

AMENDED ANALYSIS

This bill changes the penalty for fourth or subsequent violations of the intoxication or under the influence of drug laws from a misdemeanor to a felony. This bill extends the period of time which may be considered in determining prior offenses from 7 years to 10 years, and clarifies the applicability of habitual offender penalties.

This bill also makes technical corrections to the alcohol ignition interlock laws.

This bill is a request of the committee established by 1999, 334.

SENATOR EATON: The amendment to this bill is just an addition. I will explain it as it is being passed out. This is a correction requested by Legislative Services. The interlock law was mistakenly placed in the middle of a subsection of the motor vehicle code entitled "Serious Traffic Offenses". This is just a technical correction as to where that should be placed.

SENATOR MCCARLEY: Senator Eaton, serving on Senate Transportation I just wanted to verify that this is the language that is also currently in another piece of legislation that is on the table in the Senate that you want to make sure that we simply clean up the technical correction?

SENATOR EATON: This is the exact piece.

SENATOR MCCARLEY: Thank you.

Amendment adopted.

Ordered to third reading.

HB 265, prohibiting the sale of rolling papers to minors. Judiciary Committee. Vote 5-0. Ought to pass, Senator Gordon for the committee.

SENATOR GORDON: This bill prohibits the sale of rolling papers to minors and establishes a fine for violations in the law. This bill was the initiative of a group of kids actually, from Dover High School. They couldn't understand how we could have a law that prohibits the sale of tobacco products to anyone under 18 and then turn around and sell cigarette papers to kids under 18. They initiated this effort to prohibit the sale of cigarette rolling papers to anyone under 18. We recommend ought to pass.

Adopted.

Ordered to third reading.

HB 296-FN, relative to receiving stolen property. Judiciary Committee. Vote 5-0. Ought to pass, Senator Pignatelli for the committee.

SENATOR PIGNATELLI: House Bill 296-FN is an act relative to receiving stolen property and is aimed at professional thieves who steal large quantities of single items in order to resell them. These thieves go from

store to store and mall to mall in order to steal these specific items. Under current statute, if caught, these thieves can be charged only with shoplifting. Under the provisions of HB 296, if caught stealing at three different locations within 72 hours, they could be charged with a felony. House Bill 296 also allows police to do a "reverse sting" where an undercover officer takes stolen property to a known fence, explains that it is stolen, and when the fence purchases it, they can charge the fence with receiving stolen property. House Bill 296 is not aimed at the "casual shoplifter", but is directed specifically at those professional thieves who are stealing for resale. The Judiciary Committee unanimously recommends that HB 296 be voted as ought to pass and I urge your support. Thank you.

Adopted.

Ordered to third reading.

HB 325-FN, relative to certain acts of sexual assault. Judiciary Committee. Vote 5-0. Rereferred, Senator Prescott for the committee.

SENATOR PRESCOTT: I am thankful that today is not last Thursday when my daughter and son were present as pages. As I read this bill, House Bill 325 is relative to certain acts of sexual assault committed between consenting, not related individuals, one of whom is considered an adult and one of whom is considered a child and there is less than four years difference in age between the two with no evidence of coercion, force or intimidation. Twenty-three states currently have statutes regarding age differential in consensual peer sex. The Judiciary Committee recognizes the amount of work previously invested in this bill but I had reservations, and asks that HB 325 be rereferred in order to develop appropriate language. Thank you, Mr. President.

SENATOR BARNES: Senator Prescott, this to me, looks like a pretty good bill. Could you explain to us why you had some concerns about this? It isn't tough enough perhaps?

SENATOR PRESCOTT: To me, it is inappropriate behavior and it has a certain existing law which has a penalty for that inappropriate behavior. This bill was trying to lighten that penalty.

SENATOR BARNES: This bill was trying to lighten that penalty? Why don't we inexpedient to legislate it if it is lightening the penalty?

SENATOR PRESCOTT: If that is the will of the Senate, I will go along with that.

SENATOR FERNALD: I just wanted to speak in favor of the rerefer and against Senator Barnes idea of inexpedient to legislate. The issue that we are trying to deal with here are kids in high school who are having sex. The problem is that at 17 you are an adult. So you are a 17 year old and your boyfriend or your girlfriend is 15 and you have sex. The older one is now guilty of a felony. The feeling is that isn't right and that we should not be throwing 17 year olds in jail for a real long time in these circumstances. The other concern is the double standard that one kid out of one hundred actually gets prosecuted. Maybe it is really one out of one thousand. Maybe it is even bigger than that. It just isn't right or isn't fair, that we get a few kids that get nailed to the wall on this thing and everybody else, it slides by. The idea was that when the age difference is small, we are talking about kids in high school, and it is consensual, that it is going to be a misdemeanor rather than a felony.

We haven't figured out all of the details yet, but I think that the current situation is not right and not fair. We would like to study it some more and that is why we want to rerefer.

SENATOR BARNES: Senator Fernald, do you agree with Senator Prescott that this is lightening up what we have right now?

SENATOR FERNALD: It is changing the definitions, when it is...teenagers.

SENATOR BARNES: How would you feel if your daughter were involved with that?

SENATOR FERNALD: If my daughter was 17 and her boyfriend was 15, and she was about to be thrown in jail for 10 or 20 years...I would be very concerned, particularly if it was consensual. I might not be very happy that she did it...and my son is older than my daughter, but neither of them are anywhere near that age, but they are going to be teenagers pretty soon. I would be very concerned.

SENATOR BARNES: Would you believe that I feel that we shouldn't be lightening this up? I am sorry.

SENATOR FERNALD: I think that it is something that we need to study further. I don't know if you have any grandchildren in this state, and I don't know how you feel about them being...

SENATOR BARNES: I have seven of them and I very concerned about them, but I am not concerned about them doing some stupid thing like this.

SENATOR BOYCE: Senator, I am a little confused by this because you just said that your 15 year old daughter could be charged under this, however, in line 7 at the end of that, it says "other than his legal spouse who is 13 years or older and under age 16, and the difference between them is less than four years" I believe that her 14 year old boyfriend could be charged under this, but your 15 year old daughter could not be for the same sexual act. Is that not true?

SENATOR FERNALD: What I said was that if you have a 17 year old girl and a 15 year old boy, and the 17 year old girl could be facing a felony charge, under current law. If the people involved are under the age of 17 they are juveniles and so they are not facing a felony and they are not facing long jail terms.

SENATOR BOYCE: Let's make it the 15 and 17 year old that you just described. This bill still says, "when an actor engages in sexual penetration with a person other than his legal spouse, who is 13 years of age or older, and under 16 years of age, where the age difference between them is four years or less." I believe that your daughter would not be charged under this, however if it was a boy, it could be. I think that there is a serious problem with this bill on several levels and I would go along with Senator Barnes on inexpedient to legislate. Thank you.

SENATOR FERNALD: Actually, I think that your question, if indeed that was a question, points out the reason that we want rerefer because there are things that we need to work on. We are not asking for ought to pass, we are asking for rerefer so that we can work on some of the things that you just mentioned. Thank you.

SENATOR PIGNATLELLI: I urge the Senate to go along with the rerefer motion. It is obvious that we have raised some important questions and we had considered some of the questions in the Judiciary Committee and

felt that this bill deserved more of a look. We are willing to do that and try to work out the problems. Nobody believes that our children ought to be having sex with each other. But some of us believe that they ought not to be going to jail for 15 or 20 years if they make the decision to do this. Please allow us to rerefer this bill and to work on it more during the summer and during the fall to come up with something that we feel is acceptable to the majority of us. Then if you don't like it next year, we can vote it down.

SENATOR BARNES: Senator Pignatelli, would you believe that I don't believe that our judicial system would send anyone on a first offense of rape...I was reading the paper that they get five years and they are out in three. This 15 to 20 years to me, is pie in the sky. I don't think that there is any truth to that at all.

SENATOR PIGNATELLI: Well five years is quite a lot of years to someone who is 17 years old.

SENATOR BARNES: Then maybe they will learn and when they get to be 20 it won't happen again. How's that?

SENATOR PIGNATELLI: I don't agree with you. I think that our children need to learn a lot and they need our support to learn a lot. And...when they make a mistake, we need to support them, we need to teach them what they have done and we don't need to throw away kids for making a mistake. A consensual mistake. Thank you.

SENATOR GORDON: I just want to stand and support the rerefer measure. Obviously a number of the issues have been raised, the same type of issues that we raised in the committee and had debate. The issue here isn't escaping punishment or escaping a penalty, the question is, what penalty is appropriate in those circumstances. I think that is the issue that we would like to debate. The question is, should we hold a 17 year old kid to the same standard that we might hold another person who is more mature and has a better understanding or appreciation for their conduct. So I think that those are the types of issues that we would like to debate. If you give us the rerefer, that would give us that opportunity to do so.

SENATOR MCCARLEY: Senator Gordon, we have heard some discussion about the fact that somehow or another only boys can get in trouble in this. Is it your understanding in the way that this is written that that was simply a mistake in the drafting or what their intent there, in terms of the sponsors?

SENATOR GORDON: Certainly in terms of the testimony that we heard, there was no attempt to make this gender bias. That my understanding of aggravated felonious sexual assault as it currently exists applies to both sexes. My understanding of the testimony was that this legislation was to apply to both sexes.

SENATOR MCCARLEY: Thank you.

Question is on the motion of rerefer.

A roll call was requested by Senator Barnes.

Seconded by Senator Fernald.

The following Senators voted Yes: Burns, Gordon, Below, McCarley, Flanders, Disnard, Eaton, Fernald, O'Hearn, Pignatelli, Larsen, Gatsas, O'Neil, D'Allesandro, Wheeler, Klemm, Hollingworth, Cohen.

The following Senators voted No: Johnson, Boyce, Roberge, Francoeur, Barnes, Prescott.

Yeas: 18 - Nays: 6

Adopted.

HB 325-FN is rereferred to the Judiciary Committee.

HB 328-FN-L, relative to fees of sheriffs and deputy sheriffs. Judiciary Committee. Vote 5-0. Ought to pass with amendment, Senator Gordon for the committee.

2001-1501s
04/10

Amendment to HB 328-FN-LOCAL

Amend the introductory paragraph of RSA 104:31 as inserted by section 1 of the bill by replacing it with the following:

104:31 Fees of Sheriffs and Deputy Sheriffs. *At the time of the initial request for any of the following services, the required fees and mileage may be paid.* The fees of sheriffs and deputy sheriffs shall be as follows:

2001-1501s

AMENDED ANALYSIS

This bill increases certain fees charged by sheriffs and deputy sheriffs.

SENATOR GORDON: This bill increases the fees charged by sheriffs and deputy sheriffs for a service of writs. It changes it from \$10 to \$15. The \$10 fee having been in place for some period of time. The original bill also required that the payment of fees be in advance. The amendment, which the committee has added, changes that so that the sheriffs can ask for payment in advance, but are not required to do so, because some are not in a position to require payment in advance. We ask that this bill be passed as amended.

Amendment adopted.

Ordered to third reading.

HB 361, establishing a committee to study certain policies and procedures in the department of corrections. Judiciary Committee. Vote 4-0. Ought to pass with amendment, Senator Gordon for the committee.

2001-1496s
04/03

Amendment to HB 361

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

I. The committee shall consist of 7 members of the house of representatives, appointed by the speaker of the house.

Amend the bill by replacing section 4 with the following:

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

SENATOR GORDON: This bill establishes a committee to study the Department of Corrections, and more specifically, allegations of sexual harassment, sexual misconduct, adequacy, probation and parole procedures at staffing levels within the department. The House was very eager to

conduct the study. We didn't find any committee members in the Senate Judiciary Committee that wanted to join them, so there is an amendment making this a House study committee with seven House members.

Amendment adopted.

Ordered to third reading.

HB 442, establishing a study committee to examine the effects of protective custody on county correctional facilities. Judiciary Committee. Vote 4-0. Ought to pass with amendment, Senator Fernald for the committee.

2001-1497s

04/01

Amendment to HB 442

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

I. The committee shall consist of 7 members of the house of representatives, appointed by the speaker of the house.

SENATOR FERNALD: TAPE CHANGE The committee agreed with the House that this is an issue that could be studied; however, we felt that if they think that it is that important, then they should be the committee. The amendment makes it a House study committee. We voted unanimously that that is the way that things should be. Please support ought to pass as amended. Thank you.

Amendment adopted.

Senator Eaton offered a floor amendment.

2001-1533s

04/10

Floor Amendment to HB 442

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

AN ACT establishing a study committee to examine the effects of protective custody on county correctional facilities and relative to the billing of counties for certain expenses by the department of health and human services and relative to costs of certain juvenile placements.

Amend the bill by replacing all after section 5 with the following:

6 New Paragraph; Payment of Expenses; Counties. Amend RSA 126-A:3 by inserting after paragraph II the following new paragraph:

II-a. Notwithstanding any provision of law to the contrary, the department shall not require payment and counties shall have no obligation to pay and no cause of action for payment shall be maintained against the counties, for payment for any product or service sold, furnished, or leased to the department or any other person on behalf of the department, unless an invoice for such product or service has been submitted to the counties for payment within 18 months of the date of delivery or provision of the product or service.

7 Reimbursement of Funds for Persons Eligible to Receive Nursing Home Services; Monthly Payments. Amend RSA 167:18-b, I to read as follows:

I. All expenditures in carrying out the purposes of this chapter or RSA 161 relative to old age assistance or aid to the permanently and totally disabled recipients who are in nursing homes shall be made in the first instance from the public assistance fund hereby created, but each county shall make monthly payments to the state for the amounts

due under this section within [30] 45 days from notice thereof and shall reimburse said fund for all assistance granted to persons for which such county is liable, to the extent of 50 percent of the non-federal share, except that no charges shall be made for the non-federal share for recipients in state institutions and intermediate care facilities for the mentally retarded (ICF-MR) serving developmentally impaired persons approved by the department of health and human services.

8 County Reimbursements. Amend RSA 170-G:5-a to read as follows:

170-G:5-a County Reimbursement. County payments due under RSA 169-B:40, 169-C:27 and 169-D:29 shall be paid to the department of health and human services on a monthly basis within [30] 45 days' notice of the amount due to the state. Delinquent payments due under these chapters, with interest at the rate of 12 percent per annum, may be recovered by action in a court of competent jurisdiction against the political subdivision liable therefor or may, at the request of the state agency, be deducted from any other moneys payable to such subdivision by any department or agency of the state.

9 Memorandum of Understanding. County governments need timely and accurate information to enable effective budget planning for their portion of the costs of placements of juveniles at the youth development center (YDC), youth detention services unit (YDSU), and, when applicable, the Tobey School. County governments should also have the opportunity to address and help resolve those factors that influence the costs of operation of these juvenile facilities. Therefore, after the state receives payment of arrearages owed by the counties to the state for their portion of costs of placements of juveniles at the YDC, YDSU, and the Tobey School for fiscal years 1999, 2000, and 2001, the state agency having administrative direction and control of these juvenile facilities shall enter into a memorandum of understanding with the designated representatives of the New Hampshire Association of Counties to provide for the flow of the necessary financial information to the counties relating to the costs of operation of the facilities. The memorandum of understanding shall be entered into and made effective no later than 60 days after the effective date of this section and shall include, at a minimum, the following:

(a) The form and schedule for the provision to the counties of information on daily census and the established and proposed per diem rates for the facilities, including information on fixed and variable costs incurred in the operation of the facilities upon which the per diem rates are based and the methodology used to calculate the rates.

(b) A process for allowing the counties, on a regular basis, to address and help resolve issues relating to the costs of operation and, accordingly, the per diem rates for the facilities.

10 New Paragraph; Delinquent Children; Limitation on Liability for Expenses. Amend RSA 169-B:40 by inserting after paragraph VIII the following new paragraph:

IX. Notwithstanding any provision of law to the contrary, no county government shall be charged per diem rates for its portion of costs of placement of juveniles at the youth development center, the youth detention services unit, and, when applicable, the Tobey School, which are based upon an annual average daily census at each unit which is less than 80 percent of the unit's capacity.

11 New Paragraph; Child Protection Act; Limitation on Liability for Expenses. Amend RSA 169-C:27 by inserting after paragraph VIII the following new paragraph:

IX. Notwithstanding any provision of law to the contrary, no county government shall be charged per diem rates for its portion of costs of placement of juveniles at the youth development center, the youth detention services unit, and, when applicable, the Tobey School, which are based upon an annual average daily census at each unit which is less than 80 percent of the unit's capacity.

12 New Paragraph; Children in Need of Services; Limitation on Liability for Expenses. Amend RSA 169-D:29 by inserting after paragraph VIII the following new paragraph:

IX. Notwithstanding any provision of law to the contrary, no county government shall be charged per diem rates for its portion of costs of placement of juveniles at the youth development center, the youth detention services unit, and, when applicable, the Tobey School, which are based upon an annual average daily census at each unit which is less than 80 percent of the unit's capacity.

13 Contingency. Sections 9-12 of this act shall be effective upon receipt by the state of all arrearages, excluding arrearages attributable to fiscal year 1998 and excluding all interest, for fiscal years 1999, 2000, and 2001 owed by the counties to the state for their portion of costs of placements of juveniles at the YDC, YDSU, and the Tobey School, as certified by the commissioner of administrative services to the secretary of state and the director of legislative services.

14 Effective Date.

I. Sections 9-12 of this act shall take effect as provided in section 13 of this act.

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

2001-1533s

AMENDED ANALYSIS

This bill:

I. Establishes a study committee to examine the effects of protective custody on county correctional facilities.

II. Declares that the department of health and human services shall not bill a county for expenses unless the department submits an invoice to such county within 18 months of the date of incurring such expense.

III. Changes the date monthly payments are due from the counties to the state for certain services from 30 days to 45 days of notice such payments are due.

IV. Requires a memorandum of understanding to be negotiated among the department of youth development services, the juvenile justice unit of the department of health and human services, and the counties relative to costs associated with certain juvenile placements.

SENATOR EATON: I rise to offer a floor amendment. Essentially the language contained in HB 555 as amended by the House Finance, however, HB 555 was retained by the House, so the Senate will not be acting on this year; however, the issues need to be taken care of as soon as possible. The amendment covers two areas. It extends the time that the counties have to make payment on state bills to allow for the dramatic increase in case load and the added categories of home and community base care and provider payments. Also it serves as a financial management tool regarding bills for services that are more than 18 months old. This gives the counties the same authority as the state to pay bills, and gives the state time to get a bill to the county. In recent weeks, the state has come closer to resolving an issue between the counties and the state relative to the financial liability that the counties have with the Depart-

ment of Youth Development Services. This amendment will help the level of communication between the counties and the department, with regard to money being spent. In an effort to avoid litigation and come to a fair settlement, the language in this amendment is needed. I believe that this language has bipartisan support and I ask for your support for the amendment.

SENATOR HOLLINGWORTH: I would like to ask the Senate to support the amendment. I have talked to representatives from both the counties and Health and Human Services and they are in support of this amendment.

Recess.

Out of Recess.

Floor Amendment adopted.

Ordered to third reading.

HB 463-FN, relative to protective services to adults. Judiciary Committee. Vote 5-0. Rereferred, Senator Gordon for the committee.

SENATOR GORDON: House Bill 463, we have asked to have rereferred. It is relative to protective services to adults. It is a very important bill and a very complex bill, in that it sets in place a mandatory reporting, so that if anyone in the state, regardless of their circumstances, has reason to believe that someone has been neglected...an elderly person has been neglected, abused or exploited, they would have an affirmative obligation to report that to the state. This has become somewhat controversial in that it also specifically applies to banks. Banks are very concerned that they may be held accountable for making reports and not having enough information in which to base their reports. We think...it also includes two separate definitions of neglect in the text of the bill. The bill needs a lot of work and we would ask that you support our motion of rerefer.

Adopted.

HB 463-FN is rereferred to the Judiciary Committee.

HB 659-FN, relative to penalties for attempting to purchase firearms illegally. Judiciary Committee. Vote 5-0. Ought to pass with amendment, Senator Roberge for the committee.

2001-1503s

04/10

Amendment to HB 659-FN

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Protection of Persons From Domestic Violence; Orders Enforceable. Amend RSA 173-B:13, IV to read as follows:

IV. A person entitled to protection under a foreign protective order, as defined in paragraph II, may file such order in any district or superior court by filing with the court a certified copy of the order. Such person shall swear under oath in an affidavit to the best of such person's knowledge that the order is presently in effect as written. Such filing shall be without fee or cost. The clerk of the district or superior court shall forward such order to the ~~[state police who]~~ **administrative office of the courts which** shall enter such order in the state database. Such filing shall not be a precondition to arrest or enforcement of a foreign order.

SENATOR ROBERGE: House Bill 659-FN provides that a convicted felon who attempts to purchase a firearm shall be guilty of a class B felony. This bill also requires that the Administrative Office of the courts notify a plaintiff of a failed attempt by a defendant to purchase or obtain a firearm. The committee amendment was requested by the Department of Safety in order to require that the Administrative Office of the Court enter protective orders into the database so that this information is available. The Judiciary Committee recommends that HB 659 be adopted as ought to pass as amended. Thank you.

Amendment adopted.

Ordered to third reading.

HB 764-FN, relative to interference with custody. Judiciary Committee. Vote 5-0. Ought to pass with amendment, Senator Fernald for the committee.

2001-1499s

04/03

Amendment to HB 764-FN

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

AN ACT relative to the criminal offense of kidnapping.

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

1 New Paragraph; Interference With Freedom; Kidnapping Amended. Amend RSA 633:1 by inserting after paragraph I the following new paragraph:

I-a. A person is guilty of kidnapping if the person knowingly takes, entices away, detains, or conceals any child under the age of 18 and unrelated to the person by consanguinity, or causes such child to be taken, enticed away, detained, or concealed, with the intent to detain or conceal such child from a parent, guardian, or other person having lawful physical custody of such child. This subparagraph shall not apply to law enforcement personnel or department of health and human services personnel engaged in the conduct of their lawful duties.

2 Effective Date. This act shall take effect January 1, 2002.

2001-1499s

AMENDED ANALYSIS

This bill provides that a person is guilty of kidnapping if the person knowingly takes, entices away, detains, or conceals any child under the age of 18 and unrelated to the person by consanguinity, or causes such child to be taken, enticed away, detained, or concealed, with the intent to detain or conceal such child from a parent, guardian, or other person having lawful physical custody of such child. The bill also provides an exception for law enforcement personnel or department of health and human services personnel engaged in the conduct of their lawful duties.

SENATOR FERNALD: This bill is addressed to the problem that surfaced over in Senator Eaton's district where a woman dressed herself as a nurse, went into a hospital and stole a baby, basically. Yet what they found out when they went to prosecute her is that they couldn't prosecute her for kidnapping because of the way that the statutes are written. The bill, as passed by the House, was an amendment on an existing provision in our statute, having to do with interference with custody. The problem with the House approach was that it appeared to us that

if there is some kind of custody dispute between parents and one of them runs off with the kids, it is kidnapping, yet we can have people who pick up kids at daycare...it looked as though it was creating a whole can of worms...that one parent picking up kids at daycare instead of the other was going to be charged with kidnapping. So we came up with an amendment, with the help of some other people outside of the committee, so that we actually amend the kidnapping statute so that it applies to the circumstances that we were worried about to begin with, which is when people are taking a child that is not part of their family, with the purpose of depriving the rightful guardians or parents of custody of that child. We think the amendment now, carries out the intent of the House without implicating married people or recently divorced people who are having some custody issues. We don't want to turn those into felonies. This was passed unanimously by the committee and I ask for your support. Thank you.

SENATOR O'HEARN: Senator Fernald, several years ago there was a case in Nashua where we had a child under 18 that has met someone through the Internet. This person arranged a meeting with this young lady and she was missing for several weeks. Would he then fit under this particular section also?

SENATOR FERNALD: First of all, the entire bill, as passed by the House, is replaced by the amendment on page 10 of the Calendar, so that looking at the bill in our packet won't help you. The amendment says that a person is guilty of kidnapping if he knowingly takes, entices away, detains or conceals any child under the age of 18 and unrelated to the person by consanguinity, or causes such child to be taken, enticed away, detained or concealed with the intent to detain or conceal such child from a parent, guardian or other person having lawful physical custody of such child. So based on the limited facts that you gave me of that situation in Nashua, if the child was under the age of 18, the other person involved was not related by blood and was seeking to entice or take this child away from her parents, then I believe that he could be charged under this language.

SENATOR O'HEARN: Thank you.

Amendment adopted.

Ordered to third reading.

HB 131, relative to the retention and disposal of certain financial disclosure forms. Public Affairs Committee. Vote 3-0. Ought to pass with amendment, Senator Disnard for the committee.

2001-1474s

04/09

Amendment to HB 131

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as section 8:

5 New Section; Legislative Ethics Committee; Retention of Financial Forms. Amend RSA 14-B by inserting after section 5 the following new section:

14-B:6 Retention of Financial Disclosure Forms. The legislator's financial disclosure form and the report of expense reimbursement form shall be placed on file in the secretary of state's office, pursuant to ethics guidelines adopted by the legislative ethics committee, and shall be held in original form for 6 years from the date of filing, after which time they may be destroyed.

6 New Section; Political Expenditures and Contributions; Reports. Amend RSA 664 by inserting after section 7 the following new section:

664:7-a Statement Retention. Statements or reports required to be filed under RSA 664:6 and 664:7 shall be held in original form for 6 years from the election for which they are filed, after which time they may be destroyed.

7 Nominations by Primary; Declarations of Candidacy Amended. Amend RSA 655:18 to read as follows:

655:18 Forwarding Declarations of Candidacy. Each city or town clerk shall forward each declaration of candidacy filed with him to the secretary of state on the day of filing of the same, provided the requisite fee shall have been deposited, or the requisite number of primary petitions shall have been filed therewith. ~~[The secretary of state shall retain them together with all declarations of candidacy filed with him until January 1 following the holding of the primary at which time they may be destroyed.]~~

SENATOR DISNARD: Supporters of this bill, including the Secretary of State's Office testified that it is very unnecessary to keep financial disclosure forms for various elected offices after six years have passed. Discarding these would help to alleviate a lot of needless work conducted by the Secretary of State's Office since no one really goes back more than six years to review these forms. A proposed amendment that was passed, would apply this change to state Senators, in addition to the state Representatives who were originally mentioned in the bill. The committee unanimously voted that this bill ought to pass as amended. Thank you.

Amendment adopted.

Ordered to third reading.

HB 154, relative to candidates of parties nominated by nomination papers and relative to vacancies for office on a party ticket. Public Affairs Committee. Vote 3-0. Ought to pass with amendment, Senator Roberge for the committee.

2001-1479s
03/09

Amendment to HB 154

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

AN ACT relative to nomination of candidates, vacancies for office on a party ticket, and special elections in cities.

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 10:

7 Preparation of Voting Materials; Listing Candidates on Ballot. RSA 656:5 is repealed and reenacted to read as follows:

656:5 Listing Candidates on Ballot. The names of all candidates nominated in accordance with the election laws shall be arranged by office in accordance with the provisions of RSA 656:7. The names of candidates for any one office shall not be split into more than one column. All candidates for the same office shall be placed on separate lines within a separate box. The name of each candidate shall be grouped according to the party which nominates the candidate, and the names of the candidates of the party which received the largest number of votes at the last preceding state general election shall be listed first. The names of the candidates shall be printed with the given name first, and the candidates shall be listed alphabetically according to their surnames

within each party grouping. The name of the party which nominates the candidate shall be printed near the candidate's name, but no candidate may appear on the ballot more than once as a candidate for the same office.

8 Election Procedure; Candidate of One Party; Nominee of Different Party. RSA 659:91-a, I is repealed and reenacted to read as follows:

I. Any person who runs as a candidate on any party's state primary election ballot and who is not chosen as the candidate for that party for the elective office for which the person was a candidate shall not under any circumstances run as the nominee of a different party in the state general election.

9 Vacancies Among Public Officers Elected at State Elections; Special Election Provisions for City State Representative Districts. Amend RSA 661:8 to read as follows:

661:8 Executive Councilor; State Senator; State Representative.

I. If a vacancy occurs in the office of executive councilor or state senator, it shall be filled as provided in Part II, Articles 34 and 62 of the state constitution.

II. If a vacancy occurs in the office of state representative from a single town or ward district, the vacancy may be filled following the provisions of RSA 655:81 and 82 in the same manner as a state general election is held. In a multi-town or multi-ward district, a vacancy in the office of state representative shall be filled following the provisions of RSA 655:81 and 82 by a special election if the selectmen of any town or ward in said district so request of the governor or council.

III. Notwithstanding the provisions of paragraph II, if a vacancy occurs in the office of state representative in a district comprised of a city ward or wards, a request to hold the primary and special elections on the same dates as the city's biennial primary and regular elections may be submitted to the governor and council by the governing body of the city. If so requested, the governor and council shall declare the vacancy not less than 80 days prior to the date of the city's primary election. The filing period shall be held not more than 71 days nor less than 64 days prior to the primary election. The provisions of RSA 655:81, III, VI, VII, VIII, IX, X, and XI shall apply to elections held pursuant to this paragraph.

IV. Within 21 days after proof of a vacancy or a request that a vacancy be filled, the governor, in the case of an executive council vacancy, or the governor and council, in the case of any other vacancy, shall declare that there shall be a special election which shall be held as provided in RSA 655:81 and 82 **or as provided in RSA 661:8, III.**

V. No request for a special election shall be considered after March 15 of the second year of the biennium.

2001-1479s

AMENDED ANALYSIS

This bill:

I. Requires that a political party nominated by nomination papers submit its list of candidates for the general election to the secretary of state no later than 5:00 p.m. on the day of the primary.

II. Repeals the provision permitting parties to fill vacancies existing on a party ticket following the state primary election.

III. Permits a candidate who receives the nomination of his or her party to also receive the nomination of a different party.

IV. Permits cities to hold special elections to fill vacancies in the office of state representative on the same dates as the city's biennial primary and regular elections.

SENATOR ROBERGE: Testimony for this bill dwelled on situations in previous primaries in which candidates for the Republican and Democrat nomination lost in the primary and then switched over to join the Libertarian or other third party ticket. This legislation would effectively prohibit this from happening by requiring that the third party submit their nomination on the same days as the Republicans and the Democratic primaries do. This bill will help to ensure the candidates truly represent the views and opinions of the party that they are representing instead of just hopping on a party ticket that will allow them to run again for a position which they have already lost. The committee recommends ought to pass as amended. Thank you.

SENATOR FERNALD: Senator Roberge, I was looking at the amendment in the Calendar and in section seven of the amendment, it looks like you are retaining some current language in the law that says that when we are listing the candidates, that the candidates of the party which received the largest number of votes is always listed first. Wouldn't it be fairer to alternate the listing of the parties rather than always have the same party first?

SENATOR ROBERGE: I don't believe that we addressed that, Senator.

SENATOR FERNALD: Well I wished that you had. I see that you have it in the language here. I guess that what you are saying is that the particular language that you put in the amendment is just copying what is in the bill.

SENATOR ROBERGE: I didn't hear you?

SENATOR FERNALD: That when you drafted this paragraph for the amendment, you were simply copying what is in existing law?

SENATOR ROBERGE: I believe so.

SENATOR FERNALD: Well in the future, I think that we should be fairer to all concerned and be random. Also, I am not sure that we should do alphabetical order, which is also in here.

Recess.

Out of Recess.

SENATOR ROBERGE: Mr. President, I would recommend that we change the motion of ought to pass with amendment to rerefer on HB 154.

Senator Roberge moved to rerefer.

Adopted.

HB 154 is rereferred to the Public Affairs Committee.

HB 201, relative to voters presenting identification to obtain a ballot. Public Affairs Committee. Vote 3-0. Ought to pass, Senator Roberge for the committee.

SENATOR ROBERGE: This bill will help to relieve much of the appearance of any voter fraud within the state. It is important to note that while we do not believe that there has been widespread voter fraud in New Hampshire in the past years, it is still easy for this image to pervade due to lax registration guidelines in our communities. This bill will cut down on any pretense of voter fraud existing. It gives municipalities

the option of requiring an ID card from voters before they vote. Please note that this is optional for municipalities. It is not mandatory. The committee voted 3-0 ought to pass. I encourage the full Senate to do the same.

Adopted.

Ordered to third reading.

HB 226, relative to instructions to voters for straight-ticket voting. Public Affairs Committee. Vote 3-0. Rereferred, Senator O'Neil for the committee.

SENATOR O'NEIL: Straight-ticket voting has long been a bone of contention in our state. Many think that it is too confusing, while others think it is unfair. This bill seeks to remove confusion by stating the steps necessary to use straight-ticket voting. However, the committee feels that this issue requires much more study before definitive steps are taken. We ask the Senate to please rerefer this bill back to committee for review. Thank you, Mr. President.

Adopted.

HB 226 is rereferred to the Public Affairs Committee.

HB 259, relative to holding sessions for correction of checklists. Public Affairs Committee. Vote 3-0. Ought to pass with amendment, Senator O'Neil for the committee.

2001-1464s

03/04

Amendment to HB 259

Amend the bill by replacing sections 1 and 2 with the following:

1 Voters and Checklists; Checklists: All State Elections; Sessions for Correction; Time. Amend RSA 654:27 to read as follows:

654:27 Session for Correction. In cities and towns, the supervisors of the checklist shall be in session for the correction of the checklist at some suitable place in the city or town. ***Sessions shall be held in cities at the times determined by the governing body. Sessions shall be held in towns*** on the Saturday 10 days prior to the election and upon which all hearings shall be finally closed; provided that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and ~~9:00~~ **8:00 p.m. and at the discretion of the supervisors for additional hours.** Notice of the day, hour, and place of each session of the board of supervisors shall be given upon the checklists first posted and shall be published in a newspaper of general circulation in the city or town at least 7 days prior to each such session. The reconvening of any session which has been adjourned shall not require the publication of notice.

2 Voters and Checklists; Checklists: All State Elections; Procedure; Time. Amend RSA 654:28 to read as follows:

654:28 Procedure. The supervisors of the checklist shall hear all applications for a correction of the checklist and the evidence submitted thereon and shall correct it according to their best knowledge so that it contains only the names of those persons qualified to vote at said election. The names of all persons not qualified to vote at the time of any session, but who shall clearly be qualified to vote on election day, may be added to the checklist at that session. The session which is held on the Saturday 10 days prior to election day shall be held as a minimum requirement between 11:00 a.m. and 12:00 p.m. and at the discretion of

the supervisors for additional hours. No additions or corrections shall be made after the Saturday session, except as provided in RSA 659:12 or RSA 654:27, provided, however, that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and ~~9:00~~ 8:00 p.m. **and at the discretion of the supervisors for additional hours. Minimum requirements for sessions shall be determined by the governing body.** The additions and corrections resulting from such session shall be made to the previously posted checklist on or before midnight on the succeeding Friday either by additions or corrections to said checklist or by posting a new corrected checklist. Notice of such additions or corrections to the checklist shall also be given to the town or city clerk.

2001-1464s

AMENDED ANALYSIS

This bill permits the governing body of a city to determine the hours for sessions for correction for the checklist and changes the hours for evening sessions for correction of checklists in towns from between 7:00 p.m. and 9:00 p.m. to between 7:00 p.m. and 8:00 p.m. and at the discretion of the supervisors for additional hours.

SENATOR O'NEIL: This bill makes some very minor changes to the current regulations regarding the correction of checklists in towns and cities. As amended, this bill would change the hours originally set from 7-9 p.m. to 7-8 p.m. It would also allow these hours to be changed at the discretion of the supervisor. The committee recommends that this legislation ought to pass and I urge the Senate to do the same. Thank you, Mr. President.

Amendment adopted.

Ordered to third reading.

HB 399, relative to proof of qualifications for voter registration. Public Affairs Committee. Vote 3-0. Ought to pass, Senator O'Neil for the committee.

SENATOR O'NEIL: This bill makes one change to the current regulations for voter registration. Currently the law uses the word "may" when referring to whether or not a voter should show proof of residency or sign an affidavit. This bill would change that word "may" to "shall" thereby requiring that those who wish to register to vote must show proof of residency or sign an affidavit. The committee recommends that this bill ought to pass. I encourage the full Senate to do the same. Thank you, Mr. President.

SUBSTITUTE MOTION

Senator Wheeler moved to substitute rerefer for ought to pass.

SENATOR WHEELER: It looks a lot simpler than it is. Any time that we change a "may" to a "shall" we are making quite a major difference. Having checked in the statutes to which this applies, it is now going to say that you must be required to produce proof of citizenship, proof of age and proof of domicile. Now those are the proofs of qualifications as provided in RSA 654:12. In addition to that, you will have to do an election day affidavit. It is not either/or. You can do an affidavit as proof of citizenship if you don't have any other proof, but that is another affidavit, so you could end up with two affidavits. To me, this just slows down the same day registration process. I see it as a bill aimed against stu-

dents, since I represent a lot of students who do wind up registering on the same day. Right now the clerk "may" ask them to produce all this. The clerk can already require this. This would say that the clerk has to require it. I think that it is onerous and I think that we ought to send this back to study and think about... make sure that we actually understand what we are doing in it, because there is some confusion about it, and talk about it a little further. Also, if we are not going to really encourage our students to take civics, I don't know why we are putting all of these obstacles in the way of their voting. Thank you.

Motion failed.

Question is on the motion of ought to pass.

Adopted.

Ordered to third reading.

HB 503, relative to incompatible offices. Public Affairs Committee. Vote 3-0. Ought to pass, Senator Roberge for the committee.

SENATOR ROBERGE: This bill addresses a concern that was raised regarding people running for more than one office. Specifically it addresses running for two offices that would be incompatible with each other. For example, if one runs for Congress and the state Senate, he or she would be hard put to attend hearings both in Concord and in D.C. This bill would limit this to prohibit anyone from running for two or more offices, simultaneously, that would otherwise be incompatible with each other. The committee recommended ought to pass. Thank you.

SENATOR WHEELER: I rise in opposition to the ought to pass motion. This was clearly aimed at one particular Representative who ran for Congress and was able to also run for her Representative seat at the same time. I think that it is reasonable to let the people decide. The people have been able to make this decision for a long time. I am not sure why we want to change our statutes. There is no real reason to do it. Common sense says that if by some miracle, you know how hard it is to get elected to Congress, everybody in the world thinking in terms of running for Congress, but if a person should get elected to Congress and state Senate or state Representative at the same time, one assumes that that person would resign from the state Representative or state Senate seat. It is not an issue that we have had before. This is unnecessary and I don't know why we pass unnecessary legislation. Thank you.

SENATOR BARNES: Senator Wheeler, is this your announcement that you are going to run for Congress?

SENATOR WHEELER: Certainly not.

SENATOR BARNES: Oh, I am sorry.

SENATOR HOLLINGWORTH: Senator Wheeler, I guess I hadn't thought about this before, but say that we had a doctor or you had somebody who had a profession that required them to attend to serious things other than political, are we also going to turn to them and say that they can't serve and run for a political office if their occupation is such that it places other demands on them that they may be incompatible?

SENATOR WHEELER: Thank you for that question. I certainly would think not. It is micromanaging and interfering with a person's freedom.

Question is on the adoption of ought to pass.

A roll call was requested by Senator Below.

Seconded by Senator Larsen.

The following Senators voted Yes: Burns, Gordon, Johnson, Boyce, Flanders, Disnard, Roberge, Eaton, O'Hearn, Gatsas, Barnes, O'Neil, Prescott, Klemm.

The following Senators voted No: Below, McCarley, Fernald, Pignatelli, Larsen, D'Allesandro, Wheeler, Hollingworth, Cohen.

Yeas: 14 - Nays: 9

Adopted.

Ordered to third reading.

Senator Francoeur voted yes on HB 503.

HB 512, relative to off-site improvements imposed on applicants to a planning board. Public Affairs Committee. Vote 2-1. Ought to pass with amendment, Senator Roberge for the committee.

2001-1470s

08/04

Amendment to HB 512

Amend the bill by replacing section 1 with the following:

1 Local Land Use Planning; Authority for Impact Fee Ordinances. Amend RSA 674:21, V(i) to read as follows:

(i) Neither the adoption of an impact fee ordinance, nor the failure to adopt such an ordinance, shall be deemed to affect existing authority of a planning board over subdivision or site plan review, except to the extent expressly stated in such an ordinance. *The planning board shall, in the course of site plan or subdivision review, have the authority to impose a requirement that a developer, as a condition of approval of such subdivision or site plan proposal, be responsible for the payment of the cost of such developer's proportional share of any off-site improvements that the board determines are necessitated by the development proposal. Such authority shall not be affected by the adoption of or failure to adopt an impact fee ordinance as provided herein. For purposes of this subparagraph "off-site improvements" means an exaction imposed to meet capital needs occasioned by a particular application outside the development site.*

Amend the bill by replacing section 3 with the following:

3 Local Land Use Planning; Authority for Site Plan Review Regulations. Amend the introductory paragraph of RSA 674:44, IV to read as follows:

IV. The site plan review regulations of the planning board may stipulate, as a condition precedent to the approval of the plat, the extent to which and the manner in which streets shall be graded and improved and to which water, sewer, and other utility mains, piping, connections, or other facilities shall be installed. *The planning board, in exercising this authority, may consider both on-site and off-site improvements. It is expressly provided that a planning board may adopt regulations which provide that in the course of review of a site plan review application, the board may require that a developer or an applicant, as a condition of approval of such site plan proposal, be responsible for the payment of the cost of any on-site improvements as well as the developer's or applicant's proportional share*

of any off-site improvements that the board determines are necessitated by the development proposal. Such authority shall not be affected by the adoption of or failure to adopt an impact fee ordinance as provided in RSA 674:21. For purposes of this subparagraph "off-site improvements" means an exaction imposed to meet capital needs occasioned by a particular application outside the development site. The regulations or practice of the planning board:

SENATOR ROBERGE: I would like to rerefer this bill at this time. Some questions have arisen.

Senator Roberge moved to rerefer.

Adopted.

HB 512 is rereferred to the Public Affairs Committee.

HB 596, relative to the acquisition of land by a town. Public Affairs Committee. Vote 2-0. Ought to pass, Senator Roberge for the committee.

SENATOR ROBERGE: This bill makes some changes to the manner in which towns can acquire land and sell it. Currently, boards of selectmen cannot make unilateral decisions regarding this issue. With the passage of this particular bill, a majority of the selectmen's board would be sufficient to purchase land for a given town. Additionally, the town could be able to sell any land given to it for charity or community purposes. Thank you very much.

Adopted.

Ordered to third reading.

HB 698, relative to verification of checklists. Public Affairs Committee. Vote 3-0. Ought to pass, Senator Roberge for the committee.

SENATOR ROBERGE: This bill pertains to verification of the 2001 voter checklists for towns across New Hampshire. Current legislation states that anyone who voted in the past presidential primary or statewide elections is considered to be automatically reregistered for the 2001 checklist. It also considers anyone who voted in the 1999 local elections, in their respective towns to be reregistered; however, those who voted in the 2000 election were somehow overlooked. This bill simply corrects a minor glitch to ensure that people are reregistered. This committee recommends that this bill ought to pass. I ask the full Senate to do the same.

Adopted.

Ordered to third reading.

HB 389, establishing a committee to study the nursing home industry in New Hampshire. Public Institutions, Health and Human Services Committee. Vote 5-0. Inexpedient to legislate, Senator Prescott for the committee.

SENATOR PRESCOTT: House Bill 389 would study the tenuous economic position of New Hampshire's nursing home industry. The importance of the issue is clear from the amount of legislation that has been introduced this session on the subject. In the past few months, the Health and Human Services Committee and the full Senate have voted favorably on the following bills. House Bill 143 establishes a committee to address the problem created by the shortage of healthcare personnel and support staff in New Hampshire. Senate Bill 132 which initiates a comprehensive review of the effects of an aging population in New Hampshire and the impact of that trend. Senate Bill 167 es-

establishes a committee with broad membership from the long-term care field that will advise on long-term Medicaid rate payments. I have heard it said here that we don't want many study committees; therefore, I volunteer at this time for all three of those that are stated, but at this time, want to inexpedient to legislate **TAPE CHANGE** on HB 389. Thank you, Mr. President.

Committee report of inexpedient to legislate is adopted.

HB 451, establishing a commission to study the impact of pay and health care benefits for child care workers on the quality of care and education for children by considering and exploring funding methods for accomplishing any recommendations. Public Institutions, Health and Human Services Committee. Vote 5-0. Ought to pass with amendment, Senator Wheeler for the committee.

2001-1482s

04/09

Amendment to HB 451

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

AN ACT relative to the duties of the advisory council on child care.

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

1 New Subparagraphs; Health and Human Services; Advisory Council on Child Care; Duties. Amend RSA 126-A:17, V by inserting after subparagraph (g) the following new subparagraphs:

(h) Investigating creative ways in which to make affordable health insurance available to all persons providing child care services to children and families in New Hampshire.

(i) Investigating the experiences in other states with programs designed to improve pay and benefits of child care providers to ascertain whether these programs have led to an improvement in the quality and availability of child care in those states.

(j) Monitoring any private or other initiatives undertaken in New Hampshire which address pay and benefits to ascertain the impact on the quality of care for children, paying particular attention to issues of turnover and continuity of care experienced by children.

(k) Considering new and innovative funding methods for accomplishing any recommendations of the commission.

2 New Section; Health and Human Services; Advisory Council on Child Care; Report Required. Amend RSA 126-A by inserting after section 17 the following new section:

126-A:17-a Report. Beginning December 1, 2002, and no later than December 1 in every year thereafter, the advisory council on child care shall submit a report of its findings and any recommendations for legislation relative to the duties set forth in RSA 126-A:17, V (h)-(k), to the speaker of the house of representatives, the president of the senate, the chairperson of the house committee on children and family law, and the chairperson of the senate committee on public institutions, health and human services.

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

2001-1482s

AMENDED ANALYSIS

This bill extends the duties of the advisory council on child care to include the study of issues regarding the pay and benefits of child care

providers, including creative ways in which to make affordable health insurance available to persons providing child care services to children and families in New Hampshire, and requires the advisory council to submit a report of its findings in these matters.

SENATOR WHEELER: The committee fully realizes how difficult it is to retain staff at child care centers and what a crisis that we are in because of that. The salaries are below average. They aren't able to offer health benefits most of the time. So it is very difficult to keep good staff at child care centers. However, we have also had three study committees dealing with child care that have come before our committee. So the amendment changes this from a legislative study committee to giving the topic to the Advisory Council on child care which is in RSA 126-A:17. We hope that the House will agree that this is an appropriate place to put this study.

Amendment adopted.

Ordered to third reading.

HB 339, prohibiting the taking of deer by baiting. Wildlife and Recreation Committee. Vote 3-2. Ought to pass with amendment, Senator Roberge for the committee.

2001-1484s

10/04

Amendment to HB 339

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

1 New Paragraph; Fish and Game; Baiting. Amend RSA 207:3-d by inserting after paragraph I the following new paragraph:

I-a. Notwithstanding paragraph I, no person shall engage in the act of baiting for deer or shall knowingly take deer from a baited area unless permitted under RSA 208:7, IV(a) or (b).

2 New Paragraph; Manner of Taking Deer. Amend RSA 208:7 by inserting after paragraph III the following new paragraph:

IV. No person shall place bait for the taking of deer, or shall knowingly take deer from a baited area, except for the following:

(a) A person granted a special permit for scientific purposes, animal damage control, or for any other purpose, allowing such baiting, at the discretion of the executive director.

(b) A person who otherwise complies with the requirements of this title, and who:

(1) Has a walking disability as that term is defined in RSA 261:88, I(c);

(2) Is issued a crossbow permit under RSA 207:10-c; or

(3) Is a landowner wishing to take deer on that person's own land.

3 Effective Date. This act shall take effect January 1, 2002.

2001-1484s

AMENDED ANALYSIS

This bill prohibits the baiting of deer and the taking of deer from a baited area except by certain persons.

SENATOR ROBERGE: As the proud sponsor of this bill I would recommend rerefer at this time.

Senator Roberge moved to rerefer.

Recess.

Out of Recess.

Senator Disnard moved to have **HB 339**, prohibiting the taking of deer by baiting, laid on the table.

Adopted.**LAI D ON THE TABLE**

HB 339, prohibiting the taking of deer by baiting.

HB 426, relative to the voluntary scrapie flock certification program. Wildlife and Recreation Committee. Vote 5-0. Ought to pass with amendment, Senator Eaton for the committee.

2001-1494s

08/09

Amendment to HB 426

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

1 New Sections; Voluntary Scrapie Flock Certification Program. Amend RSA 436 by inserting after section 115 the following new sections:

436:116 Voluntary Scrapie Flock Certification Program.

I. The department of agriculture, markets, and food shall implement the United States Department of Agriculture, Animal and Plant Health Inspection Service, Voluntary Scrapie Flock Certification Program standards as provided in 9 CFR Parts 54 and 79, and any subsequent amendments.

II. The provisions of paragraph III shall apply in any instance when a sheep or goat producer has entered the program and has voluntarily requested technical help from the board or is inspected by a state animal health official on behalf of the board as established under 9 CFR Parts 54 and 79, and is not at the time the subject of an active enforcement action.

III. With the exception of the state and federal veterinarians, acting in their official capacity, state board members and agents of the board shall not make available to any other regulatory or enforcement agency not involved in the program, or to the public, information obtained in the course of such help or inspection unless:

(a) The person receiving such inspection agrees that such information may be released;

(b) The information reveals an imminent threat to human life of the environment;

(c) The information reveals evidence of a knowing criminal violation;

(d) The information is presented in aggregate form with no identification of individual entities; or

(e) The board first notifies any person requesting technical help of the provisions of this section.

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

2001-1494s

AMENDED ANALYSIS

This bill enables a state scrapie certification board as provided by 9 CFR parts 54 and 79, the state entity in charge of the state component of the joint state and federal voluntary scrapie flock certification program. The bill establishes flock participation requirements and confidentiality provisions.

SENATOR EATON: Scrapie is a degenerative disease afflicting the nervous system of the sheep and goats. The disease is transmittable. The United States Department of Agriculture sponsors a voluntary scrapie flock certification program that monitors flocks to control the spread of the disease. The program sets policies, practices and standards for managing flocks. House Bill 426 as amended, adopts by reference, the federal program and its standards along with any subsequent amendments to this program. The bill provides the information obtained by the board shall remain confidential unless it is required by the state or federal veterinarians to perform their official duties, or it reveals evidence of a threat to human life or a criminal offense. The committee unanimously votes ought to pass.

Amendment adopted.

Ordered to third reading.

HB 208-FN, changing the license requirement for operators collecting the meals and rooms tax. Ways and Means Committee. Vote 3-0. Ought to pass, Senator D'Allesandro for the committee.

SENATOR D'ALLESANDRO: House Bill 208 would streamline the licensing process requirements for operators collecting the room and meals tax. Licenses are currently renewed every two years at a cost of \$5. The fee has been used to offset the direct cost to the department due to processing renewals. The Department of Revenue says that the system is now heavily automated and does not require the staff time that is now needed to process renewals. The Department of Revenue Administration has determined that a one-time license fee is sufficient. The new license would remain valid until the licensee ceases operation, a change in ownership occurs or the license is revoked or suspended. The loss in state revenues will be more than made up by the fact that three divisions currently involved in the renewal process will be able to devote their time to higher revenue producing responsibilities. The committee unanimously recommends ought to pass. Thank you, Mr. President.

Adopted.

Senator Larsen offered a floor amendment.

2001-1540s

09/01

Floor Amendment to HB 208-FN

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

AN ACT changing the license requirement for operators collecting the meals and rooms tax and relative to a property tax exemption for the Woman's Club of Concord.

Amend the bill by replacing all after section 2 with the following:

3 Woman's Club of Concord; Property Tax Exemption. Amend section 1 of 1919, 273 to read as follows:

Section 1. The lot of land above described, with improvements thereon, shall be exempt from taxation so long as and to the extent that is used for the purposes of said association. ~~[Provided, however, that said exemption shall apply only to local taxation.]~~

4 Effective Date.

I. Section 3 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 2001.

2001-1540s

AMENDED ANALYSIS

This bill changes the license requirement for operators collecting the meals and rooms tax.

The bill also expands an exemption from local property taxation for the Woman's Club of Concord to exempt the club from any property taxation.

SENATOR LARSEN: Currently in statutes dating back to 1919, is an exemption from taxation for the home of the Concord Woman's Club. It reads, "whereas the Woman's Club of Concord, a corporation organized under general law, owns and occupies a lot and buildings on Pleasant Street in Concord and whereas said organization is non-sectarian and devotes its energies and funds to educational charitable work, therefore, the lot and land above described with the improvements is exempt from taxation so long as to the extent that it is used for the purposes of said association." The Concord Woman's Club has asked me to bring in an amendment to clarify their status that was established back 1919. As I say, this is chapter 273 and they have, for years, been exempt from local taxation. I have a message from Mike Fedele who is our city Assessor who says that "first, I want to know if your client has pursued a course through legislation to abate the state tax? Quite frankly it is not the cities revenues that are at peril and the community services provided by the Woman's Club are valuable to the city of Concord and have been affected by the tax. For these reasons, I encourage the Woman's Club to pursue amending their exemption and I will support any legislative effort to provide the Woman's Club this exemption." This is a charitable organization that owns a small house, owned and operated by a group of women who attempt and do valuable charitable work around this city. They have asked me to bring this floor amendment and it only affects the city of Concord and our own city assessor has said that he is in support of this. I ask for your concurrence in this floor amendment.

SENATOR BARNES: Haven't you said that they have been exempt since 1919? I missed something here. Did they all of a sudden lose their exemption from the city?

SENATOR LARSEN: They have been exempt from local taxation since 1919. Their concern is that state taxation begins to apply to them, all of a sudden, a charitable organization run by primarily older women, have to then come up with additional taxation. I know that their finances are not such that they can afford large sums of money. So they have asked to continue the assumption that they are doing valuable work and are exempt from local taxation.

SENATOR BARNES: I guess that I am not getting it. They have been exempt from local taxation since 1919?

SENATOR LARSEN: That is correct.

SENATOR BARNES: What does this do?

SENATOR LARSEN: This says that they are exempt from...the lot of land with improvements thereon, is exempt from taxation so long as, to the extent that the land is used for purposes of the association. It extends their association's ability to operate without taxation.

SENATOR BARNES: They have had that since 1919?

SENATOR LARSEN: They have had that since 1919.

SENATOR BARNES: Do they have to renew it every seven years or what?

SENATOR LARSEN: No. If you look at the lines that are eliminated out. It says that "provided that said exemption shall apply only to local taxation." They are having trouble with the state taxation.

SENATOR BARNES: Okay. I guess that is what we are coming down to. So it is not the city of Concord, it is the state that they are worried about, as far as the state taxation?

SENATOR LARSEN: They generally have not paid school taxes. Since 1919 they have not paid school taxes. They are a nonprofit organization. What I don't know is their legal status if they are a 501C3 but they have been exempt since 1919 and they are, as I have said, an organization of primarily elderly women who do charitable causes for the city. To ask them to pay taxation causes them great difficulty. The last that I saw was about \$2,000.

SENATOR BARNES: I certainly can understand that, Senator. I think that you are doing the right thing. What about all of those other organizations throughout the state? Should we perhaps have an amendment that covers all of these other elderly folks around the state? There are a lot of those type of things all around the state. Why just single out one?

SENATOR LARSEN: I support circuit breakers as well. Currently any organization that is owned as a 501C3 is a nonprofit, it does not pay local taxation either. So as far as I know, there is something unique in the status of the local women's club that I don't understand why they are not covered as a nonprofit, and therefore nontaxable.

SENATOR BARNES: Well, I certainly don't want to put those elderly ladies in jeopardy in Concord, but I don't want to put the elderly lady in Raymond in jeopardy either.

SENATOR LARSEN: I agree. Do you have a women's organization in Raymond that owns a building that they need to have exempt, because I will vote with you?

SENATOR BARNES: I could probably find one someplace.

SENATOR LARSEN: Thanks.

Floor Amendment adopted.

Senator Below offered a floor amendment.

Sen. Below, Dist. 5

Sen. Eaton, Dist. 10

2001-1653s

09/01

Floor Amendment to HB 208-FN

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

AN ACT changing the license requirement for operators collecting the meals and rooms tax and, relative to abatements and appeals of betterment assessments, and relative to municipal assessments.

Amend the bill by replacing all after section 2 with the following:

3 Betterment Assessments; Liens Created. Amend RSA 231:30 to read as follows:

231:30 Liens For Assessments. All assessments made under the provisions of RSA 231:29 shall create a lien upon the lands on account of which they are made, which shall continue following the assessment until fully discharged in accordance with the terms set by each govern-

ing board or in compliance with any court judgment. Such assessments shall be subject to interest and such other charges as are applicable to the collection of delinquent taxes. [~~The landowner shall have the same right of appeal and follow the same procedures as are applicable to the assessment of taxes.~~]

4 Betterment Assessments; Abatement and Appeal. RSA 231:32 is repealed and reenacted to read as follows:

231:32 Abatement and Appeal of Betterment Assessments.

I. Any person aggrieved by a betterment assessment made pursuant to RSA 231:29 may, within 2 months of the notice of tax date and not afterwards, apply in writing to the selectmen or assessors for an abatement of the betterment assessment.

II. Upon receipt of an application under paragraph I, the selectmen or assessors shall review the application and shall grant or deny the application in writing within 6 months after the notice of tax date.

III.(a) If the selectmen or assessors neglect or refuse to abate the betterment assessment, any person aggrieved may either:

(1) Appeal in writing to the board of tax and land appeals, upon payment of a \$65 filing fee; or

(2) Petition the superior court in the county where the property is located.

(b) The appeal to either the board of tax and land appeals or superior court shall be filed within 8 months of the notice of tax date and not afterwards.

IV. For purposes of this section, "notice of tax date" means the date the taxing jurisdiction mails the betterment assessment tax bill.

V. Each betterment assessment tax bill shall require a separate abatement request and appeal.

5 New Paragraphs; Board of Tax and Land Appeals; Authority; Duties. Amend RSA 71-B:5 by inserting after paragraph III the following new paragraphs:

IV. To hear and determine all matters relating to orders for reassessment properly brought pursuant to RSA 71-B:16.

V. To hear and determine petitions filed by the commissioner of revenue administration pursuant to RSA 21-J:11-a, II(b). The board shall give such petitions priority for scheduling hearings and for final rulings. In addition to the standards utilized by the commissioner of revenue administration in the certification of assessments pursuant to RSA 21-J:11-a, the board shall consider the criteria in a RSA 71-B:16-a. The board's decision on such petitions shall be final, subject to appeal to the supreme court. Any appeal shall be filed with the clerk of the supreme court within 20 days after the date the decision is issued. The supreme court shall give any appeal it hears under this section priority in the court calendar.

6 Appraisal of Taxable Property; How Appraised. RSA 75:1 is repealed and reenacted to read as follows:

75:1 How Appraised. The selectmen shall appraise open space land pursuant to RSA 79-A:5, open space land with conservation restrictions pursuant to RSA 79-B:3, land with discretionary easements pursuant to RSA 79-C:7, residences on commercial or industrial zoned land pursuant to RSA 75:11, earth and excavations pursuant to RSA 72-B, and all other taxable property at its market value. Market value means the property's full and true value as the same would be appraised in payment of a just debt due from a solvent debtor. The selectmen shall receive and consider all evidence that may be submitted to them relative to the value of property, the value of which cannot be determined by personal examination.

7 Appraisal of Taxable Property; Oath. Amend RSA 75:7 to read as follows:

75:7 Oath. The selectmen and assessors shall take and subscribe upon the copies or original inventories and assessments of both resident and nonresident taxes, furnished by them to the town clerks in their respective towns, to be recorded in the clerk's records, the following oath, which may be subscribed before any justice of the peace or notary public: We, the selectmen and assessors of _____, ~~[do solemnly swear that in making the inventory for the purpose of assessing the foregoing taxes we appraised all taxable property at its full value, and as we would appraise the same in payment of a just debt due from a solvent debtor. So help us God]~~ ***certify under the penalty of perjury that in making the inventory for the purpose of assessing the foregoing taxes, all taxable property was valued in accordance with RSA 75:8, to the best of our knowledge and belief.***

8 Annual Revised Inventory. RSA 75:8 is repealed and reenacted to read as follows:

75:8 Revised Inventory.

I. Annually, and in accordance with state assessing standards, the assessors and selectmen shall adjust assessments to reflect changes so that all assessments are reasonably proportional within that municipality. All adjusted assessments shall be included in the inventory of that municipality and shall be sworn to in accordance with RSA 75:7.

II. Assessors and selectmen shall consider adjusting assessments for any properties that:

- (a) They know or believe have had a material physical change;
- (b) Changed in ownership;
- (c) Have undergone zoning changes;
- (d) Have undergone changes to exemptions, credits or abatements;
- (e) Have undergone subdivision, boundary line adjustments, or mergers; or

(f) Have undergone other changes affecting value.

9 New Section; Appraisal of Taxable Property; Five-Year Valuation. Amend RSA 75 by inserting after section 8 the following new section:

75:8-a Five-Year Valuation. At least as often as every fifth year, beginning with the first year the commissioner of the department of revenue administration certifies a municipality's assessments pursuant to RSA 21-J:3, XXVI, the assessors and/or selectmen shall value all real estate within the municipality so that the assessments are valued in accordance with RSA 75:1.

10 New Paragraph; Department of Revenue Administration; Duties of Commissioner. Amend RSA 21-J:3 by inserting after section XXV the following new paragraph:

XXVI. Review each municipality's assessments once within every 5 years and certify the assessments of the municipality if such assessments are valued in accordance with RSA 75:1. In carrying out the duty to certify the assessments of property, the commissioner shall follow the procedures set forth in RSA 21-J:11-a.

11 New Sections; Department of Revenue Administration. Amend RSA 21-J by inserting after section 11 the following new sections:

21-J:11-a Certification of Assessments.

I. The commissioner shall certify that the assessments of a municipality comply with the provisions of RSA 75:1 when the commissioner determines that:

(a) Level of assessments and uniformity of assessments are within acceptable ranges as prescribed by state assessing standards by considering, where appropriate, an assessment-to-sales-ratio study conducted by the department for the municipality;

(b) Assessment practices substantially comply with applicable statutes and rules;

(c) Exemption, credit, and abatement procedures substantially comply with applicable statutes and rules;

(d) Assessments are based on reasonably accurate data; and

(e) Assessments of various types of properties are reasonably proportional to other types of properties within the municipality.

II. If the commissioner does not certify that the assessments of a municipality comply with RSA 75:1, the commissioner shall order in writing those corrective actions, including the time for completion, deemed necessary to assess the municipality's property in accordance with RSA 75:1; and:

(a) If the governing body of the municipality agrees with the commissioner's determination, the municipality shall complete the corrective actions within the time prescribed by the commissioner.

(b) If the governing body of the municipality does not agree with the commissioner's determination not to certify its assessments, with the corrective actions ordered, or the time allowed for completion, the commissioner shall petition the board of tax and land appeals to order that the municipality's property is not assessed in accordance with RSA 75:1 and to order such corrective action necessary to ensure that the municipality's assessment are in accordance with RSA 75:1.

III. The commissioner shall adopt rules under RSA 541-A relative to acceptable ranges of level of assessments and uniformity of assessments, procedures for review of assessment practices, and procedures and forms for the commissioner's certification of assessments. Rules adopted by the commissioner under this paragraph shall remain effective until the assessing standards board adopts rules under RSA 21-J:14-b, II.

IV. Within 60 days of the certification of a municipality's assessments, the commissioner shall reimburse the municipality on a per parcel basis to defray assessing expenses associated with certification according to the following formula: \$10 per parcel for the first 1,000 parcels, \$8 per parcel for the next 5,000 parcels, and \$5 per parcel for all remaining parcels.

21-J:11-b Implementation of Certification.

I. The commissioner of revenue administration shall adopt a schedule so that each city, town, and unincorporated place has its assessments reviewed within 5 years of April 1, 2002, and shall notify each city, town, and unincorporated place, within 60 days of passage of this act, of the property tax year for which their initial certification review shall occur.

II. The department shall offer training and technical assistance to municipal officials to assist in complying with the provisions of RSA 75:8, RSA 75:8-a, and RSA 21-J:11-a.

III. The commissioner of revenue administration shall report in its annual report, the number of communities assisted and the types of assistance and training provided pursuant to RSA 21-J:10, RSA 21-J:11, and RSA 21-J:11-b, II.

12 Setting of Tax Rates by Commissioner. Amend RSA 21-J:35, I to read as follows:

I. The commissioner of revenue administration shall compute and establish the tax rate of each town, city, or unincorporated place. **Any**

decision by the commissioner not to certify the assessments of a municipality pursuant to RSA 21-J:11-a shall not delay or otherwise affect the setting of the tax rate for that municipality.

13 Real Estate. Amend RSA 73:10 to read as follows:

73:10 Real Estate. Real and personal property shall be taxed to the person claiming the same, or to the person who is in the possession and actual occupancy thereof, if such person will consent to be taxed for the same; but such real estate shall be taxed in the town in which it is situate. *Any decision by the commissioner not to certify the assessments of a municipality pursuant to RSA 21-J:11-a shall not affect the obligation of the taxpayer to pay property taxes otherwise lawfully assessed.*

14 Powers of Collector. Amend RSA 80:4 to read as follows:

80:4 Powers of Collector. Every collector, in the collection of taxes committed to him and in the service of his warrant, shall have the powers vested in constables in the service of civil process, which shall continue until all the taxes in his list are collected. *Any decision by the commissioner not to certify the assessments of a municipality pursuant to RSA 21-J:11-a shall not affect the authority of the tax collector to issue tax bills and to exercise all powers contained in this chapter for the collection of taxes.*

15 Petition for Order of Reassessment; SB 193 Provision Amended. Amend RSA 21-J:9-b to read as follows:

21-J:9-b Petition for Order of Reassessment. The commissioner, in petitioning for an order of reassessment pursuant to RSA 21-J:3, XXV, may consider any information that indicates that property in a city, town, or unincorporated place is valued disproportionately to other property within that municipality in determining whether to petition the board of tax and land appeals to issue an order for reassessment. Additionally, the commissioner shall petition the board of tax and land appeals to issue an order for reassessment of property if the following criteria are met:

I. The commissioner's most recent annual sales-assessment ratio study indicates that the coefficient of dispersion exceeds 20 employing a 95-percent level of confidence, provided however that if the sample size for a sales-assessment ratio study is less than 30, the commissioner may use a level of confidence as low as 70 percent;

II. The municipality has not ~~conducted a full revaluation within 6 years~~ *complied with the provisions of RSA 75:8-a*; and

~~[III. A municipality has not contracted for a full revaluation of the property within such municipality to be effective no later than the tax year following such determination.]~~

16 Certification Required; SB 193 Provision Amended. Amend RSA 21-J:14-f, I to read as follows:

I. Every person, whether working individually, for a firm or corporation, or as a municipal ~~or department of revenue administration~~ employee, making appraisals of a municipality for tax assessment purposes, except elected officials making appraisals pursuant to RSA 75:1, shall be certified by the department. *Department of revenue employees shall be certified at the level appropriate to their duties.* The commissioner shall adopt rules, pursuant to RSA 541-A, relative to qualifications for certification, standards for continuing education, and standards for revocation or suspension of certification. Rules adopted by the commissioner under this paragraph shall remain effective until the assessing standards board adopts rules under RSA 21-J:14-b, I(c).

17 Property Taxes; What Taxes Assessed; Expenses of Reassessment; SB 193 Provision Amended. Amend RSA 76:5 to read as follows:

76:5 What Taxes Assessed. The selectmen shall reasonably assess all state and county taxes for which they have the warrants of the commissioner of revenue administration and county treasurers respectively; all taxes duly voted in their towns; and all school and village district taxes authorized by law or by vote of any school or village district duly certified to them; and all sums required to be assessed by RSA 33 *and RSA 21-J:9-c. Any decision by the commissioner not to certify the assessments of a municipality pursuant to RSA 21-J:11-a shall not affect the authority of the selectmen to assess taxes.*

18 Initial Assessment Review Schedule. The commissioner of revenue administration shall adopt a schedule so that each city, town, and unincorporated place has its assessments reviewed within 5 years and shall notify each municipality, within 60 days of passage of this act, of the property tax year for which their initial certification review shall occur. The department shall offer training and technical assistance to municipal officials to assist in complying with the provisions of RSA 21-J:11-a, as inserted by this act.

19 Contingency. If SB 193 of the 2001 legislative session becomes law, then section 15 of this act shall take effect at 12:01 a.m. on the effective date of section 17 of SB 193. If SB 193 of the 2001 legislative session becomes law, then section 16 of this act shall take effect at 12:01 on the effective date of section 12 of SB 193. If SB 193 of the 2001 legislative session becomes law, then section 17 of this act shall take effect at 12:01 a.m. on the effective date of section 18 of SB 193. If SB 193 does not become law, then sections 15-17 of this act shall not take effect.

20 Effective Date.

I. Sections 15-17 of this act shall take effect as provided in section 17 of this act.

II. Sections 3, 4 and 19 of this act shall take effect upon its passage.

III. Sections 1 and 2 of this act shall take effect July 1, 2001.

IV. The remainder of this act shall take effect 60 days after its passage.

2001-1653s

AMENDED ANALYSIS

This bill:

I. Changes the license requirement for operators collecting the meals and rooms tax.

II. Provides specific time lines and abatement and appeal procedures for betterment assessments.

III. Requires valuations of taxable property every 5 years, and certification of municipal assessments by the commissioner of revenue administration of compliance with state assessing standards.

IV. Makes changes to certain provisions of SB 193 of the 2001 legislative session.

SENATOR BELOW: The intent of this amendment is to go on after the amendment that was just adopted, so I think that the Clerk will take care of renumbering the sections, so this would actually go after section three of the bill as currently amended. What this amendment is, is the content of SB 188 as amended in the House Municipal and County Government Committee. With that content as further amended by the Senate Finance Committee on Friday evening, and incorporated as part of

HB 375. Senate Bill 188 started out with a betterment assessment revision to that to update that while that had passed the Senate and the House Committee. But then the real body of the bill starts on page two which is a series of revisions to the state property tax system in effect, really more revisions to the responsibilities of the Department of Revenue Administration and the Board of Tax and Land Appeals. It really revises the process for doing assessments and what towns have to do for assessments. In this content, it was developed in the aftermath of the Supreme Court decision on the Galway appeal. It was developed by the property tax working group initially, and then further, it went through a public hearing process in the House and incorporated some amendments that were proposed by the New Hampshire Municipal Association that were supported by the commissioner of Revenue Administration and the committee. What the Senate Finance Committee added to it on Wednesday, unanimously I believe, 7 to 0, is on page four, line 17-20. It provides that upon a communities or municipalities certification of their assessment, which would become a periodic review process every four or five years where a municipality would bring all of their values up to full value. There would be a modest reimbursement by the state, to help defray the cost for that. There is no actual fiscal impact to that in this biennium, but it would be one that would have to be in the next biennium. This is an issue that I think that the committee thought was important to put in, at least as a placeholder, realizing that it may have to be revised later on and that the Assessing Standards Board that is being developed in other legislation, may want to review this issue before it actually goes into effect. That is all that I am going to say at this time. I would be happy to respond to questions. It is a pretty major change, but it has been sort of developed on a consensus basis so far.

SENATOR MCCARLEY: Senator Below, am I correct to understand that this is a result of the committee that you and Senator Eaton served on, which you then worked on and brought before this body, went to the House and received further work, further compromise, and indeed the bulk of which is in 375, but in the interest of getting this across in a way that will allow this legislation to move forward, which I think all of the parties were involved with, this should be a good thing to vote on at this time?

SENATOR BELOW: Not exactly.

SENATOR MCCARLEY: That is the last time that I am going to assist you, Senator Below.

SENATOR BELOW: The problem is, you have confused this in part with SB 193, which did go through the Senate. This...the content of this has actually not been heard in the Senate, except as discussed in the Senate Finance Committee. So this is a supplement. The content of this bill is a supplement to the base work that went through the Senate, but part of the rest is true. This is in 375. The content of this bill is in 375, but at the request of, sort of House leadership and commissioner of Revenue Administration, they wanted to put it in another vehicle so it didn't get potentially bogged down in the trailer bill.

SENATOR MCCARLEY: Senator Below, would it be safe for me to assume that in the various places this legislation has been worked on, House leadership as well as Senate Finance feels that this is indeed the right way to go?

SENATOR BELOW: Yes.

SENATOR MCCARLEY: Thank you, Senator Below.

SENATOR BOYCE: Senator Below, what is the fiscal impact of this? What is the cost? I know that we have already done this in Finance, I am just wondering what this is going to cost?

SENATOR BELOW: I think the better question might be what is the fiscal impact of not doing it, which could be severe. Simply because the Supreme Court, in their decision in the appeal of the Galway decision, Sirrell case, essentially said that the legislature has a responsibility, or the state government has the responsibility to enforce the constitution with regard to the requirement that there be a new evaluation of new at least once every five years. This puts into practice, a mechanism to ensure that values are brought... a new value at least once every five years. The cost of that, most of the cost of that is ongoing, for those communities that re-assess or revalue at least once every five years. There are communities that have been up to ten years without any adjustments, community wide in values. Those communities will experience some costs, but it is a constitutional obligation that they bring values... put values anew on property at least once every five years. The cost for the Board of Land and Tax Appeals and the Department of Revenue Administration to undertake their responsibilities has been incorporated into the budget in anticipations, of this. I believe that it is SB 193 as well.

SENATOR BOYCE: So this has been incorporated... the cost of this has been figured into the budget and the text of this is actually in HB 351. So we have this elsewhere... my question is, why do we need it here?

SENATOR BELOW: House Bill 375 is where the content is right now pending before, as it came out of Finance. The reason that it is in here now is because, basically, the commissioner of Revenue Administration requested that it go in here, which was in response to a House leadership request, that it not be in 375.

SENATOR BOYCE: Is the implication of that, that House leadership thinks that they may not pass 375 and therefore, want this instead?

SENATOR BELOW: I would not presume to try to understand the intentions of House leadership.

SENATOR BOYCE: Nor would I. Thank you.

Recess.

Out of Recess.

Floor amendment failed.

Ordered to third reading.

MOTION OF RECONSIDERATION

Senator Francoeur having voted with the prevailing side, moved reconsideration on **HB 488**, establishing a task force to study certain issues regarding privacy, whereby we ordered it to third reading and final passage.

Adopted.

HB 488, establishing a task force to study certain issues regarding privacy.

Senator Francoeur offered a floor amendment.

2001-1532s
01/09

Floor Amendment to HB 488

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

AN ACT establishing a committee to study certain issues regarding privacy.

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

1 Study Committee Established. There is established a study committee to study privacy issues as they pertain to federal law including, but not limited to, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Gramm-Leach-Bliley Act of 1999 (GLBA) and existing state laws relative to privacy issues.

2 Membership and Compensation.

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

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

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

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

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

3 Duties. The committee shall study privacy issues as they pertain to federal law including, but not limited to, the privacy provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Gramm-Leach-Bliley Act of 1999 (GLBA). The committee shall also include in its study a review of existing state laws relative to privacy issues.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002, provided that the committee shall make an interim report on or before November 1, 2001.

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

2001-1532s

AMENDED ANALYSIS

This bill establishes a committee to study privacy issues as they pertain to federal law and existing state laws relative to privacy issues.

SENATOR FRANCOEUR: This is a bill that in the Executive Departments and Administration Committee, we had voted to make it a study committee instead of a commission. When it came to the floor, it was listed in the calendar that we only added one more member for the Senate...it made it five Senate members and five House members and it

left all of the rest of the commission in there. As the amendment is being passed out, the amendment will make it a study committee of five Senators and five House members and not a commission.

Floor Amendment adopted.

Ordered to third reading.

RESOLUTION

Senator Francoeur moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time. That all bills ordered to third reading be by this resolution, read a third time and that all titles be the same as adopted, and that they be passed at the present time.

Adopted.

LATE SESSION ANNOUNCEMENTS

RESOLUTION

Senator Francoeur moved that the Senate now adjourn and that we adjourn to Tuesday, June 12, 2001 at 10:00 a.m.

Adopted.

Third Reading and Final Passage

HB 103, relative to the possession of deadly weapons by convicted felons or during the commission or attempted commission of a violent crime.

HB 126-FN, relative to the board of pharmacy and the regulation of pharmacists.

HB 131, relative to the retention and disposal of certain financial disclosure forms.

HB 132-FN, relative to the damage or destruction of an emergency vehicle or emergency services equipment.

HB 135, creating a commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload.

HB 140, relative to interest on judgments.

HB 152-FN, relative to expanding the legal methods of taking deer.

HB 156, relative to the detention of juveniles in delinquency proceedings.

HB 160, establishing a committee to study the issue of one-day/one-trial jurors.

HB 177-FN, relative to the purchase of a wheelchair van for the veterans' home in Tilton and making an appropriation therefor.

HB 197, extending the reporting date of the commission to study methods for reducing violent incidents involving children and guns.

HB 201, relative to voters presenting identification to obtain a ballot.

HB 208-FN, changing the license requirement for operators collecting the meals and rooms tax.

HB 210-FN, relative to the penalties for persons convicted of subsequent DWI offenses.

HB 259, relative to holding sessions for correction of checklists.

HB 265, prohibiting the sale of rolling papers to minors.

HB 288-FN, relative to the licensure of interpreters for the deaf and hard of hearing.

HB 296-FN, relative to receiving stolen property.

HB 328-FN-L, relative to fees of sheriffs and deputy sheriffs.

HB 361, establishing a committee to study certain policies and procedures in the department of corrections.

HB 387, relative to the regulation of dentistry by the board of dental examiners.

HB 399, relative to proof of qualifications for voter registration.

HB 402, relative to the establishment of a state universal service fund.

HB 405, establishing a committee to study the creation of an at-home infant child care program in New Hampshire.

HB 412, relative to requiring the public higher education study committee to study the feasibility of granting of state franchise rights to providers of on-line education courses.

HB 426, relative to the voluntary scrapie flock certification program.

HB 442, establishing a study committee to examine the effects of protective custody on county correctional facilities.

HB 450, relative to certain work product under the right-to-know law.

HB 451, establishing a commission to study the impact of pay and health care benefits for child care workers on the quality of care and education for children by considering and exploring funding methods for accomplishing any recommendations.

HB 453, establishing a 4-year term for the commissioner of the department of corrections.

HB 488, establishing a task force to study certain issues regarding privacy.

HB 503, relative to incompatible offices.

HB 511, relative to continuing medical education requirements for physicians.

HB 554-FN, establishing a division of information technology within the department of safety.

HB 584-FN-A, relative to the registration and licensure of OHRV dealers and rental agents.

HB 596, relative to the acquisition of land by a town.

HB 603-FN-A, providing the commissioner of administrative services an option to self-fund the state employee health plan and requiring a reserve fund therefor.

HB 604-FN, relative to increasing certain fees and making other changes to fish and game licenses.

HB 643-FN, extending the moratorium on new nursing home beds.

HB 648-FN, authorizing licensing of homeless youth programs.

HB 659-FN, relative to penalties for attempting to purchase firearms illegally.

HB 684, relative to the occupational therapy practice act.

HB 698, relative to verification of checklists.

HB 726-L, relative to change of school assignment and transfers of public school pupils.

HB 743, transfers the department of youth development services to the department of health and human services.

HB 760-FN, relative to the use of silencing devices for taking game.

HB 764-FN, relative to interference with custody.

Adjourned.

June 12, 2001

The Senate met at 10:00 a.m.

A quorum was present.

The prayer was offered by Reverend, David P. Jones, Senate Chaplain.

Stop right now and take the time to take a careful look around at who is here. Sometimes we get too busy or too preoccupied or too wound up in our own issues to do that, but it is so important. Look around and realize that each person here has come today, bringing along with them some deep pains to endure and some wonderful joys to share. Some parents are ill. Some children are at risk. Some marriages are in trouble. Some hearts are broken. But also, some weddings are just around the corner. Some businesses are thriving. Some brokennesses are being healed. It's the stuff of life. When you pause long enough to look at one another through those eyes, no one has an R or a D on their forehead and the tags of "liberal" or "conservative" lose something of their edge. Perspective returns. So, reflect for a moment about your colleagues here surrounding you – the twenty-four of you elected, and all the others too – hired, appointed, sent, or just visiting – and give thanks for your traveling companions. Right now. Amen

Senator Prescott led the Pledge of Allegiance.

INTRODUCTION OF GUESTS NOTICE OF RECONSIDERATION

Senator McCarley served notice of reconsideration on **HB 177-FN**, relative to the purchase of a wheelchair van for the veterans' home in Tilton and making an appropriation therefor.

HCR 7, urging the federal government to allow a deduction for personal credit card interest from the federal income tax. Banks Committee. Vote 4-1. Inexpedient to legislate, Senator Fernald for the committee.

SENATOR FERNALD: The Banks Committee gave this resolution careful consideration **TAPE CHANGE** it is sort of a scatter gun approach to federal tax policy. The resolution would call on congress to provide a deduction on federal income taxes for interest paid on credit cards. We felt first of all, that it was excluding other types of interest that might be deductible as well, student loans, car loans, what have you. At the same time, we recognized that granting a deduction to something so that you save on taxes has the tendency of encouraging the activity, and given the number of people who seem to have too much credit card debt, we weren't sure that we should be encouraging people to have more. We have voted inexpedient to legislate in committee. We recommend that you do the same there. Thank you.

Committee report of inexpedient to legislate is adopted.

HB 275, relative to the expenditure of funds received pursuant to the Workforce Investment Act. Executive Departments and Administration Committee. Vote 4-0. Ought to pass with amendment, Senator Francoeur for the committee.

2001-1551s

06/01

Amendment to HB 275

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

1 New Section; Workforce Investment Act Funds. Amend RSA 124 by inserting after section 13-b the following new section:

124:13-c Workforce Investment Act Funds. The administrative entity for the federal Workforce Investment Act funds shall submit a quarterly written report to the legislative fiscal committee, senate president, and speaker of the house of representatives. The entity shall make an oral presentation to the legislative fiscal committee on a semi-annual basis.

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

2001-1551s

AMENDED ANALYSIS

This bill requires the administrative entity for the federal Workforce Investment Act funds to submit a certain written and oral reports to the legislative fiscal committee, the senate president and the speaker of the house of representatives with an oral presentation.

SENATOR FRANCOEUR: House Bill 275, which is the workforce and investment act. This bill requires the approval of the legislative Fiscal Committee for expenditure of funds received pursuant to the federal workforce investment act in 1998. The committee voted this out as ought to pass as amended and I would ask you to do the same.

SENATOR BOYCE: I am confused. The amendment appears to replace the entire bill, and that replacement doesn't match what you just read.

SENATOR FRANCOEUR: The committee that heard 375 had an amendment that was brought forth to it. The amendment is on page 19 and talks about... I will read it, it is very short. It says, "The administrative entity for the federal Workforce Investment Act funds shall submit a quarterly written report to the legislative fiscal committee, senate president, and speaker of the house of representatives. The entity shall make an oral presentation to the legislative fiscal committee on a semi-annual basis." That is exactly what it does. It just lets us know what is going on and what is happening with the workforce investment act.

Amendment adopted.

Ordered to third reading.

HB 373, relative to surety bonds for detective agencies and security services. Executive Departments and Administration Committee. Vote 5-0. Rereferred, Senator Prescott for the committee.

SENATOR PRESCOTT: The committee has spent a lot of time on this bill, through the committee hearings and the executive sessions, we have had quite a number of discussion with the Secretary of State and they wish to present a floor amendment to this; therefore, I am asking Sena-

tor D'Allesandro change the rerefer motion to ought to pass. Hopefully, we will pass that and introduce a floor amendment that I would like to speak to. Thank you, Mr. President.

Motion failed.

Senator D'Allesandro moved ought to pass.

Adopted.

Senator Prescott offered a floor amendment.

2001-1609s
08/10

Floor Amendment to HB 373

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

AN ACT relative to professional bondsmen.

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

2 Professional Bondsmen. RSA 598-A is repealed and reenacted to read as follows:

598-A:1 Definitions.

I. "Bail agent" and "professional bondsman" mean any person proposing to become bail or surety in a criminal case for hire or reward, either received or to be received and appointed by an insurer by power of attorney to execute or countersign bail bonds for the insurer in connection with judicial proceedings.

II. "Bail agency" means any person who employs a bail agent or bail recovery agent.

III. "Defendant" or "principal" means the person for whom a bond is written.

IV. "Person" means an individual, corporation, partnership, limited partnership, limited liability company, limited liability partnership, professional corporation, association, joint stock company, trust, unincorporated organization, or any other entity.

V. "Recovery agent" and "bail recovery agent" mean any person who meets the requirements of RSA 597:7-b, II and who is offered or given any compensation by a bail agent or surety in exchange for assisting the bail agent or surety in apprehending or surrendering any defendant, or keep the defendant under necessary surveillance.

VI. "Surety company" means an insurance company licensed to do business in the state of New Hampshire in the lines of insurance described in RSA 401:1, VII.

598-A:2 Approval and Registration.

I. No person proposing to become bail or surety in a criminal case for hire or reward, either received or to be received, shall be accepted as such unless the person shall have been approved and registered as a professional bondsman by the secretary of state or designee; provided, however, no person proposing to become bail or surety in a criminal case in any calendar year after having become bail or surety in criminal cases on 5 separate occasions in said year shall be accepted thereafter during that year as bail or surety unless the person shall have been approved and registered as a professional bondsman as provided in this section.

II. Any person required to be registered annually with the secretary of state as a recovery agent pursuant to RSA 597:7-b shall make application and pay fees to the secretary of state prior to acting as a recovery agent in the state in accordance with this chapter.

598-A:3 Fees.

I. A person proposing to become bail or surety and registered as a professional bondsman shall pay to the secretary of state or designee an initial non-refundable application fee of \$400 and a non-refundable fee of \$100 for the registration in each county of the state where a professional bondsman seeks to post bail.

II. Thereafter, an annual non-refundable renewal fee of \$100 for the registration in each county of the state where a professional bondsman seeks to post bail shall be due and payable to the secretary of state or designee on December 31 for the ensuing year.

III. A person proposing to become registered as a recovery agent shall pay to the secretary of state or designee an initial non-refundable application fee of \$400. Thereafter, an annual non-refundable renewal fee of \$400 shall be due and payable to the secretary of state or designee on December, 31 for the ensuing year.

598-A:4 Application.

I. Every applicant for registration as a professional bondsman shall satisfy the secretary of state as to his or her trustworthiness and competence and otherwise comply with the conditions set forth below. The secretary of state may refuse to issue any such registration if, in his or her judgment, such refusal will best promote the interests of the people of this state. The application for registration of professional bondsman shall consist of:

(a) The fee prescribed in RSA 598-A:3;

(b) The application on the form prescribed by the secretary of state containing, at a minimum:

(1) Full name, home address and business address of the applicant;

(2) Any other names the applicant is or has been known as;

(3) Passport-size picture of the applicant;

(4) Thumbprints of the applicant;

(5) Description of all arrests and convictions of the applicant which have not been annulled by a court of law;

(6) Description of any licenses or registrations previously issued or denied to the applicant by an agency of the state of New Hampshire or an agency of any other state;

(7) Description of the applicant's experience in law enforcement or law enforcement related occupations, if any;

(8) Personal financial statement of net worth;

(9) A general power of attorney from a surety company;

(10) Description of fidelity bond covering applicant;

(11) Proof of licensure as a property and liability insurance agency or broker by the state of New Hampshire, if any; and

(12) Such other information as the secretary of state may require.

(c) The application shall be subscribed with the sworn statement of the applicant that the information contained therein is true.

(d) Form U-2, consent to service of process.

(e) Proof of liability insurance coverage in the amount of \$300,000 for bail recovery activities; the proof of coverage of bail agents shall be provided by the bail agency where the bail agent is an agent of a bail agency; the proof shall be provided by the bail agent where the bail agent is working as an independent contractor. Such proof of insurance shall be provided annually to the secretary of state before the bail agent is reregistered.

II. Every applicant for registration as a recovery agent shall satisfy the secretary of state as to his or her trustworthiness and competence and shall otherwise comply with the conditions set forth below. The secretary of state may refuse to issue any such registration if, in his or her judgment, such refusal will best promote the interests of the people of this state. The application for registration of a recovery agent shall consist of:

(a) The fee prescribed in RSA 598-A:3;

(b) The application on the form prescribed by the secretary of state containing, at a minimum:

(1) Full name, home address, and business address of the applicant;

(2) Any other names the applicant is or has been known as;

(3) Passport-size picture of the applicant;

(4) Thumbprints of the applicant;

(5) Description of all arrests and convictions of the applicant which have not been annulled by a court of law;

(6) Description of any licenses or registrations previously issued or denied to the applicant by an agency of the state of New Hampshire or an agency of any other state;

(7) Description of the applicant's experience in law enforcement or law enforcement related occupations, if any; and

(8) Such other information as the secretary of state may require.

(c) The application shall be subscribed with the sworn statement of the applicant that the information contained therein is true.

(d) Form U-2, consent to service of process.

(e) Proof of liability insurance coverage in the amount of \$300,000 for bail recovery activities and a copy of the policy; the proof of coverage of recovery agents shall be provided by the bail agency where the recovery agent is an agent of a bail agency; the proof shall be provided by the recovery agent where the recovery agent is working as an independent contractor. Such proof of insurance shall be provided annually to the secretary of state before the recovery agent is re-registered.

(f) Proof of training and certification of the recovery agent by a program approved by the secretary of state or designee pursuant to RSA 597:7-b.

598-A:5 Registration Expiration and Renewal. The professional bondsman's and recovery agent's registrations shall expire annually on December 31. The registration may be renewed upon submission to the secretary of state of the following:

I. Application by the professional bondsman or recovery agent requesting renewal of the registration;

II. Sworn statement by the registrant of any changes in the information which was contained in the original application for registration, or a sworn statement that the information contained therein remains the same;

III. Payment of fees in accordance with RSA 598-A:3; and

IV. Proof of current liability insurance coverage in the amount of \$300,000 for bail recovery activities; the proof of coverage of bail agents shall be provided by the bail agency where the bail agent is an agent of a bail agency; the proof shall be provided by the bail agent where the bail agent is working as an independent contractor.

V. No professional bondsman's registration shall be renewed unless he or she has satisfied in full all judgment of forfeitures recovered against him under RSA 597:33.

598-A:6 Revocation.

I. A person who has been accepted as bail or surety, contrary to the provisions of this chapter, shall nevertheless be liable on his or her obligation as such bail or surety. Approval and registration under this chapter maybe revoked at any time by the secretary of state or designee and shall be revoked in case such a bondsman fails for 30 days after demand to satisfy in full a judgment recovered under RSA 597:33. The county attorney or prosecuting officer obtaining any such judgment which is not satisfied in full within 30 days after demand shall immediately notify the secretary of state or designee in writing.

II. The secretary of state may by order revoke the approval and registration of a recovery agent for good cause.

III. Upon notice and after hearing, if requested, the secretary of state may by order deny, suspend, revoke, or refuse to renew any registration issued under this chapter, or impose an administrative penalty for any of the following causes or for any violation of the laws of this state relating to bail or recovery of defendants:

(a) For any cause for which the issuance of the registration could have been refused as it then existed and been known to the secretary of state.

(b) Material misstatements, misrepresentations or fraud in obtaining the license.

(c) Misappropriation, conversion or unlawful withholding of money belonging to insurers or others and received in the conduct of business under the registration.

(d) Conviction of a felony or any offense involving moral turpitude.

(e) Fraudulent or dishonest practices in the conduct of business under the registration.

(f) Willful failure to comply with, or willful violation of any proper order, rule or part of this chapter or state of New Hampshire insurance laws, rules, or orders.

(g) Willful failure to return collateral security to the principal to which the principal is entitled.

(h) Failure to pay any forfeiture in a timely manner, after notice of default and demand for payment have been given to the professional bondsman.

(i) When the secretary of state finds that the registrant is no longer operating in good faith, the business for which he or she is registered.

(j) When, in the judgment of the secretary of state, the registrant has, in the conduct of his or her affairs, demonstrated incompetence, or untrustworthiness, or conduct or practices rendering the bondsman unfit to carry on the business for which he or she is registered, or making his or her continuance in such business detrimental to the public interest.

(k) Requests for rehearings and appeals from orders of the secretary of state shall be governed by RSA 541.

(l) All hearings conducted pursuant to this chapter shall be governed by the provisions of RSA 421-B:26-a.

IV. Any recovery agent, professional bondsman, surety company or other person who shall knowingly violate any provision of this chapter may, in addition to any other penalty otherwise provided by law, have his or her registration suspended or revoked at the discretion of the secretary of state and/or be subject to an administrative fine not to exceed \$5,000 for each violation. Multiple violations of this part shall constitute separate fineable offenses.

598-A:7 Duties of the Secretary of State.

I. The secretary of state may prepare, alter or withdraw such forms as are necessary to comply with the provisions of this title.

II. The secretary of state may issue, amend, or rescind such orders as are reasonably necessary to carry out the provisions of this chapter.

III. All actions undertaken by the secretary of state pursuant to this section shall be taken only when the secretary of state finds such action necessary or appropriate to the public interest and consistent with the purposes fairly intended by the policy and provisions of this title.

IV. Electronic filings, when received by the secretary of state, are deemed filed, and are prima facie evidence that a filing has been duly authorized and made by the signatory on the application or documents, are admissible in any civil or administrative proceeding brought by the secretary of state under this chapter, and admissible in evidence in accordance with the rules of the superior court in any action brought by the secretary of state under this chapter.

598-A:8 Requirements for Professional Bondsmen.

I.(a) Professional bondsmen shall not charge a fee in excess of 10 percent of the principal amount of each bond. Travel charges of a professional bondsman shall not exceed \$50, and shall in no case exceed the actual expense incurred, including mileage at \$.25 per mile. When more than one bond is written at one time, actual travel expenses shall be prorated.

(b) All bonds will remain in effect from the date of issue until final disposition by the superior court, unless otherwise properly terminated by the defendant or by the bondsman. The bond shall also remain in effect pending any appeal of a decision of the superior court.

(c) A professional bondsman shall not sign or countersign any blank bond, nor shall the bondsman give a power of attorney to, or otherwise authorize, anyone to countersign his or her name to bonds unless a person so authorized is duly registered as a professional bondsman and is directly employed by the bondsman giving such power of attorney. Every bond must be countersigned by the professional bondsman actually executing the bond.

(d) Every professional bondsman must post with the secretary of state a fidelity bond, written by a company not engaged in the bail bond business, in the sum of \$10,000. The fidelity bond shall be posted at the time the professional bondsman applies for registration or renews his or her registration.

II.(a) Every surety company engaged in the writing of bail bonds through professional bondsmen in this state shall submit and have approved by the secretary of state a sample power of attorney which will be the only form of power of attorney the surety company will issue to professional bondsmen in the state.

(b) Every professional bondsman who authorizes a registered professional bondsman under his or her direct employ to sign his or her name to bonds, must file with the secretary of state a copy of the power of attorney granting such registered bondsman signatory authority. Such power of attorney shall remain in full force and effect until written notice revoking the power of attorney has been received by the secretary of state.

(c) In every case, the bond must be countersigned by the professional bondsman actually executing the bond.

III.(a) Any professional bondsman who receives collateral in connection with a bail transaction shall receive such collateral in a fiduciary capacity and prior to any forfeiture of bail shall keep it separate and apart from any other funds or assets of such registrant.

(b) If, pursuant to his or her agreement, contract of agency employment, or partnership any professional bondsman is or may be required, or in fact does, transfer collateral to another professional bondsman, general agent, or surety company, such recipient of said collateral shall hold it in the same fiduciary capacity as the professional bondsman, return it, and otherwise handle it in conformity with the requirements of the preceding paragraph.

(c) Such collateral shall only be transferred to another professional bondsman registered by the secretary of state or to a surety company licensed to do business in the state.

IV.(a) Every professional bondsman who is not a resident of the state must appoint the secretary of state to be his or her agent for service of all legal process in any action, suit or proceeding in any court arising from the business as a professional bondsman in this state by such person. Such service of process shall be made by providing 2 copies to the secretary of state and paying a fee of \$5 for each professional bondsman served.

(b) A certificate of the secretary of state showing such service and attached to the original or third copy of such process shall be sufficient evidence of proper service.

(c) The secretary of state shall immediately mail one copy of such process to the professional bondsman at his or her last known principal place of business and shall keep a record of all process served upon him which shall show the day and hour of service.

V. Where a bond is executed by a professional bondsman on behalf of a surety company, the premium tax shall be calculated on the basis of the fee or premium charged to the defendant by the professional bondsman, exclusive of travel charges. The surety company is responsible for the payment of the premium tax.

VI.(a) When a defendant fails to appear in court at the appointed time and is declared to be in default, the clerk of the court shall, within 10 days, by letter, notify the professional bondsman of the default and make demand for forfeiture of the amount of the bond. A copy of the letter shall be sent to the secretary of state.

(b) Upon payment of a forfeiture, the professional bondsman shall send a copy of the letter of transmittal, or some other evidence of payment, to the secretary of state.

(c) If the forfeiture has not been paid within 30 days following notice of default, the clerk for the court shall by letter notify the secretary of state, with a copy to the professional bondsman.

(d) The secretary of state may, in his or her discretion, take action to insure the prompt payment of forfeitures by professional bondsmen or by their surety companies.

(e) Nothing in this section shall be construed to postpone or to affect in any manner the authority of the county attorney to commence proceedings for the recovery of a forfeiture pursuant to RSA 597:31.

VII. (a) No professional bondsman shall:

(1) Suggest or advise the employment of or name for employment any particular attorney to represent the defendant.

(2) To solicit business in or about any place where prisoners are confined or in or about any court.

(3) Pay a fee or rebate or give or promise anything of value to a correctional officer, police officer, peace officer, committing magistrate, bail commissioner, or any other person who has power to arrest or to hold in custody, or to any public official or public employee in order to secure a settlement, compromise, remission, or reduction of the amount of any bail bond.

(4) Pay a fee, rebate, give, or promise anything of value to an attorney in bail bond matters, except in defense of any action on a bond.

(5) Participate in the capacity of an attorney at a trial or hearing of a defendant on whose bond he or she is a surety.

(6) Accept anything of value from a defendant, except the premium and any travel expenses, provided that the bondsman shall be permitted to accept collateral security or other indemnity from the defendant that shall be returned upon final termination of the liability on the bond. Such collateral security or other indemnity required by the bondsman must be reasonable in relation to the amount of the bond.

(b) The followings persons or classes shall not be professional bondsmen and shall not directly or indirectly receive any benefit from the execution of any bail bond:

(1) Correctional officer.

(2) Police officers.

(3) Committing magistrates.

(4) Justices of the peace.

(5) Superior court or district court judges.

(6) Sheriffs, deputy sheriffs and constables.

(7) Bail commissioners.

VIII.(a) Every registered professional bondsman shall keep complete records of all business under the authority of his or her registration or under the authority of the registration of any professional bondsman employed by him or her. All records kept by such registrant, including all documents and copies thereof, shall be open to inspection or examination by the secretary of state or designee, at all times and at the registrant's expense, at the principal place of business of the registrant.

(b) The records of every professional bondsman shall include at least the following information as to each bail transaction negotiated in this state:

(1) The full name and address of the defendant.

(2) The date of arrest, the offense with which the defendant was charged, the penal amount of bail, the premium charged for the bail, the travel expenses charged in connection with the execution of the bond, the date the bail was filed or delivered, the court before whom the defendant must appear, and the scheduled date of appearance.

(3) If the bail was negotiated with any person other than the defendant, the full name and address of such person, and the relationship of such person to the defendant.

(4) The full name and address of each and every person directly or indirectly paying, promising to pay, or guaranteeing payment of, the whole or any part of the premium or collateral made or deposited in connection with a bail transaction.

(5) A separate book record which shall show the date of receipt of any collateral as guarantee in a bail transaction, the name of the person from which it was received, the name of the person receiving it, a complete description of the collateral, the amount of bail guaranteed, the amount of premium guaranteed and the disposition of the collateral. If the collateral was returned, the date of its return and the name of the person to whom it was returned.

IX.(a) No later than the fifth working day of each month, each professional bondsman shall furnish to the secretary of state the following information, with respect to each county in which he or she is authorized to do business.

(1) A complete list of the names of the cases, the amount of the bond, date the bond was issued, the court in which the defendant is to appear, the fee or premium charged, and travel expenses charged, for all bonds executed during the preceding month.

(2) The total amount of bonds outstanding at the close of the preceding month.

(b) Immediately upon its occurrence, each professional bondsman shall report any forfeiture, indicating the date of the forfeiture, the amount thereof, and the court in which the forfeiture occurred.

598-A:9 Certification by the Secretary of State. The secretary of state shall:

I. Maintain a list of approved and registered professional bondsmen that shall be available to the general public upon request.

II. Annually certify to the clerks of all courts in the state, and to such other persons who request to be so notified, the names of professional bondsmen approved and registered to do business in each county.

III. Notify the clerk of court whenever a change occurs in the list of registered professional bondsmen between annual certifications.

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

2001-1609s

AMENDED ANALYSIS

This bill revises the law governing professional bondsmen to provide greater oversight and administration by the secretary of state, and increases the surety bond for detective agencies and security services from \$10,000 to \$50,000. This bill also requires private detectives who operate as bail recovery agents to have liability insurance coverage.

SENATOR PRESCOTT: As you have this amendment before you, the purpose is to legislate minimum requirements and registration procedures for persons acting as bail bondsmen or bail recovering agents. These requirements and procedures currently apply to bail bondsmen but not bail recovery agents. Under current law, the only requirements for bail recovery agents are to complete a course approved by professional bond agents of the United States. You complete that course, only one course in the country is approved...then you provide proof of liability insurance. If those two things are presented to the Secretary of State, he has no choice but to present an ability to work as a bail recovery agent in the state of New Hampshire. So what we want to do is bring them under the same requirements as we do for bails bondsmen. The fees for bail recovery agents are comparable to the current fees for bail bondsmen. There are no fees currently in the law for bail recovery agents, so we have bail recovery agents not even going to the state for a fee. As myself as a professional engineer, I give fees to the state. So we were asking that to be the same. The definition section is used to clarify language in the current statute and to reconcile different words in RSA 597:7-b and RSA 598-A. For example, current law refers to bail agent and professional bondsmen, which are the same thing. It just clarifies that. The application...the requirements and procedures for bail bondsmen registration are almost exactly what is currently imposed. The bill adds comparable requirements and procedures for the bail recovery agents. These requirements, for a liability policy for bail recovery agents is added. That is how the bill started for liability policies if you refer to the original bill. It was for liability insurance. For renewal, the requirements for renewal for bail bondsmen remain the same, but are extended to bail recovery agents. So RSA 597:7-b requirements for a li-

ability policy for bail recovery agents is added. Then authority currently exists for the Secretary of State to revoke the bail bondsmen licenses, but not for bail recovery agents licenses. So they were completely out of control of bail recovery agents. This bill adds the authority for revocation of a bail recovery agents license and sets forth standards for revocation. It also provides for a hearing and for appeal procedures from decisions of the Secretary of State. The amendment also provides for electronic filings. It sets forth conduct and reporting requirements that are currently imposed on bail bondsmen. So what this does is to bring them into the same type of requirement as we have for bail bondsmen. We make that for bail recovery agents. Thank you very much, Mr. President.

Floor Amendment adopted.

Ordered to third reading.

HB 429, relative to dispute resolution within the context of public employee labor relations. Executive Departments and Administration Committee.

MINORITY REPORT: Ought to pass, Senator D'Allesandro for the minority. Vote 2-3

MAJORITY REPORT: Inexpedient to legislate, Senator Prescott for the majority. Vote 3-2

SENATOR PRESCOTT: I stand here next to my colleague who is the prime sponsor of the bill, Senator O'Neil. However, trying to be on your side, I gave it a fair hearing. After hearing much testimony and holding lengthy discussions, the Committee on Executive Departments and Administration has recommended that this legislation is inexpedient to legislate. It is our strong belief that the state legislature should not be in the business of mandating how local communities settle disputes with union members. Passage of HB 429 will eliminate any effective role by locally elected officials in the establishment of wages and working conditions for their police officers and firefighters. This is not the purpose of our state legislature. We are here to supplement the work of our local communities, not to tell them how they are to do their job. For this reason, the committee strongly recommends that the Senate vote this bill inexpedient to legislate. Thank you, Mr. President.

SUBSTITUTE MOTION

Senator D'Allesandro moved to substitute rerefer for ought to pass.

Recess.

Out of Recess.

SENATOR D'ALLESANDRO: This is a piece of legislation that has been around for a long time. It is worthy of our attention. It is a good piece of legislation. It isn't a piece of legislation that should be discarded. Many people have worked diligently on this piece of legislation for a long period of time. We are recognizing the significance of our firefighters, our police officers. It is restricted in that situation. It pertains to those people. I don't think in any way, that it undercuts the ability of the municipality to deal with its workers. It is a bill whose time has come. It is a bill that is a good bill. I ask my colleagues in the Senate to vote to rerefer so that this bill can come back and get what I would hope a majority of the Senate to pass. Thank you, Mr. President.

SENATOR O'NEIL: The intent of this bill is that the parties never go to arbitration. The intent is to negotiate in good faith from day one, which

doesn't happen presently. This bill came out of hearings held in every county in the state by the House Labor Committee. They heard testimony regarding long, protracted negotiations. The evidence presented set the stage for 429. It received unanimous support from the House Labor Committee and passed the House by almost a two-to-one majority and continues to receive strong bipartisan support. It requires the parties to accept the fact-finders report. This establishes an ending point for negotiation, something that is very important. The ability of a neutral party to review the facts, the salaries, the economy scales and create a much fairer and cost effective system. We seem to lose sight in the local communities sometimes about the cost to the taxpayers for meetings, for arbitration, for fact-finding. They are always held Monday through Friday 8 - 5. I believe that if negotiations were held on Sunday mornings, there would be closure pretty quick. We need to keep that in mind that for all of the parties needed to attend these meetings, there is a cost to the taxpayers. Certainly Manchester has had their shares of problems. We had a firefighters strike in 1978. We had some very difficult years in the mid 90's with our police officers where they picketed elected officials' homes and boycotted volunteer organizations such as PAL and left volunteer units such as the Special Reaction Team. I also heard testimony during the hearing that the Keene police, I believe it was, the city spent more money for lawyers than it would have cost to settle the agreement. We also heard testimony, I believe it was from the Portsmouth firefighters, that they actually signed a contract, and it had already expired because it took so long to work out the final language. Twenty states have compulsory interest arbitration. Negotiating is not a science. The market, the economy and the time set the perimeters of negotiating. During the last negotiation process in Manchester, both parties recognized the need for change in our health insurance where the parties agreed that the employee contribution would go from 10 percent to twelve and a half. The final point, it brings closure to negotiations, something that I think is very important. I would urge your support on the referendum. Thank you, Mr. President.

SENATOR WHEELER: I wish that I were rising to support an ought to pass motion because I do think that this is a very timely and important piece of legislation. Just a few remarks about it. It allows for the same conflict resolution process as currently exists while bringing a timely end to the impasse process by requiring both sides to accept the recommendation of the neutral party of unresolved matters. This means that both sides must enter into serious negotiation right from the beginning which is what I would hope that we would always do. This bill ultimately, if it were to pass, would save money for our towns. It would not cost money. You have got to end the circle somewhere. I just want to quote very briefly from a letter that we all received from Todd Bouchard who is President of the Manchester Police Patrolman's Association. He says "let me start by saying that I have been a police officer in this state for the past ten years and that during these ten years, I cannot recall ever having a timely contract. Furthermore, I have never once received a retroactive pay check. I have literally gone years without a contract or pay raise. It goes without saying that this severely impacts the financial well being of myself and my family and that of my fellow officers and their families. This impact can be severe when the dispute lasts for several years in an inflationary economy." He goes on to say that "House Bill 429 creates a system to end long, protracted negotiations by encouraging both sides to be reasonable during the negotiation process. This bill will encourage serious, meaningful negotiations and it will force both sides to

focus on the issues to reach a consensus. It creates a system to build a labor management relationship that will serve the interest of both parties." My fellow Senators, I think that is what we are all about here, to build consensus, to find an end to conflict, to be able to resolve our differences in a timely fashion. This concept is extraordinarily important for the people who protect our health and safety in our community, our police and firefighters. So I stand in support of the rerefer motion. I wish it were better.

Recess.

Out of Recess.

SENATOR DISNARD: TAPE INAUDIBLE I cannot really disagree with that. Thus I am hoping that you will introduce legislation that repeals the strongest weapon that a union member has and that is a **TAPE INAUDIBLE**. Firefighters, as you all know probably, do not have that right. **TAPE INAUDIBLE**. So if you feel...in my heart, I hope that you will set up legislation that repeals that work stoppage.

SENATOR FERNALD: I think that I am going to repeat somewhat what Senator Disnard said. I didn't hear quite all what he said, but earlier, Senator Prescott, you had said that you think that local governments and police and fire unions should be able to negotiate without interference from the state. I agree with the idea that we should let local people solve their disputes. This situation is much more complicated than that. The state is already involved because we forbid these unions to strike if there is a dispute. So we have gotten in the middle of this situation now. If we were in private business and we have some third labor dispute, the union can strike. When we take away that way of resolving the problem, of bringing it to a head, we end up with contract negotiations that can drag on forever. If we are going to keep the ban on striking, we need something else. I would urge that those Senators that are not willing to support this, then support rerefer and think about this in terms of fairness. That there has to be a mechanism to bring these matters to closure. If this isn't the right mechanism, let's rerefer it and find that mechanism next year. Thank you.

SENATOR COHEN: One of the things that we are here to do in a general sense is to address problems that affect our constituents. This addresses a problem, a real problem that affects many, many, many of the people who provide services to the people in our cities in particular. There is a problem that they face – a lack of fairness that does exist. We do need to address this. It seems to me that people who have spoken against this, have raised a lot of fears. But I don't believe the fears after listening to the testimony for hours and hours, I think that the fears are distinct from the reality. This needs to be worked on. I would ask my colleagues, Democrat and Republican, to rerefer this so that we can have a chance to address this issue with fairness.

SENATOR HOLLINGWORTH: Senator O'Neil, I had several people who called me. One of the things that they said that in other states that this law is now currently, that in fact it had worked for both sides, equally. That in fact, sometimes they ruled in favor of the municipality and other times they ruled in favor of the union. Is that what you understand as well?

SENATOR O'NEIL: Based on anything that I have read, it is about 50/50 on which way arbitrator will rule. We heard some testimony that it was about 80 percent of the time in favor of the employees, but

I don't believe that is true. On other information based on those 20 states, I believe that it is, about 50 percent of the time, ruled in favor of the municipality and 50 percent of the time in favor of the employees.

SENATOR HOLLINGWORTH: So having that information at hand, do you have any idea why anyone would be afraid of having this...what seems to be a very fair piece of legislation to allow an arbitrator to make some recommendations and why would anyone not want to have this?

SENATOR O'NEIL: I listened to the testimony that day before Senator Prescott's committee and I just don't buy what many of the municipalities said. I think that it is a fear factor. I don't buy...and can't give you an explanation on why they don't believe in this.

SENATOR HOLLINGWORTH: Thank you.

SENATOR FLANDERS: Something that hasn't been said here today is the number of letters here from Mayors. Nobody has mentioned that. The Mayor of Rochester, the Mayor of Portsmouth, the Mayor of Keene, telephone calls from the Mayor of Berlin. Nobody has mentioned that. Let me give you my idea of this. I sat here about four weeks ago and I presented a bill to this body to ask you to ask people to turn on a wiper on their car when it was raining or snowing, and there was not visibility. This body...I could hear them snicker and saying boy, Flanders is new around here, we aren't going to tell anybody they have to turn on their wipers. I sat down and I listened to the votes, and I took my defeat and I went home, and like Senator Barnes, left my marbles here and I came back to play. The other problem that I have is that we have a bill before us today, that we have discussed about one and one half hours, which is HB 738. And the very people who are standing up today and speaking, got up that day and said, we can't allow people to study the state of New Hampshire and include any of the political subdivisions of the state. We ask what is political subdivisions of the state? And everybody says towns and cities. The argument was, we can't tell them that they have to cooperate with a study. It will take away from their time and it will cost them money. We are not here to tell towns and cities what to do, but yet today, we are here because of the problem with one city. Why should we tell the Mayor of Berlin, the Mayor of Franklin...and Franklin is in my district, didn't come to the hearing, they have no problem. Why should I, Bob Flanders, have to make a decision because of one city having a problem, why should I tell Franklin that they have to have binding arbitration? Just remember, there are two sides to this story, and nobody mentioned the towns and cities and the Municipal Association and the other letters that we all received. So if we can't tell somebody to turn on their windshield wiper to save a life or two, and if we can't talk to subdivisions to save a dollar or two, why should we be able to tell towns and cities that they have to have binding arbitration? Thank you.

SENATOR WHEELER: Senator Flanders, would you believe, Senator Flanders, that I actually voted with you on the windshield wiper bill? I do think that is something that we should have told people. Would you further believe that if the mayors and the cities and towns, the two towns that are affected, and the cities, don't have a problem, that passing this bill won't cause them a problem either, if they don't have a problem?

SENATOR FLANDERS: I think that it is a carrot out there...that says, "I would do better if I go to binding arbitration. I have been involved in binding arbitration in school districts and we were not forced into it. But we dealt with the school teachers to a point, where we got to a point, and

we agreed upon binding arbitration. I am all for that. Both sides said that we were voted by arbitration. Arbitration came in and split it down the middle and we went home. But to have something hanging over your head...if a chief of police comes in, says I want \$10 an hour and the selectmen say no, you go to binding arbitration. Arbitration is fine. What control have the people got? What control do they have over their budget? They go to town meeting, they go to school meetings, and you have to do this because of binding arbitration? That is not what we do in New Hampshire.

SENATOR WHEELER: Would you believe that I don't believe that it would work that way?

SENATOR FLANDERS: That is why we are different parties.

SENATOR D'ALLESANDRO: My distinguished, Senator Flanders, I certainly appreciate his remarks, but I think that he takes a few things out of context. When we talked about a piece of legislation that had to do with oversight of municipalities, what we were referencing was the fact that this committee was given subpoena powers to go to municipalities and demand certain things from them. I don't think that is good government. I spoke against it then and I will speak against it now. This is an entirely different situation. We are talking about a situation that as Senator Wheeler very succinctly pointed out, you never have to go to binding arbitration. Settle your labor disputes. Two parties come together, you settle your disputes, but this is available if you can't settle them. We all need that. That's something that should be there, and in this particular situation, I believe the time has come for "it" to be there. It doesn't discourage anybody from bargaining in good faith. Actually, it is an encouragement to bargain in good faith. I think that it is a good piece of legislation. It is a piece of legislation that its time has come. Thank you, Mr. President.

SENATOR O'NIEL: Out of respect for my freshman colleague, Senator Flanders, I wanted to correct a couple of things. First of all, we did in fact receive letters from mayors, but to the best of my recollection, I don't remember receiving a letter from the governing bodies of those communities. The mayors were taking their own personal position on this. Again, to the best of my knowledge, I don't remember the governing body of any of those communities taking a position. Secondly, true Manchester has had some bad situations, but I do specifically remember testimony from Derry with problems, from the city of Keene with problems and from the city of Portsmouth. So it kind of moves around the state a little bit. So I just want to correct that. It is not only the city of Manchester that has had some serious problems. Thank you, Mr. President.

Question is on the motion of rerefer.

A roll call was requested by Senator Wheeler.

Seconded by Senator D'Allesandro.

The following Senators voted Yes: Below, McCarley, Disnard, Eaton, Fernald, Pignatelli, Larsen, O'Neil, D'Allesandro, Wheeler, Hollingworth, Cohen.

The following Senators voted No: Burns, Gordon, Johnson, Boyce, Flanders, Roberge, O'Hearn, Francoeur, Gatsas, Barnes, Prescott, Klemm.

Yeas: 12 - Nays: 12

Motion failed.

Senator Prescott moved inexpedient to legislate.

Question is on the motion of inexpedient to legislate.

A roll call was requested by Senator Fernald.

Seconded by Senator Larsen.

The following Senators voted Yes: Burns, Gordon, Johnson, Boyce, Flanders, Roberge, O'Hearn, Pignatelli, Francoeur, Gatsas, Barnes, Prescott, Klemm.

The following Senators voted No: Below, McCarley, Disnard, Eaton, Fernald, Larsen, O'Neil, D'Allesandro, Wheeler, Hollingworth, Cohen.

Yeas: 13 - Nays: 11

Adopted.

HB 429 is inexpedient to legislate.

HB 481, relative to access to certain communications common carrier records. Executive Departments and Administration Committee. Vote 4-0. Ought to pass, Senator Prescott for the committee.

SENATOR PRESCOTT: This bill was the request of the Attorney General's office. It updates RSA 7:6-b, which was originally drafted in 1969. Supporters of this bill stated in the committee hearing that it needs to be updated as technology advances are made in the field of email, beepers, pagers et-ceteras. The committee voted unanimously that this bill ought to pass and I encourage the full Senate to do the same. Thank you, Mr. President.

Adopted.

Ordered to third reading.

HB 493, exempting certain short term condominium unit owners' association rentals from the New Hampshire real estate practice act. Executive Departments and Administration Committee. Vote 4-0. Ought to pass, Senator Francoeur for the committee.

SENATOR FRANCOEUR: This bill was submitted on behalf of the Condominium owners who rent their units out for periods of less than 30 days. Most of the time these type of units operate more like hotels than real estate and should therefore follow guidelines other than those set for the real estate practice act. This bill was sponsored by the Speaker of the House and had no opposition in committee hearings. The committee fully supports it and recommends this bill as ought to pass.

Adopted.

Ordered to third reading.

MOTION OF RECONSIDERATION

Senator Francoeur having voted with the prevailing side, moved reconsideration on **HB 429**, relative to dispute resolution within the context of public employee labor relations, whereby we voted it inexpedient to legislate.

Motion failed.

HB 578, relative to requirements for nonpublic utility providers of telephone services and competitive telecommunications providers, and relative to the information technology management advisory board. Executive Departments and Administration Committee. Vote 3-1. Ought to pass with amendment, Senator Prescott for the committee.

2001-1544s
03/10

Amendment to HB 578

Amend RSA 378:17-c, III as inserted by section 1 of the bill by deleting subparagraph (d).

Amend RSA 378:17-c as inserted by section 1 of the bill by deleting paragraph IV.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect January 1, 2002.

SENATOR PRESCOTT: This bill would make several changes to the regulation covering hotels and other nonpublic providers of communications in our state. Most of us have experienced a situation or know someone who has experienced a run-in with a hotel over a phone bill added to regular room charges. Often these charges are exorbitant amounts, which we would not have accrued if we had known the rates before we made the long distance call. There was testimony regarding long distance bill charges on their overnight hotel stay bill, for their phone use, it was \$100 for 17 minutes, just to call back to the office and touch base. This bill would require proper notification of rates in these types of facilities. The bill makes several other changes as well, adding two more members to the state information technology management advisor's board, and implementing some technical changes to the use of 911 in hotels. The committee recommends that this bill ought to pass as amended and I encourage the full Senate to do the same. Thank you, Mr. President.

Amendment adopted.

Ordered to third reading.

HB 583, making certain changes to the underground utility damage prevention system. Executive Departments and Administration Committee. Vote 4-0. Ought to pass, Senator D'Allesandro for the committee.

SENATOR D'ALLESANDRO: This is the kind of bill that we love to see. There was no opposition to this bill either in the Senate hearing or in any House deliberations. It makes some fairly minor changes to current law regulating utility damage prevention, which is supported fully by all the players involved. Basically this bill would amend current legislation to expand utility damage prevention to private property, in addition to coverage of public property, which is already included under current regulations. The committee fully supports this bill and recommends that it ought to pass. I ask that my colleagues do the same. Thank you, Mr. President.

Adopted.

Ordered to third reading.

HB 667, relative to certain reporting requirements and relative to meetings of the board of medicine. Executive Departments and Administration Committee. Vote 4-0. Ought to pass, Senator Prescott for the committee.

SENATOR PRESCOTT: This bill is very simple and makes only a minor change to the internal structure of the Board of Medicine. This bill did not receive any opposition in the committee hearings and has the full support of the committee. We recommend unanimously that this bill ought to pass. Thank you, Mr. President.

Adopted.

Ordered to third reading.

HB 719, relative to the removal of public officials for cause. Executive Departments and Administration Committee. Vote 4-0. Ought to pass, Senator Prescott for the committee.

SENATOR PRESCOTT: This bill, as described in committee hearings, would streamline the process for removing nonclassified personnel who may not be performing adequately. It also ensures that any personnel will receive a fair and complete hearing in the removal process. With this legislation, the Governor and at least three of the five Executive Councilors would have to agree to call a hearing for an employee. A defendant would have 45 days to prepare his or her case, after which the Governor and at least three councilors would have to vote to remove the official. This bill received unanimous support in the House committee hearing and it passed on the House consent calendar. Additionally, it received no opposition at our Senate hearing. The committee recommends that this bill ought to pass. In light of extending the Child and Youth Services Commissioner from being at the pleasure of the Governor to being a four-year term. There were some no's to that legislation being done. This legislation being put in place, does give the Governor and the Council ability to remove those nonclassified personnel. Therefore, I encourage the full Senate to pass this piece of legislation. Thank you, Mr. President.

Adopted.**Ordered to third reading.**

HB 25-FN-A, making appropriations for capital improvements. Capital Budget Committee. Vote 5-0. Ought to pass with amendment, Senator Francoeur for the committee.

Capital Budget
 June 11, 2001
 2001-1623s
 10/03

Amendment to HB 25-FN-A

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

2

3 1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the
 4 projects specified to the departments, agencies, and branches named:

5 I. Adjutant General.

6 A. Armory Renovations - Statewide \$ 400,000

7 B. Reroofing Plymouth and Franklin Armories 410,000

8 C. Army Aviation Support Facility Construction - Concord 30,600,000

9 Less Federal -30,600,000

10 Net state appropriation subparagraph C 0

11 D. NHSVC Administration Building 514,000

12 Less Federal -514,000

13 Net state appropriation subparagraph D 0

14 E. NHSVC Grave Locator and Public Restroom 94,000

15 Less Federal -94,000

16 Net state appropriation subparagraph E 0

17 F. NHSVC Columbarium Expansion 305,000

18 Less Federal -305,000

19 Net state appropriation subparagraph F 0

20 G. NHSVC Irrigation 141,000

21 Less Federal -141,000

22 Net state appropriation subparagraph G 0

23 H. NHSVC Foot Bridge 210,000

24 Less Federal -210,000

25 Net state appropriation subparagraph H 0

26 I. USPFO Addition and Renovation 4,036,700

27 Less Federal -4,036,700

28 Net state appropriation subparagraph I 0

29 J. NHNG Training Site Range-Center Strafford 2,280,800

30 Less Federal -2,280,800

31 Net state appropriation subparagraph J 0

Amendment to HB 25-FN-A
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1	Total state appropriation paragraph I	\$810,000
2	II. Administrative Services.	
3	A. Bureau of General Services.	
4	1. State Laboratory - Complete HVAC Repairs	\$ 8,552,200
5	2. E-911 Install Ventilation Unit	133,000
6	3. 6 Hazen Drive - Install Fire Suppression System	807,500
7	4. State Library - Install Fire Suppression System	310,000
8	5. State House Annex - Life Safety Code Improvements	106,500
9	6. State House Annex - Upgrade Elevators	198,000
10	7. 6 Hazen Drive - Replace State Laboratory Roof	160,000
11	8. State House - Upgrade Elevators	198,000
12	9. State House - Repoint Exterior Granite & Caulk Windows	205,000
13	10. State House - Dome	300,000
14	11. State House Annex - Mailroom Lift	93,500
15	12. Johnson Hall Renovations - State Office Park South	229,576
16	13. Storrs Street Garage - Parking Garage Repairs	<u>513,000</u>
17	Total state appropriation subparagraph A	\$11,806,276
18	B. Bureau of Court Facilities.	
19	1. Carroll County Courthouse Construction	\$ 6,250,000
20	2. Roof - Nashua District Court	<u>115,700</u>
21	Total state appropriation subparagraph B	<u>\$ 6,365,700</u>
22	Total state appropriation paragraph II	\$18,171,976
23	III. Agriculture, Markets, and Food.	
24	A. NH Bldg. At Eastern States Exposition	<u>\$200,000</u>
25	Total state appropriation paragraph III	\$200,000
26	IV. Community-Technical College System.	
27	A. System Maintenance - Statewide	\$ 705,000
28	B. Machine Tool Lab - Nashua	350,000
29	C. New Academic Building - Laconia (Design)	600,000
30	D. Mezzanine Instruction Renovation - Manchester	739,850
31	E. Computer System Upgrades *	600,000
32	F. Mobile Equipment Center Design/Child Care - Berlin	250,000
33	G. Student Residence - Berlin (Design)	100,000
34	H. Christa McAuliffe Planetarium - Alan B. Shepard Memorial Wing	<u>100,000</u>
35	Total state appropriation paragraph IV	\$ 3,444,850
36	V. Department Of Corrections.	
37	A. Upgrade Electronic Perimeter Fence Phase 2 - Concord	\$100,000

Amendment to HB 25-FN-A

- Page 3 -

1	Total state appropriation paragraph V	\$100,000
2	VI. Department of Cultural Resources.	
3	A. Statewide Union Catalog Hardware*	<u>\$450,000</u>
4	Total state appropriation paragraph VI	\$450,000
5	VII. Department Of Education.	
6	A. Education Statistics System *	\$200,000
7	B. Grants Management *	650,000
8	Less Federal	<u>-500,000</u>
9	Net state appropriation subparagraph B	150,000
10	C. Vocational Rehabilitation Case Management System *	170,000
11	Less Federal	<u>-140,000</u>
12	Net state appropriation subparagraph C	30,000
13	D. Career Development System (Phase 2) *	227,500
14	Less Federal	<u>-98,000</u>
15	Net state appropriation subparagraph D	<u>129,500</u>
16	E. Regional Vocational Center Renovation - Keene	4,500,000
17	F. Vocational Center Construction - Nashua (Phase I)	<u>4,500,000</u>
18	Total state appropriation paragraph VII	\$9,509,500
19	VIII. Department Of Environmental Services.	
20	A. Drinking Water SRF Matching Funds	\$721,400
21	B. Wastewater SRF Matching Funds	<u>5,361,274</u>
22	Total state appropriation paragraph VIII	\$6,082,674
23	IX. Department Of Health & Human Services.	
24	A. Patient Res. ADA & Fire Sys/Transitional Housing	
25	- State Office Park South	\$433,750
26	B. Asbestos Abatement - State Office Park South	996,250
27	C. Main Building - ADA, Fire/Life Safety Renovations	265,000
28	D. MOP Roof Replacement/Wiring, Phone, Alarm - Laconia	210,000
29	E. Laconia MR Offenders New Building	500,000
30	F. Patient Care Network *	700,000
31	G. LITS (Lab Information Tracking System) *	250,000
32	H. Bridges Enhancement *	\$3,000,000
33	Less Federal	<u>-1,500,000</u>
34	Net state appropriation subparagraph H	1,500,000
35	I. DFA New Heights Enhancements *	3,100,000
36	Less Federal	<u>-1,550,000</u>
37	Net state appropriation subparagraph I	1,550,000

Amendment to HB 25-FN-A

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1	J. Public Health Laboratories Replacement Equipment	<u>495,000</u>
2	Total state appropriation paragraph IX	\$6,900,000
3	X. Liquor Commission.	
4	A. Renovate Store #38 & Parking Lot - Portsmouth	\$685,000
5	B. Renovate Store #34 - Salem & New HVAC	<u>593,000</u>
6	Total state appropriation paragraph X	\$1,278,000
7	XI. Department Of Resources and Economic Development.	
8	A. Statewide Radio System	\$582,200
9	B. Exterior Repairs, Roofing - Statewide	200,000
10	C. Road Repairs/Parking Lot Maintenance - Statewide	200,000
11	D. Cannon Mt. Aerial Tram-Upgrade Drive & Control Sys.	995,000
12	Less Park Fund	<u>-995,000</u>
13	Net state appropriation subparagraph D	<u>0</u>
14	Total state appropriation paragraph XI	\$982,200
15	XII. Supreme Court.	
16	A. Computer System Upgrade *	<u>\$1,100,000</u>
17	Total state appropriation paragraph XII	\$1,100,000
18	XIII. Department Of Transportation.	
19	A. 5-10 percent match for FAA Projects	\$2,800,000
20	B. Repair State Rail Lines	2,000,000
21	Less Federal	<u>-1,000,000</u>
22	Net state appropriation subparagraph B	1,000,000
23	C. ADA Compliance Projects - State Parks,	
24	Hayes Building Restrooms, New Hampshire Hospital	
25	Main Administration Building	187,000
26	D. Public Transit Bus Replacement	1,000,000
27	Less Federal	-800,000
28	Less Other	<u>-100,000</u>
29	Net state appropriation subparagraph D	<u>100,000</u>
30	Total state appropriation paragraph XIII	\$4,087,000
31	XIV. Veterans Home.	
32	A. 100 Electric Beds *	\$150,000
33	B. Parker Tubs *	40,000
34	Total state appropriation paragraph XIV	\$190,000
35	XV. Youth Development Services.	
36	A. King Cottage Renovations - Const. YDS	\$415,000
37	B. ADA Compliance and Sprinkler/Fire Detection - Const.	<u>500,000</u>

Amendment to HB 25-FN-A
- Page 5 -

1	Total state appropriation paragraph XV	<u>\$915,000</u>
2	Total state appropriation section 1	\$54,221,200

3 * The bonds issued for these projects shall be 5 year bonds.

4 2 Appropriation; University System of New Hampshire Projects.

5 I. The Knowledge Economy Education Plan (KEEP NH) documents the need for investment
6 in university system of New Hampshire projects primarily to renovate and expand science,
7 engineering, and technology facilities. A sum of \$100,000,000 is hereby committed to the university
8 system of New Hampshire for KEEP NH, with the first \$37,000,000 appropriated effective July 1,
9 2001 and the remaining \$63,000,000 appropriated upon approval by the capital budget overview
10 committee. The appropriations are for the following capital projects:

- 11 (a) Murkland Hall renovations (UNH);
- 12 (b) Mason Library renovations (KSC);
- 13 (c) Boyd Hall renovation and expansion (PSC);
- 14 (d) Kingsbury Hall renovation and expansion (UNH);
- 15 (e) Science Building renovation and expansion (KSC);
- 16 (f) Infrastructure work on all campuses (USNH); and
- 17 (g) NHPTV equipment (UNH);

18 II. The university system board of trustees shall determine the timing of the projects and
19 the specific dollar allocation to each from the sum available under paragraph I while ensuring the
20 respective campus priorities are addressed. The board of trustees shall submit the programs and
21 design development drawings which include cost estimates, design criteria, and square footage
22 requirements for the projects in paragraph I to the capital budget overview committee for its review
23 and approval as soon as possible. The board of trustees has stated that if the capital budget
24 overview committee approval is received within 45 days of submittal then all 5 major facility projects
25 listed in paragraph I(a)-(e) will be completed within the above appropriation. The capital budget
26 overview committee approval is also required for the project in paragraph I(f). The appropriation
27 shall be nonlapsing and in addition to any other appropriation to the university system; provided,
28 however, that the university system shall not receive actual cumulative payments from the state for
29 such purposes of more than:

- 30 (a) \$38,000,000 in the biennium ending June 30, 2003.
- 31 (b) \$69,000,000 through the biennium ending June 30, 2005.
- 32 (c) \$100,000,000 through the biennium ending June 30, 2007.

33 3 Appropriation; Fish and Game Department. The sums hereinafter detailed are hereby
34 appropriated for the projects specified:

35	A. Statewide Fish Hatchery Capital Improvement Study	<u>\$200,000</u>
36	Total state appropriation section 3	\$200,000

37 4 Appropriation; Department of Safety and Department of Transportation. The sums

Amendment to HB 25-FN-A

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1 hereinafter detailed are hereby appropriated for the projects specified:

2 I. Department Of Safety.

3	A. Hayes Building Sprinkler System	\$424,500
4	B. Radio System – County Tie-in	<u>1,000,000</u>
5	Total state appropriation paragraph I	\$1,424,500

6 II. Department Of Transportation.

7	A. Security & Building Modifications - Traffic	\$ 626,000
8	B. Energy/Environmental Renovations/Replacements	
9	and Emergency Repairs - Statewide	1,000,000
10	C. Replacement of Shop Cranes - Mechanical Services - Statewide	407,000
11	D. New Garage & Testing Lab Facility	\$18,423,000
12	Less Other (Sale of existing garage)	<u>-4,000,000</u>
13	Net state appropriation subparagraph D	<u>14,423,000</u>
14	Total state appropriation paragraph II	<u>\$16,456,000</u>
15	Total state appropriation section 4	\$17,880,500

16 5 Expenditures: General. The appropriation made for the purpose mentioned in sections 1, 3,
17 and 4 and the sums available for those projects shall be expended by the trustees, commissions,
18 commissioner, or department head of the institutions and departments referred to herein; provided
19 that all contracts and projects and plans and specifications therefor shall be awarded in accordance
20 with the provisions of RSA 228.

21 6 Expenditures; University System of New Hampshire.

22 I. The appropriations made for the purposes mentioned in section 2 and the sums available
23 for these projects shall be expended by the trustees of the university system of New Hampshire. All
24 contracts for the construction of all or any part of said buildings or facilities shall be let only after
25 competitive sealed bids have been received and only after an advertisement calling for such bids has
26 been published at least once in each of 2 successive calendar weeks in a newspaper of general
27 circulation in New Hampshire or in a trade journal known to be circulated among the contractors
28 from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first
29 publication of such advertisement shall be not less 30 days prior to the date the bids will be received.
30 All conditions considered, wherever possible, it is recommended that the services of New Hampshire
31 architectural and construction firms be considered within the discretion of the trustees.

32 II. The appropriations made in section 2 are available for all costs incidental to the
33 completion of the projects enumerated including the costs of the services of architects, engineers, and
34 other consultants of such kind and capacity as the university system board of trustees, in its
35 discretion, may wish to employ on such terms and conditions as the board determines. These
36 moneys shall be spent under the direction of the university system board of trustees and subject to
37 the provisions of section 13 of this act.

Amendment to HB 25-FN-A
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1 III. If, in the judgment of the trustees of the university system, just cause exists indicating
2 the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if
3 the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

4 IV. The board of trustees of the university system has the right to reject any and all bids
5 and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the
6 low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered
7 most advantageous to the university. If only one bid is received, the board of trustees may negotiate
8 a contract for the construction on terms considered most advantageous to the university system and
9 to the state. Any authorization contained in this act which is at variance with the requirements of
10 applicable federal law and regulations shall be controlled by the terms of the federal law and
11 regulations.

12 V. Notwithstanding paragraphs I, III, and IV, the sums appropriated by section 2, for any of
13 the projects listed in paragraph I of section 2, may be expended and awarded by the trustees of the
14 university system; provided that all contracts for all or any part of the building or facilities shall
15 follow construction management procurement procedures and guidelines. If the trustees select
16 construction management pursuant to this paragraph, paragraphs I, III, and IV shall not apply and
17 the trustees shall retain the right to reject or negotiate following accepted construction management
18 practices.

19 7 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3, and 4 of
20 this act, except such land, if any, as may be acquired under the appropriation for the department of
21 environmental services, shall be purchased by the commissioner of the department of transportation
22 with the approval of governor and council.

23 8 Bond Authorized.

24 I. To provide funds for the total of the appropriations of state funds made in sections 1, 3,
25 and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not
26 exceeding the sum of \$72,301,700 and for said purposes may issue bonds and notes in the names and
27 on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

28 II. To provide funds for the appropriation made in section 2 of this act, the state treasurer is
29 hereby authorized to borrow upon the credit of the state not exceeding the sum of \$100,000,000 and
30 for said purposes may issue bonds and notes in the name of and on behalf of the state of
31 New Hampshire in accordance with RSA 6-A; provided the cumulative bonds or notes shall not be
32 issued in excess of:

33 (a) \$38,000,000 in the biennium ending June 30, 2003.

34 (b) \$69,000,000 through the biennium ending June 30, 2005.

35 (c) \$100,000,000 through the biennium ending June 30, 2007.

36 9 Payments.

37 I. The payment of principal and interest on bonds and notes issued for the projects in

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1 sections 1 and 2 shall be made when due from the general funds in the state.

2 II. The payment of principal and interest on bonds issued for the projects in:

3 (a) Section 3 shall be made from the fish and game fund.

4 (b) Section 4 shall be made from the highway fund.

5 10 Powers of Governor and Council. The governor and council are hereby authorized and
6 empowered:

7 I. To cooperate with and enter into such agreements with the federal government, or any
8 agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

9 II. To accept any federal funds which are, or become available for any project under sections
10 1, 3, and 4 beyond the estimated amounts. The net appropriation of state funds for any project for
11 which such additional federal funds are accepted shall be reduced by the amount of such additional
12 funds, and the amount of bonding authorized by section 8 shall be reduced by the same amount.

13 11 Transfers. The individual project appropriations provided in sections 1, 2, 3, and 4 of this act
14 shall not be transferred or expended for any other purposes; provided that if there is a balance
15 remaining after an individual project, which is fully funded by state funds, is completed, accepted,
16 and final payment made, said balance or any part thereof may be transferred by governor and
17 council, or for expenditures made pursuant to section 6 by the trustees of the university system, to
18 any other individual project or projects, which are also fully funded by state funds, within the same
19 section and from the same funding source, provided that prior approval of the capital budget
20 overview committee is obtained.

21 12 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds
22 for any project provided for by sections 1, 3 and 4 is determined on the basis of an estimate of
23 anticipated federal, local, or other funds, and if the amount of such funds actually received or
24 available is less than said estimate, then the total authorized cost for such projects and the net
25 appropriation of state funds thereof shall be reduced by the same proportion as the proportion by
26 which federal, local, or other funds are reduced. The amount of bonding authorized by section 8 shall
27 be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

28 13 Oversight and Reporting Required; University System. The department of transportation,
29 division of public works shall provide a report every 90 days to the governor and legislative capital
30 budget overview committee on the progress of each of the capital projects funded from the sum
31 appropriated and authorized in section 2 beginning September 30, 2001 until the funds appropriated
32 in section 2 are fully expended. Said reports shall include the method of selecting contractors, the
33 current total project cost, funds encumbered, actual expenditures, and estimated completion date for
34 each project. The board of trustees of the university system of New Hampshire shall provide
35 information necessary for the reports upon request of the department of transportation, division of
36 public works.

37 14 Appropriation; Department of Transportation, Division of Public Works. The sum of \$50,000

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1 for the biennium ending June 30, 2003, is hereby appropriated to the office of the department of
2 transportation, division of public works for the purpose of preparing the reports required by section
3 13 of this act. This appropriation shall be in addition to any other sums appropriated to the office of
4 the department of transportation, division of public works. The governor is authorized to draw a
5 warrant for said sum out of any money in the treasury not otherwise appropriated.

6 15 Information Technology Equipment and Software. Individual project appropriations for
7 information technology equipment provided for by sections 1, 3, or 4, or for any other agency in any
8 budget bill enacted during the 2001 legislative session, shall not be spent, obligated, or encumbered
9 until such time as the agency's information technology plans are reviewed by the division of
10 information technology management pursuant to RSA 21-I:67 and approved by the capital budget
11 overview committee. The division of information technology management shall review any such
12 agency technology plans within 90 days. An agency may request an extension of time from the
13 capital budget overview committee.

14 16 Appropriation; Payment of Bonds and Notes; Department of Regional Community-Technical
15 Colleges; Addition to Student Center; Concord.

16 I. The sum of \$1,500,000 is appropriated to the department of regional community-technical
17 colleges for the purpose of the construction of an addition to the Dr. Golde Crocker Wellness Center
18 on the Concord campus.

19 II. To provide funds for the appropriation made in paragraph I the state treasurer is hereby
20 authorized to borrow upon the credit of the state not exceeding the sum of \$1,500,000 and for said
21 purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in
22 accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made
23 from the technical institute private fund.

24 17 Appropriation; Payment of Bonds and Notes; Department of Regional Community-Technical
25 Colleges; New Hampshire Technical Institute Dental Hygiene/ Assisting Program; Grant Required.

26 I. The sum of \$1,200,000 is appropriated to the department of regional community-technical
27 colleges for the purpose of the construction of a dental hygiene/ assisting program building on the
28 Concord campus.

29 II. To provide funds for the appropriation made in paragraph I the state treasurer is hereby
30 authorized to borrow upon the credit of the state not exceeding the sum of \$1,200,000 and for said
31 purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in
32 accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made
33 from the sums received by a grant received by the department or regional community technical
34 colleges from the Endowment for Health.

35 III. If the grant from the Endowment for Health is not received as provided in paragraph II, the
36 dental hygiene/ assisting program building in paragraph I shall not be authorized to be constructed
37 under this section.

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1 18 Appropriation Purpose Amended; Department of Transportation; Salt Sheds; Exeter, Gonic,
2 Moultonborough. Amend 1999, 226:4, I, B to read as follows:

3 B. [~~Roof repair/Stickney Ave.~~] *Salt Sheds - Exeter Patrol Shed,*
4 *Gonic, Moultonborough, Wentworth* 630,000

5 19 Appropriation; Payment of Bonds and Notes; Department of Safety; Addition to Dormitory;
6 Fire Standards and Training.

7 I. The sum of \$2,687,400 is appropriated to the department of safety for the purpose of the
8 construction of an addition to the dormitory at the fire standards and training center.

9 II. To provide funds for the appropriation made in paragraph I the state treasurer is hereby
10 authorized to borrow upon the credit of the state not exceeding the sum of \$2,687,400 and for said
11 purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in
12 accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made
13 from the fire standards and training and emergency medical services fund.

14 20 Contingency; Appropriation to Department of Safety. If both HB 303 and HB 218 of the 2001
15 legislative session do not become law, then section 19 of this act shall not take effect.

16 21 Appropriation Purpose Amended; Administrative Services. Amend 1997, 349:1, II, B, 1 and 2
17 to read as follows:

18 1. [~~LAN hardware and site preparation~~] *LAN/WAN*
19 *hardware/software upgrade ** \$ 950,000
20 2. [~~Year 2000 financial system support~~] *NH SUN security ** \$ 1,300,000

21 22 Appropriation Purpose Amended; Administrative Services. Amend 1999, 226:1, II, A, 10 to
22 read as follows:

23 10. Equipment upgrade-~~[DASD]~~ * 200,000

24 23 Appropriation Purpose Amended; Administrative Services. Amend 1999, 226:1, II, A, 12 to
25 read as follows:

26 12. [~~VSE to MSV conversion~~] *Application software upgrade ** 200,000

27 24 Appropriation Purpose Amended; Department of Safety. Amend 1999, 226:4, II, A as
28 amended by 2000, 132:2 to read as follows:

29 A. Design and construct Troop D barracks/DMC training 1,510,000
30 *and DMV testing building*

31 25 Department of Safety; DMV Testing; Additional Funding. Pursuant to 1999, 226:4, II, A as
32 amended by 2000, 132:2 and section 24 of this act, and as extended by this act, the commissioner of
33 safety shall design, construct, and furnish as needed a troop D barracks on Clinton Street, in
34 Concord, and a DMV building on Hazen Drive, in Concord, or other suitable location.
35 Notwithstanding any provisions of law to the contrary, the commissioner of safety is authorized to
36 hire architects and contractors to design and construct the DMV testing building and may use the
37 services of the bureau of public works, department of transportation. Any additional funding

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1 required for the DMV testing building, shall be a charge to the inventory fund established by RSA
2 228:25 and shall not exceed \$950,000.

3 26 Department of Safety; Keene Substation; Hearing Room Addition. The commissioner of
4 safety is hereby authorized to add a hearing room addition to the Keene substation at a cost not to
5 exceed \$50,000. Notwithstanding any provision of law to the contrary, the commissioner of safety is
6 authorized to hire architects and contractors to design and construct the hearing room addition and
7 may use the services of the bureau of public works, department of transportation. The commissioner
8 of safety is authorized to draw upon the inventory fund established by RSA 228:25 for the purpose of
9 funding the addition to Keene substation.

10 27 University System; Study Required; Reinstatement of Baseball and Softball. The board of
11 trustees of the university system on New Hampshire shall commence a study of the feasibility and
12 costs of the reinstatement of the athletic program in intercollegiate baseball and softball at the
13 university of New Hampshire in Durham, including necessary repairs to any buildings and grounds.
14 The study shall be completed on or before June 1, 2002. The results of the study shall be reported to
15 the governor, the senate president, the speaker of the house of representatives, the senate clerk, and
16 the house clerk.

17 28 Lapse Dates Extended to June 30, 2003. The following appropriations are hereby extended to
18 June 30, 2003.

19 I. The appropriation made to the department of corrections in 1995, 309:1, IV, K, as
20 amended by 1997, 349:29, and as extended by 1997, 349:34, XVII and 1999, 226:32, VIII, for
21 preliminary design of expanded correctional facilities, including land acquisition, in accordance with
22 federal crime bill grants.

23 II. The appropriation made to the department of corrections in 1998, 223:2, as extended by
24 1999, 226:32, XLII, for the design and construction of the new medium security prison and for
25 furnishings and equipment for inmates of the new prison.

26 III. The appropriation made to the department of corrections in 1999, 226:1, V, D, for a new
27 halfway house.

28 IV. The appropriation made to the department of resources and economic development in
29 1997, 349:1, X, B, C, as extended by 1999, 226:32, XXXVI, for rocky bend seawall repairs and
30 replacement of the Sunapee bathhouse.

31 V. The appropriation made to the department of resources and economic development in
32 1999, 226:1, XII, A, C, D, E, for ADA compliance for parks facilities, new toilet facilities – Hampton,
33 septic gray water system – Mount Washington, and install power – Crawford Notch.

34 VI. The appropriation made to the department of administrative services in 1999, 226:1, II,
35 A, 1, for Johnson Hall stair tower.

36 VII. The appropriation made to the department of administrative services in 1995, 309:1, II,
37 A, 1, as extended by 1997, 349:34, XI and 1999, 226:32, V, for health and human services building

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- 1 and laboratory HVAC renovations.
- 2 VIII. The appropriation made to the department of administrative services in 1999, 226:1,
3 II, A, 2, for state lab electrical wiring/panel replacement.
- 4 IX. The appropriation made to the department of administrative services in 1999, 226:1, II,
5 A, 4, for health and human services flash and recoat stair tower.
- 6 X. The appropriation made to the department of administrative services in 2000, 283:2, for
7 renovation to the Walker building.
- 8 XI. The appropriation made to the department of administrative services in 1997, 349:1, II,
9 A, 3, as extended by 1999, 226:32, XIX, for roof repairs – Supreme Court.
- 10 XII. The appropriation made to the department of administrative services in 1997, 349:1, II,
11 A, 12, as extended by 1999, 226:32, XXII, for emergency repairs, contingency fund.
- 12 XIII. The appropriation made to the department of administrative services in 1997, 349:1,
13 II, A, 13, as extended by 1999, 226:32, XXIII, for the life safety, renovations – health and human
14 services building.
- 15 XIV. The appropriation made to the department of administrative services in 1999, 226:1, II,
16 A, 8, for executive/legislative budget system.
- 17 XV. The appropriation made to the department of administrative services, bureau of court
18 facilities in 1993, 359:1, II, B, 2, as extended by 1994, 171:1, 1996, 257:5, and 1998, 226:4, and as
19 amended by 2000, 283:4, for the Plaistow district court.
- 20 XVI. The appropriation made to the department of administrative services in 1995, 309:1, II,
21 B, 3, as amended by 1997, 349:34, XIV, and as extended by 1999, 226:32, VI, for the study and design
22 of court facility on county donated land – Carroll County Superior Court.
- 23 XVII. The appropriation made to the department of administrative services in 1997, 349:1,
24 II, C, 1, as extended by 1999, 226:32, XXV, for the bureau of court facilities
25 Dover/Durham/Somersworth District Court.
- 26 XVIII. The appropriation made to the department of administrative services in 1999, 226:1,
27 II, A, 9, for information technology plan consultants.
- 28 XIX. The appropriation made to the department of administrative services in 1997, 349:1, II,
29 A, 1 as extended by 1999, 226:32, XXI for fire suppression – state library.
- 30 XX. The appropriation made to the department of administrative services in 1997, 349:1, II,
31 B, 1, 2 as extended by 1999, 226:32, XXIV and as amended by section 21 of this act for LAN/WAN
32 hardware/software upgrade and NH SUN security.
- 33 XXI. The appropriation made to the department of administrative services in 1999, 226:1, II,
34 A, 7, for communications equipment upgrade.
- 35 XXII. The appropriation made to the department of administrative services in 1999, 226:1,
36 II, A, 10, as amended by section 22 of this act for equipment upgrade.
- 37 XXIII. The appropriation made to the department of administrative services in 1999, 226:1,

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- 1 II, A, 12, as amended by section 23 of this act for application software upgrade.
- 2 XXIV. The appropriation made to the department of administrative services in 1999, 226:1,
- 3 II, A, 15, for light replacement - health and human services building.
- 4 XXV. The appropriation made to the department of safety in 1999, 226:4, II, A, as amended
- 5 by 2000, 132:2 and as amended by section 24 of this act, for design and construct troop D
- 6 barracks/DMC training and DMV testing building.
- 7 XXVI. The appropriation made to the department of safety in 1999, 226:4, II, D, for
- 8 carpeting at 10 Hazen Drive, Concord
- 9 XXVII. The appropriation made to the department of safety in 1999, 226:4, II, B, for paving
- 10 and roof replacement at troop stations.
- 11 XXVIII. The appropriation made to the department of education in 1999, 226:1, VI, A, for
- 12 computer applications expansion/replacement.
- 13 XXIX. The appropriation made to the department of transportation in 1993, 359:1, XII, A, 1,
- 14 as extended by 1994, 171:1, 1996, 215:3, III, 1997, 349:34, X, and 1999, 226:32, IV, for land
- 15 acquisition for navigation beacons.
- 16 XXX. The appropriation made to the department of transportation in 1997, 349:1, XIV, A, as
- 17 extended by 1999, 226:32, XXXVII, for 5-10 percent match FAA airport projects.
- 18 XXXI. The appropriation made to the department of transportation in 1999, 226:1, XIII, A,
- 19 for match for FAA projects.
- 20 XXXII. The appropriation made to the department of transportation in 1999, 226:1, XIII, B,
- 21 for match for public transit bus replacement.
- 22 XXXIII. The appropriation made to the department of transportation in 1999, 226:1, XIII, C,
- 23 for acquisition for railroad and airport properties.
- 24 XXXIV. The appropriation made to the department of transportation in 1999, 226:1, XIII, E,
- 25 for compliance, governor's commission on disability.
- 26 XXXV. The appropriation made to the department of transportation in 1999, 226:4, I, E, for
- 27 energy and environmental renovations-statewide.
- 28 XXXVI. The appropriation made to the department of transportation in 1999, 226:4, I, F, for
- 29 Conway rest area.
- 30 XXXVII. The appropriation made to the department of transportation in 1999, 226:1, XIII, D
- 31 for the Concord rail bridge.
- 32 XXXVIII. The appropriation made to the department of transportation in 1999, 226:4, I, B,
- 33 as amended by section 18 of this act, for salt sheds - Exeter patrol shed, Gonic, Moultonborough,
- 34 Wentworth.
- 35 XXXIX. The appropriation made to the department of transportation in 1999, 226:4, I, A, for
- 36 paint storage and transfer building.
- 37 XL. The appropriation made to the department of health and human services in 1995, 309:1,

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1 VII, B, I, as extended by 1997, 349:34, XXIII and 1999, 226:32, XI, for RSA 171-B mentally retarded
2 criminal offenders.

3 XLI. The appropriation made to the department of health and human service by 1995,
4 310:191, as amended by 1997, 349:31 and 1998, 276:2, as extended by 1997, 349:34, XXXVII and
5 1998, 276:3, and as amended by 1999, 226:29 and extended by 1999, 226:32, XVI for design and
6 renovation of APS-B-wing, M and S building and Thayer building improvements, Glencliff home
7 improvements, and improvements to the Brown building.

8 XLII. The appropriation made to the department of health and human services in 1999,
9 226:1, VIII, A for laboratory safety improvements.

10 XLIII. The appropriation made to the department of health and human services in 1999,
11 226:1, VIII, F for Laconia developmental services campus-designated receiving facility renovations-
12 developmental services.

13 XLIV. The appropriation made to the department of health and human services in 1999,
14 226:1, VIII, H for information technology.

15 XLV. The appropriation made to the New Hampshire port authority in 1999, 226:1, XI, A,
16 for building improvements.

17 XLVI. The appropriation made to the New Hampshire veterans' home in 1999, 226:1, XIV,
18 A, to design and build a new facility.

19 XLVII. The appropriation made to the adjutant general in 1999, 226:1, I, C, for renovation of
20 state armories.

21 XLVIII. The appropriation made to the community technical college system in 1999, 226:1,
22 IV, C, for maintenance/critical repairs.

23 XLIX. The appropriation made to the community technical college system in 1999, 226:1, IV,
24 D, for general science laboratory upgrades.

25 L. The appropriation made to the department of environmental services in 1999, 226:1, VII,
26 D, for storage building for emergency response equipment.

27 LI. The appropriation made to the department of environmental services in 1989, 367:1, IV,
28 A, 1, as extended by 1991, 351:27, II(g), 1992, 149:2, I, 1993, 359:20, I, and 1995, 309:33, I for
29 upgrading state-owned flood retardation structures at small watershed program sites.

30 LII. The appropriation made to the department of environmental services in 1995, 309:1, VI,
31 C, as extended by 1997, 349:34, XXI, for superfund program.

32 LIII. The appropriation made to the department of environmental services in 1995, 309:1,
33 VI, A as extended by 1997, 349:34, XIX and 1999, 226:32, X, for the state revolving fund program -
34 wastewater.

35 LIV. The appropriation made to the department of environmental services in 1997, 349:1,
36 VI, A and 1999, 226:32, XXIX, for the wastewater state revolving fund match.

37 LV. The appropriation made to the department of environmental services in 1997, 349:1, VI,

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1 B and 1999, 226:32, XXX, for the drinking water state revolving fund match.

2 LVI. The appropriation made to the department of environmental services in 1997, 349:1,
3 VI, F and 1999, 226:32, XXXII, for dam removal.

4 LVII. The appropriation made to the department of environmental services in 1999, 226:1,
5 VII, A, for drinking water state revolving fund match.

6 LVIII. The appropriation made to the department of environmental services in 1999, 226:1,
7 VII, B, for wastewater state revolving fund match.

8 LIX. The appropriation made to the department of environmental services in 1999, 226:1,
9 VII, C, for hazardous waste superfund match.

10 LX. The appropriation made to the department of environmental services in 1999, 226:1,
11 VII, H, for Winnepesaukee operations model.

12 LXI. The appropriation made to the department of youth development services in 1999,
13 226:1, XV, D for phase I preparation for agency networking.

14 LXII. The appropriation made to the department of youth development services in 1997,
15 349:1, XVI, D, as amended by 1997, 351:68, 1998, 372:2, 3, and 1999, 226:15 and as extended by
16 1999, 226:32, XXXVIII for construction and renovations - YDC.

17 LXIII. The appropriation made to the fish and game department in 1999, 226:3, A for
18 broodfish facility - Milford.

19 LXIV. The appropriation made to the fish and game department in 1999, 226:3, B for repair
20 and replace fish rearing containers.

21 LXV. The appropriation made to the fish and game department in 1999, 226:3, C for water
22 line repair/replacement.

23 LXVI. The appropriation made to the fish and game department in 1999, 226:3, E for Barry
24 conservation camp building replacement.

25 LXVII. The appropriation made to the fish and game department in 1999, 226:3, F for
26 headquarters exhibit refurbishment.

27 LXVIII. The appropriations made to the department of fish and game in 1995, 309:3, A and
28 B as extended by 1997, 349:34, XXXV and 1999, 226:32, XLIV for roof repairs and concrete
29 repair/replacement - hatcheries.

30 29 Contingency; Department of Transportation. Section 18 of this act and paragraph XXXVIII
31 of section 28 of this act shall only take effect if the 2001 capital budget includes the appropriation to
32 the department of transportation for a new garage and testing lab facility, as provided in paragraph
33 II, D of section 4 of this act.

34 30 Effective Date.

35 I. Section 28 of this act shall take effect June 30, 2001.

36 II. Section 19 of this act shall take effect as provided in section 20 of this act.

37 III. The remainder of this act shall take effect on July 1, 2001.

SENATOR FRANCOEUR: Mister President and Members of the Senate, HB 25 is the state's capital budget for this biennium. The capital budget came over from the House with over \$95 million in general fund bonds. The primary increase in bonding comes from the six-year commitment to the University System of New Hampshire for their science building projects at Plymouth State, Keene and UNH. The Capital Budget Committee made some careful adjustments in order to provide funding to some much-needed projects. Among the projects added in the Senate version are bonding authority to the technical college system to enable them to expand their dental hygienist program; repairing leaking roofs at two armories; and additional Department of Safety testing facilities in Keene and Concord. The Capital Budget Committee recommends that HB 25 be ought to pass as amended.

SENATOR D'ALLESANDRO: I support this legislation and stand in support of Senator Francoeur's motion of ought to pass. In looking at the Capital Budget and needing things to be done, particularly with respect to the University, I think that it is important to realize that the University also, in this capital budget, has a reporting mechanism where it will get back to the legislature and be accountable for the monies that we have allowed them to spend. That is a very important item. It is a cooperative arrangement that shows that that spirit of cooperation is going to exist on all of these projects. We are all concerned about our university. We are concerned about the structural integrity of those buildings. We are very, very concerned about accreditation for the engineering program at the University of New Hampshire. So all of those things fall in line. I think that the committee made some changes in this capital budget from the House that are very important. One had to do with the roofs on the armories in Plymouth, Franklin and at the state military reservation. Those were in terrible shape and they had to be replaced. The committee made the decision to do that. I think that it is important and I applaud that. The committee also made a couple of other situations that I think are worth noting. One was giving the technical school in Concord the ability, if indeed they can raise the money, the bonding capacity, to put together a unique arrangement. This unique arrangement would take \$300,000 from the Dental Society, that commitment made, to put actual equipment in this building if they can raise the \$1.5 million to build the building. It is a cooperative situation and I think that it is a real enhancement in terms of the ability of the public to access dental services and also for hygienists to be trained, there is a real demonstrated need in our state for that particular service. It is a good capital budget. It is a capital budget that is a little larger than budgets that we have put together in the past, but it is well within our ability to pay. Our debt ratio is acceptable. The testimony given by the Treasurer, indicated that it was acceptable. As we move forward, I think that we can be pleased with the real spirit of cooperation that existed on the Capital Budget Committee, that accolades to Senator Gordon, Senator Francoeur, Senator Pignatelli and Senator Roberge who are all viable members of this committee and really contributed to bringing this piece of legislation to the floor today, something that we can be proud of as we move forward. Thank you, Mr. President.

SENATOR O'NEIL: I just want to commend the committee for the great work that they did. I don't know if this is a fair question to you. I received a number of phone calls about Kingsbury Hall, the engineering school at UNH. But I don't see anything that makes that the number one priority. What is your understanding with regard to the priority of the projects?

SENATOR FRANCOEUR: I think that is a fair question, Senator. If you could just give me a moment. I have had tons of fun flipping through this book and you can see how many pages it is. In the Capital Budget the House Public Works Committee had wanted to talk about putting Murkland Hall, the Mason Library, Boyd Hall renovations and Kingsbury Hall design. The New Hampshire Public Television being the fifth item for \$34 million in the first biennium. So if you take a look at it, the \$1.9 million is for Kingsbury to get a design and to get it ready to get going as quick as possible. So if you passed it today and said okay we are giving you...you can correct me, Senator D'Allesandro, I don't have that sheet in front of me, but you are talking approximately \$20 million for Kingsbury Hall. If we said 'go' today, guess what? We still have to spend the \$1.9 million to get it designed. They want to leave that building right where it is, so it is a two-part phase that they are going to do demolition and repairs on one half and then the other half after they get that complete. So they are pushing to get that done. That was part of the Capital Budget Committee. We told them, "listen, we understand that Kingsbury Hall is a major item that we, as legislators, believe that you need to push and to push as quickly as possible." They assured us that without the \$1.9 million, and the design and get that going as quickly as possible, that it still would not happen in the next 12 months anyway.

SENATOR O'NEIL: So you are comfortable, Senator Francoeur, that Kingsbury is moving as quickly as possible and that it will get the highest attention?

SENATOR FRANCOEUR: My understanding is that that is correct and they will get the money to get the design and take care of that aspect by us committing to the \$100 million for the construction, they will be able to follow up in the second biennium, knowing that they are going to get, I believe the adjustment was \$31 million in the second biennium, that they can count on that they are going to get. That way there, they won't have to worry about starting and stopping these projects and they know that they are going forward. We are hoping...I think that the number that they were saying is, that we were going to save somewhere between \$10-12 million knowing that they had them already to flow and go.

SENATOR O'NEIL: Thank you very much, Senator.

SENATOR D'ALLESANDRO: I rise to further help with the answers to Senator O'Neil's question. Senator O'Neil, we in the last capital budget appropriated \$600,000 to begin those design studies on Kingsbury. We were told that Kingsbury is a priority item. Kingsbury would be finished in the second biennium and that the monies that are allocated need to be used for that design feature because it is a very complex project, but it will be moved along as a priority item because as everybody knows, the accreditation and the maintenance of accreditation for the engineering department was something that was brought to our attention. I might say that a university graduate gave the university a million dollars because of the fact that that engineering program was so important to him. Joe Paternal, a graduate of the University of New Hampshire, who is now retired in the Lakes Region, donated \$1 million just to get this thing humming so that it would get going. That is a real concern that was manifested by Senator Francoeur and myself, and Senator Gordon at the committee meeting.

SENATOR FRANCOEUR: **TAPE INAUDIBLE**

SENATOR GATSAS: Do we allow the university system the ability to design a bill in these projects?

SENATOR FRANCOEUR: I am going to do it to the best of my recollection. My understanding is that the state does them three different ways. They do a design build, they can do a contract fix bid. Forgive me, there is one other method that they also do, I think that it is an inflationary one that is adjusted, or something to that effect. There is also oversight on this. The oversight is going to be through Public Works which is going to report to the legislature. So if there was a very big concern in the House, they originally wanted to make sure that the oversight was the LBA, and when we talked to the LBA, they are saying that they don't have any knowledge of what is a good deal or a bad deal or whatever, because they don't deal in that type of thing. where Public Works deals in it all of the time on our bridges and road construction. They are very good at getting things coming in on costs and on numbers. We are going to get a report from them saying that the bids went out, here is what they were, we felt that it was done right. The report will be to the Senate President and the Speaker of the House and the Governor. We are hoping by doing that, and whereby we are giving them \$100 million over six years, we are going to be watching where it is. I am sure that as they come in for all of the money...and you have to remember, this was almost \$180 million that they were looking for originally and this is only \$100 million of the piece, so if we see a lot of cost overruns like they had in the past, that the legislature is going to take a serious look at it.

SENATOR GATSAS: Thank you.

SENATOR MCCARLEY: I rise to speak briefly. It was brought to my attention **TAPE INAUDIBLE** themselves in trouble with the law or whatever, they are not yet 17 years old, they are in our school buildings and what have you. We end up for various reasons...they became court ordered and they are placed at the Youth Development Center. We toured a number of the living quarters, if you will, and we had a real concern about some floor issues in one of the buildings, that my understanding is that is in the operating budget, and I am very supportive of that, but I was also told by the new commissioner of the Department of Youth Development Services, Joe Diament that he was coming to the capital budget to make a request to deal, this summer, with the fact that these cottages are not air conditioned, have tiny, tiny little windows in them, and these children...and I consider these to be children, are having to sleep on the floor or sleep in the basement, for which we have situations where they are actually getting ill from that. So I was asking Senator Francoeur about whether the commissioner made that pitch because I think it is a critical issue, and sometimes these are our kids, that I think, quite frankly, we periodically review as throw away kids. So I just want to clarify that while it is not certainly in here now, I understand that this bill will be going to a Committee of Conference and I understand that there are some differences in the numbers in the House and Senate. I just wanted, for the record, that if the commissioner made that request of the Capital Budget Committee, that I would hope that it could be considered, at least a part of the discussions in the Committee of Conference. Thank you.

SENATOR LARSEN: I have to commend the Capital Budget Committee because I think that they did an excellent job of covering the bases. As you can see, they have covered everything from leaking roofs to the regional vocational centers at two locations at high schools, which we talked so much about last session. They have covered the university budget and

everyone seems to be pleased with that, the King cottage at the Youth Development Services, a lot of things which many of us were keeping an eye on. Even Stickney Avenue new garage. Many of the things which we were hoping to see in there are in there. I just want to commend them for a job well done and the creativity of perhaps increasing dental labs, dental graduates, dental assistant graduates through the regional technical center here in Concord. I think that it is a very good job and I just wanted to say that. Thanks.

Question is on the adoption of the amendment.

Amendment adopted.

Senator Hollingworth offered a floor amendment.

2001-1647s

04/10

Floor Amendment to HB 25-FN-A

Amend section 1 of the bill by replacing subparagraph II, B and the total state appropriation paragraph II with the following:

B. Bureau of Court Facilities.

1. Carroll County Courthouse Construction	\$ 6,250,000
2. Roof – Nashua District Court	115,700
3. Site and Design Hampton District Court Facility	<u>243,600</u>
Total state appropriation subparagraph B	<u>\$ 6,609,300</u>
Total state appropriation paragraph II	<u>\$18,415,576</u>

Amend section 1 of the bill by replacing the total state appropriation section 1 with the following:

Total state appropriation section 1	\$54,464,800
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Amend the bill by replacing paragraph I of section 8 with the following:

I. To provide funds for the total of the appropriations of state funds made in sections 1, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$72,545,300 and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

SENATOR HOLLINGWORTH: What I am going to do is to put back in the budget, and restore back into the budget is the site and design for the Hampton District Court facility. That was in the bill from the Governor when she sent it to the House and the House dropped it. This appropriation is for the site and design work required to construct a courthouse to consolidate the Hampton and Exeter district courts. In terms of size, measured by weighted caseloads, these two courts are the third largest in the state, ranking behind Manchester and Nashua. They are ahead of Concord, Keene and Rochester. The Hampton, Exeter District Court would require two full-time judges. We are not talking about two relatively small courts, but one very large court. The present facility of both courts are ugly and inadequate. The Hampton District Court is not handicap accessible. In fact, when somebody comes, the judge either has to come down and meet them on the front lawn, or if he is lucky, he can take them next door to the selectmen's office across the street or they can carry the individual up a narrow flight of stairs. There is no separate juvenile court room. There are no conference rooms for attorneys and their clients, so they have to stand in the hallways and corridors to talk about anything that is going on. The court rents space from the town. The town is eager to put the

building to other uses and the court is at risk of eviction. The Exeter District Court has no juvenile courtrooms, no conference rooms and no public rest rooms. By comparison, the Plymouth District Court, which handles an equivalent caseload, has two adult court rooms, a juvenile court room and five conference rooms. This court was in line several times, and has been bumped continually, so that now they are not even on the list. The court accreditation committee has made the consolidation of the two courts in the construction of a courthouse, it is second priority only behind Carroll county courthouse. Now I hate to sound so desperate, but I can't begin to tell you what the situation is like. I served on the consolidation of the courts. We have taken care of all of your courts that have needed to be taken care of. The Plymouth and everybody else. I have been patient and waiting in line, and didn't ask to take and be put ahead of anybody in line, but for this small amount of money, I think that it is very important that we go ahead with the site design, because if we don't at least do the site design, we will end up having this court out there again for another two years. I would please ask you to vote ought to pass on this piece of legislation.

SENATOR GORDON: Senator Hollingworth, you said that this would combine the Hampton and Exeter Courts?

SENATOR HOLLINGWORTH: Yes.

SENATOR GORDON: So if this courthouse is built, there would no longer be court held in Exeter?

SENATOR HOLLINGWORTH: There is a decision between the two courthouses. They have not picked a site place as of yet. They are working to try to find a site that would be acceptable to both court houses and to both communities. There is no controversy between either of the communities where that is going to be.

SENATOR GORDON: I remember being on the capital budget approving the Dover court and being assured that Durham would be consolidated into the Dover court when it was constructed, now we are being told that it is important that they keep their court. If we go ahead and move this, we are not going to be concerned that Exeter is going to still feel that they ought to have their court?

SENATOR HOLLINGWORTH: I can assure you that that is not the case.

SENATOR FRANCOEUR: During the department's bringing in information to us and asking about what they wanted put back in...as we reviewed the budget, department by department, my recollection was that there was nothing from the court facilities **TAPE CHANGE** services, asking request for this to be put back in. Even as far as yesterday, all of these departments had a chance of coming back, knowing that was out, to ask us what to put back in. This was still not asked to be put back in. The Public Works in the House took it out and it had a shot in House Finance. House Finance still did not put it in. The Senate, when we heard it, we didn't hear anything about it being put back in or anyone requesting it from them to be put back in. As far as having a facility that doesn't have handicapped access, I have a sheet here that is almost \$1.2 million. We ask...I am looking down the sheet and I don't even see a request on here. This was prepared for us, just for capital buildings and access to state used property so that the handicapped could access it. We did put \$187,000 into those. We asked them to prioritize them and we did. We picked the highest three. We did do that. For anything else, we have

had nothing come forth from the other departments. We worked on what we had. We believe that we did a great job at it. I thank the committee for working very hard on this. I would ask the Senate pass this the way that the Senate Capital Budget Committee did.

SENATOR HOLLINGWORTH: I rise to speak for a second time. I blame myself for not having fought when it was in the House, but I was assured that it would be in there. In the final end, that it would definitely be in there. When it was in the Capital Budget, I thought for sure that the court...since they called it their top priority, just behind Carroll County Court, I thought for sure that they would be fighting for it. I believe that it is only the court...and Judge Kelly...and I believe what he said...this is from him. He said, "The Court Accreditation Committee has made the consolidation of the two courts, the construction of a court house its second priority, behind only the Carroll County Court house." Now he wouldn't tell me that if that wasn't the case. I know, I sat on that commission.

SENATOR FERNALD: I don't have as long a history and perspective as others here, but I do know, as a lawyer, that we have a lot of courts in this state that are not up to modern standards. It has been a slow and gradual process that through the capital budget we have been able to address the deficiencies in our courts. I think that it is important that our courts be adequate to the needs of the Judiciary, and many of them are not. The other thing that I think that I have seen in my short retrospective, is that we have this gradual process of working towards improvement. Four years ago, money was put in the capital budget to have designed for the Jaffrey/Peterborough District Court, and then last year we finally approved that construction, and ground has just broken. Last year we approved funds for designs for Carroll County Superior Court and now the construction in the capital budget. So to keep this process going, we should have some design funds in here for the next item. I think that the next item should indeed be Hampton and Exeter District Courts because they are so inadequate. I suspect the list that Senator Francoeur has about ADA doesn't have Hampton on there because it would be silly to spend money bringing that thing up to ADA standards when what we really need to do is build a new court. This is just one step in modernization of our court process...our court facilities. We should take it. Otherwise, we are going to put off construction for four years, because we are talking about if we pass it over in this capital budget, we won't even fund the design until two years from now and construction four years from now. We should not make those communities wait that long.

SENATOR PRESCOTT: Senator Fernald, do you know what the procedure was...you mentioned that Carroll County had funds last time for their design. Did they have the property to design the building on that site?

SENATOR FERNALD: What I recall from the discussion last year, was that they originally wanted to put money in for Carroll county for construction in the last capital budget. Also, we wanted to put money in for Jaffrey/Peterborough district court for construction. Carroll County was number one on the court priority list and Jaffrey/Peterborough District Court was second. Carroll County said we are not quite ready now, make Jaffrey/Peterborough the priority and we will do just the design for Carroll County. What happened was that the design went in for Carroll County and then Jaffrey/Peterborough District Court actually fell out of the capital budget, and instead, it is being financed by the county and we put an

appropriation in to pay rent to the county to get it done. So that was the process as I saw it last time around with Carroll County. That they were at the point where they needed the design, and I believe that they have the site, but I am not positive.

SENATOR PRESCOTT: So when they said that they weren't quite ready, did that mean that they did not have their site yet? What did that mean? I am asking if they had the site to design the building on?

SENATOR FERNALD: I suspect that part of what had happened two years ago, was that they were not ready to build because they hadn't done all of the design work yet. So instead, we appropriated the design work, and now we are ready to construct and it is in this capital budget to construct.

SENATOR PRESCOTT: Thank you, Senator Fernald.

SENATOR HOLLINGWORTH: I rise to speak for a third time. I would like to shed a little light on that Senator Prescott. What we understand is that the designs are all generic. They are building all of the courthouses the exact same. They are using the same kind of footprint in all of the courthouses. They think that that way it is cheaper. They are ready to move on, going forward with this. We are talking about \$243,600. I think that this is most important to the communities, both Exeter and Hampton, and I would please urge you to support it.

Recess.

Out of Recess.

SENATOR WHEELER: I rise to correct the record with a remark made by the honorable Senator from Bristol. I know that we are going to be voting on HB 616 later, but the fact of the matter is that this is not the same issue as with the Durham and Dover courts that in our current statute, sessions are allowed to be held in Durham right now. It says, "the court shall hold sessions regularly at the principal court location and elsewhere in the district as justice may require." Thank you.

SENATOR HOLLINGWORTH: I rise for the fourth time to speak, just one last time. If we do not support this today, it means that the Hampton District Court and the Exeter District Court is four years out. Then after that, how many years in construction. I don't know what I can say to appeal to you. I have been very patient through this whole process. I let everybody else go in line. I never...when I was on the commission, and I when I served on it...and when I was President of this Senate, I could have asked for special treatment, but I didn't. I never asked anyone to take and let Hampton have any favors over any other community. I am asking you to please, to reconsider...I understand that you are not going to support this and I cannot understand why. This is not about the money. This is about allowing them to move forward to find a courthouse and to go ahead and have equity for the people in the communities that are represented, that they have dignity to the court. Not one of you...if you saw that courthouse in Hampton or in Exeter, would want to take and have your case brought there. There is pride in the judiciary and pride in having a system that has a dignified nature to it. There is no pride in the way those buildings are and how those people are served in that community. I know that this probably should have been fought harder by somebody else in the court facilities: I, unfortunately, didn't know that it was out. I was assured that it was going to be in when it came from

know that it was out. I was assured that it was going to be in when it came from the Senate. I trusted, when I was told that it would be here. I don't ask you often to take and do something for me. But I am asking you today, please do not cut this out of the budget. Please put it in. Please pass this amendment.

SENATOR PRESCOTT: I am a lifelong resident of Exeter and I have a business there. After I was married for a few years we moved to Kingstown, which is Senate District 19. I have a business there which we utilize the Exeter Court quite often. I am very proud of that court. In fact, I was fingerprinted in that court when I was 12 or 13 years old because I was throwing eggs places where I shouldn't have been throwing eggs. I enjoy that court system. I take exception to what Senator Hollingworth said about Exeter. Also, we have a new court system which is just the next town over from Exeter. It is in Brentwood and there is overflow capacity there. I have toured that. There is availability to that court from Exeter to the district court in Brentwood, so I don't know if it is that much of an emergency concerning Exeter and also the proximity to Brentwood. I can't speak for Hampton, but I just wanted you to know that. Thank you, Mr. President.

SENATOR GORDON: I am partial to courts. In fact, I am waiting in line, too. I have a court in my district that I would like to have improved. I know that I will have to wait, I guess, in time. I guess the issue comes down to this. There are lots of good projects. I would like to see the Hampton project done. So I am very supportive of the Hampton project. The issue is this: you have the Capital Budget Committee, everybody left there just a little bit unhappy yesterday because as Senator McCarley said, you had Youth Development come in...and they wanted \$3 million for air conditioning for kids. We had to leave there because when it came down to picking our priorities, we couldn't give the \$3 million for air conditioning for kids. We had a parking lot that was basically unusable at the Nashua Court system which we couldn't get done because we didn't have the money to get that done. We had to make it a priority and decide what our priorities were going to be. We had additional money for the adjutant general, that the adjutant general wanted. There was additional money that virtually every single department had a very good use for. Then when it came to the court system, the court system got overall, more than its share. It got over \$6 million for a project up in Carroll county. The thing is that you had to balance the priorities. I can tell you that there are things that I would have liked to have had in that capital budget that would affect my district, and I would be very happy to get them there; unfortunately, they are not there. But we had to do the best possible job that we could at picking out priorities. One of the things with the Hampton District Court is that the House didn't put it in. They didn't put it in because as of yet, they don't know where it is going to be located. And before they do the design work, and I understand the cookie cutter theory, but before they do the design work, they would like to have a place where they can put the building. I think that makes some sense. My feeling is, we can go ahead and put in the Hampton District Court, but I can tell you that I don't think that it is going to come out of the Committee of Conference. If it does, I think that we may lose something else that we made a priority. So I think, personally, I think that we are better to pass the budget the way that it is, having made the tough choices that we have made, and go to the Committee of Conference. I regret that, Senator Hollingworth, because I would like to help you out, but I just don't think that it is the right thing to do.

SENATOR HOLLINGWORTH: Senator Gordon, I have to say this. I admire you a lot but I have heard you say, "but" to every single thing. You have said, "I think that it is a good idea, and wish it could be, but." I am telling you that air conditioners are important at the YDC and the parking lot is important at the YDC and all of those other things are important, but if they don't get in as site design now, they don't have to take and wait for four, five or six years before they are going to be done. By the time that the court house gets built, they will all have had their air conditioning and they would all have had their parking lots, and they would have had the other things, well in advance. This is a case that it takes time to take and design and get a site and move ahead and build this courthouse. This one is in line. It was supposed to be the next one to be built. The next one in line. It is not because I want it for my district because I stood behind many times and let other things...when the capital budget went forward. Never once asking to take and have anything put in of mine. This happens to be a time that this needs to be put in, otherwise it won't get done and justice will not be served. Senator Prescott, as far as being from Exeter, and loving that courthouse, it is a very pretty courthouse. It is a nice old courthouse, but it is not adequate. It is not a place...and I happen to be the Senator from that district, and I can tell you that those people would like to see a new courthouse.

Question is on the adoption of the floor amendment.

A roll call was requested by Senator Hollingworth.

Seconded by Senator McCarley.

The following Senators voted Yes: Below, McCarley, Disnard, Pignatelli, Larsen, O'Neil, D'Allesandro, Wheeler, Hollingworth, Cohen.

The following Senators voted No: Burns, Gordon, Johnson, Boyce, Flanders, Roberge, Eaton, O'Hearn, Francoeur, Gatsas, Barnes, Prescott, Klemm.

Yeas: 10 - Nays: 13

Floor amendment failed.

Senator Fernald voted yes on the floor amendment.

Ordered to third reading.

Recess.

Out of Recess.

HB 702, relative to the duties of the committee to study the consumer protection effort in New Hampshire. Executive Departments and Administration Committee. Vote 3-0. Ought to pass, Senator Flanders for the committee.

SENATOR FLANDERS: This was a rather simple bill where we have a consumer protection bill in this state and there is a Representative who presented a bill to add a committee to study adding other sections of the state into the consumer protection. These would be members of the Bar Association, hospitals, insurance companies and so forth. Again, this is a study committee to see if these people should be included in the consumer protection. This was passed by ED & A, and we asked for your support to pass this. Thank you.

Adopted.

Senator Wheeler offered a floor amendment.

2001-1660s
05/09

Floor Amendment to HB 702

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

AN ACT relative to the duties of the committee to study the consumer protection effort in New Hampshire and relative to the membership of the long-term care board.

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

1 Duties. Amend 2001, 12 by replacing section 3 with the following:

12:3 Duties. The committee shall:

I. Assess the scope of need for consumer protection within New Hampshire; the ability of the attorney general's consumer protection bureau to meet this need; and any appropriate changes in funding, staffing, and/or agency structure that would better protect the state's consumers.

II. Study transactions that are exempt from RSA 358-A, the consumer protection act.

2 Repeal. The following are repealed:

I. RSA 126-L:3, I(e), relative to membership of the insurance commissioner on the long-term care board.

II. RSA 126-L, I(i), relative to membership of a representative of the New Hampshire Hospital Association on the long-term care board.

III. RSA 126-L, I(j), relative to membership of a representative of the New Hampshire Medical Society on the long-term care board.

3 Membership; Long-term Care Board. Amend the introductory paragraph of RSA 126-L:3, I to read as follows:

I. The powers of the corporation shall be vested in ~~[16]~~ **at least 13** members who shall hold 3-year terms of office as follows:

4 New Subparagraph; Members; Long-term Care Board. Amend RSA 126-L:3, I by inserting after subparagraph (m) the following new subparagraph:

(n) Up to 7 members appointed by the 13 members in subparagraphs (a)-(l).

5 Long-term Care Board; Staggered Terms; Approval of Expenses. Amend RSA 126-L:3, II and III to read as follows:

II.(a) The initial terms of office shall be as follows: one member in subparagraph I(a) and the ~~[members]~~ **member** in ~~[subparagraphs]~~ **subparagraph** I(f) ~~[and (j)]~~ shall serve for one year. The other member in subparagraph I(a) and the ~~[members]~~ **member** in subparagraph ~~I(i) and (h)~~ **I(l)** shall serve for 2 years; and the members in subparagraphs I(g), (h), (k), and (m) shall serve for 3 years. The other members in subparagraphs I(b)-~~(e)~~ **(d)** shall serve terms which are coterminus with their terms in office.

(b) If the board appoints members under subparagraph (n), the initial terms for the first, third, and seventh appointed members shall be 3 years; the initial terms for the second and fifth appointed members shall be 2 years; and the initial term for the sixth appointed member shall be one year.

III. The members shall elect annually from among their number a chairperson and such officers as they may determine. A member shall hold office until a successor has been appointed and qualified. Members shall receive no salary for the performance of their duties under this

chapter, but each member shall be reimbursed for reasonable expenses incurred in carrying out duties under this chapter. Any such expenses by board members shall have prior approval by [9] 7 members of the board of directors before reimbursement. A member of the board of directors may be removed for cause.

6 Meetings of Board. Amend RSA 126-L:4 to read as follows:

126-L:4 Meetings of Board. Meetings shall be held at the call of the chairperson or when 5 members so request. [~~Nine~~] **Seven** members of the board shall constitute a quorum and the affirmative vote of [9] 7 members shall be necessary for any action taken by the corporation. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the institute.

7 Effective Date.

I. Section 1 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 2002.

2001-1660s

AMENDED ANALYSIS

This bill expands the duties of the committee established in 2001, 12 to include a review of exemptions to the state consumer protection act.

The bill also removes 3 members from the long-term care board and permits the remaining 13 members to choose up to 7 additional members to the board.

SENATOR WHEELER: I rise for the purpose of offering a floor amendment to HB 702. This is at the request of the chair of the House Finance Committee, so all of us who vote for it, will be able to tell him that. I think that it is a fine amendment. It affects the membership of the long term care board. On the long-term care board, it repeals the membership of the insurance commissioner, the New Hampshire Hospital Association and the New Hampshire Medical Society. So it reduces the total maximum number from 16 to 13. It talks about how their terms should be staggered. I feel that if this is the way that the long-term care board wants to operate more effectively, that it would be wise for us to pass it. No particular reason not to pass it. I hope that you will support it.

Floor Amendment adopted.

Ordered to third reading.

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2002 and June 30, 2003. Finance Committee. Vote 5-2. Ought to pass with amendment, Senator Barnes for the committee.

AMENDMENTS TO HB0001 PAGE 1 06/09/01

----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

AMEND SECTION 1 OF THE BILL BY MAKING THE FOLLOWING SPECIFIED CHANGES, AND BY CHANGING SUBTOTALS AND TOTALS AS HEREINAFTER SPECIFIED TO REFLECT THE SPECIFIED CHANGES.

- 01 GENERAL GOVERNMENT
- 04 DEPT ADMINISTRATIVE SERVICES
- 04 DIV. OF PLANT & PROPERTY MGMT.
- 02 BUREAU OF PURCHASE & PROPERTY
- 02 SURPLUS FOOD

INSERT	600,000		600,000
90 PROCESSING FEES			
TOTAL	600,000	1131,136	1136,866
ESTIMATED SOURCE OF FUNDS FOR SURPLUS FOOD			
STRIKE OUT			
09 AGENCY INCOME		531,136	536,866
INSERT IN PLACE THEREOF		1131,136	1136,866
09 AGENCY INCOME		1131,136	1136,866
TOTAL		2610,720	2634,066
TOTAL			
ESTIMATED SOURCE OF FUNDS FOR BUREAU OF PURCHASE & PROPERTY			
FEDERAL FUNDS		300,000	300,000
GENERAL FUNDS		707,262	724,878
HIGHWAY FUNDS			
FISH AND GAME			
OTHER FUNDS		1603,458	1609,188
LIQUOR FUNDS			
SHEEPSTAKES FUNDS			
TURNPIKES FUNDS			
TOTAL		2610,720	2634,066

- 01 GENERAL GOVERNMENT
- 04 DEPT ADMINISTRATIVE SERVICES
- 04 DIV. OF PLANT & PROPERTY MGMT.
- 05 BUREAU OF GENERAL SERVICES
- 09 SAFETY BUILDING

STRIKE OUT 10 PERSONAL SERVICES - PERMANENT 106,375 107,207

AMENDMENTS TO PAGE 2 06/09/01
 HB0001 ----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

01 GENERAL GOVERNMENT			
04 DEPT ADMINISTRATIVE SERVICES			
04 DIV. OF PLANT & PROPERTY MGMT.			
05 BUREAU OF GENERAL SERVICES			
09 SAFETY BUILDING			
	(CONT.)		
	(CONT.)		
	(CONT.)		
	(CONT.)		
	(CONT.)		
INSERT IN PLACE THEREOF	162,912		165,531
10 PERSONAL SERVICES - PERMANENT			
STRIKE OUT	4,800		4,800
18 OVERTIME			
18 OVERTIME	6,431		6,483
18 OVERTIME			
20 CURRENT EXPENSES	17,500		17,502
20 CURRENT EXPENSES	26,000		26,002
20 CURRENT EXPENSES			
30 EQUIPMENT NEW/REPLACEMENT	24,745		11,095
30 EQUIPMENT NEW/REPLACEMENT	38,239		15,545
30 EQUIPMENT NEW/REPLACEMENT			
50 PERSONAL SERVICE-TEMP APPOINT	78,930		81,263
50 PERSONAL SERVICE-TEMP APPOINT			
60 BENEFITS	35,576		35,842
60 BENEFITS	60,228		61,262
60 BENEFITS			
TOTAL		924,036	
ESTIMATED SOURCE OF FUNDS FOR			922,446
SAFETY BUILDING			
STRIKE OUT			
01 TRANSFERS FROM OTHER AGENCIES	740,292		742,806
01 TRANSFERS FROM OTHER AGENCIES			
01 TRANSFERS FROM OTHER AGENCIES	924,036		922,446
01 TRANSFERS FROM OTHER AGENCIES	924,036		922,446
TOTAL		8700,797	8863,669
TOTAL			
ESTIMATED SOURCE OF FUNDS FOR			
BUREAU OF GENERAL SERVICES			
FEDERAL FUNDS			
GENERAL FUNDS	2803,988		2862,809
HIGHWAY FUNDS			
FISH AND GAME			

AMENDMENTS TO	PAGE	3	06/09/01		FISCAL YEAR 2002	FISCAL YEAR 2003
01 GENERAL GOVERNMENT						
04 DEPT ADMINISTRATIVE SERVICES				(CONT.)		
04 DIV OF PLANT & PROPERTY MGMT.				(CONT.)		
05 BUREAU OF GENERAL SERVICES				(CONT.)		
OTHER FUNDS			5896,809		6000,860	
LIQUOR FUNDS						
SWEETSTAKES FUNDS						
TURNPIKES FUNDS			8700,797		8863,669	
TOTAL						
TOTAL				13256,621		13450,182
ESTIMATED SOURCE OF FUNDS FOR						
DIV. OF PLANT & PROPERTY MGMT.						
FEDERAL FUNDS				300,000		300,000
GENERAL FUNDS				3864,719		3941,704
HIGHWAY FUNDS						
FISH AND GAME						
OTHER FUNDS				9091,902		9208,478
LIQUOR FUNDS						
SWEETSTAKES FUNDS						
TURNPIKES FUNDS				13256,621		13450,182
TOTAL						
01 GENERAL GOVERNMENT						
04 DEPT ADMINISTRATIVE SERVICES						
05 DIVISION OF INFO TECHNOLOGY						
STRIKE OUT						
92 SPECIAL PROJECTS					500,000	
INSERT IN PLACE THEREOF						
92 SPECIAL PROJECTS			1000,000			641,973
TOTAL				1635,526		641,973
ESTIMATED SOURCE OF FUNDS FOR						
DIVISION OF INFO TECHNOLOGY						
STRIKE OUT						
GENERAL FUND				635,526		1141,973
INSERT IN PLACE THEREOF						
GENERAL FUND				1635,526		641,973

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----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

(CONT.)
(CONT.)
(CONT.)

01 GENERAL GOVERNMENT
04 DEPT ADMINISTRATIVE SERVICES
05 DIVISION OF INFO TECHNOLOGY

TOTAL 1635,526 641,973

01 GENERAL GOVERNMENT
04 DEPT ADMINISTRATIVE SERVICES
06 FINANCIAL DATA MANAGEMENT
05 E-BUSINESS

ESTIMATED SOURCE OF FUNDS FOR

INSERT E-BUSINESS	1	
03 REVOLVING FUNDS		1
STRIKE OUT		
GENERAL FUND	132,323	130,755
INSERT IN PLACE THEREOF		
GENERAL FUND	132,322	130,754
TOTAL	132,323	130,755

INSERT AFTER SOURCE OF FUNDS

THE MANAGER OF FINANCIAL DATA MANAGEMENT IS AUTHORIZED TO ASSESS A FAIR AND EQUITABLE CHARGE WITH RESPECT TO E-BUSINESS SERVICES, EQUIPMENT, SUPPLIES, AND PUBLICATIONS, SUCH CHARGES TO BE MADE AGAINST DEPARTMENTAL OR INSTITUTIONAL APPROPRIATIONS UPON REQUISITION AND DELIVERY. FUNDS ARISING FROM SUCH CHARGES SHALL BE SEPARATELY ACCOUNTED FOR, AND SHALL BE USED DURING THE BIENNIMUM TO FUND THIS ACCOUNT AND FOR SUCH OTHER PURPOSES AS MAY BE APPROVED BY THE GOVERNOR AND COUNCIL.

TOTAL ESTIMATED SOURCE OF FUNDS FOR FINANCIAL DATA MANAGEMENT FEDERAL FUNDS 10661,118 11072,711

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----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

(CONT.)
 (CONT.)
 (CONT.)

01 GENERAL GOVERNMENT
 04 DEPT ADMINISTRATIVE SERVICES
 06 FINANCIAL DATA MANAGEMENT

GENERAL FUNDS	4586,564	4676,502	
HIGHWAY FUNDS			
FISH AND GAME			
OTHER FUNDS	6074,554	6396,209	
LIQUOR FUNDS			
SWEETSTAKES FUNDS			
TURNPIKES FUNDS	10661,118	11072,711	
TOTAL	44304,547	44356,822	
TOTAL			
ESTIMATED SOURCE OF FUNDS FOR			
DEPT ADMINISTRATIVE SERVICES			
FEDERAL FUNDS	300,000	300,000	
GENERAL FUNDS	15757,881	14882,196	
HIGHWAY FUNDS			
FISH AND GAME			
OTHER FUNDS			
LIQUOR FUNDS	28246,666	29174,626	
SWEETSTAKES FUNDS			
TURNPIKES FUNDS			
TOTAL	44304,547	44356,822	

01 GENERAL GOVERNMENT
 05 DEPARTMENT OF STATE
 07 SECURITIES REGULATION
 02 SECURITIES EXAMINATIONS

STRIKE OUT			
10 PERSONAL SERVICES - PERMANENT	77,246	80,656	
INSERT IN PLACE THEREOF			
10 PERSONAL SERVICES - PERMANENT	127,536	130,946	
STRIKE OUT			
60 BENEFITS	24,719	25,810	
INSERT IN PLACE THEREOF			
60 BENEFITS	40,812	41,903	
TOTAL	175,448	179,949	

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(CONT.)
(CONT.)
(CONT.)
(CONT.)

01 GENERAL GOVERNMENT
05 DEPARTMENT OF STATE
07 SECURITIES REGULATION
02 SECURITIES EXAMINATIONS

ESTIMATED SOURCE OF FUNDS FOR
SECURITIES EXAMINATIONS
STRIKE OUT
09 AGENCY INCOME
INSERT IN PLACE THEREOF
09 AGENCY INCOME
TOTAL

109,065
175,448
175,448

113,566
179,949
179,949

772,299

781,985

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
SECURITIES REGULATION
FEDERAL FUNDS
GENERAL FUNDS
HIGHWAY FUNDS
FISH AND GAME
OTHER FUNDS
LIQUOR FUNDS
SWEEPSTAKES FUNDS
TURNPIKES FUNDS
TOTAL

772,299
4352,184

781,985
4359,192

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
DEPARTMENT OF STATE
FEDERAL FUNDS
GENERAL FUNDS
HIGHWAY FUNDS
FISH AND GAME
OTHER FUNDS
LIQUOR FUNDS
SWEEPSTAKES FUNDS
TURNPIKES FUNDS
TOTAL

2605,007
1747,177

2543,485
1815,707

4352,184

4359,192

01 GENERAL GOVERNMENT
06 DEPT OF CULTURAL RESOURCES
01 OFFICE OF COMMISSIONER
01 ADMINISTRATION & SUPPORT

STRIKE OUT
91 CONSERVATION TRUST FND EXPENSE

1

1

(CONT.)
(CONT.)
(CONT.)
(CONT.)

01 GENERAL GOVERNMENT
06 DEPT OF CULTURAL RESOURCES
01 OFFICE OF COMMISSIONER
01 ADMINISTRATION & SUPPORT

INSERT IN PLACE THEREOF
91 CONSERVATION TRUST FND EXPENSE * 89,400 152,000

INSERT *
FUNDS TO BE EXPENDED PURSUANT TO RSA 261:97-C,
I AND VII.

TOTAL ESTIMATED SOURCE OF FUNDS FOR ADMINISTRATION & SUPPORT	376,426	440,471
INSERT		
08 AGENCY INCOME	89,400	152,000
STRIKE OUT		
GENERAL FUND	287,027	288,472
INSERT IN PLACE THEREOF	287,026	288,471
GENERAL FUND	376,426	440,471
TOTAL		

TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF COMMISSIONER	397,926	461,971
FEDERAL FUNDS		
GENERAL FUNDS	308,526	309,971
HIGHWAY FUNDS		
FISH AND GAME		
OTHER FUNDS	89,400	152,000
LIQUOR FUNDS		
SWEETSTAKES FUNDS		
TURNPIKES FUNDS	397,926	461,971
TOTAL		

01 GENERAL GOVERNMENT
06 DEPT OF CULTURAL RESOURCES
03 DIVISION OF THE ARTS
02 STATE ARTS DEVELOPMENT

STRIKE OUT
20 CURRENT EXPENSES 6,133 6,133

01 GENERAL GOVERNMENT
06 DEPT OF CULTURAL RESOURCES
03 DIVISION OF THE ARTS
02 STATE ARTS DEVELOPMENT

(CONT.)
(CONT.)
(CONT.)
(CONT.)

INSERT IN PLACE THEREOF			
20 CURRENT EXPENSES	9,633		9,633
94 ARTISTS IN SCHOOLS	28,000		28,000
94 ARTISTS IN SCHOOLS	48,000		48,000
95 COMMUNITY ARTS	38,500		38,500
95 COMMUNITY ARTS	58,500		58,500

TOTAL ESTIMATED SOURCE OF FUNDS FOR STATE ARTS DEVELOPMENT 639,010 640,867

STRIKE OUT GENERAL FUND			
INSERT IN PLACE THEREOF	595,510		597,367
GENERAL FUND	639,010		640,867
TOTAL	639,010		640,867

TOTAL ESTIMATED SOURCE OF FUNDS FOR DIVISION OF THE ARTS	1295,055		1301,815
FEDERAL FUNDS	656,043		660,946
HIGHWAY FUNDS	639,012		640,869
FISH AND GAME			
OTHER FUNDS			
LIQUOR FUNDS			
SHEEPSTAKES FUNDS			
TURNPIKES FUNDS			

TOTAL ESTIMATED SOURCE OF FUNDS FOR DEPT OF CULTURAL RESOURCES	1295,055		1301,815
FEDERAL FUNDS	6021,768		5977,125
TOTAL	2232,438		2247,938

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----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

(CONT.)
(CONT.)

01 GENERAL GOVERNMENT
06 DEPT OF CULTURAL RESOURCES

GENERAL FUNDS	3355,475		3228,057
HIGHWAY FUNDS			
FISH AND GARE			
OTHER FUNDS	433,855		501,130
LIGOUR FUNDS			
SWEESTAKES FUNDS			
TURNPIKES FUNDS	6021,768		5977,125
TOTAL			

01 GENERAL GOVERNMENT
07 DEPT OF REVENUE ADMINISTRATION
01 COMMUNITY SERVICES
01 ADMINISTRATION

STRIKE OUT			
20 CURRENT EXPENSES	73,835	74,240	
INSERT IN PLACE THEREOF			
20 CURRENT EXPENSES	93,835	74,240	

TOTAL ESTIMATED SOURCE OF FUNDS FOR ADMINISTRATION 1406,388 1410,591

STRIKE OUT			
GENERAL FUND	1386,388	1410,591	
INSERT IN PLACE THEREOF			
GENERAL FUND	1406,388	1410,591	
TOTAL	1406,388	1410,591	

01 GENERAL GOVERNMENT
07 DEPT OF REVENUE ADMINISTRATION
01 COMMUNITY SERVICES
05 DIVISION OF COMMUNITY SERVICES

INSERT 90 PROPERTY ASSESSMNT ENFORCEMENT F 3328,558

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----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

(CONT.)
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 (CONT.)

01 GENERAL GOVERNMENT
 07 DEPT OF REVENUE ADMINISTRATION
 01 COMMUNITY SERVICES
 05 DIVISION OF COMMUNITY SERVICES

TOTAL ESTIMATED SOURCE OF FUNDS FOR DIVISION OF COMMUNITY SERVICES	3328,558		
INSERT GENERAL FUND		6987,944	3633,954
TOTAL			
TOTAL ESTIMATED SOURCE OF FUNDS FOR COMMUNITY SERVICES			
FEDERAL FUNDS			
GENERAL FUNDS		6970,944	3616,954
HIGHWAY FUNDS			
FISH AND GAME			
OTHER FUNDS		17,000	17,000
LIQUOR FUNDS			
SWEETSTAKES FUNDS			
TURNPIKES FUNDS			
TOTAL		6987,944	3633,954
TOTAL ESTIMATED SOURCE OF FUNDS FOR DEPT OF REVENUE ADMINISTRATION		16130,648	12495,672
FEDERAL FUNDS			
GENERAL FUNDS		15691,281	12056,305
HIGHWAY FUNDS			
FISH AND GAME			
OTHER FUNDS		439,367	439,367
LIQUOR FUNDS			
SWEETSTAKES FUNDS			
TURNPIKES FUNDS			
TOTAL		16130,648	12495,672

01 GENERAL GOVERNMENT
 08 TREASURY DEPARTMENT
 04 SPECIAL GENERAL FUND DISTRIB

STRIKE OUT 96 STATE REVENUE SHARING 25200,000 25200,000

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----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

(CONT.)
(CONT.)
(CONT.)

01 GENERAL GOVERNMENT
08 TREASURY DEPARTMENT
04 SPECIAL GENERAL FUND DISTRIB

INSERT IN PLACE THEREOF			
96 STATE REVENUE SHARING	25216,057	142360,353	163895,853
TOTAL			
ESTIMATED SOURCE OF FUNDS FOR			
SPECIAL GENERAL FUND DISTRIB			
STRIKE OUT			
GENERAL FUND	142344,296		163879,796
INSERT IN PLACE THEREOF			
GENERAL FUND	142360,353		163895,853
TOTAL	142360,353		163895,853
TOTAL	144278,659		165859,145
ESTIMATED SOURCE OF FUNDS FOR			
TREASURY DEPARTMENT			
FEDERAL FUNDS			
GENERAL FUNDS	143240,267		164775,728
HIGHWAY FUNDS			
FISH AND GAME			
OTHER FUNDS	1038,392		1083,417
LIQUOR FUNDS			
SWEETSTAKES FUNDS			
TURNPIKES FUNDS			
TOTAL	144278,659		165859,145

01 GENERAL GOVERNMENT
09 BOARD OF TAX & LAND APPEALS
01 BOARD OF TAX & LAND APPEALS

STRIKE OUT
10 PERSONAL SERVICES - PERMANENT
INSERT IN PLACE THEREOF
10 PERSONAL SERVICES - PERMANENT
STRIKE OUT
20 CURRENT EXPENSES

	252,459	259,471
	275,781	304,439
	32,406	32,706

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 (CONT.)
 (CONT.)
 (CONT.)

----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

01 GENERAL GOVERNMENT			
09 BOARD OF TAX & LAND APPEALS			
01 BOARD OF TAX & LAND APPEALS			
INSERT IN PLACE THEREOF			
20 CURRENT EXPENSES	33,406	33,706	
STRIKE OUT			
30 EQUIPMENT NEW/REPLACEMENT	5,500	13,500	
INSERT IN PLACE THEREOF			
30 EQUIPMENT NEW/REPLACEMENT	8,500	19,800	
STRIKE OUT			
60 BENEFITS	148,927	152,049	
INSERT IN PLACE THEREOF			
60 BENEFITS	156,390	166,438	
INSERT			
90 DOCKET TRACKING SYSTEM	70,000		
TOTAL	829,535	814,388	
ESTIMATED SOURCE OF FUNDS FOR			
BOARD OF TAX & LAND APPEALS			
STRIKE OUT			
GENERAL FUND	565,305	583,230	
INSERT IN PLACE THEREOF			
GENERAL FUND	670,090	649,887	
TOTAL	829,535	814,388	
TOTAL	829,535	814,388	
ESTIMATED SOURCE OF FUNDS FOR			
BOARD OF TAX & LAND APPEALS			
FEDERAL FUNDS			
GENERAL FUNDS	670,090	649,887	
HIGHWAY FUNDS			
FISH AND GAME			
OTHER FUNDS			
LIQUOR FUNDS	159,445	164,501	
SWEETSTAKES FUNDS			
TURNPIKES FUNDS			
TOTAL	829,535	814,388	
TOTAL	302330,790	323226,559	
ESTIMATED SOURCE OF FUNDS FOR			
GENERAL GOVERNMENT			

F

(CONT.)

01 GENERAL GOVERNMENT

FEDERAL FUNDS			
GENERAL FUNDS	30351,333		29575,201
HIGHWAY FUNDS	232221,595		252777,107
FISH AND GAME			
OTHER FUNDS			
LICOUR FUNDS	39757,862		40874,251
SWEETSTAKES FUNDS			
TURNPIKES FUNDS			
TOTAL	302330,790		323226,559

02 ADMIN OF JUSTICE & PUBLIC PRTN

01 JUDICIAL BRANCH

05 STATE WIDE EXPENDITURES

STRIKE OUT			
98 COMPUTERIZATION		1500,000	1500,000
INSERT IN PLACE THEREOF			
98 COMPUTERIZATION		1200,000	1200,000

TOTAL

ESTIMATED SOURCE OF FUNDS FOR

STATE WIDE EXPENDITURES

STRIKE OUT

GENERAL FUND

INSERT IN PLACE THEREOF

GENERAL FUND

TOTAL

	8969,167		9346,676
	9269,167		9646,676
	8969,167		9346,676
	8969,167		9346,676

02 ADMIN OF JUSTICE & PUBLIC PRTN

01 JUDICIAL BRANCH

06 COURT SECURITY

STRIKE OUT			
10 PERSONAL SERVICES - PERMANENT		31,786	31,786

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----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

02 ADMIN OF JUSTICE & PUBLIC PRIN
01 JUDICIAL BRANCH
06 COURT SECURITY

(CONT.)
(CONT.)
(CONT.)

INSERT IN PLACE THEREOF			
10 PERSONAL SERVICES - PERMANENT	721,232		754,029
STRIKE OUT			
18 OVERTIME			
INSERT IN PLACE THEREOF	17,384		17,384
STRIKE OUT			
20 CURRENT EXPENSES			
INSERT IN PLACE THEREOF	31,863		31,863
STRIKE OUT			
24 MAINT. OTHER THAN BUILD. & GRNDS			
INSERT IN PLACE THEREOF	22,000		22,000
STRIKE OUT			
30 EQUIPMENT NEW/REPLACEMENT			
INSERT IN PLACE THEREOF	32,625		28,625
STRIKE OUT			
30 EQUIPMENT NEW/REPLACEMENT			
50 PERSONAL SERVICE-TEMP/APPOINTE	26,000		26,000
INSERT IN PLACE THEREOF	822,091		867,019
STRIKE OUT			
60 BENEFITS	12,161		12,161
INSERT IN PLACE THEREOF	299,248		313,180
STRIKE OUT			
70 IN-STATE TRAVEL			
INSERT IN PLACE THEREOF	50,447		52,559
STRIKE OUT			
90 DISTRICT & PROBATE SECURITY *	1066,130		1066,130
STRIKE OUT			
92 SHERIFF REIMBURSEMENT **	1490,200		1490,200
INSERT IN PLACE THEREOF	1490,200		1490,200
STRIKE OUT			

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----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

(CONT.)
(CONT.)
(CONT.)

02 ADMIN OF JUSTICE & PUBLIC PRIN
01 JUDICIAL BRANCH
06 COURT SECURITY

THE AMOUNTS APPROPRIATED REPRESENT THE TOTAL FUNDING AVAILABLE FOR DISTRICT AND PROBATE COURT SECURITY. THERE SHALL BE NO TRANSFERS IN OR OUT OF THIS CLASS.

STRIKE OUT

* *
THE JUDICIAL BRANCH SHALL MAKE TRANSFERS SUFFICIENT TO FULLY FUND THE PROVISIONS OF RSA 104:31, X.

INSERT IN PLACE THEREOF

* *
THE JUDICIAL BRANCH SHALL MAKE TRANSFERS SUFFICIENT TO FULLY FUND THE PROVISIONS OF RSA 104:31, X.

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
COURT SECURITY

3576,859

3487,090

STRIKE OUT

GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

2626,277

2626,277

3576,859

3487,090

3576,859

3487,090

60337,146

59307,295

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
JUDICIAL BRANCH

FEDERAL FUNDS
GENERAL FUNDS
HIGHWAY FUNDS
FISH AND GAME
OTHER FUNDS
LIQUOR FUNDS
SWEEPSTAKES FUNDS
TURNPIKES FUNDS

57438,146

56408,295

2899,000

2899,000

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----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

(CONT.)
 (CONT.)

02 ADMIN OF JUSTICE & PUBLIC PRTN
 01 JUDICIAL BRANCH

TOTAL 59307,295 60307,146

02 ADMIN OF JUSTICE & PUBLIC PRTN
 03 AGRICULTURE
 07 SOIL CONSERVATION

INSERT 80,450 136,800
 91 CONSERVATION # PLATE GRANTS *
 INSERT 8,940 15,200
 92 CONSERVATION # PLATE COSTS *

INSERT
⁴
 FUNDS TO BE EXPENDED PURSUANT TO
 RSA 261:97-C, III AND VII.

TOTAL 110,683 173,283

ESTIMATED SOURCE OF FUNDS FOR
 SOIL CONSERVATION

INSERT 89,400 152,000
 08 AGENCY INCOME I
 TOTAL 110,683 173,283

02 ADMIN OF JUSTICE & PUBLIC PRTN
 03 AGRICULTURE
 12 VETERINARY EXAMINERS BOARD

STRIKE OUT 3,504
 20 CURRENT EXPENSES
 INSERT IN PLACE THEREOF 5,000
 20 CURRENT EXPENSES
 STRIKE OUT 100
 30 EQUIPMENT NEW/REPLACEMENT 200

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----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

(CONT.)
(CONT.)
(CONT.)

02 ADMIN OF JUSTICE & PUBLIC PRTN
03 AGRICULTURE
12 VETERINARY EXAMINERS BOARD

INSERT IN PLACE THEREOF			
30 EQUIPMENT NEW/REPLACEMENT	500		500
STRIKE OUT			
49 TRANSFERS TO OTHER STATE AGENCS D	12,500		12,500
INSERT IN PLACE THEREOF			
49 TRANSFERS TO OTHER STATE AGENCS D	18,500		18,500
STRIKE OUT			
50 PERSONAL SERVICE-TEMP/APPOINTE	3,600		3,600
INSERT IN PLACE THEREOF			
50 PERSONAL SERVICE-TEMP/APPOINTE	5,000		5,000
STRIKE OUT			
70 IN-STATE TRAVEL	1,200		1,200
INSERT IN PLACE THEREOF			
70 IN-STATE TRAVEL	2,000		2,000
INSERT			
80 OUT-OF-STATE TRAVEL	3,000		3,000
TOTAL		67,034	67,298
ESTIMATED SOURCE OF FUNDS FOR			
VETERINARY EXAMINERS BOARD			
STRIKE OUT			
GENERAL FUND		54,202	54,202
INSERT IN PLACE THEREOF			
GENERAL FUND		67,034	67,298
TOTAL		67,034	67,298
TOTAL		2628,194	2707,034
ESTIMATED SOURCE OF FUNDS FOR			
AGRICULTURE			
FEDERAL FUNDS			
GENERAL FUNDS		293,666	294,331
HIGHWAY FUNDS		1809,528	1825,103
FISH AND GAME			
OTHER FUNDS			
LIQUOR FUNDS			
SWEETSTAKES FUNDS			
TURNPIKES FUNDS		525,000	587,600

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HB0001					
02 ADMIN OF JUSTICE & PUBLIC PRTN					
03 AGRICULTURE					
					(CONT.)
					(CONT.)
TOTAL				2628,194	2707,034
02 ADMIN OF JUSTICE & PUBLIC PRTN					
04 DEPARTMENT OF JUSTICE					
02 DIVISION OF PUBLIC PROTECTION					
02 CONSUMER PROTECTION					
ESTIMATED SOURCE OF FUNDS FOR					
CONSUMER PROTECTION					
STRIKE OUT					
01 TRANSFERS FROM OTHER AGENCIES				219,326	219,407
INSERT IN PLACE THEREOF				225,326	225,407
01 TRANSFERS FROM OTHER AGENCIES					
STRIKE OUT				535,526	554,928
GENERAL FUND				529,526	548,928
INSERT IN PLACE THEREOF				754,852	774,335
GENERAL FUND					
TOTAL				5011,454	5092,559
ESTIMATED SOURCE OF FUNDS FOR					
DIVISION OF PUBLIC PROTECTION					
FEDERAL FUNDS				455,971	459,969
GENERAL FUNDS				3659,082	3732,335
HIGHWAY FUNDS					
FISH AND GAME				896,401	900,255
OTHER FUNDS					
LIQUOR FUNDS					
SWEETSTAKES FUNDS					
TURNPIKES FUNDS					
TOTAL				5011,454	5092,559
02 ADMIN OF JUSTICE & PUBLIC PRTN					
04 DEPARTMENT OF JUSTICE					
04 PROJECT DEVELOPMENT					
05 CHILDREN'S JUSTICE ACT					
INSERT					
20 CURRENT EXPENSES				12,000	

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----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

(CONT.)
(CONT.)
(CONT.)
(CONT.)

02 ADMIN OF JUSTICE & PUBLIC PRIN
04 DEPARTMENT OF JUSTICE
04 PROJECT DEVELOPMENT
05 CHILDREN'S JUSTICE ACT

INSERT			
40 INDIRECT COSTS	E	2,223	
INSERT			
41 AUDIT FUND SET ASIDE	D	77	
INSERT			
42 ADDITIONAL FRINGE BENEFITS	D	1,967	
INSERT			
59 PART-TIME - BENEFITTED		33,811	
INSERT			
60 BENEFITS		10,827	
INSERT			
70 IN-STATE TRAVEL		1,500	
INSERT			
80 OUT-OF STATE TRAVEL		2,500	
INSERT			
94 TRAINING		11,734	

TOTAL 76,656

ESTIMATED SOURCE OF FUNDS FOR CHILDREN'S JUSTICE ACT

INSERT			
FEDERAL FUNDS			
TOTAL			76,656

855,468 790,323

755,607 688,650
43,669 43,648

56,192 58,025

855,468 790,323

TOTAL 10275,951 10296,399

TOTAL ESTIMATED SOURCE OF FUNDS FOR PROJECT DEVELOPMENT

FEDERAL FUNDS
GENERAL FUNDS
HIGHWAY FUNDS
FISH AND GAME
OTHER FUNDS
LIQUOR FUNDS
SWEETSTAKES FUNDS
TURNPIKES FUNDS

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(CONT.)
(CONT.)

02 ADMIN OF JUSTICE & PUBLIC PRTN
04 DEPARTMENT OF JUSTICE

ESTIMATED SOURCE OF FUNDS FOR
DEPARTMENT OF JUSTICE
FEDERAL FUNDS
GENERAL FUNDS
HIGHWAY FUNDS
FISH AND GAME
OTHER FUNDS
LIQUOR FUNDS
SWEETSTAKES FUNDS
TURNPIKES FUNDS
TOTAL

1211,578
7211,733
1852,640
10275,951
1148,619
7277,262
1870,518
10296,399

02 ADMIN OF JUSTICE & PUBLIC PRTN
05 BANK COMMISSION
01 BANKING

INSERT
46 CONSULTANTS

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
BANKING
STRIKE OUT
08 AGENCY INCOME
INSERT IN PLACE THEREOF
08 AGENCY INCOME
TOTAL

1414,683
444,632
444,633
1414,683
1
1
1467,236
497,185
497,186
1467,236

02 ADMIN OF JUSTICE & PUBLIC PRTN
05 BANK COMMISSION
02 CONSUMER CREDIT DIVISION

INSERT
46 CONSULTANTS

1

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----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

(CONT.)
(CONT.)
(CONT.)

02 ADMIN OF JUSTICE & PUBLIC PRIN
05 BANK COMMISSION
02 CONSUMER CREDIT DIVISION

TOTAL ESTIMATED SOURCE OF FUNDS FOR CONSUMER CREDIT DIVISION	795,072	815,028
STRIKE OUT		
08 AGENCY INCOME	68,571	88,527
INSERT IN PLACE THEREOF	68,572	88,528
08 AGENCY INCOME	795,072	815,028
TOTAL		
TOTAL ESTIMATED SOURCE OF FUNDS FOR BANK COMMISSION	2211,855	2284,364

FEDERAL FUNDS		
GENERAL FUNDS		
HIGHWAY FUNDS		
FISH AND GATE		
OTHER FUNDS		
LIOUOR FUNDS		
SWEETSTAKES FUNDS	2211,855	2284,364
TURNPIKES FUNDS		
TOTAL		
TOTAL ESTIMATED SOURCE OF FUNDS FOR	2211,855	2284,364

02 ADMIN OF JUSTICE & PUBLIC PRIN
11 INSURANCE DEPARTMENT
01 ADMINISTRATION

STRIKE OUT		
12 SALARY OF DEPUTY COMMISSIONER	62,226	65,655
INSERT IN PLACE THEREOF		
12 SALARY OF DEPUTY COMMISSIONER	76,603	76,603
STRIKE OUT		
13 SALARY OF ASST COMMISSIONER	47,956	50,699
INSERT IN PLACE THEREOF		
13 SALARY OF ASST COMMISSIONER	67,473	67,473

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(CONT.)
(CONT.)
(CONT.)

02 ADMIN OF JUSTICE & PUBLIC PRIN
11 INSURANCE DEPARTMENT
01 ADMINISTRATION

STRIKE OUT
60 BENEFITS 581,434
INSERT IN PLACE THEREOF 590,304
60 BENEFITS

TOTAL 3312,805

ESTIMATED SOURCE OF FUNDS FOR

3359,967

STRIKE OUT
09 AGENCY INCOME I 3268,065
INSERT IN PLACE THEREOF I 3312,805
09 AGENCY INCOME I 3312,805
TOTAL 3359,967

3323,375

4610,403

4674,232

TOTAL
ESTIMATED SOURCE OF FUNDS FOR

4610,403

4674,232

INSURANCE DEPARTMENT

FEDERAL FUNDS

GENERAL FUNDS

HIGHWAY FUNDS

FISH AND GAME

OTHER FUNDS

LIQUOR FUNDS

SWEETSTAKES FUNDS

TURNPIKES FUNDS

TOTAL

02 ADMIN OF JUSTICE & PUBLIC PRIN

13 LIQUOR COMMISSION

01 OFFICE OF THE COMMISSIONERS

INSERT

60 PERSONAL SERVICE-TEMP/APPOINTEE

STRIKE OUT

60 BENEFITS

41,150

42,896

78,324

78,388

AMENDMENTS TO	PAGE	23	06/09/01		FISCAL YEAR 2002	FISCAL YEAR 2003
02 ADMIN OF JUSTICE & PUBLIC PRIN						
13 LIQUOR COMMISSION						
01 OFFICE OF THE COMMISSIONERS						
				(CONT.)		
				(CONT.)		
				(CONT.)		
INSERT IN PLACE THEREOF					81,472	81,670
60 BENEFITS						584,627
TOTAL					582,483	
ESTIMATED SOURCE OF FUNDS FOR						
OFFICE OF THE COMMISSIONERS						
STRIKE OUT						
GENERAL FUND					538,185	538,449
INSERT IN PLACE THEREOF					582,483	584,627
GENERAL FUND					582,483	584,627
TOTAL						
02 ADMIN OF JUSTICE & PUBLIC PRIN						
13 LIQUOR COMMISSION						
04 MARKETING & MERCHANDISING DIV						
01 MERCHANDISING-ADMINISTRATION						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT				351,817		356,072
INSERT IN PLACE THEREOF						
10 PERSONAL SERVICES - PERMANENT				318,258		321,089
STRIKE OUT						
60 BENEFITS				112,582		113,944
INSERT IN PLACE THEREOF						
60 BENEFITS				101,844		102,749
TOTAL					445,302	450,038
ESTIMATED SOURCE OF FUNDS FOR						
MERCHANDISING-ADMINISTRATION						
STRIKE OUT						
GENERAL FUND					489,599	496,216
INSERT IN PLACE THEREOF					445,302	450,038
GENERAL FUND					445,302	450,038
TOTAL						
02 ADMIN OF JUSTICE & PUBLIC PRIN						
13 LIQUOR COMMISSION						
04 MARKETING & MERCHANDISING DIV						
03 STORE OPERATIONS						
STRIKE OUT						
22 RENTS&LEASES OTHER THAN STATE				1600,000		1600,000

AMENDMENTS TO PAGE 24 06/09/01 (CONT.)
 HB0001 FISCAL YEAR 2002 FISCAL YEAR 2003

(CONT.)
 (CONT.)
 (CONT.)
 (CONT.)

02 ADMIN OF JUSTICE & PUBLIC PRIN
 13 LIQUOR COMMISSION
 04 MARKETING & MERCHANDISING DIV
 03 STORE OPERATIONS

INSERT IN PLACE THEREOF				
22 RENTS&LEASES OTHER THAN STATE	1890,000		1944,000	
STRIKE OUT				
23 HEAT, ELECTRICITY & WATER	676,166		690,700	
INSERT IN PLACE THEREOF				
23 HEAT, ELECTRICITY & WATER	637,166		651,700	
TOTAL	17031,721		17332,340	
ESTIMATED SOURCE OF FUNDS FOR				
STORE OPERATIONS				
STRIKE OUT				
GENERAL FUND	16780,721		17027,340	
INSERT IN PLACE THEREOF				
GENERAL FUND	17031,721		17332,340	
TOTAL	17031,721		17332,340	
TOTAL	19076,348		19390,646	
ESTIMATED SOURCE OF FUNDS FOR				
MARKETING & MERCHANDISING DIV				
FEDERAL FUNDS				
GENERAL FUNDS	19076,348		19390,646	
HIGHWAY FUNDS				
FISH AND GAME				
OTHER FUNDS				
LIQUOR FUNDS				
SWEETSTAKES FUNDS				
TURNPIKES FUNDS				
TOTAL	19076,348		19390,646	
TOTAL	24158,584		24413,105	
ESTIMATED SOURCE OF FUNDS FOR				
LIQUOR COMMISSION				
FEDERAL FUNDS				
GENERAL FUNDS	24158,584		24413,105	
HIGHWAY FUNDS				
FISH AND GAME				
OTHER FUNDS				
TOTAL	24158,584		24413,105	

AMENDMENTS TO PAGE 25 05/09/01

----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

(CONT.)
(CONT.)

02 ADMIN OF JUSTICE & PUBLIC PRTN
13 LIQUOR COMMISSION

LIQUOR FUNDS
SWEEPSTAKES FUNDS
TURNPIKES FUNDS

TOTAL

24413,105

24158,584

02 ADMIN OF JUSTICE & PUBLIC PRTN
15 DEPARTMENT OF SAFETY
01 OFFICE OF COMMISSIONER
01 OFFICE OF COMMISSIONER

STRIKE OUT
28 TRANSFERS TO GENERAL SERVICES D
INSERT IN PLACE THEREOF
28 TRANSFERS TO GENERAL SERVICES 0
STRIKE OUT
48 CONTRACTUAL MAINT. -BUILDO&GRNDS 6
INSERT IN PLACE THEREOF
48 CONTRACTUAL MAINT. -BUILDO&GRNDS 6

34,427
218,171
186,660

34,544
214,184
186,660

1181,066

1200,286

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
OFFICE OF COMMISSIONER
STRIKE OUT
02 TRS FROM DEPT TRANSPORTATION
INSERT IN PLACE THEREOF
02 TRS FROM DEPT TRANSPORTATION
TOTAL

1183,982
1181,066
1181,066

1207,306
1200,286
1200,286

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
OFFICE OF COMMISSIONER
FEDERAL FUNDS
GENERAL FUNDS
HIGHWAY FUNDS
FISH AND GAME
OTHER FUNDS

4291,884

4367,553

4291,884

4367,553

AMENDMENTS TO PAGE 26 06/09/01 ----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

(CONT.)
(CONT.)
(CONT.)

02 ADMIN OF JUSTICE & PUBLIC PRTN
15 DEPARTMENT OF SAFETY
01 OFFICE OF COMMISSIONER

LIQUOR FUNDS
SNEEPSTAKES FUNDS
TURNPIKES FUNDS
TOTAL

4367,553

4291,884

02 ADMIN OF JUSTICE & PUBLIC PRTN
15 DEPARTMENT OF SAFETY
03 DIVISION OF MOTOR VEHICLE
01 DRIVER LICENSING

STRIKE OUT

10 PERSONAL SERVICES - PERMANENT
INSERT IN PLACE THEREOF

1069,609

1090,340

10 PERSONAL SERVICES - PERMANENT
STRIKE OUT

1161,454

1186,085

60 BENEFITS

INSERT IN PLACE THEREOF

380,426

388,281

60 BENEFITS

INSERT IN PLACE THEREOF

409,817

418,920

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
DRIVER LICENSING

2849,991

2923,312

STRIKE OUT

02 TRS FROM DEPT TRANSPORTATION
INSERT IN PLACE THEREOF

2728,755

2796,928

02 TRS FROM DEPT TRANSPORTATION
TOTAL

2849,991

2923,312

02 ADMIN OF JUSTICE & PUBLIC PRTN
15 DEPARTMENT OF SAFETY
03 DIVISION OF MOTOR VEHICLE
04 FINANCIAL RESPONSIBILITY

INSERT

59 PART-TIME - BENEFITTED

43,056

44,734

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----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

(CONT.)
(CONT.)
(CONT.)
(CONT.)

02 ADMIN OF JUSTICE & PUBLIC PRTN
15 DEPARTMENT OF SAFETY
03 DIVISION OF MOTOR VEHICLE
04 FINANCIAL RESPONSIBILITY

STRIKE OUT			
60 BENEFITS	305,819	312,403	
INSERT IN PLACE THEREOF	319,597	326,718	
60 BENEFITS			1526,379
TOTAL	1498,553		
ESTIMATED SOURCE OF FUNDS FOR			
FINANCIAL RESPONSIBILITY			
STRIKE OUT	1441,719	1467,330	
02 TRS FROM DEPT TRANSPORTATION			1526,379
INSERT IN PLACE THEREOF	1498,553	1498,553	1526,379
02 TRS FROM DEPT TRANSPORTATION			
TOTAL	12655,487		12854,344

TOTAL			
ESTIMATED SOURCE OF FUNDS FOR			
DIVISION OF MOTOR VEHICLE			
FEDERAL FUNDS			
GENERAL FUNDS			
HIGHWAY FUNDS			
FISH AND GAME			
OTHER FUNDS	12655,487		12854,344
LIQUOR FUNDS			
SWEETSTAKES FUNDS			
TURNPIKES FUNDS			
TOTAL	12655,487		12854,344

02 ADMIN OF JUSTICE & PUBLIC PRTN
15 DEPARTMENT OF SAFETY
08 DIV OF EMERGENCY MEDICAL SVCS
01 EMERGENCY MEDICAL SERVICES

INSERT			
11 SALARY OF DIRECTOR	1		896,210
TOTAL	909,371		

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 HB0001

----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

(CONT.)
 (CONT.)
 (CONT.)
 (CONT.)

02 ADMIN OF JUSTICE & PUBLIC PRIN
 16 DEPARTMENT OF CORRECTIONS
 01 OFFICE OF COMMISSIONER
 01 ADMINISTRATION

INSERT IN PLACE THEREOF
 90 CORRECTION & SUPERVISION SVCS *

980,000

980,000

8072,980

8018,947

TOTAL

ESTIMATED SOURCE OF FUNDS FOR
 ADMINISTRATION

STRIKE OUT

GENERAL FUND

7888,947

7942,980

INSERT IN PLACE THEREOF

GENERAL FUND

8018,947

8072,980

8018,947

8072,980

TOTAL

8214,458

8268,491

ESTIMATED SOURCE OF FUNDS FOR
 OFFICE OF COMMISSIONER

FEDERAL FUNDS

GENERAL FUNDS

HIGHWAY FUNDS

FISH AND GAME

OTHER FUNDS

LIQUOR FUNDS

SWEETSTAKES FUNDS

TURNPIKES FUNDS

TOTAL

8214,458

8268,491

02 ADMIN OF JUSTICE & PUBLIC PRIN
 16 DEPARTMENT OF CORRECTIONS

03 N.H. STATE PRISON

03 BUREAU OF TRAINING/INDUST/EDUC

06 PRISON INDUSTRIES

ESTIMATED SOURCE OF FUNDS FOR

PRISON INDUSTRIES

STRIKE OUT

09 AGENCY INCOME

333,739

336,962

INSERT IN PLACE THEREOF

09 AGENCY INCOME

333,739

386,962

AMENDMENTS TO PAGE 30 06/09/01 ----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

02 ADMIN OF JUSTICE & PUBLIC PRIN (CONT.)
 16 DEPARTMENT OF CORRECTIONS (CONT.)
 03 N.H. STATE PRISON (CONT.)
 03 BUREAU OF TRAINING/INDUST/EDUC (CONT.)
 06 PRISON INDUSTRIES (CONT.)

STRIKE OUT
 GENERAL FUND 189,491 191,566
 INSERT IN PLACE THEREOF
 GENERAL FUND 189,491 141,566
 TOTAL 523,230 528,528
 2397,613

TOTAL
 ESTIMATED SOURCE OF FUNDS FOR
 BUREAU OF TRAINING/INDUST/EDUC
 FEDERAL FUNDS 1661,937 1638,651
 GENERAL FUNDS
 HIGHWAY FUNDS
 FISH AND GAME 705,739 758,962
 OTHER FUNDS
 LIQUOR FUNDS
 SWEEPSTAKES FUNDS
 TURNPIKES FUNDS
 TOTAL 2367,676 2397,613

TOTAL
 ESTIMATED SOURCE OF FUNDS FOR
 N.H. STATE PRISON 25675,074 26078,517
 FEDERAL FUNDS
 GENERAL FUNDS 24804,461 25025,368
 HIGHWAY FUNDS
 FISH AND GAME
 OTHER FUNDS 870,613 1053,149
 LIQUOR FUNDS
 SWEEPSTAKES FUNDS
 TURNPIKES FUNDS
 TOTAL 25675,074 26078,517

TOTAL
 ESTIMATED SOURCE OF FUNDS FOR
 DEPARTMENT OF CORRECTIONS 74716,291 75761,463
 FEDERAL FUNDS
 GENERAL FUNDS 72965,770 73833,013

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----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

(CONT.)
(CONT.)

02 ADMIN OF JUSTICE & PUBLIC PRTN
16 DEPARTMENT OF CORRECTIONS

HIGHWAY FUNDS	1750,521	1928,450
FISH AND GAME		
OTHER FUNDS		
LIQUOR FUNDS		
SWEETSTAKES FUNDS	71716,291	75761,463
TURNPIKES FUNDS		
TOTAL	312235,040	315709,551
TOTAL		
ESTIMATED SOURCE OF FUNDS FOR		
ADMIN OF JUSTICE & PUBLIC PRTN		
FEDERAL FUNDS	28465,102	28753,102
GENERAL FUNDS	186085,658	188495,884
HIGHWAY FUNDS		
FISH AND GAME		
OTHER FUNDS		
LIQUOR FUNDS	97684,280	98460,565
SWEETSTAKES FUNDS		
TURNPIKES FUNDS		
TOTAL	312235,040	315709,551

03 RESOURCE PROTECT'N & DEVELOP'T
01 FISH AND GAME DEPARTMENT
02 WILDLIFE PROGRAMS MGT DIV
08 NON-GAME SPECIES MNGT ACT

INSERT 97 CONSERVATION PLATE FUNDS * 89,400 152,000

INSERT * FUNDS TO BE EXPENDED PURSUANT TO RSA 261:97-C,
I AND VII.

248,271 310,871

TOTAL ESTIMATED SOURCE OF FUNDS FOR
NON-GAME SPECIES MNGT ACT

AMENDMENTS TO PAGE 32 06/09/01 ----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

03 RESOURCE PROTECT'N & DEVELOP'T (CONT.)
 01 FISH AND GAME DEPARTMENT (CONT.)
 02 WILDLIFE PROGRAMS MGT DIV (CONT.)
 08 NON-GAME SPECIES MNGT ACT (CONT.)

INSERT				
08 AGENCY INCOME	89,400		152,000	
TOTAL	248,271		310,871	
TOTAL		2400,637		2432,000
ESTIMATED SOURCE OF FUNDS FOR WILDLIFE PROGRAMS MGT DIV				
FEDERAL FUNDS		584,748		630,095
GENERAL FUNDS				
HIGHWAY FUNDS				
FISH AND GAME		675,865		619,706
OTHER FUNDS		1140,024		1182,199
LICUOR FUNDS				
SWEESTAKES FUNDS				
TURNPIKES FUNDS		2400,637		2432,000
TOTAL		18546,207		18645,984
ESTIMATED SOURCE OF FUNDS FOR FISH AND GAME DEPARTMENT				
FEDERAL FUNDS		3384,691		3509,016
GENERAL FUNDS				
HIGHWAY FUNDS				
FISH AND GAME		10066,722		10002,081
OTHER FUNDS		5094,794		5134,887
LICUOR FUNDS				
SWEESTAKES FUNDS				
TURNPIKES FUNDS		18546,207		18645,984
TOTAL				

03 RESOURCE PROTECT'N & DEVELOP'T
 03 RESOURCES & ECONOMIC DEVELOP'T
 01 OFFICE OF THE COMMISSIONER
 06 CONSERVATION PLATE FUNDS

INSERT			
90 CONSERVATION PLATE FUNDS	89,400		152,000

03 RESOURCE PROTECT'N & DEVELOP'T (CONT.)
 03 RESOURCES & ECONOMIC DEVELOP'T (CONT.)
 01 OFFICE OF THE COMMISSIONER (CONT.)
 06 CONSERVATION PLATE FUNDS (CONT.)

INSERT			
* FUNDS TO BE EXPENDED PURSUANT TO RSA 261:97-C, IV AND VII.			
TOTAL ESTIMATED SOURCE OF FUNDS FOR CONSERVATION PLATE FUNDS	89,400		152,000
INSERT			
08 AGENCY INCOME	89,400		152,000
TOTAL	89,400		152,000
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF THE COMMISSIONER	1876,688		1935,965
FEDERAL FUNDS		21,564	21,564
GENERAL FUNDS		1370,572	1365,886
HIGHWAY FUNDS			
FISH AND GAME		484,552	548,515
OTHER FUNDS			
LIQUOR FUNDS			
SWEETSTAKES FUNDS			
TURNPIKES FUNDS		1876,688	1935,965
TOTAL			

03 RESOURCE PROTECT'N & DEVELOP'T
 03 RESOURCES & ECONOMIC DEVELOP'T
 02 DIVISION OF ECONOMIC DEVELOPMT
 01 ECONOMIC DEVELOPMENT ADMIN

STRIKE OUT			
92 CONTRACT/SMALL BUSINESS DEV.		278,000	278,000
INSERT IN PLACE THEREOF			
92 CONTRACT/SMALL BUSINESS DEV.		280,000	280,000
TOTAL	717,589		719,468

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03 RESOURCE PROTECT'N & DEVELOP'T
 03 RESOURCES & ECONOMIC DEVELOP'T
 02 DIVISION OF ECONOMIC DEVELOPMT
 01 ECONOMIC DEVELOPMENT ADMIN
 (CONT.)
 (CONT.)
 (CONT.)
 (CONT.)

ESTIMATED SOURCE OF FUNDS FOR
 ECONOMIC DEVELOPMENT ADMIN
 STRIKE OUT
 GENERAL FUND
 INSERT IN PLACE THEREOF
 GENERAL FUND
 TOTAL

	589,419		589,419
		589,540	591,419
		517,589	719,468

03 RESOURCE PROTECT'N & DEVELOP'T
 03 RESOURCES & ECONOMIC DEVELOP'T
 02 DIVISION OF ECONOMIC DEVELOPMT
 04 INDUSTRIAL RESEARCH CENTER

STRIKE OUT
 90 INDUSTRIAL RESEARCH CENTER
 INSERT IN PLACE THEREOF
 90 INDUSTRIAL RESEARCH CENTER

	489,850		489,850
	505,000		505,000

TOTAL
 ESTIMATED SOURCE OF FUNDS FOR
 INDUSTRIAL RESEARCH CENTER
 STRIKE OUT
 GENERAL FUND
 INSERT IN PLACE THEREOF
 GENERAL FUND
 TOTAL

	505,000		505,000
		489,850	489,850
		505,000	505,000
		505,000	505,000

03 RESOURCE PROTECT'N & DEVELOP'T
 03 RESOURCES & ECONOMIC DEVELOP'T
 02 DIVISION OF ECONOMIC DEVELOPMT
 06 TELECOMMUNICATIONS INITIATIVE

STRIKE OUT
 90 TELECOMMUNICATIONS INITIATIVE
 INSERT IN PLACE THEREOF
 90 TELECOMMUNICATIONS INITIATIVE

			150,000
		1	150,000

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(CONT.)
 (CONT.)
 (CONT.)
 (CONT.)

03 RESOURCE PROTECT'N & DEVELOP'T
 03 RESOURCES & ECONOMIC DEVELOP'T
 02 DIVISION OF ECONOMIC DEVELOPMT
 06 TELECOMMUNICATIONS INITIATIVE

TOTAL	150,000	150,000	
ESTIMATED SOURCE OF FUNDS FOR			
TELECOMMUNICATIONS INITIATIVE			
STRIKE OUT			
09 AGENCY INCOME	1		
INSERT IN PLACE THEREOF			
09 AGENCY INCOME			
STRIKE OUT			
GENERAL FUND			
INSERT IN PLACE THEREOF	150,000		
GENERAL FUND	150,000		
TOTAL			150,000

TOTAL	3260,658	3284,128	
ESTIMATED SOURCE OF FUNDS FOR			
DIVISION OF ECONOMIC DEVELOPMT			
FEDERAL FUNDS	401,597		404,014
GENERAY FUNDS	2799,061		2670,114
HIGHWAY FUNDS			
FISH AND GAME			
OTHER FUNDS	60,000		210,000
LIQUOR FUNDS			
SWEETSTAKES FUNDS			
TURNPIKES FUNDS			
TOTAL			3284,128

TOTAL	3260,658	3284,128	
ESTIMATED SOURCE OF FUNDS FOR	24599,079	24851,570	
RESOURCES & ECONOMIC DEVELOP'T			
FEDERAL FUNDS	716,482		705,551
GENERAL FUNDS	11975,839		11922,663
HIGHWAY FUNDS			
FISH AND GAME			
OTHER FUNDS			
LIQUOR FUNDS			
SWEETSTAKES FUNDS	11906,758		12223,356

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----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

03 RESOURCE PROTECT'N & DEVELOP'T (CONT.)
 03 RESOURCES & ECONOMIC DEVELOP'T (CONT.)

TOTAL	24599,079	24851,570
TOTAL	178591,522	181162,764
ESTIMATED SOURCE OF FUNDS FOR		
RESOURCE PROTECT'N & DEVELOP'T		
FEDERAL FUNDS	52163,654	52114,543
GENERAL FUNDS	41819,608	42588,170
HIGHWAY FUNDS		
FISH AND GAME	10066,722	10002,081
OTHER FUNDS	74541,538	76457,970
LIOUOR FUNDS		
SWEETSTAKES FUNDS		
TURNPIKES FUNDS		
TOTAL	178591,522	181162,764

04 TRANSPORTATION
 01 DEPARTMENT OF TRANSPORTATION
 01 ADMINISTRATION DIVISION
 01 EXECUTIVE OFFICE

STRIKE OUT			
10 PERSONAL SERVICES - PERMANENT	383,304	387,242	
INSERT IN PLACE THEREOF			
10 PERSONAL SERVICES - PERMANENT	438,567	445,176	
STRIKE OUT			
60 BENEFITS	264,937	266,535	
INSERT IN PLACE THEREOF			
60 BENEFITS	282,621	285,074	
TOTAL	2544,474	2550,896	
ESTIMATED SOURCE OF FUNDS FOR			
EXECUTIVE OFFICE			
STRIKE OUT			
HIGHWAY FUND	2471,527	2474,423	
INSERT IN PLACE THEREOF			
HIGHWAY FUND	2544,474	2550,896	

(CONT.)
(CONT.)
(CONT.)
(CONT.)

04 TRANSPORTATION					
01 DEPARTMENT OF TRANSPORTATION					
01 ADMINISTRATION DIVISION					
01 EXECUTIVE OFFICE					
TOTAL	2544,474			2550,896	
04 TRANSPORTATION					
01 DEPARTMENT OF TRANSPORTATION					
01 ADMINISTRATION DIVISION					
04 HUMAN RESOURCES BUREAU					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT	610,944		620,308		
INSERT IN PLACE THEREOF					
10 PERSONAL SERVICES - PERMANENT	590,276		599,640		
STRIKE OUT	197,384		200,381		
60 BENEFITS	190,770		193,767		
INSERT IN PLACE THEREOF					
60 BENEFITS	1104,116		1116,477		
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
HUMAN RESOURCES BUREAU					
STRIKE OUT					
HIGHWAY FUND	1131,398		1143,759		
INSERT IN PLACE THEREOF	1104,116		1116,477		
HIGHWAY FUND	1104,116		1116,477		
TOTAL					
TOTAL	9231,097			9271,670	
ESTIMATED SOURCE OF FUNDS FOR					
ADMINISTRATION DIVISION					
FEDERAL FUNDS	90,000			97,500	
GENERAL FUNDS					
HIGHWAY FUNDS	9111,097			9144,170	
FISH AND GAME					
OTHER FUNDS	30,000			30,000	
LIQUOR FUNDS					
SWEETSTAKES FUNDS					
TURNPIKES FUNDS					

	----- FISCAL YEAR 2002 -----	----- FISCAL YEAR 2003 -----
AMENDMENTS TO HB000)		
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04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 01 ADMINISTRATION DIVISION	(CONT.) (CONT.) (CONT.)	
TOTAL	9231,097	9271,670
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 02 OPERATIONS DIVISION 01 HIGHWAY MAINTENANCE BUREAU		
STRIKE OUT		
20 CURRENT EXPENSES	8816,643	8816,643
INSERT IN PLACE THEREOF		
20 CURRENT EXPENSES	10016,643	8816,643
TOTAL	65668,359	66582,624
ESTIMATED SOURCE OF FUNDS FOR HIGHWAY MAINTENANCE BUREAU		
STRIKE OUT		
HIGHWAY FUND	64394,859	66509,124
INSERT IN PLACE THEREOF	65594,859	66509,124
HIGHWAY FUND	65668,359	66582,624
TOTAL	94076,445	96841,227
ESTIMATED SOURCE OF FUNDS FOR OPERATIONS DIVISION		
FEDERAL FUNDS	1850,000	1850,000
GENERAL FUNDS		
HIGHWAY FUNDS	76655,391	77633,719
FISH AND GAME		
OTHER FUNDS	15571,054	17357,508
LIQUOR FUNDS		
SWEETSTAKES FUNDS		
TURNPIKES FUNDS	94076,445	96841,227
TOTAL		
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 03 PROJECT DEVELOPMENT DIVISION 01 HIGHWAY DESIGN BUREAU		
INSERT		
90 EXPANDED WILDFLOWER PROGRAM	20,000	40,000

(CONT.)
(CONT.)
(CONT.)

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
03 PROJECT DEVELOPMENT DIVISION
01 HIGHWAY DESIGN BUREAU

INSERT * FUNDS TO BE EXPENDED PURSUANT TO RSA 261:97-C,
VI AND VII.

TOTAL ESTIMATED SOURCE OF FUNDS FOR
HIGHWAY DESIGN BUREAU
INSERT
08 AGENCY INCOME I
TOTAL

8139,164
20,000
8139,164
8242,778
40,000
8242,778

249492,690
144545,000
72941,069
32006,621
250993,614

TOTAL ESTIMATED SOURCE OF FUNDS FOR
PROJECT DEVELOPMENT DIVISION
FEDERAL FUNDS
GENERAL FUNDS
HIGHWAY FUNDS
FISH AND GAME
OTHER FUNDS
LIQUOR FUNDS
SWEETSTAKES FUNDS
TURNPIKES FUNDS
TOTAL

144500,000
74044,868
32448,746
250993,614

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
05 AERONAUTICS DIVISION
01 ADMINISTRATION & SUPPORT

ESTIMATED SOURCE OF FUNDS FOR
ADMINISTRATION & SUPPORT
INSERT
08 AGENCY INCOME I
STRIKE OUT
09 AGENCY INCOME I

42,000
242,000
40,000
244,000

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FISCAL YEAR 2002

FISCAL YEAR 2003

(CONT.)
(CONT.)
(CONT.)
(CONT.)

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
05 AERONAUTICS DIVISION
01 ADMINISTRATION & SUPPORT

INSERT IN PLACE THEREOF
09 AGENCY INCOME 1
STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND

155,000
644,053
689,053
886,053

157,000
651,454
698,454
895,454

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
AERONAUTICS DIVISION
FEDERAL FUNDS
GENERAL FUNDS
HIGHWAY FUNDS
FISH AND GAME
OTHER FUNDS
LIQUOR FUNDS
SWEETSTAKES FUNDS
TURNPIKES FUNDS
TOTAL

4764,760
3800,000
767,760
197,000
4764,760

4774,161
3800,000
777,161
197,000
4774,161

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
07 OTHER HIGHWAY SUPPORT
03 TRANSFERS TO OTHER AGENCIES

STRIKE OUT
90 DEPARTMENT OF SAFETY
INSERT IN PLACE THEREOF
90 DEPARTMENT OF SAFETY

47458,571
47633,725

47838,439
48016,852

51997,338

52441,556

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
TRANSFERS TO OTHER AGENCIES
STRIKE OUT
HIGHWAY FUND

51822,184

52263,143

(CONT.)
(CONT.)
(CONT.)
(CONT.)

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
07 OTHER HIGHWAY SUPPORT
03 TRANSFERS TO OTHER AGENCIES

INSERT IN PLACE THEREOF HIGHWAY FUND	51997,338	52441,556	62094,766
TOTAL	51997,338	52441,556	
TOTAL ESTIMATED SOURCE OF FUNDS FOR OTHER HIGHWAY SUPPORT	60743,904		62094,766
FEDERAL FUNDS			
GENERAL FUNDS	25,001		27,001
HIGHWAY FUNDS	60718,903		62067,765
FISH AND GAME			
OTHER FUNDS			
LIQUOR FUNDS			
SWEETSTAKES FUNDS			
TURNPIKES FUNDS			
TOTAL	60743,904		62094,766
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 08 TURNPIKES 02 CENTRAL TURNPIKE 02 CENTRAL MAINTENANCE			
STRIKE OUT			
20 CURRENT EXPENSES		648,866	
INSERT IN PLACE THEREOF		828,866	
20 CURRENT EXPENSES			
TOTAL	3176,567	668,332	2928,593
ESTIMATED SOURCE OF FUNDS FOR CENTRAL MAINTENANCE			
STRIKE OUT			
TURNPIKES FUND	2994,567		2926,593
INSERT IN PLACE THEREOF	3174,567		2926,593
TURNPIKES FUND	3176,567		2928,593
TOTAL	6792,663		6708,021
TOTAL			

(CONT.)
 (CONT.)
 (CONT.)

04 TRANSPORTATION				
01 DEPARTMENT OF TRANSPORTATION				
08 TURNPIKES				
02 CENTRAL TURNPIKE				
ESTIMATED SOURCE OF FUNDS FOR				
CENTRAL TURNPIKE				
GENERAL FUNDS				
HIGHWAY FUNDS				
FISH AND GATE				
OTHER FUNDS				
LIQUOR FUNDS				
SWEEPSTAKES FUNDS				
TURNPIKES FUNDS	2,000		2,000	
TOTAL				
04 TRANSPORTATION				
01 DEPARTMENT OF TRANSPORTATION				
08 TURNPIKES				
03 BLUE STAR MEMORIAL HIGHWAY				
02 EAST NH TPK BLUE STAR MAINTENA				
STRIKE OUT				
20 CURRENT EXPENSES		256,657		264,357
INSERT IN PLACE THEREOF				
20 CURRENT EXPENSES		291,657		264,357
TOTAL				
ESTIMATED SOURCE OF FUNDS FOR				
EAST NH TPK BLUE STAR MAINTENA				
STRIKE OUT				
TURNPIKES FUND				
INSERT IN PLACE THEREOF				
TURNPIKES FUND				
TOTAL	1646,099		1608,378	
TOTAL				
ESTIMATED SOURCE OF FUNDS FOR				
BLUE STAR MEMORIAL HIGHWAY				
GENERAL FUNDS				
GENERAL FUNDS				
TOTAL	1610,099		1607,378	
TOTAL	1645,099		1607,378	
TOTAL	1646,099		1608,378	
TOTAL	4520,808		4640,141	

(CONT.)
(CONT.)
(CONT.)
(CONT.)

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
08 TURNPIKES
03 BLUE STAR MEMORIAL HIGHWAY

HIGHWAY FUNDS		1,000		1,000
FISH AND GAME				
OTHER FUNDS				
LIQUOR FUNDS		4519,808		4639,141
SWEETSTAKES FUNDS		4520,808		4640,141
TURNPIKES FUNDS				
TOTAL				

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
08 TURNPIKES
04 SPAULDING TURNPIKE
02 EAST NH TPK SPAULD TPK MAINT

STRIKE OUT			219,115	
20 CURRENT EXPENSES	212,733			
INSERT IN PLACE THEREOF				
20 CURRENT EXPENSES	222,733		219,115	
TOTAL		1102,027		955,704

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
EAST NH TPK SPAULD TPK MAINT
STRIKE OUT
TURNPIKES FUND
INSERT IN PLACE THEREOF
TURNPIKES FUND
TOTAL

ESTIMATED SOURCE OF FUNDS FOR				
EAST NH TPK SPAULD TPK MAINT				
STRIKE OUT	1092,027			955,704
TURNPIKES FUND	1102,027			955,704
INSERT IN PLACE THEREOF	1102,027			955,704
TURNPIKES FUND	2467,079			2438,220
TOTAL				

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
SPAULDING TURNPIKE
FEDERAL FUNDS
GENERAL FUNDS
HIGHWAY FUNDS
FISH AND GAME
OTHER FUNDS
LIQUOR FUNDS

04. TRANSPORTATION (CONT.)
 01 DEPARTMENT OF TRANSPORTATION (CONT.)
 08 TURNPIKES (CONT.)
 04 SPAULDING TURNPIKE (CONT.)

TOTAL	2467,079	2438,220	63088,622
TOTAL	2467,079	2438,220	63088,622
TOTAL ESTIMATED SOURCE OF FUNDS FOR TURNPIKES	61612,978		
FEDERAL FUNDS			
GENERAL FUNDS			
HIGHWAY FUNDS			
FISH AND GAME			
OTHER FUNDS	3,000	3,000	
LIQUOR FUNDS			
SWEEPSTAKES FUNDS			
TURNPIKES FUNDS			
TOTAL	61609,978	63085,622	63088,622
TOTAL	61612,978	63088,622	63088,622
TOTAL ESTIMATED SOURCE OF FUNDS FOR DEPARTMENT OF TRANSPORTATION	488724,840	496910,690	
FEDERAL FUNDS			
GENERAL FUNDS	152755,706	152866,182	
HIGHWAY FUNDS	2792,265	2803,666	
FISH AND GAME	223535,033	227894,783	
OTHER FUNDS			
LIQUOR FUNDS	48031,858	50260,437	
SWEEPSTAKES FUNDS			
TURNPIKES FUNDS			
TOTAL	61609,978	63085,622	
TOTAL	488724,840	496910,690	
TOTAL ESTIMATED SOURCE OF FUNDS FOR TRANSPORTATION	489454,321	497644,292	
FEDERAL FUNDS			
GENERAL FUNDS	152755,706	152866,182	
HIGHWAY FUNDS	3289,399	3303,865	
FISH AND GAME	223535,033	227894,783	

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(CONT.)

04 TRANSPORTATION

OTHER FUNDS		50493,840	
LIDOUR FUNDS	48264,205		
SNEEPSTAKES FUNDS	61609,978	63085,622	
TURNPIKES FUNDS	489454,321	497644,252	
TOTAL			

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
01 OFFICE OF THE COMMISSIONER
01 COMMISSIONER'S OFFICE
04 UNCOMPENSATED CARE FUND

STRIKE OUT			
41 AUDIT FUND SET ASIDE	82,300	86,300	
INSERT IN PLACE THEREOF			
41 AUDIT FUND SET ASIDE	84,744	86,769	
STRIKE OUT			
91 NHH DISPROPORTIONATE SHARE	26000,000	26000,000	
INSERT IN PLACE THEREOF			
91 NHH DISPROPORTIONATE SHARE	26826,975	26837,469	
STRIKE OUT			
92 HOSP UNCOMPENSATED CARE POOL	138600,000	146600,000	
INSERT IN PLACE THEREOF			
92 HOSP UNCOMPENSATED CARE POOL	142660,286	146700,094	

173624,332

169572,005

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
UNCOMPENSATED CARE FUND

STRIKE OUT			
FEDERAL FUNDS	82382,300	86386,300	
INSERT IN PLACE THEREOF			
FEDERAL FUNDS	84828,374	86855,551	
STRIKE OUT			
05 PRIVATE LOCAL FUNDS	69300,000	73300,000	
INSERT IN PLACE THEREOF			
05 PRIVATE LOCAL FUNDS	71330,143	73350,047	
STRIKE OUT			
GENERAL FUND	13000,000	13000,000	

(CONT.)
 (CONT.)
 (CONT.)
 (CONT.)

05 HEALTH AND SOCIAL SERVICES
 01 DEPT OF HEALTH AND HUMAN SVCS
 01 OFFICE OF THE COMMISSIONER
 01 COMMISSIONER'S OFFICE
 04 UNCOMPENSATED CARE FUND

INSERT IN PLACE THEREOF

GENERAL FUND	13413,488	169572,005	180995,944	13418,734	173624,332	185148,504
TOTAL						
TOTAL ESTIMATED SOURCE OF FUNDS FOR COMMISSIONER'S OFFICE						
FEDERAL FUNDS	8348,054			92004,636		
GENERAL FUNDS	19512,861			19588,935		
HIGHWAY FUNDS						
FISH AND GAME						
OTHER FUNDS	71535,029			73554,933		
LIQUOR FUNDS						
SWEETSTAKES FUNDS						
TURNPIKES FUNDS						
TOTAL	180995,944			185148,504		
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF THE COMMISSIONER	181336,986			185492,780		
FEDERAL FUNDS						
GENERAL FUNDS	90289,096			92348,912		
HIGHWAY FUNDS	19512,861			19588,935		
FISH AND GAME						
OTHER FUNDS	71535,029			73554,933		
LIQUOR FUNDS						
SWEETSTAKES FUNDS						
TURNPIKES FUNDS						
TOTAL	181336,986			185492,780		

05 HEALTH AND SOCIAL SERVICES
 01 DEPT OF HEALTH AND HUMAN SVCS
 07 OFFICE OF COMM & PUBLIC HEALTH
 02 DISEASE PREVENTION & HEALTH PR
 03 IMMUNIZATION PROGRAM

STRIKE OUT 675,000 675,000

90 VACCINES--STATE

05 HEALTH AND SOCIAL SERVICES 01 DEPT OF HEALTH AND HUMAN SVCS 07 OFFICE OF COMM & PUBLIC HEALTH 02 DISEASE PREVENTION & HEALTH PR 03 IMMUNIZATION PROGRAM	(CONT.) (CONT.) (CONT.) (CONT.) (CONT.)			
INSERT IN PLACE THEREOF				
90 VACCINES-STATE	1000,000		1000,000	
STRIKE OUT				
91 VACCINES-INSURERS	1341,000		1341,000	
INSERT IN PLACE THEREOF				
91 VACCINES-INSURERS	1016,000		1016,000	
TOTAL		3504,757		3537,896
ESTIMATED SOURCE OF FUNDS FOR IMMUNIZATION PROGRAM				
STRIKE OUT				
03 REVOLVING FUNDS	1341,000		1341,000	
INSERT IN PLACE THEREOF				
03 REVOLVING FUNDS	1016,000		1016,000	
STRIKE OUT				
GENERAL FUND	675,000		675,000	
INSERT IN PLACE THEREOF				
GENERAL FUND	1000,000		1000,000	
TOTAL	3504,757		3537,896	
TOTAL		10355,847		10443,628
ESTIMATED SOURCE OF FUNDS FOR DISEASE PREVENTION & HEALTH PR				
FEDERAL FUNDS				
GENERAL FUNDS	4234,648		4316,611	
HIGHWAY FUNDS	1105,199		1111,017	
FISH AND GAME				
OTHER FUNDS				
LIQUOR FUNDS	5016,000		5016,000	
SWEETSTAKES FUNDS				
TURNPIKES FUNDS				
TOTAL	10355,847		10443,628	
05 HEALTH AND SOCIAL SERVICES 01 DEPT OF HEALTH AND HUMAN SVCS 07 OFFICE OF COMM & PUBLIC HEALTH 04 FAMILY AND COMMUNITY HEALTH 03 MATERNAL & CHILD HEALTH				
STRIKE OUT				
41 AUDIT FUND SET ASIDE		1,525		1,527

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05 HEALTH AND SOCIAL SERVICES						
01 DEPT OF HEALTH AND HUMAN SVCS						
07 OFFICE OF COMM & PUBLIC HEALTH						
04 FAMILY AND COMMUNITY HEALTH						
03 MATERNAL & CHILD HEALTH						
					(CONT.)	
					(CONT.)	
					(CONT.)	
					(CONT.)	
INSERT IN PLACE THEREOF					1,825	
41 AUDIT FUND SET ASIDE					600,000	
INSERT						
93 KIDS CABINET HOME VISITING						
TOTAL					4353,421	4406,267
ESTIMATED SOURCE OF FUNDS FOR						
MATERNAL & CHILD HEALTH						
STRIKE OUT						
INSERT IN PLACE THEREOF					1524,909	1526,328
FEDERAL FUNDS						
STRIKE OUT					1800,184	1826,627
FEDERAL FUNDS						
INSERT IN PLACE THEREOF					2278,237	2279,640
GENERAL FUND						
INSERT IN PLACE THEREOF					2553,237	2579,640
GENERAL FUND						
INSERT IN PLACE THEREOF					4353,421	4406,267
TOTAL					27966,433	27830,821
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
FAMILY AND COMMUNITY HEALTH						
FEDERAL FUNDS					19632,011	19460,940
GENERAL FUNDS					4680,900	4714,359
HIGHWAY FUNDS						
FISH AND GAME						
OTHER FUNDS					3655,522	3655,522
LIQUOR FUNDS						
SWEETSTAKES FUNDS						
TURNPIKES FUNDS						
TOTAL					27966,433	27830,821
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR					263454,112	275256,420
OFFICE OF COMM & PUBLIC HEALTH						
FEDERAL FUNDS					137741,451	143641,294
GENERAL FUNDS					111982,314	118153,564
HIGHWAY FUNDS						

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(CONT.)
(CONT.)
(CONT.)

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
07 OFFICE OF COMM & PUBLIC HEALTH

FISH AND GAME 13461,622
OTHER FUNDS
LIQUOR FUNDS
SWEETSTAKES FUNDS
TURNPIKES FUNDS 275256,420
TOTAL 13730,347
263454,112

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
08 DIV CHILDREN, YOUTH & FAMILIES
04 BUR OF ADMINISTRATIVE SERVICES
02 SYSTEMS ADMIN NH BRIDGES

STRIKE OUT 377
41 AUDIT FUND SET ASIDE D 376
INSERT IN PLACE THEREOF
41 AUDIT FUND SET ASIDE D 628
STRIKE OUT 500,000
90 OPERATIONAL EXPENSES 1000,000
INSERT IN PLACE THEREOF
90 OPERATIONAL EXPENSES 1000,000

1250,379 1252,693

TOTAL ESTIMATED SOURCE OF FUNDS FOR SYSTEMS ADMIN NH BRIDGES

375,549 376,706

STRIKE OUT
FEDERAL FUNDS
INSERT IN PLACE THEREOF

625,800 626,957

STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF

374,579 375,736

624,579 625,736
1250,379 1252,693

TOTAL 2692,094 2715,694

TOTAL ESTIMATED SOURCE OF FUNDS FOR BUR OF ADMINISTRATIVE SERVICES

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05 HEALTH AND SOCIAL SERVICES
 01 DEPT OF HEALTH AND HUMAN SVCS
 08 DIV CHILDREN, YOUTH & FAMILIES
 04 BUR OF ADMINISTRATIVE SERVICES

(CONT.)
 (CONT.)
 (CONT.)
 (CONT.)

FEDERAL FUNDS			
GENERAL FUNDS	1347,263		1359,073
HIGHWAY FUNDS	1344,831		1356,621
FISH AND GAME			
OTHER FUNDS			
LIQUOR FUNDS			
SWEETSTAKES FUNDS			
TURNPIKES FUNDS			
TOTAL	2692,094		2715,694

TOTAL		121695,578	123453,318
ESTIMATED SOURCE OF FUNDS FOR			
DIV CHILDREN, YOUTH & FAMILIES			
FEDERAL FUNDS		52151,839	52700,452
GENERAL FUNDS		58113,207	59048,225
HIGHWAY FUNDS			
FISH AND GAME			
OTHER FUNDS		11430,532	11704,641
LIQUOR FUNDS			
SWEETSTAKES FUNDS			
TURNPIKES FUNDS			
TOTAL		121695,578	123453,318

05 HEALTH AND SOCIAL SERVICES
 01 DEPT OF HEALTH AND HUMAN SVCS
 09 DIV OF FAMILY ASSISTANCE
 02 PROGRAM OPERATIONS
 01 ECONOMIC SERVICES

STRIKE OUT			
41 AUDIT FUND SET ASIDE	7,059		5,801
INSERT IN PLACE THEREOF			
41 AUDIT FUND SET ASIDE	7,059		6,360
STRIKE OUT			
99 NEW HEIGHTS MAINT	6000,000		4000,000
INSERT IN PLACE THEREOF			
99 NEW HEIGHTS MAINT	6000,000		5000,000

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(CONT.)
(CONT.)
(CONT.)

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
09 DIV OF FAMILY ASSISTANCE
02 PROGRAM OPERATIONS
01 ECONOMIC SERVICES

TOTAL	12178,523	11214,787
ESTIMATED SOURCE OF FUNDS FOR		
ECONOMIC SERVICES		
STRIKE OUT	6985,102	5799,968
INSERT IN PLACE THEREOF	6985,102	6360,897
FEDERAL FUNDS		
STRIKE OUT	41,080	41,601
02 REVOLVING FUNDS	41,080	45,244
03 REVOLVING FUNDS		
STRIKE OUT	5152,341	4372,659
INSERT IN PLACE THEREOF	5152,341	4808,646
GENERAL FUND		
STRIKE OUT	12178,523	11214,787
INSERT IN PLACE THEREOF		
GENERAL FUND		
TOTAL	18062,853	17113,563
ESTIMATED SOURCE OF FUNDS FOR		
PROGRAM OPERATIONS		
FEDERAL FUNDS	9939,031	9322,208
GENERAL FUNDS	8082,742	7746,111
HIGHWAY FUNDS		
FISH AND GAME		
OTHER FUNDS	41,080	45,244
LIQUOR FUNDS		
SNEEPTAKES FUNDS		
TURNPIKES FUNDS		
TOTAL	18062,853	17113,563

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
09 DIV OF FAMILY ASSISTANCE
04 FINANCIAL GRANTS
01 TEMP ASSISTINC TO NEEDY FAMILYS

STRIKE OUT 37174,596
90 TANF 37174,596

05 HEALTH AND SOCIAL SERVICES					
01 DEPT OF HEALTH AND HUMAN SVCS					
09 DIV OF FAMILY ASSISTANCE					
04 FINANCIAL GRANTS					
01 TEMP ASSISTNC TO NEEDY FAMILYS					
90 TANF					
INSERT IN PLACE THEREOF	38188,166	39597,822	40998,245		
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR	39588,541				
TEMP ASSISTING TO NEEDY FAMILYS					
STRIKE OUT			5422,125		
GENERAL FUND	5,445,145		7845,351		
INSERT IN PLACE THEREOF	6408,715		40998,245		
GENERAL FUND	39588,541		53979,292		
TOTAL	52293,876		30352,894		
TOTAL	30379,826		14338,437		
ESTIMATED SOURCE OF FUNDS FOR	12741,145				
FINANCIAL GRANTS					
FEDERAL FUNDS					
GENERAL FUNDS					
HIGHWAY FUNDS					
FISH AND GAME					
OTHER FUNDS					
LIQUOR FUNDS					
SWEEPSTAKES FUNDS	9172,905		9287,961		
TURNPIKES FUNDS					
TOTAL	52293,876		53979,292		
TOTAL	81500,007		82413,185		
ESTIMATED SOURCE OF FUNDS FOR					
DIV OF FAMILY ASSISTANCE					
FEDERAL FUNDS					
GENERAL FUNDS					
HIGHWAY FUNDS					
FISH AND GAME					
OTHER FUNDS					
LIQUOR FUNDS					
SWEEPSTAKES FUNDS	9219,985		45448,797		
TURNPIKES FUNDS			27631,183		
TOTAL	81500,007		9333,205		
TOTAL			82413,185		

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(CONT.)
(CONT.)
(CONT.)

05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
09 DIV OF FAMILY ASSISTANCE			
05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
10 DIV OF ELDERLY & ADULT SVCS			
03 GRANTS TO LOCALS			
02 SOCIAL SERVICES BLOCK GRANT			
ESTIMATED SOURCE OF FUNDS FOR			
SOCIAL SERVICES BLOCK GRANT	4806,258		5056,258
STRIKE OUT			
FEDERAL FUNDS	4357,028		4357,028
INSERT IN PLACE THEREOF			
FEDERAL FUNDS	4549,084		4257,374
STRIKE OUT			
GENERAL FUND	4998,314		5256,604
INSERT IN PLACE THEREOF	9355,342		9613,632
GENERAL FUND			19586,603
TOTAL	19073,003		
TOTAL			
ESTIMATED SOURCE OF FUNDS FOR			
GRANTS TO LOCALS			
FEDERAL FUNDS	10004,757		10006,976
GENERAL FUNDS	9068,246		9579,627
HIGHWAY FUNDS			
FISH AND GAME			
OTHER FUNDS			
LIQUOR FUNDS			
SWEETSTAKES FUNDS			
TURNPIKES FUNDS			
TOTAL	19073,003		19586,603
05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
10 DIV OF ELDERLY & ADULT SVCS			
04 MEDICAL SERVICES			
01 NURSING SERVICES			
STRIKE OUT			
41 AUDIT FUND SET ASIDE	136,320		139,525

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(CONT.)				
(CONT.)				
(CONT.)				
(CONT.)				
(CONT.)				
05 HEALTH AND SOCIAL SERVICES				
01 DEPT OF HEALTH AND HUMAN SVCS				
10 DIV OF ELDERLY & ADULT SVCS				
04 MEDICAL SERVICES				
01 NURSING SERVICES				
INSERT IN PLACE THEREOF				
41 AUDIT FUND SET ASIDE	D	136,320	139,918	
STRIKE OUT				
91 HOME NURSING SERVICES		18178,415	19878,503	
INSERT IN PLACE THEREOF				
91 HOME NURSING SERVICES		18178,415	20651,115	
TOTAL		272511,313	279697,660	
ESTIMATED SOURCE OF FUNDS FOR				
NURSING SERVICES				
STRIKE OUT				
FEDERAL FUNDS		136323,816	139532,090	
INSERT IN PLACE THEREOF				
FEDERAL FUNDS		136323,816	139918,789	
STRIKE OUT				
05 PRIVATE LOCAL FUNDS	I	71512,233	73114,767	
INSERT IN PLACE THEREOF				
05 PRIVATE LOCAL FUNDS	I	71512,233	73307,920	
STRIKE OUT				
GENERAL FUND		60925,264	62527,798	
INSERT IN PLACE THEREOF				
GENERAL FUND		60925,264	62720,951	
TOTAL		272511,313	279697,660	
TOTAL		284844,361	294692,281	
ESTIMATED SOURCE OF FUNDS FOR				
MEDICAL SERVICES				
FEDERAL FUNDS		142205,613	147072,294	
GENERAL FUNDS		61121,274	62918,492	
HIGHWAY FUNDS				
FISH AND GAME				
OTHER FUNDS		81517,474	84701,495	
LIDOUR FUNDS				
SWEETSTAKES FUNDS				
TURNPIKES FUNDS				
TOTAL		284844,361	294692,281	
TOTAL		309612,823	320037,757	

(CONT.)
(CONT.)
(CONT.)

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
10 DIV OF ELDERLY & ADULT SVCS

ESTIMATED SOURCE OF FUNDS FOR				
DIV OF ELDERLY & ADULT SVCS				
FEDERAL FUNDS	154229,727			159131,190
GENERAL FUNDS	73865,622			76205,072
HIGHWAY FUNDS				
FISH AND GAME				
OTHER FUNDS	81517,474			84701,495
LITOUOR FUNDS				
SWEESTAKES FUNDS				
TURNPIKES FUNDS	309612,823			320037,757
TOTAL				

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
11 DIVISION OF BEHAVIORAL HEALTH
04 BUR COMTTY MENTAL HEALTH SVCS
01 COMTTY MENTAL HEALTH SVCS

STRIKE OUT				
41 AUDIT FUND SET ASIDE	37,527		38,210	
INSERT IN PLACE THEREOF				
41 AUDIT FUND SET ASIDE	37,527		38,794	
STRIKE OUT				
91 FAMILY SUPPORT	11920,813		12920,813	
INSERT IN PLACE THEREOF				
91 FAMILY SUPPORT	11920,813		14190,655	

TOTAL 78436,570 80976,339

ESTIMATED SOURCE OF FUNDS FOR
COMTTY MENTAL HEALTH SVCS
STRIKE OUT
FEDERAL FUNDS
INSERT IN PLACE THEREOF
FEDERAL FUNDS
STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND

	37527,448		38197,736	
	37527,448		38795,146	
	40909,122		41508,177	
	40909,122		42181,193	

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05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
11 DIVISION OF BEHAVIORAL HEALTH			
04 BUR COMMTY MENTAL HEALTH SVCS			
01 COMMTY MENTAL HEALTH SVCS			
	(CONT.)		
	(CONT.)		
	(CONT.)		
	(CONT.)		
TOTAL	78436,570	80976,339	
TOTAL ESTIMATED SOURCE OF FUNDS FOR BUR COMMTY MENTAL HEALTH SVCS	93855,762	96899,243	
FEDERAL FUNDS			
GENERAL FUNDS	50719,256	52333,873	
HIGHWAY FUNDS	43136,506	44565,370	
FISH AND GAME			
OTHER FUNDS			
LIQUOR FUNDS			
SWEEPSTAKES FUNDS			
TURNPIKES FUNDS			
TOTAL	93855,762	96899,243	
TOTAL ESTIMATED SOURCE OF FUNDS FOR DIVISION OF BEHAVIORAL HEALTH	156826,192	160791,588	
FEDERAL FUNDS			
GENERAL FUNDS	51909,319	53536,462	
HIGHWAY FUNDS	103376,488	105710,422	
FISH AND GAME			
OTHER FUNDS			
LIQUOR FUNDS	1540,385	1544,704	
SWEEPSTAKES FUNDS			
TURNPIKES FUNDS			
TOTAL	156826,192	160791,588	
05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
13 DIV OF DEVELOPMENTAL SERVICES			
09 SOCIAL SERVICES BLOCK GRANT DD			
	449,230	999,230	
STRIKE OUT			
91 CONTRACTS			
INSERT IN PLACE THEREOF			
91 CONTRACTS			

AMENDMENTS TO PAGE 57 06/09/01 ----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

(CONT.)
(CONT.)
(CONT.)
(CONT.)

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
13 DIV OF DEVELOPMENTAL SERVICES
09 SOCIAL SERVICES BLOCK GRANT OD

TOTAL	449,230	999,230	
ESTIMATED SOURCE OF FUNDS FOR			
SOCIAL SERVICES BLOCK GRANT OD			
STRIKE OUT			
FEDERAL FUNDS	449,230	999,230	
INSERT IN PLACE THEREOF	449,230	999,230	
FEDERAL FUNDS			
TOTAL			161010,610
TOTAL	158432,642		
ESTIMATED SOURCE OF FUNDS FOR			
DIV OF DEVELOPMENTAL SERVICES			
FEDERAL FUNDS	87916,747	89471,986	
GENERAL FUNDS	70488,895	71511,654	
HIGHWAY FUNDS			
FISH AND GAME			
OTHER FUNDS	27,000	27,000	
LIQUOR FUNDS			
SWEETSTAKES FUNDS			
TURNPIKES FUNDS			
TOTAL	158432,642	161010,610	
TOTAL	1331852,013	1368241,012	
ESTIMATED SOURCE OF FUNDS FOR			
DEPT OF HEALTH AND HUMAN SVCS			
FEDERAL FUNDS	648540,124	664847,853	
GENERAL FUNDS	483732,431	504522,719	
HIGHWAY FUNDS			
FISH AND GAME			
OTHER FUNDS	193579,458	198870,440	
LIQUOR FUNDS			
SWEETSTAKES FUNDS			
TURNPIKES FUNDS			
TOTAL	1331852,013	1368241,012	
TOTAL	1358007,959	1395801,814	

AMENDMENTS TO PAGE 58 06/09/01
 HB0001
 05 HEALTH AND SOCIAL SERVICES
 (CONT.)

	FISCAL YEAR 2002	FISCAL YEAR 2003
ESTIMATED SOURCE OF FUNDS FOR HEALTH AND SOCIAL SERVICES		
FEDERAL FUNDS	651296,104	668006,961
GENERAL FUNDS	504190,640	519417,627
HIGHWAY FUNDS		
FISH AND GAME		
OTHER FUNDS	202521,215	208377,226
LIQUOR FUNDS		
SWEETSTAKES FUNDS		
TURNPIKES FUNDS		
TOTAL	1358007,959	1395801,814
06 EDUCATION		
01 POST SECONDARY EDUCATION COMM.		
01 ADMINISTRATION & FINANCIAL AID		
STRIKE OUT	1	1
95 GRANITE STATE SCHOLARS		
INSERT IN PLACE THEREOF	250,000	250,000
95 GRANITE STATE SCHOLARS		
STRIKE OUT	1528,121	1528,121
99 NH INCENTIVE PROGRAM		
INSERT IN PLACE THEREOF	3000,000	3000,000
99 NH INCENTIVE PROGRAM		
TOTAL	4380,756	4381,820
ESTIMATED SOURCE OF FUNDS FOR ADMINISTRATION & FINANCIAL AID		
STRIKE OUT	2523,778	2524,842
GENERAL FUND	4245,656	4246,720
INSERT IN PLACE THEREOF	4380,756	4381,820
TOTAL	4491,523	4493,958

AMENDMENTS TO PAGE 59 06/09/01 ----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

(CONT.)
(CONT.)

06 EDUCATION
01 POST SECONDARY EDUCATION COMM.

ESTIMATED SOURCE OF FUNDS FOR
POST SECONDARY EDUCATION COMM.
FEDERAL FUNDS
GENERAL FUNDS
HIGHWAY FUNDS
FISH AND GAME
OTHER FUNDS
LIQUOR FUNDS
SWEEPSTAKES FUNDS
TURNPIKES FUNDS
TOTAL

229,767
4246,656
15,100
4491,523
231,138
4247,720
15,100
4493,958

06 EDUCATION
03 DEPARTMENT OF EDUCATION
02 OFFICE OF THE DEP COMMISSIONER
01 DEPUTY COMMISSIONER
07 BEST SCHOOLS

STRIKE OUT *
91 CONTRACTS * 592,539
INSERT IN PLACE THEREOF
91 CONTRACTS * 1092,539

STRIKE OUT *
* THE DEPARTMENT OF EDUCATION SHALL NOT EXPEND MORE THAN \$1,815,242 IN FY 2003 IN THIS PAU UNTIL AUTHORIZED BY THE FISCAL COMMITTEE. THE DEPARTMENT OF EDUCATION SHALL APPEAR BEFORE THE FISCAL COMMITTEE NO LATER THAN APRIL 2002 TO SHOW THE RESULTS OF THE BEST SCHOOLS PROGRAM. IF THE FISCAL COMMITTEE DECIDES THE PROGRAM IS SUCCESSFUL, BASED ON CRITERIA TO BE ESTABLISHED BY THE FISCAL COMMITTEE, THE FISCAL COMMITTEE SHALL AUTHORIZE \$500,000 IN ADDITIONAL SPENDING IN FY 2003 IN THIS PAU.

INSERT IN PLACE THEREOF *
* THE FUNDS APPROPRIATED IN THIS PAU SHALL NOT

AMENDMENTS TO PAGE 60 06/09/01 ----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

(CONT.)
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 (CONT.)
 (CONT.)

06 EDUCATION
 03 DEPARTMENT OF EDUCATION
 02 OFFICE OF THE DEP COMMISSIONER
 01 DEPUTY COMMISSIONER
 07 BEST SCHOOLS

LAPSE UNTIL JUNE 30, 2003.

TOTAL ESTIMATED SOURCE OF FUNDS FOR BEST SCHOOLS STRIKE OUT	2315,242	1815,242	
GENERAL FUND INSERT IN PLACE THEREOF	1815,242	2315,242	
GENERAL FUND TOTAL	2315,242	1815,242	
TOTAL ESTIMATED SOURCE OF FUNDS FOR DEPUTY COMMISSIONER	4788,899	4317,122	

FEDERAL FUNDS			
GENERAL FUNDS	4703,899	4222,122	
HIGHWAY FUNDS			
FISH AND GAME			
OTHER FUNDS	85,000	95,000	
LIQUOR FUNDS			
SWEETSTAKES FUNDS			
TURNPIKES FUNDS			
TOTAL	4788,899	4317,122	

06 EDUCATION
 03 DEPARTMENT OF EDUCATION
 02 OFFICE OF THE DEP COMMISSIONER
 02 FINANCIAL AID TO DISTRICTS-ST.
 02 OTHER STATE AID

STRIKE OUT			
90 BUILDING AID		24500,000	
INSERT IN PLACE THEREOF			
90 BUILDING AID		28000,000	
STRIKE OUT			
93 TUITION AND TRANSPORTION AID	*	3750,000	
INSERT IN PLACE THEREOF			
93 TUITION AND TRANSPORTION AID	*	3750,000	

06 EDUCATION					
03 DEPARTMENT OF EDUCATION					
02 OFFICE OF THE DEP COMMISSIONER					
02 FINANCIAL AID TO DISTRICTS-ST.					
02 OTHER STATE AID					
		(CONT.)			
		(CONT.)			
		(CONT.)			
		(CONT.)			
STRIKE OUT	**	19300,000		20800,000	
94 CATASTROPHIC AID	**	19300,000			
INSERT IN PLACE THEREOF					
94 CATASTROPHIC AID	**	1002,750		1545,750	
STRIKE OUT	F				
98 KINDERGARTEN AID	F				
INSERT IN PLACE THEREOF					
98 KINDERGARTEN AID					
TOTAL		48175,000		32745,000	
ESTIMATED SOURCE OF FUNDS FOR					
OTHER STATE AID					
STRIKE OUT					
GENERAL FUND		49537,750		51590,750	
INSERT IN PLACE THEREOF					
GENERAL FUND		48175,000		32745,000	
TOTAL		48175,000		32745,000	
06 EDUCATION					
03 DEPARTMENT OF EDUCATION					
02 OFFICE OF THE DEP COMMISSIONER					
02 FINANCIAL AID TO DISTRICTS-ST.					
04 ADEQUATE EDUCATION GRANTS					
STRIKE OUT					
90 HARDSHIP GRANTS		5000,000		5000,000	
INSERT IN PLACE THEREOF					
90 HARDSHIP GRANTS		2500,000		2500,000	
STRIKE OUT					
91 ADEQUATE EDUCATION GRANTS		881256,045		895600,000	
INSERT IN PLACE THEREOF					
91 ADEQUATE EDUCATION GRANTS		883956,045		818730,005	
TOTAL		886456,045		821230,005	
ESTIMATED SOURCE OF FUNDS FOR					
ADEQUATE EDUCATION GRANTS					
STRIKE OUT					
01 EDUCATION TRUST FUND INCOME		753186,000		790235,000	

(CONT.)
 (CONT.)
 (CONT.)
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 (CONT.)

06 EDUCATION
 03 DEPARTMENT OF EDUCATION
 02 OFFICE OF THE DEP COMMISSIONER
 02 FINANCIAL AID TO DISTRICTS-ST.
 04 ADEQUATE EDUCATION GRANTS

INSERT IN PLACE THEREOF
 01 EDUCATION TRUST FUND INCOME
 STRIKE OUT
 GENERAL FUND
 INSERT IN PLACE THEREOF
 GENERAL FUND
 TOTAL

886456,045
 133070,045
 886456,045
 935231,646
 804834,928
 110365,000
 16395,077
 821230,005
 854575,606

TOTAL
 ESTIMATED SOURCE OF FUNDS FOR
 FINANCIAL AID TO DISTRICTS-ST.
 FEDERAL FUNDS
 GENERAL FUNDS
 HIGHWAY FUNDS
 FISH AND GAME
 OTHER FUNDS
 LIQUOR FUNDS
 SHEEPSTAKES FUNDS
 TURNPIKES FUNDS
 TOTAL

500,601
 48175,000
 886456,045
 600,601
 49140,077
 804834,928
 854575,606

TOTAL
 ESTIMATED SOURCE OF FUNDS FOR
 OFFICE OF THE DEP COMMISSIONER
 FEDERAL FUNDS
 GENERAL FUNDS
 HIGHWAY FUNDS
 FISH AND GAME
 OTHER FUNDS
 LIQUOR FUNDS
 SHEEPSTAKES FUNDS
 TURNPIKES FUNDS
 TOTAL

950376,377
 2608,871
 61191,461
 886576,045
 950376,377
 1078792,883
 869604,282
 2608,871
 62030,483
 804964,928
 869604,282
 999564,141

TOTAL
 ESTIMATED SOURCE OF FUNDS FOR
 DEPARTMENT OF EDUCATION

----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

AMENDMENTS TO PAGE 63 06/09/01

(CONT.)
(CONT.)

06 EDUCATION
03 DEPARTMENT OF EDUCATION

FEDERAL FUNDS		
GENERAL FUNDS	119858,544	121310,359
HIGHWAY FUNDS	68639,071	69550,708
FISH AND GAME		
OTHER FUNDS	890235,288	808703,074
LIQUOR FUNDS		
SWEETSTAKES FUNDS		
TURNPIKES FUNDS	1078792,883	999564,141
TOTAL		

06 EDUCATION
04 NH DEPT REGIONAL COMM TECH COL
02 NHCTC - MANCHESTER
11 TITLE III PLANNING GRANT

INSERT		
46 CONSULTANTS	18,000	
TOTAL	18,000	
ESTIMATED SOURCE OF FUNDS FOR		
TITLE III PLANNING GRANT		18,000
INSERT		
FEDERAL FUNDS	18,000	
TOTAL	18,000	

06 EDUCATION
04 NH DEPT REGIONAL COMM TECH COL
02 NHCTC - MANCHESTER
12 CARL PERKINS PROGRAM

INSERT		
46 CONSULTANTS	1,200	
INSERT		
50 PERSONAL SERVICE TEMP/APPOINTEE	32,500	
INSERT		
59 PART-TIME - BENEFITTED	25,000	

AMENDMENTS TO PAGE 64 06/09/01 ----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

(CONT.)
(CONT.)
(CONT.)
(CONT.)

06 EDUCATION
04 NH DEPT REGIONAL COMM TECH COL
02 NHCTC - MANCHESTER
12 CARL PERKINS PROGRAM

INSERT 60 BENEFITS 10,486

TOTAL ESTIMATED SOURCE OF FUNDS FOR
CARL PERKINS PROGRAM
INSERT FEDERAL INCOME
TOTAL

59,186
59,186
69,186

TOTAL ESTIMATED SOURCE OF FUNDS FOR
NHCTC - MANCHESTER
FEDERAL FUNDS
GENERAL FUNDS
HIGHWAY FUNDS
FISH AND GAME
OTHER FUNDS
LIQUOR FUNDS
SWEETSTAKES FUNDS
TURNPIKES FUNDS
TOTAL

8212,541
853,398
3766,564
3592,579
8212,541
8073,855
766,212
3793,515
3814,128
8073,855

06 EDUCATION
04 NH DEPT REGIONAL COMM TECH COL
03 NHCTC - STRATHAM
11 TIIAP - US DEPT OF COMMERCE

INSERT 46 CONSULTANTS 10,000

TOTAL ESTIMATED SOURCE OF FUNDS FOR
TIIAP - US DEPT OF COMMERCE
INSERT FEDERAL INCOME

10,000
10,000

AMENDMENTS TO PAGE 65 06/09/01
HB0001

----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

(CONT.)
(CONT.)
(CONT.)
(CONT.)

06 EDUCATION
04 NH DEPT REGIONAL COMM TECH COL
03 NHCTC - STRATHAM
11 TIIP - US DEPT OF COMMERCE

TOTAL	10,000		
TOTAL ESTIMATED SOURCE OF FUNDS FOR			
NHCTC - STRATHAM	5693,689		5792,451
FEDERAL FUNDS			
GENERAL FUNDS	629,815		619,815
HIGHWAY FUNDS	2178,671		2151,719
FISH AND GAME			
OTHER FUNDS			
LIQUOR FUNDS	2885,203		3020,917
SWEETSTAKES FUNDS			
TURNPIKES FUNDS	5693,689		5792,451
TOTAL			

06 EDUCATION
04 NH DEPT REGIONAL COMM TECH COL
05 NHCTC - BERLIN
10 NSF - PROJECT COMPACT

INSERT 48 CONSULTANTS 100,000

TOTAL ESTIMATED SOURCE OF FUNDS FOR
NSF - PROJECT COMPACT

100,000
100,000
100,000

TOTAL	5253,663		5260,321
TOTAL ESTIMATED SOURCE OF FUNDS FOR			
NHCTC - BERLIN			
FEDERAL FUNDS	865,212		765,212
GENERAL FUNDS	2538,616		2551,118
HIGHWAY FUNDS			

AMENDMENTS TO	PAGE	66	06/09/01	----- FISCAL YEAR 2002 -----	----- FISCAL YEAR 2003 -----
HB0001					
(CONT.)					
(CONT.)					
(CONT.)					
06 EDUCATION					
04 NH DEPT REGIONAL COMM TECH COL				1849,835	1943,991
05 NHCTC - BERLIN					
FISH AND GAME					
OTHER FUNDS					
LIQUOR FUNDS					
SWEETSTAKES FUNDS				5253,663	5260,321
TURNPIKES FUNDS					
TOTAL					
06 EDUCATION					
04 NH DEPT REGIONAL COMM TECH COL					
08 NHCTC - NASHUA					
09 TIIAP NASHUA					
INSERT			10,000		
46 CONSULTANTS					
TOTAL			10,000		
ESTIMATED SOURCE OF FUNDS FOR					
TIIAP NASHUA					
INSERT FEDERAL FUNDS					
TOTAL				10,000	
TOTAL				6248,625	6341,382
ESTIMATED SOURCE OF FUNDS FOR					
NHCTC - NASHUA					
FEDERAL FUNDS				636,323	626,323
GENERAL FUNDS				2548,322	2548,322
HIGHWAY FUNDS					
FISH AND GAME					
OTHER FUNDS				3063,980	3166,737
LIQUOR FUNDS					
SWEETSTAKES FUNDS					
TURNPIKES FUNDS				6248,625	6341,382
TOTAL					
06 EDUCATION					
04 NH DEPT REGIONAL COMM TECH COL					
10 POLICE STANDARDS & TRNG COUNCL					
02 TRAINING					
STRIKE OUT					
24 MAINT. OTHER THAN BUILD. & GRNDS					5,834

(CONT.)
(CONT.)
(CONT.)
(CONT.)

06 EDUCATION
04 NH DEPT REGIONAL COMM TECH COL
10 POLICE STANDARDS & TRNG COUNCIL
02 TRAINING

INSERT IN PLACE THEREOF
24 MAINT. OTHER THAN BUILDS. & GRNDS

TOTAL ESTIMATED SOURCE OF FUNDS FOR

TRAINING
STRIKE OUT
09 AGENCY INCOME |

INSERT IN PLACE THEREOF
03 AGENCY INCOME |

TOTAL

2997,503

2895,075

1316,888

1241,054

65,834

5,834

1256,888

1241,054

1316,888

1241,054

2997,503

2997,503

2895,075

2997,503

2895,075

61168,677

60305,484

5174,047

5381,293

24505,688

24709,273

31488,942

30214,978

61168,677

60305,484

TOTAL

TOTAL ESTIMATED SOURCE OF FUNDS FOR
NH DEPT REGIONAL COMM TECH COL

FEDERAL FUNDS

GENERAL FUNDS

HIGHWAY FUNDS

FISH AND GAME

OTHER FUNDS

LIOUOR FUNDS

SWEEPSTAKES FUNDS

TURNPIKES FUNDS

AMENDMENTS TO PAGE 68 06/09/01

----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

(CONT.)
(CONT.)

06 EDUCATION
04 NH DEPT REGIONAL COMM TECH COL

06 EDUCATION
05 N.H. SWEEPSTAKES COMMISSION
01 LOTTERY DIVISION

STRIKE OUT			
93 ADVERTISING	1700,027	1700,027	
INSERT IN PLACE THEREOF			
93 ADVERTISING	1650,027	1650,027	6296,630
TOTAL		6270,369	
ESTIMATED SOURCE OF FUNDS FOR			
LOTTERY DIVISION			
STRIKE OUT			
SWEEPSTAKES FUND		6320,369	6346,630
INSERT IN PLACE THEREOF		6270,369	6296,630
SWEEPSTAKES FUND		6270,369	6296,630
TOTAL		6716,174	6743,751

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
N.H. SWEEPSTAKES COMMISSION
FEDERAL FUNDS
GENERAL FUNDS
HIGHWAY FUNDS
FISH AND GAME
OTHER FUNDS
LIQUOR FUNDS
SWEEPSTAKES FUNDS
TURNPIKES FUNDS

	6716,174	6743,751
	6716,174	6743,751
TOTAL	1229439,675	1155060,818

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
EDUCATION

AMENDMENTS TO PAGE 69 06/09/01

----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

(CONT.)

06 EDUCATION

FEDERAL FUNDS
 GENERAL FUNDS
 HIGHWAY FUNDS
 FISH AND GAME
 OTHER FUNDS
 LIQUOR FUNDS
 SWEETSTAKES FUNDS
 TURNPIKES FUNDS
 TOTAL

125469,544	126715,544
176788,611	181394,407
920465,346	840207,116
6716,174	6743,751
1229439,675	1155060,818

AMENDMENTS TO PAGE 70 06/09/01

----- FISCAL YEAR 2002 ----- FISCAL YEAR 2003 -----

HB0001

STATE SUMMARY

TOTAL ESTIMATED SOURCE OF FUNDS FOR

FEDERAL FUNDS	1040501,443	1056031,533
GENERAL FUNDS	1144395,511	1187977,060
HIGHWAY FUNDS	223535,033	227894,783
FISH AND GAME	10066,722	10002,081
OTHER FUNDS	1383234,446	1314870,968
LIQUOR FUNDS		6743,751
SWEETSTAKES FUNDS	6716,174	63085,622
TURNPIKES FUNDS	61609,978	3868605,798
TOTAL	3870059,307	3868605,798



Amendment to HB 1-A
- Page 71 -

1 1.08 Budget Footnotes; General.

2 A. Data Processing Services. The department of administrative services and the department of
3 health and human services shall, prior to performing data processing services for any department,
4 board, commission, institution, or other agency, enter into a written agreement specifying in detail
5 the services to be performed and the cost to the agency. Said agreement shall be binding on both
6 agencies. Any change or modification in the services to be performed shall likewise be agreed to in
7 writing and shall specify the change and the adjustment to the cost. Any dispute relative to such
8 agreements shall be resolved by the department of justice. The provisions of this paragraph shall
9 not permit any state department, board, commission, institution, or other agency to contract for data
10 processing services without the approval of the department of administrative services.

11 B. Revenue shall be deposited with the state treasurer as unrestricted revenue.

12 C. Revenue in excess of the estimate may be expended with prior approval of the fiscal
13 committee and the approval of the governor and council.

14 D. The funds in this appropriation shall not be transferred or expended for any other purpose.

15 E. The funds in this appropriation are for general overhead state charges and such sums shall
16 be transferred by the agency to the general fund of the state consistent with federal requirements.

17 F. This appropriation shall not lapse until June 30, 2003.

18 G. The funds in this appropriation shall not be transferred or expended for any other purpose
19 and shall not lapse until June 30, 2003.

20 H. The funds in this appropriation shall not be transferred or used for any other purpose and
21 shall not lapse until June 30, 2003. No additions or deletions may be made from those projects
22 authorized for funding from the original maintenance survey except in an emergency situation and
23 then only after consultation with the commissioner of the department of transportation and approval
24 by the commissioner of the department of administrative services.

25 I. In the event that estimated revenue is less than budgeted, the total appropriation shall be
26 reduced by the amount of the shortfall in either actual or projected budgeted revenue. The agency
27 head shall notify the bureau of accounting forthwith, in writing, as to precisely which line item
28 appropriation and in what specific amounts reductions are to be made in order to fully compensate
29 for the total revenue deficits. The provisions of this footnote do not apply to federal funds covered by
30 RSA 124:14.

31 J. This appropriation, to be administered by the commissioner, is for the necessary equipment
32 needs of the department and shall be expended at the commissioner's discretion.

33 K. The funds in this appropriation are for the lease of state-owned equipment from the
34 department of transportation operations division, mechanical services bureau, and shall not be
35 transferred or used for any other purpose. Transfers may be made between funds appropriated in
36 class 025 in other PAU's with prior approval of the capital budget overview committee and thereafter
37 the fiscal committee and governor and council.



Amendment to HB 1-A
- Page 72 -

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

GENERAL SECTIONS

2 General Fund and Total Appropriation Limits. The amount included in PAU 06-06 (higher education fund) under estimated source of funds from general fund shall be the total appropriation from general funds for such PAU that may be expended for the purpose of section 1 of this act. Any funds received by said agency from other than general funds are hereby appropriated for the use of the agency and may be expended by said agency whether or not this will result in an appropriation and expenditure by the agency in excess of the total appropriation therefor.

3 Assignment of Office Space. If, during the biennium ending June 30, 2003, because of program reductions, consolidations, or any other reason, office space becomes available in the health and human services complex, the Hayes building, or any other state building, except office space under the control of the legislature pursuant to RSA 14:14-b, the commissioner of administrative services may require that any agency renting private space be required to occupy such available space in said building or buildings forthwith. Such funds as have been allocated or committed by any agency affected by this section for outside rental shall be transferred by the director of the division of accounting services to the bureau of general services, PAU 01-04-04-05-01, for maintenance of state buildings.

4 Sweepstakes Commission; Authority Granted. For the biennium ending June 30, 2003, in order to provide sufficient funding to the sweepstakes commission to carry out sweepstakes programs that will provide funds for distribution in accordance with RSA 284:21-j, the commission shall apply to the fiscal committee of the general court for approval of any new sweepstakes programs or for the purchase of any tickets for new or continuing games. Additionally, no expenditures for consultants shall be made without prior approval by the fiscal committee. If approved, the commission may then apply to the governor and council to transfer funds from the sweepstakes revenue special account. The total of such transfers shall not exceed \$4,500,000 for the biennium ending June 30, 2003.

5 Statement of Intent. It is the intent of the senate to support any negotiated state employee pay raise for classified employees that is recommended by the joint committee on employee relations pursuant to RSA 273, and any similar pay raise for unclassified and nonclassified executive, legislative, and judicial employees, and judges.

6 Department of Justice; Special Provision. For the biennium ending June 30, 2003, filing fees received by the department of justice pursuant to RSA 7:28-a shall be deposited with the state treasurer as restricted revenue; and any excess of such revenue over the amounts appropriated for the division of charitable trusts shall lapse to the unappropriated surplus of the general fund. Expenditures from this fund shall not be made except by appropriation by the general court.



Amendment to HB 1-A
- Page 73 -

1 7 Appropriation of Unrestricted Motor Vehicle Revenue. All sums received by the division of
2 motor vehicles or the division of state police, department of safety, from any source, which are not
3 derived from registration fees, drivers licenses, gasoline road tolls or any other special charges or
4 taxes with respect to the operation of motor vehicles or the sale or consumption of motor vehicle fuel,
5 including revenue received from fines and forfeitures assessed against any violator of any law of the
6 state, other than RSA 266:18 through RSA 266:26, or of any political subdivision thereof relative to
7 the use and operation of motor vehicles, whether the violator is apprehended or prosecuted by an
8 employee of the state or any political subdivision thereof, shall be paid to the state treasurer and
9 shall, for the biennium ending June 30, 2003, be available for expenditure as unrestricted general
10 fund revenues of the state. Fines and forfeitures assessed against any violator of RSA 266:18
11 through RSA 266:26 shall be available as unrestricted highway fund revenue.

12 8 Positions Abolished. The following positions are hereby abolished forthwith effective at the
13 close of business on June 30, 2001, or later, as specifically indicated:

14	Agriculture	
15	02-03-04	10295
16	Corrections	
17	02-16-05-01-00	9U188, 9U297
18	02-16-08-00-00	41458, 41459, 41460, 9U494
19	Employment Security	
20	02-17-01-00-00	11013, 11046, 11060, 11075, 11098, 11099,
21		11146, 11162, 11175, 11184, 11185, 11246,
22		30114, 40593, 40985, 40995, 41220
23	Resources and Economic Development	
24	03-03-03-03-04	19712
25	03-03-05-00-00	19431
26	Environmental Services	
27	03-04-02-06-04	16800, 19125
28	03-04-02-07-03	19514
29	03-04-02-09-00	40505
30	03-04-03-02-03	40706
31	03-04-08-03-00	11368
32	Education	
33	06-03-05-01-02	19174
34	Liquor Commission	
35	02-13-04-01	13975
36	9 Information Technology Equipment and Software. Any funds appropriated for information	
37	technology equipment provided for by section 1 of this act, or information technology equipment for	



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1 any other agency in any budget bill enacted during the 2001 legislative session, shall not be spent,
2 obligated, or encumbered until such time as the agency's information technology plans are reviewed
3 by the division of information technology management pursuant to RSA 21-I:67 and approved by the
4 capital budget overview committee. The division of information technology management shall
5 review any such agency technology plans within 90 days. An agency may request an extension of
6 time from the capital budget overview committee.

7 10 Transfers. Notwithstanding any other provision of law, within the PAUs listed below, the
8 commissioner or department head may transfer among all accounts as the commissioner or
9 department head shall deem necessary and appropriate for the efficient management of the
10 department in order to accomplish the measurable goals and objectives as approved by the
11 legislative fiscal committee and the governor and council. Such transfers shall have no net effect on
12 the source of funding mix of the approved budget of the department. A report of all such transfers
13 and of any progress in meeting the measurable goals and objectives shall be filed quarterly with the
14 legislative fiscal committee and with the governor and council.

15 04-01-08	Department of Transportation, Bureau of Turnpikes
16	
17 03-04-02-03-01	Department of Environmental Services, Water Division, Safe Drinking Water Act
18	
19 03-04-02-05-00	Department of Environmental Services, Water Division, Subsurface Systems
20	
21 03-04-02-06-02	Department of Environmental Services, Water Division, Section 319 Planning
22	
23 03-04-04-04-02	Department of Environmental Services, Waste Management Division, Underground Storage Tank Program
24	
25	

26 11 General Fund Appropriation Reduction; Judicial Branch. The judicial branch is hereby
27 directed to reduce all state general fund appropriations by \$4,293,101 for the fiscal year ending
28 June 30, 2002 and \$4,749,004 for the fiscal year ending June 30, 2003. The chief justice of the
29 supreme court, or designee, shall by July 1, 2001, notify the department of administrative services as
30 to the specific amounts to be reduced in specified line item appropriations in functional units, in
31 order to comply fully with this section. The chief justice of the supreme court, or designee, shall by
32 July 1, 2002, notify the department of administrative services as to the specific amounts to be
33 reduced in specified line item appropriations in functional units, in order to comply fully with this
34 section.

35 12 Division of Alcohol and Drug Abuse Prevention and Recovery. Prior to expending or
36 encumbering more than 50 percent of its biennial appropriation in any line within PAU 05-01-12 the
37 director shall obtain approval from the joint legislative fiscal committee of proposed outcome



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1 measures of the division's performance. These measures shall identify desired results in terms of
2 behavioral outcomes and shall relate to a specific time period using benchmarks and goals. The
3 results of these measures shall be incorporated into a report to the speaker of the house of
4 representatives, the senate president, and the governor no later than September 30, 2003.

5 13 Transfer of Funds by Division for Children, Youth, and Families, Department of Health and
6 Human Services. Notwithstanding any other provision of law, the division for children, youth, and
7 families, department of health and human services, may, with approval of the fiscal committee and
8 the governor and council, transfer in each of the fiscal years 2002 and 2003 up to \$200,000 in funds
9 which would otherwise lapse to the salary adjustment fund from class 10, personal services
10 permanent in components 05, 01, 08, 02, 01 and 05, 01, 08, 03, 01 to class 91 training in component
11 05, 01, 08, 06, 00, to provide training for social workers and juvenile probation and parole officers.

12 14 Estimates of Unrestricted Revenue:

13	<u>GENERAL FUND</u>	<u>FY 2002</u>	<u>FY 2003</u>
14	Beer Tax	\$ 12,112,000	\$ 12,212,000
15	Board and Care Revenue	10,400,000	10,800,000
16	Business Profits Tax	224,000,000	230,000,000
17	Business Enterprise Tax	0	0
18	Estate and Legacy Tax	57,000,000	47,800,000
19	Insurance Tax	62,000,000	63,000,000
20	Securities Revenue	27,500,000	28,500,000
21	Interest and Dividends	75,000,000	75,000,000
22	Liquor Sales & Distribution	93,000,000	96,500,000
23	Meals and Rooms Tax	167,800,000	185,600,000
24	Dog Racing	1,300,000	1,350,000
25	Horse Racing	2,650,000	2,700,000
26	Real Estate Transfer Tax	62,000,000	63,667,000
27	Communications Tax	62,800,000	66,000,000
28	Tobacco Tax	61,190,000	60,480,000
29	Utility Tax	5,400,000	5,500,000
30	Other	46,000,000	46,000,000
31	Court Fines and Fees	23,700,000	24,400,000
32	Tobacco Settlement Funds	<u>4,000,000</u>	<u>4,400,000</u>
33	Subtotal	997,852,000	1,023,909,000
34	Medicaid Enhancement Revenues	95,200,000	94,300,000
35	Net Appropriation for Uncompensated		
36	Care Pool	<u>13,400,000</u>	<u>13,400,000</u>
37	TOTAL	\$ 1,106,452,000	\$ 1,131,609,000



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1			
2	HIGHWAY FUND	<u>FY 2002</u>	<u>FY 2003</u>
3	Gasoline Road Toll	\$ 124,000,000	\$ 128,000,000
4	Motor Vehicle Fees	82,676,000	84,908,000
5	Miscellaneous	<u>8,400,000</u>	<u>8,900,000</u>
6	TOTAL	\$ 215,076,000	\$ 221,808,000
7			
8	FISH AND GAME FUND	<u>FY 2002</u>	<u>FY 2003</u>
9	Fish and Game Licenses	\$ 6,701,000	\$ 6,603,000
10	Fines and Penalties	119,000	119,000
11	Miscellaneous Sales	630,000	615,000
12	Indirect Costs	* <u>815,000</u>	<u>857,000</u>
13	TOTAL	\$ 8,265,000	\$ 8,194,000
14			
15	EDUCATION TRUST FUND	<u>FY 2002</u>	<u>FY 2003</u>
16	Business Profits Tax	\$ 32,000,000	\$ 33,000,000
17	Business Enterprise Tax	209,000,000	172,000,000
18	Meals and Rooms Tax	8,200,000	8,400,000
19	Tobacco Tax	24,810,000	24,520,000
20	Real Estate Transfer Tax	31,000,000	31,833,000
21	Tobacco Settlement Funds	40,000,000	40,000,000
22	Utility Property Tax	18,800,000	19,400,000
23	Sweepstakes Net Income	64,000,000	66,000,000
24	State Property Tax-Retained Locally	454,098,102	361,329,871
25	State Property Tax-Not Retained Locally	29,000,000	23,900,000
26	Transfers from the General Fund	<u>0</u>	<u>22,302,430</u>
27	TOTAL	\$ 910,908,102	\$ 802,685,301

28 15 Effective Date. This act shall take effect July 1, 2001.

SENATOR BARNES: The Senate proposed budget...The Senate Finance Committee began their work on the 2002-2003 operating budget back on March 19, 2001. Over the course of five days, the full committee called on each state agency for a briefing on the Governor's proposed budget and HB 1 as introduced. The committee then held an all day and evening meeting, public hearing on the House passed version of HB 1. During this time, the budget was broken up into six categories and two members of the Senate Finance Committee were assigned to each part. The assignments were as follows: Senator Boyce and Senator Larsen were on General Government; Senator Eaton and Senator Below were on Justice and Public Protection; Senator Gatsas and Senator Below on Resource, Protection and Development; Senator Eaton and Senator Hollingworth on Transportation; Senator Boyce and Senator Hollingworth on Health and Social Services; Senator Larsen and Senator Gatsas on Education. The Senate proposed budget increases, the state's share of the retirement costs for teachers, police and firefighters. It fully funds retirees health care insurance and eliminates the administrative assessment used to fund the retirement system administrative costs, and applies these costs against the assets of this systems trust fund resulting in cost-savings of participating employers, including state, county and local governments and political subdivisions. The budget appropriates \$200,000 over the biennium for preservation grants and barn grants. It buys an additional \$40,000 over the House passed budget and each year of the biennium to support community arts education and continued support of smart growth and other innovative strategies for managing growth by providing additional funding for regional planning commissions. The budget also fully funds general debt service to meet the state's existing and anticipated short and long-term borrowing requirements. It provides an additional \$15 million over the biennium in the meals and rooms distribution to cities and towns and supports the state's Land and Community Heritage Investment Program commonly referred to as LCHIP, and providing funding at \$6 million in fiscal year 2002 and \$9 million in fiscal year 2003. In addition, the Senate provides \$3,500,000 over the biennium for the Department of Revenue Administration and Board of Tax and Land Appeals to fund the cost necessary to meet the state's responsibilities as set forth by the New Hampshire Supreme Court in its ordering the case of Sirrell versus the state of New Hampshire. The funding will address property tax assessing and equalization issues at the department and related impacts on the board's functions and appeal effort under the justice and public protection. The Senate budget proposal includes funding for a new assistant attorney general in the Civil Law Bureau to work in cases involving the meals and rooms tax and three new assistant attorney generals in the Criminal Justice Bureau. Funding is also included for a new computerized accounting system, legal services and an increase in rent of \$1 per square foot for the Liquor Commission. The Senate proposals provides support for the expansion of one stop motor vehicle registration. The Department of Safety initiative to reduce long lines for licensing and registration by providing funding of five new counter clerks. The dedicated funding stream for Fire Standards and Training and Emergency Medical Services, and funding for a new supervisor and inspector at the Electrician's Board. Funding to operate the Berlin Prison and its 500 inmate capacity is included as well as restoration of funding for the Department of Corrections Academy program. Environmental grants to cities and towns for wastewater treatments, public water systems, source water protection, and landfills, and incin-

erators closing have been fully funded at \$37.2 million. The Senate also provided funding for a new small business technical assistance program which will assist small businesses with a variety of environmental issues. The Department of Resources and Economic Development, the Senate appropriated \$4 million over the biennium for the new travel and tourism development fund. Funding was restored for the industrial research center and a small business development center. General funds were provided for the telecommunication initiative authorized by the legislature last year. The proposed budget also provides increased funding for cooperative extension to the Division of Forest and Lands and funds two new forest rangers and a forest resource planner. The Senate budget commits funds for betterment, maintenance and the operations of the Department of Transportation to support New Hampshire's infrastructure. The budget uses all available federal transportation funds by including a hard match required to leverage federal transportation funds. This will mean an additional \$5.1 million in fiscal year 2002 and \$5.8 million in fiscal year 2003 and federal fund for highway improvements. In addition, the budget provides block grants to cities and towns for road repair and improvements at \$26.3 million in fiscal year 2002 and \$27.2 million in fiscal year 2003. An increase of \$6.1 million over the previous biennium. The Highway Betterment Program is funded at \$20.6 million for fiscal year 2002 and \$21.2 million for fiscal year 2003. An increase of \$4.4 million over the previous biennium. The proposed budget funds repairs for red listed bridges in critical condition. Thirty-four municipal bridges are expected to be removed from the red list by the end of the biennium and an additional 15 structurally deficient town bridges will be rehabilitated or replaced. Additional funds are provided to restore the Department of Transportation's road salt supply. As you all know, it was a tough winter and that had to happen. The Senate also includes funds for Port Authority Operations and a new market initiative in the proposed budget. The Senate budget appropriates \$8,744,634 in additional state funds and \$15,908,059 total. The programs is administered by the Department of Health and Human Services. It increases appropriations in the associated medicare revenue for New Hampshire disproportionate share payments and uncompensated care payments to general hospitals and provides state funds for a new vaccine effective against Meningitis. The budget includes a home visitation early intervention program for women who are pregnant or who have infants and are in enrolled in the Medicaid program as well as increased funds that have temporary assistance for needy families and home nursing services for seniors and child or adolescent services at the community mental health centers. Additional funds are provided by the New Hampshire bridges and new heights computer systems, for child welfare, an eligibility management as well as funds for additional sites needed to complete a statewide network of support services for families of children with chronic health conditions. The Senate budget supports the budget increases proposed by the Governor and the House for the veterans home, the veterans council, the Development of Youth Development Services, and the administratively attached regulatory boards. The Senate Budget proposals, exhibits a continued support of education. The budget adds \$250,000 in each year of the biennium to kick start the granite state scholars program as well as adds language to ensure grant money gets to the qualifying students within a year of state funding. This budget increases the funding for the Governor's best school initiative by a total of \$500,000 from the last budget. The proposal increases appropriations for the New Hampshire Incentive Program for \$3 million

in each year of the biennium. This program helps needy students continue their education. The budget increases building aid to reflect the most recent department of education estimates. It fully reflects the state's obligation to provide the opportunity for an adequate education and increases funding for the **TAPE CHANGE**

SENATOR DISNARD: **TAPE CHANGE** is that money in this budget?

SENATOR BARNES: Senator, I can't tell you, but I have a staff member here who will give me that answer and will pass it on to you in a moment.

SENATOR DISNARD: Thank you.

SENATOR BARNES: Thank you, for that question.

SENATOR BARNES: I am told that we have put in for the New England Board of Fire Education, \$144,000 for each of the two years. A total of \$288,000.

SENATOR DISNARD: You have made 2,100 students happy. Thank you.

SENATOR BELOW: I rise in support of the budget overall. In balance, I think that it is a decent, respectable budget. There are areas where some of us felt that there were some things that we should have appropriated for, but on balance it is reasonable. I particularly appreciate the leadership of Senator Barnes as Chairman of the committee. I enjoyed working with Senator Eaton and Senator Gatsas on the divisions that we worked on together. I particularly appreciate the LBA staff and all of the cooperation of the state agencies that worked with us in spite of repeated questions, especially after Senator Gatsas and I joined the committee late after the initial sections had presentations on them. Just speaking briefly to some of the areas where I wish that we could have done some more. In particular, the biggest one that stands out is the direct care providers, where we have direct care providers in a number of areas, that we have not affirmatively appropriated for at this point. We are crossing our fingers and providing a footnote that allows the commissioner of health and human services, if he finds additional revenues, to direct that towards increases for direct care providers across the range of programs that we have. Another area that I think that we, in the future, should revisit when we can, is the judicial branch. The budget as it came to us, had mandated cuts from their proposed budget on the order of \$4.3 million a year, roughly. They requested that that at least be reduced by \$1.3 million a year. I think that this is a concern. As activity increases in New Hampshire, whether it is business activity or population, there are increasing demands on our judicial system and their needs for additional clerical staff and for them to keep up with the workload. The Public Defender Program is another area where the House had cut half a million dollars in the second year of the biennium. I think that is an area where, if we could, I think that we should be providing some more money where there is a constitutional obligation to provide public defense. Those are just a few of the areas. Actually that is most of the list of my concerns. There are a few more that are slipping my mind right now where I wish that we could have done a little more best schools, but we did work together to rearrange things so that the best schools initiative can continue as planned in the current upcoming fiscal year. So I think that is important. You know, it was a compromised budget and I am pleased to support, overall, the appropriations side of the budget. Thank you Mr. President.

SENATOR MCCARLEY: I rise to speak briefly. I would also like to point out that my understanding, and Senator Barnes can correct me if I understand wrong, but my understanding is that Senate Finance also chose to keep the commitment that we made in the school accountability bill that I believe that we passed, I believe by a unanimous vote in this body. My understanding is that we have left the funding in to actually put in place some real accountability measures and allow the Department of Education to be able to help those districts that finally need it. If my understanding is correct, I am very appreciative of that. I think that it gives a lot of strength to the Committee of Conference that will be going in to discuss with the House, which choose to strip out all dollars relative to accountability. It allows us to go into that Committee of Conference with a real show of strength in the Senate.

SENATOR LARSEN: I too want to say that I think that the process was very good as worked through the budget. I think that people really did take the time to listen to everyone's individual needs and to work through some of the issues that had been contentious. I think that the Senate's budget is far better than the House budget. It is kind of interesting to go through each division. In division One, we added an initiative to E-commerce which allows the Department of Administrative Services to begin to look at whether the state can do a better job of allowing people to do their business through internet to do their business with the state rather than go visit the state offices and stand in line. We will see some early ability for people to get Fish and Game licenses on line as a result. Perhaps in the future, even drivers license renewals could be on line. Another section of section one that is wonderful, and I know that Senator Johnson applauds it with me, and that is the addition of the State Arts Grants for the north country. Those are two wonderful, perhaps small, but very meaningful programs that we were able to add because we sat and listened to peoples needs and were able to respond. In the Transportation, Department of Safety section of the budget, there will be five new counter clerks because...in drivers licensing because we have seen great lines of people waiting to be able to reregister their cars or get new drivers licenses. The Academy program in corrections was restored, as you heard. Certainly in the area of health and human services, compare the Senate's more compassionate stance with that of the House by adding immunizations and home visitation and all of the nursing services, mental health services, family support. I think that it is a fabulous job and a very creative job by the Senate Finance Committee. Finally, in the education section of the budget, the fact that we were able to begin at least an early initiative for granite state scholars that we reinstated our interest as a Senate to get New Hampshire tuition incentive grants approved and funded through the budget, that we stated that the best schools in fact is a good initiative and needs to be continued. Many of these will be meaningful and valuable assistance to the citizens of this state and I think that the Senate can stand proud with this budget. I hope that in the Conference Committee that it is recognized for the good document that it is.

SENATOR WHEELER: I also want to compliment the Senate Finance Committee on their hard work and on the important initiatives that are addressed in this budget. I am particularly pleased that the public health initiatives that are critical to the health of our children and the rest of our population were put back in with the aid for the chronically ill children and also for the vaccine vaccination program. On a personal note, I am extremely pleased that Granite State Scholars is in the budget - it is an

important private/public initiative partnership that will benefit worthy New Hampshire students who have both brains and financial need to help them attend our public institutions of higher learning and try to stop the brain drain. Thank you.

SENATOR HOLLINGWORTH: I want to say that it was a pleasure to work with this budget because unlike several of the things that have happened this year, this was a bipartisan process that was open. There was input and people worked together. I think that is why you have a budget that is so successful and that will receive unanimous support.

Amendment adopted.

Senator Pignatelli offered a floor amendment.

2001-1447s

10/09

Floor Amendment to HB 1-A

Amend PAU 02, 18, 01 as follows:

		<u>FY 2002</u>	<u>FY 2003</u>
Strike out			
95 New Hampshire Legal Assistance	F	240,000	240,000
Insert in place thereof			
95 New Hampshire Legal Assistance	F*	555,000	555,000
* Of the total appropriated, \$240,000 each year shall be for the North Country office and its satellite offices, and \$315,000 each year shall be for the Nashua area office and its satellite offices.			
Strike out			
General Fund		14,259,078	14,360,780
Insert in place thereof			
General Fund		14,574,078	14,675,780

SENATOR PIGNATELLI: I rise to offer a floor amendment. You have before you a floor amendment to put in money for the Nashua legal aid assistance office. This is a position that we have already voted on in the Senate. We have voted to pass this bill with the money to the House. I am asking that you vote again for it, so that it gets into the budget, and that way it can get to a Committee of Conference. I am inviting my colleagues to join me in weaving a thread in the tapestry of protecting our most vulnerable elderly and low income citizens in this state and to give true meaning to the last phrase in our pledge of allegiance. "justice for all". Thank you, Mr. President.

SENATOR LARSEN: I don't intend to speak long, but I think that it is interesting and valuable to look at the words of former Senator Warren Rudman who says, "every aspect of our society is entitled to equal access to the courts. If, because of economic circumstances, you are unable to remedy the injustices that are visited upon you, then anarchy will not be far behind." I think that we need to remember that.

Question is on the adoption of the floor amendment.

A roll call was requested by Senator Pignatelli.

Seconded by Senator McCarley.

The following Senators voted Yes: Below, McCarley, Disnard, Fernald, Pignatelli, Larsen, O'Neil, D'Allesandro, Wheeler, Hollingworth, Cohen.

The following Senators voted No: Burns, Gordon, Johnson, Boyce, Flanders, Roberge, Eaton, O'Hearn, Francoeur, Gatsas, Barnes, Prescott, Klemm.

Yeas: 11 - Nays: 13

Floor amendment failed.

Senator Hollingworth offered a floor amendment.

- Sen. Hollingworth, Dist. 23
- Sen. Larsen, Dist. 15
- Sen. Below, Dist. 5

2001-1651s
03/10

Floor Amendment to HB 1-A

Amend PAU 01,08,04 as follows:

		<u>FY 2002</u>	<u>FY 2003</u>
Strike out			
43 DEBT SERVICE			
(TREASURY)	* F	68,855,505	80,983,886
Insert in place thereof			
43 DEBT SERVICE			
(TREASURY)	* F	71,855,505	80,983,886
Strike out			
General Fund		142,360,353	163,895,853
Insert in place thereof			
General Fund		145,360,353	163,895,853

SENATOR HOLLINGWORTH: Earlier today I had the opportunity to get some updates from Administrative Services because I was worried about being sure that we had the amount of money that we needed in the budget for the people that we had put a note into, as Senator Barnes referred to, the footnotes that said that we have money ample enough to pay for the state employees and the others in our state services, the judicial branch as well as our executive and administrative branch. Unfortunately, after I asked the question, it came to my attention that we are \$3 million short in the money that is needed in that line for the debt service. It does not appropriate exactly where the money goes. It just puts the money in that pool of money that we have in the treasury's office that is under the debt service line. I would ask you to vote yes on this amendment so that we have ample amount of money to pay for those state employees who work for us. We do have \$60 million over and above what we have appropriations for in the budget. I would urge you to support this amendment.

SENATOR BELOW: I also rise in support of the amendment. **TAPE INAUDIBLE** in the bill, we have the commitment to fund the negotiated contract that has been agreed upon with the state employees. We have the money to extend that same increase to the legislative branch employees, the judicial branch employees, the nonclassified and the unclassified employees. I think that it is important that we make this adjustment at this time to reflect our commitment to those employees of the state and put the money in the appropriation behind the rhetoric.

SENATOR MCCARLEY: Senator Below, while I have been assured that the current budget that we are looking at has a \$6 million surplus, without this appropriation, can that money be spent on those salaries?

SENATOR BELOW: No. You have to appropriate money to transfer it out of an appropriated line item to fund the actual increases when the time comes if there is final approval for the increases, otherwise we will have to not provide the increases to some employees, as was anticipated. I think that overall, it is important to have this going into the Committee of Conference because this is on balance, a very frugal, very tight budget. There really is no room to play. From my point of view, there is simply not room to cut anything else in the budget.

SENATOR MCCARLEY: So, Senator Below, is this somewhat similar to prior situations that we have faced in the last week or so where we have a commitment by a broad consensus of this body to do this and it is the right thing to do, but for some reason, we seem to be having trouble with it?

SENATOR BELOW: I hope that is not the case.

SENATOR MCCARLEY: I do too. Thank you.

Question is on the adoption of the floor amendment.

A roll call was requested by Senator Hollingworth.

Seconded by Senator Prescott.

The following Senators voted Yes: Below, McCarley, Disnard, Fernald, Pignatelli, Larsen, O'Neil, D'Allesandro, Wheeler, Hollingworth, Cohen.

The following Senators voted No: Burns, Gordon, Johnson, Boyce, Flanders, Roberge, Eaton, O'Hearn, Francoeur, Gatsas, Barnes, Prescott, Klemm.

Yeas: 11 - Nays: 13

Floor amendment failed.

Senator Hollingworth offered a floor amendment.

Sen. Hollingworth, Dist. 23

Sen. Below, Dist. 5

Sen. Larsen, Dist. 15

2001-1624s

10/03

Floor Amendment to HB 1-A

Amend the bill by replacing section 14 with the following:

14 Estimates of Unrestricted Revenue:

<u>GENERAL FUND</u>	<u>FY 2002</u>	<u>FY 2003</u>
Beer Tax	\$ 12,112,000	\$ 12,212,000
Board and Care Revenue	10,400,000	10,800,000
Business Profits Tax	215,250,000	216,700,000
Business Enterprise Tax	53,000,000	53,100,000
Estate and Legacy Tax	35,000,000	20,000,000
Insurance Tax	62,000,000	63,000,000
Securities Revenue	27,500,000	28,500,000
Interest and Dividends	75,000,000	75,000,000
Liquor Sales & Distribution	93,000,000	96,500,000
Meals and Rooms Tax	168,000,000	179,000,000
Dog Racing	1,300,000	1,350,000
Horse Racing	2,650,000	2,700,000

Real Estate Transfer Tax	62,000,000	63,667,000
Communications Tax	52,000,000	54,000,000
Tobacco Tax	61,190,000	60,480,000
Utility Tax	5,400,000	5,500,000
Other	46,000,000	46,000,000
Court Fines and Fees	23,700,000	24,400,000
Tobacco Settlement Funds	4,000,000	4,400,000
Subtotal	<u>1,009,502,000</u>	<u>1,017,309,000</u>
Medicaid Enhancement Revenues	95,200,000	94,300,000
Net Appropriation for Uncompensated Care Pool	13,400,000	13,400,000
TOTAL	<u>\$ 1,118,102,000</u>	<u>\$ 1,125,009,000</u>
HIGHWAY FUND	<u>FY 2002</u>	<u>FY 2003</u>
Gasoline Road Toll	\$ 124,000,000	\$ 128,000,000
Motor Vehicle Fees	82,676,000	84,908,000
Miscellaneous	8,400,000	8,900,000
TOTAL	<u>\$ 215,076,000</u>	<u>\$ 221,808,000</u>
FISH AND GAME FUND	<u>FY 2002</u>	<u>FY 2003</u>
Fish and Game Licenses	\$ 6,701,000	\$ 6,603,000
Fines and Penalties	119,000	119,000
Miscellaneous Sales	630,000	615,000
Indirect Costs	815,000	857,000
TOTAL	<u>\$ 8,265,000</u>	<u>\$ 8,194,000</u>
EDUCATION TRUST FUND	<u>FY 2002</u>	<u>FY 2003</u>
Business Profits Tax	\$ 30,750,000	\$ 31,100,000
Business Enterprise Tax	53,000,000	53,100,000
Meals and Rooms Tax	7,500,000	8,000,000
Tobacco Tax	24,810,000	24,520,000
Real Estate Transfer Tax	31,000,000	31,833,000
Tobacco Settlement Funds	40,000,000	40,000,000
Utility Property Tax	18,800,000	19,400,000
Sweepstakes Net Income	64,000,000	66,000,000
State Property Tax-Retained Locally	454,098,102	361,329,871
State Property Tax-Not Retained Locally	29,000,000	23,900,000
Transfers from the General Fund	0	22,302,430
TOTAL	<u>\$ 752,958,102</u>	<u>\$ 681,485,301</u>

SENATOR HOLLINGWORTH: **TAPE INAUDIBLE** means that you heard that I had voted against the Ways and Means revenue projection. The reason that I had done so was because by all accounts and by all economists and everybody that I had spoken to, that they had said that at the very best, we could expect a slow down and we needed to watch our revenues...that all other states were experiencing it and certainly New Hampshire would see an impact because of our heavy dependency on high tech, and that we needed...at the worse case, it could be a major revenue shortfall. There is an economic council panel that met and they spoke to Ways and Means and cautioned...their numbers were much lower. Ways and Means took somewhat in between what the agency had projected and what the panel had projected, but I still felt that I...was very cautious, because we had just come off of what we had experienced last year, where we had a 3 percent cut across

the board, we had a lapse, we had a freeze in personnel, and to subject our state agencies to the threat that if the revenues weren't there as projected, what it would mean. So I voted against that in Ways and Means. This is not the Ways and Means number that you see in HB 1. In fact, what you see, the revenues in HB 1, is an increase in revenues, over and above what Ways and Means had projected by over \$62 million. No one, absolutely no one, no economist anywhere has indicated that we could see that kind of an increase in revenue. So what you see in front of you is an amendment that would put it back, even though I am not that crazy about the numbers, but I felt that this body passed the Ways and Means numbers as a source of revenue and so what this amendment does is to take it back to what Ways and Means did. I have to tell you that if we don't do this...I think of it as the revenue forecaster there....they are real. None of us are economists, but they are real. Everywhere in this country they are predicting that we will experience some kind of a slow down. For us to ignore what is happening in front of us and put our hands over our ears and our hands over our eyes and our hands over our mouths...it is like us looking at a weather forecaster that says this storm is coming directly at you and it is taking everybody out in front of you, but you are saying, no, it is not going to be us. That is certain disaster for state government, and certainly something that I think that we have to be cautious of. So what I would ask you to do is to please accept this amendment. The night that these amendments were brought up, I clearly indicated...I had several pieces of literature that I handed out from all of the different economists and the CEO from Cisco had said that he had just experienced...their company had just experienced the largest slow down that any company their size had ever experienced. How can we ignore those kinds of signals? I would ask you to please remember this and be very careful and consider this amendment because I think that it is a very worthwhile amendment.

SENATOR BELOW: TAPE INAUDIBLE amendment. I did say that I supported the appropriations side of the budget in general, but the revenue estimates are another matter. I think that they are, in an attempt to...on paper at least, balance the budget. What has occurred is a rapid sort of overnight inflation of the revenue estimates to a very overly optimistic extent. I don't think that is fiscally prudent or fiscally responsible. Two years ago when I chaired the Senate Ways and Means Committee, and we worked hard in the Ways and Means Committee on the revenue estimates, we decided to err on the side of being a little bit conservative, in spite of the fact that the economy was very strong and very good, and in fact, in fiscal year 2000, our revenue estimates were within one percent of actual results, less than one percent revenue over estimates. So actual revenue came in just a little over 101 percent of what we had estimated. That is a good thing because we erred on the safe side being a little on the conservative side. As it turns out, we are going to close this biennium in spite of the fact that we had an unbalanced budget, and balance it with maybe a \$8 or \$10 million surplus. That is also a good thing, but the trend going forward is much less certain. Just quoting from the state fiscal brief prepared by the Fiscal Studies Program of the Nelson Rockefeller Institute of Government, the May 2001 issue points out that after five years of under forecasting economic growth in state revenue, which is the case in New Hampshire, states now appear likely to overestimate economic growth and revenue. State forecasts that were very conservative when first prepared, now appear very optimistic due

to the deteriorating economy. States well known conservatism and forecasting has provided only a small buffer in a time of sharp economic slow down. At the back is a table of 25 states with recently announced revenue problems. States that have found that their revenues are falling short. Their forecasts have been overly optimistic. You might say that New Hampshire is different, we have had a real strong economy. Well indeed we have. We underestimated revenues last year in 2001 and New Hampshire had its best economy ever in 2001. We had the highest absolute growth in wages and salary pay. We have the largest growth in employment. We have the greatest growth in state product in the history of the state. Just about the lowest unemployment rates in the history of this state. We cannot expect that to reoccur. Certainly the estimates assume that the...The Senate Ways and Means Committee developed, assumed, and prepared for the possibility of a slowdown, not an actual down turn. They did not assume a decline in revenues, they simply assumed that the rate of growth slows. Do we have indications of that? Yes we do. They are a little bit delayed, but we have real indications. In May, just two weeks ago, less than two weeks ago, the month of May we did have 3,300 more people employed than May of a year ago, but that was the smallest annual increase in employment in several years. Initial claims, unemployment claims, January through March, check previous years. It hadn't hit, but in April, unemployment claims doubled over what they were in a year ago. In May they doubled again from what they were in 2000. Continuous claims for unemployment in April and May increased by 50 percent over the prior year. We cannot assume that the boom times are going to continue. A fiscally conservative, responsible approach is to use reasonable estimates along the lines of what the House Finance Committee estimated, along the lines of what the Department of Revenue Administration estimated. Along the lines of what the Senate Ways and Means estimated. Senator Gordon has talked about real money in his plan. His plan is going to give out \$64 million in real money. Well, the real money appeared overnight in a jump in revenue estimates – an overly optimistic projection. And what happens if they don't come true? The budget cannot absorb \$60 million in revenue shortfall. We are going to have to be back at raising the state-wide property tax or the business enterprise tax or doing massive cuts in services. The cuts that occurred last year were very difficult to achieve. They only achieved a little more over \$20 million in savings and they came at some costs. We go into this next biennium with a base budget that reflects that reduced level of spending, that is why things are so tight and it is fiscally imprudent to overestimate revenues.

SENATOR COHEN: Senator Below, just a question on this business enterprise estimate of \$53 million. That is in no way dependent on the proposed 1 percent business enterprise tax, is it?

SENATOR BELOW: **TAPE CHANGE** \$1,250,000 with Charles River Associates, a private economic consulting firm with some 60 to 70 economists with PhD's, on their staff to develop a state of the art tax policy analysis system so that we could both accurately estimate revenue and look at their impact on the economy with both a micro simulation model to forecast revenues and a macro simulation model to look at the impact on the economy. Not just New Hampshire, but work with Maine and Vermont and Massachusetts and the nation of the whole, so that we can really understand this. That model is just about done. Charles River Associates has notified the legislature that they are ready to deliver the

results of the first three scenarios and they are ready to do additional analysis for us. I think that we should take advantage of that because we are making major decisions in the next couple of weeks that are going to impact the future of this state. We should have some sense of what the impact is going to be of our tax policy changes. We should have some sense of what kind of economic estimates are necessary to support various revenue assumptions. I would simply urge the Senate to go ahead in making those results available and making use of this investment. Thank you.

SENATOR FERNALD: Senator Barnes, it is my understanding of our business tax in New Hampshire, that the business enterprise tax is a deduction on the business profits tax. And it is my understanding that if we increase the business enterprise tax it will increase the credits people can take on the business profits tax which would tend to reduce the revenue that will be realized in the business profits tax? Am I understanding that correctly?

SENATOR BARNES: Yes, but if you take the half of a percent that we have now and you notice that if you double that, that is taking into consideration because **TAPE INAUDIBLE**

SENATOR FERNALD: I am talking about the business profits tax.

SENATOR BARNES: It reflects the business profits tax.

SENATOR FERNALD: The business profits tax will go down if we increase the business enterprise tax?

SENATOR BARNES: Perhaps. Yes. I would say that it will.

SENATOR FERNALD: Okay. I guess the question that I have is in the bill before us, not the amendment, when we have the projections of business profits tax, between the Education Trust Fund where 1 percent of the 8 percent goes, and the general fund where the other 7 percent goes, I believe that we are projecting \$263 million of business profits tax revenue, and that is an estimate that you have made, taking into account, the tax increases that are going to be in HB 375 as amended by the Senate Finance Committee?

SENATOR BARNES: That is correct, Senator.

SENATOR FERNALD: And yet, the Ways and Means estimates of business profits revenue, which were prepared before we were talking about changing any rates and any taxes, were actually lower business profits tax estimates than what we are estimating now.

SENATOR BARNES: We took the estimates, Senator, that the LBA put together. Their track record over the last record over the last number of years has been very good. Those are the numbers that we went with.

SENATOR FERNALD: I guess that the question that I am asking is, we had estimates from Ways and Means of business profits tax revenue, which I think was in the neighborhood of \$245 million. Then after Senate Finance adopted an increase in the business enterprise tax, which should result in a decrease in business profits tax, we actually increased the business profits tax revenue estimates. Is that correct?

SENATOR BARNES: I am going to defer to Senator Boyce. He can give you a better answer than I did.

SENATOR BOYCE: The situation is what we have included in our estimates in the increase in the BET...

SENATOR FERNALD: I want BPT.

SENATOR BOYCE: Okay, but what we have included as an estimate of the increase, due to the BET, takes into account this eat in factor of the credit against the BPT. Commissioner Arnold tells us that about 60 percent of the gross increase in the BET will be taken up, one way or another, as a credit against the BPT. There is not a fixed formula because of the way some corporations file it one way and some file it the other way. What his people look at is the bottom line number. As long as a corporation is paying what the DRA considers to be the bottom line number, how they report it, they don't care. If they are showing more BET and less BPT, as long as the bottom line comes out to what they are supposed to be paying, the DRA doesn't go back to them and say that they have to adjust those numbers, so those numbers are all over the place. But what he has told us is, if you increase it by half of a percent...we have a gross amount that that came out to and I forget the exact dollar, but you take 60 percent off of that and that is what you will net from the increase when you consider the combination of BPT and BET by increasing that tax. So we have taken into consideration, that 60 percent eat in of the BPT and BET credit situation. So we did take it into consideration.

SENATOR FERNALD: So if we double the BET and it was originally estimated at \$106 million for half a percent, and we double it to one percent, so you'd think that you would get another \$106, you are only going to get 60 percent of the \$106 overall?

SENATOR BOYCE: No. Because the \$106 already has the credit against the BPT figured in there. What the DRA actually looks at is that combined number. Now there are two taxes. One is a credit against the other. Now there is a factor if you have a company that is making more profit and their BET goes up, it will change the amount that they are paying. Now some companies, the BET may completely wipe out their BPT when it goes up, so there will be some companies that will not be paying any additional BPT, they will just pay more BET. There will be other companies, because of their higher profits, it eats in a different way. So the bottom line is, that what we have calculated is that increasing it by half of a percent, will bring it up to, I think the number was... I forget what the number is. We have taken it into consideration, that 60 percent eat in factor.

SENATOR FERNALD: The line that had gotten my attention was BPT. So just leave BET out of this for a minute. What I saw is that our estimates for BPT have gone up even though an increase in BET means that line should go down because there are more credits against BPT.

SENATOR BOYCE: No, because we have taken the adjustment in the BET line. We adjusted the BPT before we did anything about changing the BET rate. When we considered that, we took the gross increase that we would expect, if there was no BPT...the gross increase, because of the BET increase, we took that and reduced it by 60 percent, so that we are not looking at any change in the BPT, we are only looking at the change in the BET. Now if Stan Arnold could give us exact figures of how much was actually paid in BPT and BET for last year, which he tells us is extremely difficult to try and do...if he could do that, then we could give a real close estimate as to what that is going to do, but we are using his factor of 60 percent of the increase will go away. Some of it will go into the BPT and some of it will stay in the BET, but 60 percent of it won't come in because it is that credit. So we have increased just the BET part

of it, but we have taken 60 percent of the gross increase off of it to adjust for that credit. That is the way that Stan Arnold has told us that it works. If anybody understands these two taxes, he would be the person.

SENATOR HOLLINGWORTH: I want to make it clear that this only takes...this is the revenues...not without the BET, not without the BPT that changes have been made, this is a revenue that the Ways and Means put in and that is what we are just putting back in. The amendment is to put the Ways and Means numbers back into the budget. The estimates that this body supported and voted for just last week.

SENATOR BELOW: I rise to speak for a second time. Just real quickly. Unfortunately, I suppose due to the press of time, and I am not quite sure why we are rushing quite so much at such a critical point, but there was no public presentation or discussion of this with the Commissioner of Revenue Administration. And privately, I heard somewhat different things. Like the idea that this does not exactly conform to his estimate of what doubling the BET would produce. I wish that we had the opportunity for that kind of public discussion so that we could develop some comfort around the numbers. I would mention also that one of the advantages of the tax policy analysis system that is being developed, is that as a micro simulation model, meaning that it simulates thousands and thousands of individuals records that represent the universe as a whole...it can actually do those calculations on a return by return basis to look at exactly what happens as you raise the rate and what the offsetting credit is.

SENATOR D'ALLESANDRO: Seeing that there has been so much conversation about the Senate Ways and Means Committee and the development of the numbers, as chair of the Ways and Means Committee, let me explain to everyone how we did the numbers, how we were all inclusive in preparing those numbers and how we used what we thought was the best information available at the time to produce those numbers. Through the efforts of the Legislative Budget Office, with both Mike Buckley and Jack Dianis and his crew, we prepared a series of spread sheets. Those spread sheets traced the revenue history of New Hampshire back 15 years. Those revenue estimates were adjusted so that they reflected all increases that took place in the last 15 years, so you had a legitimate number as to what happened over the last 15 years in every category of revenue raised by the state of New Hampshire. Each Senator had a copy of that. Each Senator. Every member of this Senate as well as every member of the Ways and Means Committee. We deliberated on those numbers. We had ample discussion on those numbers. In our vote, in the Senate Ways and Means Committee, we came out with a series of revenue projections. Every one of you received a copy of those revenue projections. Not only that, but during the course of the year, on a monthly basis, I made a presentation to every member of this Senate, and gave to them, exactly where we were in terms of revenue. On a monthly basis, year-to-date comparisons and where we were in terms of how our revenues were matching up with forecasts. That was the preparation. I think that we did as good a job as possible, given the restraints that we have in this state. What are those restraints? Restraint number one: the ability to ascertain the difference between the Business Profits Tax and the Business Enterprise Tax is extremely difficult. That report was given to us by the Commissioner of Revenue Administration. They comingled those reports. The best that we could do was say that 70 percent comes from one source and 30 percent comes from the other, that is the split. That is how we arrived at our revenues. When we voted

on those revenues, the members of the Ways and Means Committee voted 4-1 to accept those revenue estimates. The only dissenting vote was Senator Hollingworth. That is how the revenue estimates were produced by the Senate Ways and Means Committee. When the Finance Committee did what they did to those estimates, they did it based on information that was gathered after that point in time. They're going to have to defend those estimates. The estimates that were presented, were accepted by the Ways and Means Committee, brought forth by the Ways and Means Committee. I didn't hear one dissenting voice when I brought those numbers to this Senate. In an effort to keep everybody informed, every step of the way, those numbers were brought, repeatedly, to this body. That is how those numbers were developed. We did not have the benefit of a sophisticated software package. That was not available to us. What we tried to do was to contact every state in New England. Speak to every budget estimator and ask how they put together their budget. We had as good a method as anybody at the time. That is how it was done. That was the basis of those revenue estimates. I thought that some of those estimates should have gone one way, the committee voted to accept those revenue estimates at they were. I accepted the will of the committee. That is how it all happened. That is how those numbers were all generated. At that point in time, those numbers were given to everybody here. Thank you Mr. President.

Question is on the adoption of the floor amendment.

A roll call was requested by Senator Hollingworth.

Seconded by Senator O'Neil.

The following Senators voted Yes: Below, McCarley, Disnard, Fernald, Pignatelli, Larsen, O'Neil, D'Allesandro, Wheeler, Hollingworth, Cohen.

The following Senators voted No: Burns, Gordon, Johnson, Boyce, Flanders, Roberge, Eaton, O'Hearn, Francoeur, Gatsas, Barnes, Prescott, Klemm.

Yeas: 11 - Nays: 13

Floor amendment failed.

SENATOR FERNALD: Senator Barnes, the revenue estimates for the Business Enterprise Tax, are we anticipating a change in the filing threshold, which is currently \$100,000? Are we expecting a change and do the estimates reflect that?

SENATOR BARNES: We are looking to increase it to \$150,000, Senator, we haven't got the numbers on it yet, we are waiting for Commissioner Arnold to come up with those numbers. Once we get those numbers you will see it somewhere and we will show it to everyone.

SENATOR FERNALD: So these estimates do not reflect that change?

SENATOR BARNES: No. The total of \$100,000 to \$150,000, they do not. It is not in the bill. It hasn't happened. As soon as Commissioner Arnold gets us those numbers that we have asked for, they will be presented.

SENATOR FERNALD: Thank you.

SENATOR HOLLINGWORTH: I just want to make it perfectly clear that this does not include the business tax packet proposal that has been proposed. That this is just the revenues that we are projecting to take in from existing taxes as they currently are.

Ordered to third reading.

HB 193, establishing a committee to study state payments for court-ordered placements of special education pupils. Finance Committee. Vote 4-3. Inexpedient to Legislate, Senator Boyce for the committee.

SENATOR BOYCE: This bill would require the state to pay the full cost of special education services provided to all court ordered out of district placements of special education pupils. The Committee on Finance determined that this subject matter is all included in HB 351, which we have already passed and sent off to the House. So this was unnecessary and the committee voted to adopt inexpedient to legislate.

SENATOR HOLLINGWORTH: I don't want to disagree, but I don't recall the language in that special education piece, of saying that all court ordered placements were being covered. I would like to see if Senator Gordon could show me that. I would be very happy to look at that, because I don't recall that that is accurate. I would like to recess so that we could see that.

SENATOR GORDON: I believe that the issue would be covered under 351. Not everyone believes, as we know, from our long debate the other day, that 351 might be the best idea. I believe that the issue is covered, so I would offer a substitute motion of rerefer and this bill will be available should we need it as a vehicle for other purposes.

SUBSTITUTE MOTION

Senator Gordon moved to substitute rerefer for inexpedient to legislate.

Adopted.

HB 193 is rereferred to the Finance Committee.

HB 261-FN, including the judiciary as a public employer under the public employee labor relations act. Finance Committee. Vote 6-1. Ought to pass, Senator Larsen for the committee.

SENATOR LARSEN: House Bill 261 adds the Judiciary to the definition of public employees under the public employees labor relations act. Currently, employees of the judiciary are not covered by the public employee relations act. The Finance Committee has determined that HB 261 does not place any financial burden on the state and therefore, the Finance Committee voted ought to pass and I urge all of the members to do the same.

SENATOR BOYCE: I was the one member of the Finance Committee that voted against this. My reason for voting against this is that the fiscal note does show that there would be a cost according to the Administrative Office of the Courts. All that we had contradicting that, was a verbal discussion with someone on the committee, saying that that would not be the case. The Administrative Office of the Courts did say that it would take two new employees to take care of this, if it should happen. So I believe that there is a fiscal impact to this, and on that basis, I voted against it and I will vote against it today.

SENATOR HOLLINGWORTH: I would just like to express why the committee supported this. It says that if they should unionize – that is “if” they should, then it would not be their personnel that would be needed, the judicial system would have to take and have to have some staff, and then they would either have to come back to this legislative body to ask for those personnel if they needed it. This bill simply says that “if” they wish to unionize, they can. That is the end of it.

Adopted.

Question is on ordering to third reading.

A roll call was requested by Senator McCarley.

Seconded by Senator Hollingworth.

The following Senators voted Yes: Burns, Gordon, Johnson, Below, McCarley, Flanders, Disnard, Eaton, Fernald, O'Hearn, Pignatelli, Francoeur, Larsen, Gatsas, Barnes, O'Neil, Prescott, D'Allesandro, Wheeler, Klemm, Hollingworth.

The following Senators voted No: Boyce, Roberge.

Yeas: 21 - Nays: 2

Adopted.

Ordered to third reading.

HB 276-FN-A, relative to reimbursement of legal fees of supreme court employees who were subpoenaed and incurred legal fees during the impeachment proceedings regarding chief justice David A. Brock and making an appropriation therefor. Finance Committee. Vote 5-2. Ought to pass, Senator Eaton for the committee.

SENATOR EATON: House Bill 276 makes an appropriation to the Supreme Court to reimburse Supreme Court employees who were subpoenaed and incurred legal fees during the impeachment proceedings. Reimbursement will come at a cost of around \$7,000 to the general fund. Therefore, the Committee on Finance has voted by a margin of 5-2 ought to pass and I ask for the full Senates support.

SENATOR D'ALLESANDRO: Senator Eaton, where did you say that the money for this payment comes from? Did you say that it comes from the general fund or does it come from monies that the judiciary already has in place?

SENATOR EATON: I would say that I might have the wrong reading here, I believe that it is the monies already in place.

SENATOR D'ALLESANDRO: For further clarification, so the monies are already in the hands of the judiciary, it is from their budget and it is not going to be another dip in the general fund.

SENATOR EATON: I take that back, I believe that will be from the general fund. That is what I have here.

SENATOR BOYCE: Was this bill not amended by the Senate? I believe that the copy that we have is the amended by the House version. I think that the Senate version does have a \$1 amount in it rather than \$1 it has \$7,000 in it.

SENATOR HOLLINGWORTH: **TAPE INAUDIBLE** and it doesn't require a general fund appropriation. What my understanding is that the money is there, they just need the authorization in which they can go ahead and pay them. I can't remember the dollar amount but it was \$7 million I think. Oh, it was \$7,000.

Adopted.

Ordered to third reading.

HB 279-FN-A-L, relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor. Finance Committee. Vote 6-0. Ought to pass, Senator Boyce for the committee.

SENATOR BOYCE: House Bill 279 makes a bonded appropriation for payment of unfunded accrued liability of the New Hampshire Retirement System. This bill increases general fund expenditures by approximately \$1,200 in the fiscal year 2002 and decreases general fund expenditures by approximately \$38,000 in 2003 and \$75,000 in 2004 and \$109,000 in fiscal year 2005 and will increase general fund bonded indebtedness by \$5.2 million. The Committee on Finance has voted unanimously ought to pass and I ask for my colleagues support.

Adopted.

Senator Wheeler offered a floor amendment.

Sen. Klemm, Dist. 22

Sen. Wheeler, Dist. 21

2001-1643s

10/01

Floor Amendment to HB 279-FN-A-LOCAL

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

AN ACT relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor; relative to accidental disability retirement benefits upon the death of a retired group II member; relative to payment of medical benefits costs for group II members of the retirement system; granting a cost of living adjustment to certain retired group II firefighters; and relative to election of optional allowances by retirement system members granted disability retirement and relative to an exception to the 120-day requirement for payment of compensation.

Amend the bill by replacing all after section 4 with the following:

5 Benefits upon Member's Death After Retirement; Group II; Accidental Disability. Amend RSA 100-A:12, I to read as follows:

I. Upon the death of a retired group II member who retired before April 1, 1987, after the member's retirement allowance payments have commenced, there shall be paid to the person nominated by the member by written designation filed with the board, if living, otherwise to the retired member's estate, in addition to the amount payable under RSA 100-A:11 a lump sum of \$3,600; ~~provided, however, that~~. If said retired member was, prior to the member's death, in receipt of an accidental disability retirement allowance there shall be paid to the person's spouse, if surviving, ~~[in lieu of such lump sum payment,]~~ an allowance to continue until the spouse's death or remarriage equal to 50 percent of the accidental disability retirement allowance payable to the retired member prior to the member's death.

6 Group II; Medical Benefits; Application. Amend RSA 100-A:55, I to read as follows:

I. The additional benefits provided under RSA 100-A:52 shall apply to persons who are active or retired members of group II as of June 30, ~~[1997]~~ 2000; to persons who prior to July 1, 1988, had completed no less than 20 years of group II creditable service, but who for reasons other than retirement or death ceased to be a group II member prior to attaining the age of 45, and who, as of July 1, 1993, are eligible for vested deferred retirement benefits; and to persons who are group II permanent policemen or permanent firemen members on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty who become permanent policemen members of group II ~~[after June~~

30, 1988, but] before July 1, [2000] 2002 or permanent firemen members of group II [after June 30, 1988, but] before July 1, [2000] 2002. Such additional benefits shall not apply to other persons who become members of group II after June 30, [2000] 2002, without future legislation to include them. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be funded by reimbursement from the special account established under RSA 100-A:16, II(h).

7 Supplemental Allowance for Group II Permanent Firefighter Members.

I. As of January 1, 2001, all group II permanent firemen beneficiaries of the New Hampshire retirement system or its predecessor systems who retired on or before July 1, 1994, and who are receiving retirement allowances according to RSA 100-A or RSA 102 shall receive a supplemental allowance of 5 percent.

II. The supplemental allowance shall become a permanent addition to the beneficiary's base retirement allowance, as provided in RSA 100-A:41-a.

8 Funding of Supplemental Allowances. The granting of the supplemental allowances provided in section 7 of this act shall be contingent on terminal funding of the total actuarial cost thereof at the time of granting. Such terminal funding shall be from the fire component of the special account established under RSA 100-A:16, II(h).

9 Retirement System; Definition; Earnable Compensation. Amend RSA 100-A:1, XVII to read as follows:

XVII. "Earnable compensation" shall mean for all members the full base rate of compensation paid plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, additional pay for extracurricular and instructional activities or for other extra or special duty, and other compensation paid to the member by the employer, plus the fair market value of non-cash compensation such as meals or living quarters if subject to federal income tax. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a) (17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include [any] compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, *with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of*

trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

10 Optional Allowances; Disability Retirement; 120-day Period for Election. Amend RSA 100-A:13, I to read as follows:

I. Any member who has reached service retirement age as provided in RSA 100-A:5, I(a), or II(a), or RSA 100-A:19-b, [or] any retiree within 120 days after the effective date of retirement, *or any retiree within 120 days after a decision by the board of trustees granting the retiree disability retirement benefits pursuant to RSA 100-A:6*, may elect to receive, instead of the retirement allowance otherwise payable, a retirement allowance of equivalent actuarial value under one of the options named in paragraph III, or to redesignate any such option previously elected. When the member *or retiree* elects to receive an optional retirement allowance under paragraph III, the beneficiary or beneficiaries whom the member *or retiree* nominates may include the member's spouse and/or children. The notice of non-election, election, or change of retirement option shall be on a form designated by the board, which, if the member *or retiree* is married, shall include a spousal acknowledgment. The optional allowance shall be effective upon retirement if the election is made before the effective date of retirement, and on the first day of the month following receipt by the board of the notice of election or change of option if made during [the] a 120-day grace period. When an election or change of option is made during [the] a 120-day grace period, no retroactive adjustments will be made in payments already received by the retiree. *When an election or change of option is made within 120 days after a decision by the board of trustees granting the retiree disability retirement benefits, the optional allowance shall be calculated using retiree and beneficiary age factors applicable as of the first day of the month following receipt by the board of the notice of election or change in option.* After expiration of the 120-day grace period no change in option selection shall be permitted except as provided in paragraph II. If a retiree dies after filing notice of election or change of option during the 120-day grace period but before the effective date, the election or change shall be effective as of the date of death. If a member dies after filing an election for a survivorship retirement option and before the effective date of retirement, whether or not the member has filed for retirement, the beneficiary who was nominated by the member in the election of the option may elect to receive either the optional survivor benefit which the member had elected or the ordinary death benefit provided under RSA 100-A:9, whichever is more advantageous to the beneficiary; provided that, in the case of the member's death before retirement, if the beneficiary named in the survivorship option election is not the same person as the beneficiary under RSA 100-A:9, then the death benefit under RSA 100-A:9, II, and not the survivorship option shall apply.

11 Effective Date.

I. Sections 1-4, and 6 of this act shall take effect July 1, 2001.

II. The remainder of this act shall take effect 60 days after its passage.

2001-1643s

AMENDED ANALYSIS

This bill:

I. Makes a bonded appropriation for payment of certain unfunded accrued liability of the New Hampshire retirement system.

II. Allows a surviving spouse of a retired group II retirement system member, upon the death of the member, to receive a 50 percent allowance in addition to a lump sum amount.

III. Extends the years of eligibility of active and retired group II members for the payment of medical benefits costs by the retirement system.

IV. Grants a special supplemental allowance, or COLA, to retired firefighters in the retirement system who retired on or before July 1, 1994.

V. Allows retirement system members granted a disability retirement by the board of trustees to have 120 days from the decision by the board to elect an optional allowance. The bill also allows for payment of compensation after 120 days from termination of employment to be considered as earnable compensation.

SENATOR WHEELER: TAPE INAUDIBLE

Floor Amendment adopted.

Senator McCarley offered a floor amendment.

2001-1658s

10/04

Floor Amendment to HB 279-FN-A-LOCAL

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

AN ACT relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor, and relative to retirement allowances for certain surviving spouses of group II retirement system members.

Amend the bill by replacing all after section 4 with the following:

5 Benefits Upon Member's Death After Retirement; Group II; Allowances for Certain Surviving Spouses. Amend RSA 100-A:12, I-a and II to read as follows:

I-a. In addition to any other provision of this section, upon the death of a retired group II member of the New Hampshire retirement system or any predecessor system, who retired *prior to April 1, 1987* pursuant to RSA 100-A:5, II with at least 20 years of creditable service, *or pursuant to RSA 100-A:10, II with at least 20 years of creditable service, or who retired prior to April 1, 1987* pursuant to RSA 100-A:6, II(a) [~~prior to April 1, 1987~~], there shall be paid to the member's spouse at the time of retirement, if surviving, an allowance to continue until the spouse's death or remarriage equal to 50 percent of the service, *vested deferred*, or ordinary disability retirement allowance payable to the retired member prior to the member's death. The total cost of terminally funding the benefits provided by this paragraph shall be funded from the special account established under RSA 100-A:16, II(h).

II. Upon the death of a group II member *of the New Hampshire retirement system or any predecessor system* who has retired on or after April 1, 1987, or upon the death of a group II member who has filed an application for retirement benefits with the board of trustees after January 1, 1991, there shall be paid to the person nominated by the member by written designation filed with the board, if living, otherwise to the retired member's estate, in addition to the amount payable under RSA 100-A:11 a lump sum of \$3,600 if the member retired before July 1, 1988, and if the member is married on the date of such member's retirement, there shall be paid to such surviving spouse an allowance to continue until the spouse's death or remarriage equal to 50 percent of the member's service, ordinary disability, or accidental disability re-

tirement allowance payments. For any person who is a group II member as of June 30, 1988, and who retires on or after July 1, 1988, the lump sum payment shall be \$10,000. For any person who becomes a member of group II on or after July 1, 1988, and on or prior to July 1, 1993, the lump sum payment shall be \$3,600. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be funded by reimbursement from the special account established under RSA 100-A:16, II(h).

6 Right to Elect Optional Retirement Allowance; Certain Retired Group II Members. Notwithstanding any provision of RSA 100-A:13 to the contrary, any retired group II member of the New Hampshire retirement system who retired pursuant prior to April 1, 1987 pursuant to RSA 100-A:10, II with at least 20 years of creditable service or who retired on or after April 1, 1987 from a predecessor system with at least 20 years of creditable service and who originally elected and is receiving the 100 percent joint and survivorship option, or 100 percent joint and survivorship pop up option, will be allowed to elect a 50 percent joint and survivorship option, 50 percent joint and survivorship pop up option, or the maximum allowance otherwise payable, prospectively. Those members who elected and are receiving a 50 percent joint and survivorship option or 50 percent joint and survivorship pop up option may continue their option or elect the maximum allowance otherwise payable, prospectively. Any retired member who makes an election pursuant to this section shall make the election between July 1, 2001 and December 31, 2001 on a form prescribed by the board of trustees. The optional allowance shall be of equal actuarial value to the allowance the retiree is receiving as of July 1, 2001. The total benefit payable to a survivor shall not exceed the amount payable to the member.

7 Effective Date. This act shall take effect July 1, 2001.

2001-1658s

AMENDED ANALYSIS

This bill makes a bonded appropriation for payment of certain unfunded accrued liability of the New Hampshire retirement system. This bill also changes the eligibility for certain surviving spouses of retired group II members to elect an optional allowance upon the death of the retired member.

SENATOR MCCARLEY: TAPE INAUDIBLE

Floor Amendment adopted.

Ordered to third reading.

HB 308-FN, relative to administrative fees added to restitution payments. Finance Committee. Vote 7-0. Ought to pass, Senator Larsen for the committee.

SENATOR LARSEN: TAPE INAUDIBLE

Adopted.

Ordered to third reading.

HB 320-FN, relative to leasing certain portions of railroad properties and relative to the definition and taxation of amusement railroads. Finance Committee. Vote 7-0. Ought to pass with amendment, Senator Boyce for the committee.

2001-1555s
06/10

Amendment to HB 320-FN

Amend RSA 228:57-a, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The cost of the lease shall be [~~\$5~~] **\$50** per running foot per year, paid annually.

2001-1555s

AMENDED ANALYSIS

This bill restricts eligibility for certain leases of state-owned railroad properties, and increases the cost of such leases from \$5 to \$50 per running foot per year. This bill also defines amusement railroads and provides for their taxation.

SENATOR BOYCE: TAPE INAUDIBLE

Amendment adopted.

Senator Hollingworth offered a floor amendment.

2001-1644s
06/04

Floor Amendment to HB 320-FN

Amend RSA 228:57-a, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The cost of the lease shall be [~~\$5~~] **\$25** per running foot per year, paid annually.

2001-1644s

AMENDED ANALYSIS

This bill prohibits certain leases of state-owned railroad properties, and increases the cost of such leases from \$5 to \$25 per running foot per year. This bill also defines amusement railroads and provides for their taxation.

SENATOR HOLLINGWORTH: TAPE INAUDIBLE

Floor Amendment adopted.

Senator Eaton offered a floor amendment.

2001-1648s
05/04

Floor Amendment to HB 320-FN

Amend the bill by replacing section 4 with the following:
 4 Effective Date.

I. Section 1 of this act shall take effect July 1, 2002.

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

SENATOR EATON: When this was redrafted, they had left out section two. There are two parts of the bill. Section one, "This act shall take effect July 1, 2002." And Section two was left out and all that we have to do is add "The remainder of this act shall take effect upon its passage."

Floor Amendment adopted.

Ordered to third reading.

HB 337-FN, relative to the administration of the public utilities commission and establishing the position of executive director of the public utilities commission. Finance Committee. Vote 6-1. Ought to pass with amendment, Senator Larsen for the committee.

2001-1554s
03/10

Amendment to HB 337-FN

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

AN ACT relative to the administration of the public utilities commission, establishing the position of executive director of the public utilities commission, and relative to the position of assistant commissioner of the department of corrections.

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 14:

8 Department of Corrections; Section Heading Amended. Amend the section heading in RSA 21-H:6 to read as follows:

21-H:6 Commissioner, *Assistant Commissioner*, and Division Directors; Appointment; Term.

9 New Paragraph; Department of Corrections; Assistant Commissioner. Amend RSA 21-H:6 by inserting after paragraph I the following new paragraph:

I-a. The commissioner of the department shall nominate for appointment of the governor, with the consent of the council, an assistant commissioner who shall serve at the pleasure of the commissioner.

10 Department of Corrections; Assistant Commissioner; Qualifications. Amend RSA 21-H:7, I to read as follows:

I. The commissioner *and assistant commissioner* of the department shall be qualified to hold [~~that position~~] *such positions* by reason of education and experience.

11 Department of Corrections; Assistant Commissioner; Compensation. Amend RSA 21-H:7, III to read as follows:

III. The salaries of the commissioner, *assistant commissioner*, and the division directors of the department shall be as specified in RSA 94:1-a.

12 Compensation of Certain State Officers; Assistant Commissioner, Department of Corrections Added. Amend RSA 94:1-a, I by:

Inserting in Group Q:

Assistant commissioner, department of corrections.

13 New Section; Department of Corrections; Assistant Commissioner; Status in Retirement System. Amend RSA 21-H by inserting after section 8 the following new section:

21-H:8-a Assistant Commissioner; Status in Retirement System. For purposes of classification under RSA 100-A, the assistant commissioner of the department of corrections shall be considered a permanent policeman if the assistant commissioner was a permanent police member of group II for at least 10 years prior to appointment as assistant commissioner, and continues to be certified as a police officer under RSA 188-F:26 and 188-F:27.

2001-1554s

AMENDED ANALYSIS

This bill:

I. Establishes the unclassified position of executive director of the public utilities commission.

II. Increases the salary grade for the general counsel of the public utilities commission.

III. Permits the public utilities commission to exempt water companies with less than 75 consumers.

IV. Reduces the public utilities commission future employment prohibition from 2 years to one year.

V. Provides that a hearing shall not be required prior to alteration of an order made by the public utilities commission pursuant to a provision of law not requiring a hearing.

VI. Repeals the requirement that the public utilities commission approve the tearing up or removal of railroad lines.

V. Converts the position of assistant commissioner of corrections to an unclassified position, establishes a salary for this position, and provides that under certain circumstances, the assistant commissioner shall be classified as a permanent policeman in the retirement system.

SENATOR LARSEN: House Bill 337 creates the unclassified position of executive director of PUC and resolves other employment issues of the commission. State restricted expenditures will increase in each of the fiscal years but it comes at no cost to the general fund because the PUC budget is collected through an assessment on jurisdictional utilities. The committee on Finance has voted ought to pass and I ask my fellow Senator to join in their support.

Amendment adopted.

Ordered to third reading.

HB 354-FN-A-L, extending the kindergarten construction program. Finance Committee. Vote 6-1. Ought to pass, Senator Barnes for the committee.

SENATOR BARNES: House Bill 354 extends the kindergarten construction program through the fiscal years 2004 and increased the bonded appropriation by \$15 million. It will be in comparison to the bonded amount, a minimal cost to the general fund, but the benefits far outweigh the cost. This will allow the 20 towns that still don't have kindergarten two more years to put their plans together and get kindergarten throughout the state of New Hampshire. Therefore, the Committee on Finance has voted ought to pass. I ask each and every one of you for your support. Thank you very much.

Question is on the motion of ought to pass.

A roll call was requested by Senator Pignatelli.

Seconded by Senator Barnes.

The following Senators voted Yes: Burns, Gordon, Johnson, Below, McCarley, Flanders, Disnard, Roberge, Eaton, Fernald, O'Hearn, Pignatelli, Francoeur, Larsen, Gatsas, Barnes, O'Neil, Prescott, D'Allesandro, Wheeler, Klemm, Hollingworth, Cohen.

The following Senators voted No: Boyce.

Yeas: 23 - Nays: 1

Adopted.

Ordered to third reading.

HB 408-FN, relative to the regulation of nursing by the board of nursing. Finance Committee. Vote 6-0. Ought to pass, Senator Larsen for the committee.

SENATOR LARSEN: House Bill 408 makes technical changes to the Board of Nursing. It changes the definition, requires the licensing of assistants, adds licensed nursing assistants to the board, increases the compensation of the board, clarifies liability and the delegation of duties and makes procedural changes to the licensing process. The fiscal

impact is less than \$10,000. This is a good bill which we hope will improve the availability of health care professionals and their ability to meet the health care needs of our state. The Committee on Finance has voted unanimously ought to pass and I ask you for your support.

Adopted.

Ordered to third reading.

HB 547-FN, authorizing participation in a regional electronic toll collection system. Finance Committee. Vote 7-0. Ought to pass, Senator Eaton for the committee.

SENATOR EATON: House Bill 547 authorizes the participation in a regional electronic toll collection system with the interagency group and came at the request of the Department of Transportation. The bill will increase state turnpike restricted expenditures by approximately \$192,000 in fiscal year 2001 and by \$17,000 each year thereafter. Eventually the system will pay for itself and turn into a profit for the department. The Committee on Finance voted unanimously ought to pass. This will someday enable people to drive from Maine to Florida without having to put money through a toll. The responder that they will have on their card will credit and bill back to the people on a monthly basis for tolls.

Adopted.

Ordered to third reading.

HB 649-FN, relative to compensation for time lost by state employees injured in the line of duty. Finance Committee. Vote 7-0. Ought to pass with amendment, Senator Below for the committee.

2001-1579s

10/03

Amendment to HB 649-FN

Amend the bill by replacing section 2 with the following:

2 Line of Duty Injury; State Police Employees. Amend RSA 106-B:18 to read as follows:

106-B:18 Line of Duty Injury. Any injury, *which is due to a hostile or overt act or an act by another person*, received by any state police employee ~~[because of his]~~ *while on* assignment, patrol, or duty that requires that ~~[he]~~ *the employee* be hospitalized or to the extent that ~~[he]~~ *the employee* is unable to perform ~~[his]~~ normal or routine duties shall not be charged against ~~[his]~~ earned sick leave or annual leave, and during such time ~~[his name]~~ *the employee* shall remain on the payroll. The commissioner of safety shall make the final determination as to whether the injury received is in line of duty *and due to a hostile or overt act or an act by another person*, and ~~[his]~~ *the commissioner's* decision is final, subject to approval of governor and council.

SENATOR BELOW: House Bill 649 allows Fish and Game Conservation Officers, state police officers and other state employees who are injured in the line of duty due to hostile or overt acts to be compensated for time lost. This is currently...the compensation is really in the form if they are hospitalized due to such an injury or unable to perform their work, then they are able to not have that charged against their sick leave or annual leave. This is currently a benefit that only state police have and as a policy, was recommended to extend to other state employees. However, in looking and considering the fiscal note, Finance observed that this was going to reduce state expenditures simply by the nearing of the benefit

for state police employees. The Finance Committee amendment extends the benefit for state and police employees to injury, which is the result of an act of another person. It was felt that since state police employees are out there on the front line, placing themselves in harms way, for instance, providing protection at an accident scene in a snowstorm, that it was appropriate that if they were injured as the result of an accident that was not necessarily an overt or hostile act, but caused by another person and not their own fault or carelessness, that they should still be able to have this benefit. So the Finance Committee unanimously recommended this pass with amendment. Thank you.

Amendment adopted.

Ordered to third reading.

HB 653-FN, relative to certain signs within highway rights-of-way. Finance Committee. Vote 5-2. Ought to pass, Senator Eaton for the committee.

SENATOR EATON: This bill was passed in this chamber last week and sent on to Finance. Finance found that HB 653 permits business owners to place location and directional signs within a highway right-of-way within certain guidelines and such guidelines shall comply with all local and municipal rules, regulations and other requirements. There will be no fiscal impact to the state and it comes as a big help to small business owners. The Committee on Finance voted ought to pass.

Adopted.

Ordered to third reading.

HB 717, establishing a committee to make recommendations on policy concerning state-operated trails for all terrain vehicles and trail bikes and relative to increasing the nonresident OHRV registration fees for snow traveling vehicles. Finance Committee. Vote 7-0. Ought to pass, Senator Below for the committee.

SENATOR BELOW: House Bill 717 establishes a committee to make recommendations on policy concerning state-operated trails on private lands used by all terrain vehicles and trail bikes as well as increasing the resident and nonresident OHRV registration fees for snow traveling vehicles. The bill will increase state restricted revenue and expenditures, but has no general fund appropriation. The Committee on Finance has voted ought to pass and I ask for your support.

Adopted.

Senator Barnes offered a floor amendment.

2001-1642s

04/10

Floor Amendment to HB 717

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

AN ACT establishing a committee to make recommendations on policy concerning state-operated trails and private lands used by all terrain vehicles and trail bikes and relative to increasing the resident and nonresident OHRV registration fees for snow traveling vehicles, and reclassifying certain positions within the department of resources and economic development from unclassified to classified status.

Amend the bill by replacing all after section 7 with the following:

8 State Ski Operations; Revision of Status of Certain Position. Amend RSA 12-A:25 to read as follows:

12-A:25 Marketing and Ski Service Administrator; Mountain Manager. The commissioner of resources and economic development shall appoint an administrator of ski area marketing and ski services, and a mountain manager for Cannon Mountain, who shall serve at the pleasure of the commissioner. These positions shall be ~~unclassified~~ **classified** positions.

9 Compensation of Certain State Officers; Mountain Manager and Administrator of Ski Area Marketing and Services Deleted. Amend RSA 94:1-a, I by:

Deleting from Group J:

Mountain manager

Administrator of ski area marketing and services

10 Effective Date.

I. Sections 6-9 of this act shall take effect July 1, 2001.

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

2001-1642s

AMENDED ANALYSIS

This bill:

I. Establishes a committee to make recommendations on policy concerning state-operated trails and private lands used by all terrain vehicles and trail bikes.

II. Increases the resident and nonresident OHRV registration fees for snow traveling vehicles.

III. Establishes a 4-year term for the commissioner of the department of corrections and also reclassifies the administrator of ski area marketing and services and mountain manager positions within the department of resources and economic development from unclassified to classified status.

SENATOR BARNES: This amendment comes at the request of Commissioner George Bald of DRED. This amendment simply moves the position of Cannon Mountain manager from an unclassified position to a classified position, thereby enabling the commission to broaden his search for a qualified person to fill the job. This position is self-funding and does not affect this years budget. We would appreciate the support of this body in voting for this floor amendment to HB 717.

Floor Amendment adopted.

Ordered to third reading.

HB 731-FN, relative to securities laws. Finance Committee. Vote 7-0. Ought to pass with amendment, Senator Larsen for the committee.

2001-1558s

10/04

Amendment to HB 731-FN

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

AN ACT relative to securities laws, making a change to Article 9 of the Uniform Commercial Code, and relative to standards for records filed with a registry of deeds.

Amend the bill by replacing section 18 with the following:

18 Article 9; Uniform Commercial Code; Contingent Amendment; HB 745-FN. Amend RSA 382-A:9-334(e)(2)-(4) to read as follows:

(2) before the goods become fixtures, the security interest is perfected by any method permitted by this article and the fixtures are readily removable:

(A) factory or office machines;

(B) equipment that is not primarily used or leased for use in the operation of the real property; or

(C) replacements of domestic appliances that are consumer goods; *or*

(3) the conflicting interest is a lien on the real property obtained by legal or equitable proceedings after the security interest was perfected by any method permitted by this article[~~or~~

~~(4) the security interest is:~~

~~(A) created in a manufactured home in a manufactured home transaction; and~~

~~(B) perfected pursuant to a statute described in Section 9-311(a)(2)].~~

Amend the bill by replacing all after section 19 with the following:

20 Registers of Deeds; Form of Records; Document Format Standards Required. Amend RSA 478:4-a, II to read as follows:

II. All documents shall be suitable for reproduction as determined by the register of deeds, who shall provide [~~guidelines concerning document quality~~] *document standards as amended and adopted by the New Hampshire registers of deeds. The standards and any amendments thereto shall include a statement of their effective date, and shall be posted in and distributed by all registries of deeds for at least 60 days prior to such effective date.*

21 Repeal. The following are repealed:

I. RSA 421-B:9, VII, relative to examination charges for broker-dealers.

II. RSA 421-B:13, I-a, relative to registration by coordination.

III. RSA 421-B:21, II-b, relative to expenses of administration of securities laws.

22 Effective Date.

I. Section 18 of this act shall take effect as provided in section 19 of this act.

II. Section 20 of this act shall take effect 60 days after its passage.

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

2001-1558s

AMENDED ANALYSIS

This bill:

I. Makes a variety of changes to the securities laws administered by the secretary of state.

II. Makes a change to Article 9 of the Uniform Commercial Code in HB 745-FN of the 2001 legislative session.

II. States that if a majority of the registers of deeds adopt uniform guidelines as to document quality, the guidelines shall be effective for all 10 registries of deeds.

SENATOR LARSEN: House Bill 731 makes a variety of changes to the security laws administered by the Secretary of State and it adds investment advisory agents to the list of those regulated. Financially, the bill will make changes in provisions to the way that money and fees are handled in the Secretary of State's Office, but there is no impact on the general fund. The Committee on Finance as voted ought to pass and we ask for your support.

Amendment adopted.

Ordered to third reading.

HB 745-FN, revising Article 9 of the Uniform Commercial Code and related statutes. Finance Committee. Vote 7-0. Ought to pass, Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: This bill revises Article 9 of the Uniform Commercial Code relative to secured transactions. The bill also makes changes relative to statutes and it includes the new chapter regarding coordinance of the Secretary of State database that will contain certain things of UCC liens as well as others. I think that perhaps that we should let everybody go through the whole bill, it is only 100 pages long, and I am sure that at this hour, everybody would like to take an opportunity to read it. Thank you. The committee moves ought to pass.

Adopted.**Ordered to third reading.****TAKEN OFF THE TABLE**

Senator Gordon moved to have **SB 69**, relative to a New Hampshire legal assistance office in Nashua and making an appropriation therefor, taken off the table.

Adopted.

SB 69, relative to a New Hampshire legal assistance office in Nashua and making an appropriation therefor.

Senator Gordon moved to nonconcur and requests a committee of conference.

Adopted.

The President on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Boyce, Barnes, O'Neil

SUSPENSION OF THE RULES

Senator Francoeur moved that the Rules of the Senate be so far suspended as to allow all bills ordered to third reading be by this resolution read a third time and that all titles be the same as adopted, and that they be passed at the present time.

Adopted by the necessary 2/3 vote.**Third Reading and Final Passage**

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2002 and June 30, 2003.

HB 25-FN-A, making appropriations for capital improvements.

HB 261-FN, including the judiciary as a public employer under the public employee labor relations act.

HB 275, relative to the expenditure of funds received pursuant to the Workforce Investment Act.

HB 276-FN-A, relative to reimbursement of legal fees of supreme court employees who were subpoenaed and incurred legal fees during the impeachment proceedings regarding chief justice David A. Brock and making an appropriation therefor.

HB 279-FN-A-L, relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor.

HB 308-FN, relative to administrative fees added to restitution payments.

HB 320-FN, relative to leasing certain portions of railroad properties and relative to the definition and taxation of amusement railroads.

HB 337-FN, relative to the administration of the public utilities commission and establishing the position of executive director of the public utilities commission.

HB 354-FN-A-L, extending the kindergarten construction program.

HB 373, relative to surety bonds for detective agencies and security services.

HB 408-FN, relative to the regulation of nursing by the board of nursing.

HB 481, relative to access to certain communications common carrier records.

HB 493, exempting certain short term condominium unit owners' association rentals from the New Hampshire real estate practice act.

HB 547-FN, authorizing participation in a regional electronic toll collection system.

HB 578, relative to requirements for nonpublic utility providers of telephone services and competitive telecommunications providers, and relative to the information technology management advisory board.

HB 583, making certain changes to the underground utility damage prevention system.

HB 649-FN, relative to compensation for time lost by state employees injured in the line of duty.

HB 653-FN, relative to certain signs within highway rights-of-way.

HB 667, relative to certain reporting requirements and relative to meetings of the board of medicine.

HB 702, relative to the duties of the committee to study the consumer protection effort in New Hampshire.

HB 717, establishing a committee to make recommendations on policy concerning state-operated trails for all terrain vehicles and trail bikes and relative to increasing the nonresident OHRV registration fees for snow traveling vehicles.

HB 719, relative to the removal of public officials for cause.

HB 731-FN, relative to securities laws.

HB 745-FN, revising Article 9 of the Uniform Commercial Code and related statutes.

In recess.

Out of Recess.

SUSPENSION OF THE RULES

Senator Barnes moved that the Rules of the Senate be so far suspended as to allow committee reports not previously advertised in the Senate Calendar.

HB 2, relative to state fees, funds, revenues, and expenditures.

HB 170, repealing the legacies and succession tax.

SB 195, permitting the department of regional community-technical colleges to lease building space from the Pease development authority in exchange for a reduction in Pease development authority's debt owed to the state.

SB 198, expanding the authority of the sweepstakes commission to establish a 2-year pilot program for video lottery games at state liquor stores.

HB 374, relative to surcharges on pay telephone use.

SB 138, relative to the instructional and operational costs of providing and adequate education.

Adopted by the necessary 2/3 vote.

COMMITTEE REPORTS

HB 375, relative to sources of funding an adequate education. Finance Committee. Vote 4-3. Ought to pass with amendment, Senator Barnes for the committee.

Senate Finance
June 9, 2001
2001-1577s
05/04

Amendment to HB 375

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

2
3 AN ACT relative to state fees, funds, revenues, and expenditures.
4

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

6
7 1 Rate of Tax for Biennium Ending June 30, 2003; Intrastate and Interstate Communications
8 Services Tax. Notwithstanding RSA 82-A:3 and RSA 82-A:4, for the period beginning July 1, 2001
9 and ending June 30, 2003, the rate of tax shall be 6.5 percent on the gross charge for
10 communications services purchased at retail from a retailer.

11 2 Prospective Repeal Date Extended for Exemption of Wooden Poles Under RSA 72:8-b. Amend
12 1998, 304:6, I as amended by 1999, 163:7 to read as follows:

13 I. Section 5 of this act shall take effect July 1, ~~2001~~ 2003.

14 3 New Section; Department of Resources and Economic Development; Travel and Tourism
15 Development; Travel and Tourism Development Fund. Amend RSA 12-A by inserting after section
16 43 the following new section:

17 12-A:43-a Travel and Tourism Development Fund.

18 I. There is hereby established in the office of the state treasurer a fund to be known as the
19 travel and tourism development fund. Any appropriations received shall be deposited in the fund.
20 Moneys in the fund and any interest earned on the fund shall be used for the purpose of promoting
21 and developing appropriate travel and tourism initiatives through the division of travel and tourism
22 development and shall not be used for any other purpose. The director of travel and tourism
23 development shall oversee expenditures from the fund. The moneys in the fund shall be non-lapsing
24 and shall be continually appropriated to the department of resources and economic development.

25 II. The commissioner of resources and economic development shall prepare an annual report
26 to be presented no later than December 1 of each year to the president of the senate, the speaker of
27 the house of representatives, and the governor and council, and filed with the state library. The
28 report shall detail the specific activities supported by, and expenditures from, the fund during the
29 past year.

30 4 New Subparagraph; Travel and Tourism Development Fund. Amend RSA 6:12, I by inserting
31 after subparagraph (dddd) the following new subparagraph:

32 (eeee) Moneys received for deposit in the travel and tourism development fund

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1 established by RSA 12-A:43-a, 1.

2 5 Retirement System; Definition of Employee. Amend RSA 100-A:1, V to read as follows:

3 V. "Employee" shall mean any regular classified or unclassified officer or employee of the
4 state or any department, commission, institution or agency of the state government by which an
5 employee is paid through the office of the state treasurer, or employees of the general court who
6 work on a full-time basis and are eligible for other state benefits, but whose salary is calculated on a
7 per diem basis or any employee *of the retirement system* or of any of the groups authorized to
8 participate [~~in the retirement system~~] under this chapter but excluding any person who is a teacher,
9 permanent policeman, or permanent fireman as defined in this section, or who is a member or
10 attache of the general court or member of the executive council.

11 6 Retirement System; Administrative Cost Assessment. RSA 100-A:14, XIII is repealed and
12 reenacted to read as follows:

13 XIII. Administrative Cost Assessment. Other provisions of law notwithstanding, the cost of
14 administration of the retirement system as provided in this section shall be a charge upon the funds
15 of the retirement system. The amount of administrative expense recorded monthly by the
16 department of administrative service, division of accounting services, shall be paid to the state
17 treasurer by the board of trustees. The board shall biennially review the administrative expenses for
18 the previous biennium and shall submit in a budget for legislative appropriation, those amounts that
19 the board, in its reasonable discretion, may deem necessary for the efficient operation of the system.
20 Administrative balances accrued prior to June 30, 2001 shall be retained by the retirement system
21 and expended for ongoing operations.

22 7 Retirement System; Management of Funds. Amend RSA 100-A:15, IV to read as follows:

23 IV. The board of trustees is authorized to engage the services of legal counsel for special
24 investment, federal, and tax matters and [~~with the approval of the attorney general~~] to engage
25 outside counsel for other matters. The payment for services provided in this paragraph shall be a
26 charge upon the funds of the New Hampshire retirement system.

27 8 New Hampshire Retirement System; Payment by Retirement System-Group I; Amend
28 RSA 100-A:52-a to read as follows:

29 100-A:52-a Payment by Retirement System; Group I [~~Teachers and Political Subdivision~~
30 ~~Employees~~].

31 I. The New Hampshire retirement system shall pay the cost for permanent group
32 hospitalization, hospital medical care, surgical care, and other medical and surgical benefits, in the
33 employer-sponsored plan provided for active employees of a retiree's former employer, subject to the
34 provisions of this section, for the following persons:

35 (a) Any person, who has at least 20 years of creditable service as a group I member if age
36 60 or older, or at least 30 years of creditable service as a group I member if age 55-59, retired on or
37 before July 1, 2004 as a group I [~~teacher member or political subdivision employee~~] member of the

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1 New Hampshire retirement system on service or ordinary disability retirement, provided that such
2 person shall be entitled to retirement on the basis of group I creditable service, or any person retired
3 on or before July 1, 2004, as a group I member whose service retirement benefit is based upon the
4 provisions of RSA 100-A:19-c and who has a minimum of 20 years of creditable service as a group I
5 member.

6 (b) Any person who has completed no less than 20 years of group I creditable service, but
7 who for reasons other than retirement or death ceased to be a group I [~~teacher member or political~~
8 ~~subdivision employee~~] member prior to attaining the age of 60, and who, as of July 1, 2004, receives
9 a vested deferred retirement allowance and who subsequently attains the age of 60.

10 (c) Any person who has completed no less than 20 years of group I creditable service and
11 who retired as a group I [~~teacher member or political subdivision employee~~] member prior to age 60,
12 and who subsequently attains the age of 60, or any person who has completed no less than 30 years
13 of group I creditable service and who retired as a group I [~~teacher member or political subdivision~~
14 ~~employee~~] member prior to age 55, and who subsequently attains the age of 55.

15 (d) The surviving spouse of a deceased retired group I [~~teacher member or political~~
16 ~~subdivision employee~~] member who met the qualifications of subparagraphs (a), (b) or (c), or of a
17 deceased member who died while in service as a group I [~~teacher member or political subdivision~~
18 ~~employee~~] member, provided that such surviving spouse was covered as the member's spouse in the
19 employer-sponsored plan before the member's death and is entitled to a monthly allowance under
20 RSA 100-A:8, 100-A:9, or 100-A:13.

21 (e) Any certifiably dependent child with a disability living in the household and being
22 cared for by the qualified retired member, the member's spouse, or the qualified surviving spouse.

23 (f) The surviving spouse and children of a deceased [~~teacher or~~] group I [~~political~~
24 ~~subdivision employee~~] member who dies as the natural and proximate result of injuries suffered
25 while in the performance of duty, provided that:

26 (1) Any such child shall be qualified under this subparagraph only if under 18 years
27 of age, or under 23 years of age if attending school on a full-time basis; and

28 (2) Such surviving spouse shall cease to be qualified upon the remarriage of the
29 surviving spouse; and

30 (3) No surviving spouse or child shall be qualified or continue to be qualified under
31 this subparagraph while receiving or eligible to receive medical insurance or health care benefits
32 from any employer's sponsored plan.

33 (g) Any group I [~~teacher member or political subdivision employee~~] member retired on or
34 before July 1, 2004 on disability retirement as the natural and proximate result of injuries suffered
35 while in the performance of duty.

36 (h) The spouse of a qualified retiree.

37 I-a. Notwithstanding the provision of RSA 100-A:4, III-b, for the purpose of calculating

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1 creditable service for eligibility for medical benefits payment under paragraph I, each full year of job-
2 sharing service of a teacher in a job-sharing position shall be calculated at 1/2[*i*] of one year of such
3 service credit.

4 II. However, for the fiscal year beginning July 1, 2000, the maximum amount payable by the
5 retirement system under this subdivision on account of each person qualified under paragraph I who
6 is not entitled to medicare benefits, and on account of each person qualified under paragraph I who
7 is entitled to medicare benefits, shall be the same as the amount provided in RSA 100-A:52, II for
8 group II retirees. As of July 1, 2000 and on each July 1 thereafter, the maximum amount payable by
9 the retirement system as provided in this paragraph shall be increased by 8 percent, compounded on
10 previous increases.

11 III. In the case of group I members retired from employment by political subdivisions of the
12 state, the amount payable by the retirement system on account of qualified persons shall be paid
13 over to the employer, insurer, or health care administrator and used to pay for all or part of the
14 medical benefits provided through the former employer for qualified persons. If the cost of the
15 premium for any eligible person under paragraph I shall exceed the maximum under paragraph II,
16 and the employer does not elect to pay the excess cost, the excess cost shall be paid by the retiree or
17 qualified surviving spouse and may be deducted from retirement benefits as provided in
18 RSA 100-A:51. The employer may require, as a condition for coverage, that the retiree or surviving
19 spouse apply for deduction of such excess cost from retirement benefits as provided in RSA 100-A:51.

20 *III-a. As of January 1, 2002, in the case of group I members retired from state*
21 *employment before July 1, 1991, and their beneficiaries who are eligible for coverage under*
22 *this subdivision and also under the provisions of RSA 21-I:26-36, the amount payable by the*
23 *retirement system on account of such persons shall be paid over to the state and used to*
24 *pay for all or part of the medical benefits provided under RSA 21-I:26-36 for such persons,*
25 *and the balance shall be paid by the state as provided in RSA 21-I:26-36.*

26 *III-b. As of January 1, 2002, in the case of group I members retired from state*
27 *employment on or after July 1, 1991, and their beneficiaries who are eligible for coverage*
28 *under this subdivision and also under the provisions of RSA 21-I:26-36, the amount payable*
29 *by the retirement system on account of such persons shall be paid over to the state and used*
30 *to pay for all or part of the medical benefits provided under RSA 21-I:26-36 for such*
31 *persons, and the state shall pay its portion as provided in RSA 21-I:26-36. If the cost of the*
32 *premium for any retired group I member and spouse, surviving spouse, or any other person*
33 *entitled to benefits under paragraph I shall exceed the maximum under paragraph II, and*
34 *the state does not elect to pay the excess cost above the amount to be paid under*
35 *RSA 21-I:26-36, the excess cost shall be paid by the retiree or qualified surviving spouse and*
36 *may be deducted from retirement benefits as provided in RSA 100-A:51. The state may*
37 *require, as a condition for coverage, that the retiree or surviving spouse apply for*

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1 *deduction of such excess cost from retirement benefits as provided in RSA 100-A:51.*

2 IV. There shall be no age limit to participate in the employer sponsored medical and health
3 plan provided in paragraph I, and there shall be no physical examination or health statement
4 required for such coverage, provided, however, that if an eligible retired group I [~~teacher member or~~
5 ~~political subdivision employee~~] member of the retirement system fails to apply for such coverage
6 within the time required by the insurance contract, the insurer may require satisfactory evidence of
7 insurability as a condition for becoming insured.

8 V. Any group I teacher member retired before January 1, 2000, or other eligible person
9 under paragraph I, who would have been eligible for medical benefits under this section if this
10 section had been in effect on the member's date of retirement, shall have the option of re-joining the
11 medical or health plan sponsored by the retired member's former employer and of receiving benefits
12 under this section, provided that such eligible person shall apply to the employer for such benefits
13 before January 1, 2002. Upon receipt of such application, the former employer shall enroll such
14 retiree or other eligible person in the employer's plan in the same manner and subject to the same
15 conditions as enrollment of a new employee but without any benefit-waiting period which may be
16 applicable to new employees of that employer. Neither an employer nor an employer's group plan or
17 insurer shall be liable for any claims incurred prior to the date of enrollment under this paragraph.

18 VI. Any group I political subdivision employee member retired before January 1, 2001, or
19 other eligible person under paragraph I, who would have been eligible for medical benefits under this
20 section if this section had been in effect on the member's date of retirement, shall have the option of
21 re-joining the medical or health plan sponsored by the retired member's former employer and of
22 receiving benefits under this section, provided that such eligible person shall apply to the employer
23 for such benefits before January 1, 2003. Upon receipt of such application, the former employer shall
24 enroll such retiree or other eligible person in the employer's plan in the same manner and subject to
25 the same conditions as enrollment of a new employee but without any benefit-waiting period which
26 may be applicable to new employees of that employer. Neither an employer nor an employer's group
27 plan or insurer shall be liable for any claims incurred prior to the date of enrollment under this
28 paragraph.

29 VII. The retirement system shall notify all group I teacher and political subdivision
30 employee retirees and surviving spouse beneficiaries, who are currently drawing monthly allowances
31 from the retirement system, of their possible right to re-join and active-employee medical insurance
32 or health plan and to receive benefits under this section.

33 VIII. Any person who is eligible to receive group insurance or other medical benefits under
34 the provisions of this section, but who does not need and who declines such benefits because they
35 would be duplicative of coverage under any employer-sponsored plan, shall nevertheless continue to
36 be eligible and, upon ceasing to be eligible for the other coverage, shall be permitted to receive the
37 benefits allowable under this section without any waiting period.

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1 9 New Section; New Hampshire Retirement System; Method of Financing; Group I State
2 Employees. Amend RSA 100-A by inserting after section 53-c the following new section:

3 100-A:53-d Method of Financing; Group I State Employees.

4 I. The benefits provided under RSA 100-A:52-a shall be provided by a 401(h) subtrust of the
5 New Hampshire retirement system. The 401(h) subtrust shall be funded by allocating 25 percent of
6 future group I state employer contributions made for group I state employees in accordance with
7 RSA 100-A:16 to the subtrust until such time as the benefits are fully funded. Thereafter, the
8 subtrust shall receive only that portion of each year's contribution as is necessary to keep the
9 benefits fully funded.

10 II. All contributions made to the retirement system to provide medical benefits under
11 RSA 100-A:52-a shall be maintained in a separate account, the 401(h) subtrust. All funds and
12 accumulated interest shall not be used for or diverted to any purpose other than to provide said
13 medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set
14 forth in this chapter may be used or diverted to provide medical benefits under RSA 100-A:52-a. The
15 funds, if any, providing medical benefits under RSA 100-A:52-a may be invested pursuant to the
16 provisions of RSA 100-A:15.

17 10 New Paragraph; New Hampshire Retirement System; Medical Benefits; Application. Amend
18 RSA 100-A:55 by inserting after paragraph I-b the following new paragraph:

19 I-c. It is the intent of the legislature that future group I state employee members eligible
20 after July 1, 2004 shall be included under the provisions of RSA 100-A:52-a only if the total cost of
21 such inclusion can be terminally funded from the special account established in RSA 100-A:16, II (h).

22 11 Defense and Indemnification. Amend RSA 99-D:2 to read as follows:

23 99-D:2 Defense and Indemnification. If any claim is made or any civil action is commenced
24 against a present or former officer, trustee, official, or employee of the state or any agency thereof,
25 including members of the New Hampshire national guard and any justice of the district, municipal,
26 probate, superior, or supreme court, or the clerks or bail commissioners thereof, or any harbor
27 master appointed by the New Hampshire port authority, or officials and employees of the New
28 Hampshire housing finance authority, or directors, officers, and employees of the Pease development
29 authority, *or directors, officers, and employees of the land and community heritage*
30 *investment authority* seeking equitable relief or claiming damages for the negligent or wrongful
31 acts and the officer, trustee, official, or employee requests the state to provide representation for him
32 *or her*, and the attorney general, or, in the case of a claim or civil action commenced against the
33 attorney general, the governor and council, determines that the acts complained of were committed
34 by the officer, trustee, official, or employee while acting within the scope of official duty for the state
35 and that such acts were not wanton or reckless, the attorney general shall represent and defend such
36 person with respect to such claim or throughout such action, or shall retain outside counsel to
37 represent or defend such person, and the state shall defray all costs of such representation or

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1 defense, to be paid from funds not otherwise appropriated. In such case the state shall also protect,
2 indemnify, and hold harmless such person from any costs, damages, awards, judgments, or
3 settlements arising from the claim or suit. The attorney general or governor and council shall not be
4 required to consider the request of such person that representation be provided for him *or her*
5 unless within 7 days of the time such person is served with any summons, complaint, process, notice,
6 demand, or pleading [he] *the person* shall deliver the original or a copy thereof to the attorney
7 general or, in the case of an action against the attorney general, to the governor and council. As a
8 condition to the continued representation by the attorney general and to the obligation of the state to
9 indemnify and hold harmless, such officer, trustee, official, or employee shall cooperate with the
10 attorney general in the defense of such claim or civil action. No property either real or personal of
11 the state of New Hampshire shall be subject to attachment or execution to secure payment of or to
12 satisfy any obligations of the state created under this chapter. Upon the entry of final judgment in
13 any action brought under this chapter, the governor shall draw [he] a warrant for said payment out
14 of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated.
15 The attorney general shall have the authority to settle any claim brought under this chapter by
16 compromise and the amount of any such settlement shall be paid as if the amount were awarded as a
17 judgment under this chapter. Indemnification by the state under this section shall be for the actual
18 amount of costs, damages, awards, judgments, or settlements personally incurred by any such
19 officer, trustee, official, or employee, and the state shall not pay any amounts for which payment is
20 the obligation of any insurance carrier or company under a policy or policies of insurance or any
21 other third party under a similar obligation.

22 12 New Subparagraphs; Additional Powers and Duties. Amend RSA 227-M:5, VIII by inserting
23 after subparagraph (c) the following new subparagraphs:

24 (d) Employ or retain as independent contractors architects, engineers, attorneys,
25 accountants, and other advisors and employees, consultants, and agents as may be necessary in its
26 judgment without regard to any personnel or civil service law of the state to prescribe their duties
27 and qualifications and to fix and pay their compensation if any.

28 (e) Appoint qualified individuals to serve as unpaid volunteers under such terms and
29 conditions as it deems necessary. Said volunteers or advisors may be paid a stipend and/or
30 reimbursed for any incidental expenses determined by the authority to be necessary and incurred
31 while performing the business of the authority.

32 13 New Section; Administrative Fund Established. Amend RSA 227-M by inserting after
33 section 7 the following new section:

34 227-M:7-a Administrative Fund.

35 I. There is established in the office of the state treasurer a fund to be known as the land and
36 community heritage investment program administrative fund into which the state treasurer shall
37 credit any revenue generated pursuant to RSA 261:97-b, I-a. For the biennium ending June 30, 2003

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1 there shall also be deposited, on a monthly basis, interest income generated on appropriations made
2 to the land and community heritage investment program trust fund pursuant to RSA 227-M:7. If the
3 revenues generated to the administrative fund from these two sources for said biennium do not total
4 \$335,000 during each year of the biennium, then, on or after the first day of the last month of the
5 fiscal year, the treasurer shall be authorized to credit the administrative fund from the principal of
6 the trust fund, not to exceed this total.

7 II. All sums so credited shall be appropriated to the authority for the following purposes:

8 (a) To pay the costs of administering and operating the authority, including, but not
9 limited to, all wages, salaries, benefits, and other expenses authorized by the board or the executive
10 director. The authority may enter into a contract or agreement for provision of services to withhold
11 on a monthly basis all payroll and benefit costs for employees.

12 (b) In general for the payment of all expenses incident to the management and operation
13 of the authority as are consistent with its statutory purpose and as the board or the executive
14 director thereof may from time to time determine.

15 III. This fund shall constitute a continuing appropriation for the benefit of the authority.
16 Any amount remaining to the credit of the authority at the close of any fiscal year, and any interest
17 accrued, shall be nonlapsing and shall be carried over and credited to the fund for the succeeding
18 year.

19 14 New Section; Land and Community Heritage Investment Program; Authority Employees.
20 Amend RSA 227-M by inserting after section 6 the following new section:

21 227-M:6-a Status of Employees.

22 I. The authority may hire, fix and pay compensation, prescribe duties and qualifications, and
23 establish personnel policies without regard to any personnel or civil service law or personnel or civil
24 service rule of the state. The employees of the authority shall not be classified employees of the state
25 within the meaning of RSA 21-I:49. Any individual employed by the authority shall be deemed an
26 employee at will and shall serve at the pleasure of the authority.

27 II. Notwithstanding the provisions of paragraph I, any individual employed by the authority
28 whose employment calls for 30 hours or more work in a normal calendar week, and whose position is
29 anticipated to have a duration of 6 months or more, shall be entitled to elect to receive such health,
30 dental, life insurance, deferred compensation, and retirement benefits as are afforded to classified
31 employees of the state provided, however, that the election is made in writing within 30 days of the
32 start of employment. Upon election by such individual, the authority shall pay from its revenues the
33 state's share of such benefits. Any remaining costs of health, dental, life insurance, deferred
34 compensation, and retirement benefits which an individual elects to receive pursuant to this section,
35 shall be withheld from such individual's salary as a payroll deduction. Written notice of the
36 availability of these benefit options shall be provided to each individual upon employment by the
37 authority.

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1 15 New Paragraph; Department of Resources and Economic Development; Telecommunications
2 Planning and Development Initiative; Initial Funding; Appropriation. Nonlapsing. Amend 2000,
3 298:5 by inserting after paragraph IV the following new paragraph:

4 V. The initial funding mechanism and the appropriation made pursuant to this section shall
5 not lapse until June 30, 2003.

6 16 Authority to Fill Unfunded Positions; Department of Health and Human Services.
7 Notwithstanding any other provision of law, the commissioner of the department of health and
8 human services may fill any authorized unfunded positions during the biennium ending June 30,
9 2003, provided that the total expenditures shall not exceed the amount appropriated for personal
10 services, permanent and personal services, unclassified.

11 17 Certain Tobacco Use Prevention Fund Moneys; General Fund. Notwithstanding any
12 provision of law to the contrary, \$1,500,000 from the tobacco use prevention fund, established in
13 RSA 126-K:15, shall lapse to the general fund on July 1, 2001.

14 18 Business Enterprise Tax; Rate Increase. Amend RSA 77-E:2 to read as follows:

15 77-E:2 Imposition of Tax. A tax is imposed at the rate of ~~[1 1/2 of]~~ one percent upon the taxable
16 enterprise value tax base of every business enterprise. ~~[A 2/3 majority of those present and voting of
17 each house of the general court shall be necessary to increase the tax rate under this section.]~~

18 19 Business Enterprise Tax; Distribution of Funds. RSA 77-E:14 is repealed and reenacted to
19 read as follows:

20 77-E:14 Distribution of Funds. All revenue received from the tax imposed by RSA 77-E:2 for
21 each fiscal year shall be deposited in the education trust fund established in RSA 198:39. The
22 commissioner shall certify such amounts to the state treasurer by October 1 of each year.

23 20 Applicability. Section 18 of this act shall apply to returns and taxes due on account of
24 taxable periods ending on or after July 1, 2001. In the case of any business organization or
25 enterprise which has elected a 52-53 week taxable period under section 441(f) of the United States
26 Internal Revenue Code and the fiscal year of which ends on the last day of the week nearest to June
27 30, 2001, the taxable period shall be deemed to have ended on June 30, 2001, for the purposes of this
28 act.

29 21 Business Enterprise Tax Rate Study Committee.

30 I. There is established a committee to study the impact of raising the business enterprise tax
31 rate.

32 II.(a) The members of the committee shall be as follows:

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

34 (2) Three members of the house of representatives, appointed by the speaker of the
35 house of representatives.

36 (b) Members of the committee shall receive mileage at the legislative rate when
37 attending to the duties of the committee.

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1 III. The committee shall study the economic impact on New Hampshire's economy of raising
2 the business enterprise tax rate from $\frac{1}{2}$ of one percent to one percent.

3 IV. The members of the study committee shall elect a chairperson from among the members.
4 The first meeting of the committee shall be called by the first-named senate member. The first
5 meeting of the committee shall be held within 45 days of the effective date of this section. Four
6 members of the committee shall constitute a quorum.

7 V. The committee shall report its findings and any recommendations for proposed legislation
8 to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk,
9 the governor, and the state library on or before December 1, 2002.

10 22 Tax Amnesty. Notwithstanding the provisions of any other law, with respect to taxes
11 administered by the department of revenue administration, an amnesty from the assessment or
12 payment of all penalties and interest greater than 7 percent shall apply with respect to unpaid taxes
13 reported and paid in full during the period from December 1, 2001, through and including February
14 15, 2002, regardless of whether previously assessed. This amnesty shall only apply to taxes due but
15 unpaid on or before February 15, 2002.

16 23 Imposition of Tax; Intrastate Communications Services; Rate Changed. Amend RSA 82-A:3
17 to read as follows:

18 82-A:3 Imposition of Tax; Intrastate Communications Services. A tax is imposed upon
19 intrastate communications services furnished to a person in this state and purchased at retail from a
20 retailer by such person, at the rate of [3] 4 percent of the gross charge therefor. However, such tax is
21 not imposed on any communications services to the extent a tax on such services may not, under the
22 Constitution and statutes of the United States, be made the subject of taxation by the state.

23 24 Imposition of Tax; Interstate Communications Services; Rate Changed. Amend RSA 82-A:4
24 to read as follows:

25 82-A:4 Imposition of Tax; Interstate Communications Services. A tax is imposed upon interstate
26 communications services furnished to a person in this state and purchased at retail from a retailer
27 by such person, at the rate of [3] 4 percent of the gross charge when such service is originated in this
28 state and terminated outside this state or originated outside this state and terminated in this state.
29 To prevent actual multi-state taxation of communications services that are subject to taxation under
30 this section, any taxpayer, upon proof that that taxpayer has paid a tax in another state on such
31 services, shall be allowed a credit against the tax imposed in this section to the extent of the amount
32 of such tax properly due and paid in such other state. However, such tax is not imposed on
33 communications services to the extent such services may not, under the Constitution and statutes of
34 the United States, be made the subject of taxation by the state.

35 25 Rate of the Legacies and Succession Tax. Amend RSA 86:6, I to read as follows:

36 I.(a) All property within the jurisdiction of the state, real or personal, and any interest
37 therein, belonging to domiciliaries of the state; and all real estate within the state, or any interest

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1 therein, belonging to persons who are not domiciliaries of the state; which shall pass by will, or by
2 the laws regulating intestate successions, or by deed, grant, bargain, sale, or gift, made in
3 contemplation of death, or made or intended to take effect in possession or enjoyment at or after the
4 death of the grantor or donor, to any person, absolutely or in trust, shall be subject to a tax ~~of 18~~
5 ~~percent of its fair market value~~ for the use of the state *at a rate as provided in subparagraph*
6 *(b) on its fair market value*, except as provided in paragraphs II and III and RSA 86:9-a.

7 *(b)(1) For the period beginning January 1, 2002 and ending December 31 2002,*
8 *the rate of the tax shall be 13.5 percent.*

9 *(2) For the period beginning January 1, 2003 and ending December 31 2003,*
10 *the rate of the tax shall be 9 percent.*

11 *(3) For the period beginning January 1, 2004 and ending December 31 2004,*
12 *the rate of the tax shall be 4.5 percent.*

13 26 Repeal. RSA 86:6, relative to taxable property and tax rate, is repealed.

14 27 New Subparagraph; Purchase of Supplies; Exemptions; Assessing Enforcement Contractors.
15 Amend RSA 21-I:18, I by inserting after subparagraph (l) the following new subparagraph:

16 (m) Purchases of services from private contractors by the department of revenue
17 administration with respect to the establishment of assessing enforcement procedures.

18 28 New Section; Department of Revenue Administration; Division of Community Services
19 Established. Amend RSA 21-J by inserting after section 10 the following new section:

20 21-J:10-a Division of Community Services. There is established within the department the
21 division of community services, under the supervision of an unclassified director of community
22 services who shall be responsible for providing technical support and assistance to municipalities.

23 29 Compensation of State Officers; Salaries Established; Director of Community Services.
24 Amend RSA 94:1-a, I by inserting in group M the following:

25 Director, community services

26 30 Authority to Establish Positions; Department of Revenue Administration. Notwithstanding
27 any other provision of law, the commissioner of the department of revenue administration is
28 authorized to establish positions necessary to implement assessing enforcement procedures.

29 31 Betterment Assessments; Liens Created. Amend RSA 231:30 to read as follows:

30 231:30 Liens For Assessments. All assessments made under the provisions of RSA 231:29 shall
31 create a lien upon the lands on account of which they are made, which shall continue following the
32 assessment until fully discharged in accordance with the terms set by each governing board or in
33 compliance with any court judgment. Such assessments shall be subject to interest and such other
34 charges as are applicable to the collection of delinquent taxes. ~~[The landowner shall have the same~~
35 ~~right of appeal and follow the same procedures as are applicable to the assessment of taxes.]~~

36 32 Betterment Assessments; Abatement and Appeal. RSA 231:32 is repealed and reenacted to
37 read as follows:

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231:32 Abatement and Appeal of Betterment Assessments.

I. Any person aggrieved by a betterment assessment made pursuant to RSA 231:29 may, within 2 months of the notice of tax date and not afterwards, apply in writing to the selectmen or assessors for an abatement of the betterment assessment.

II. Upon receipt of an application under paragraph I, the selectmen or assessors shall review the application and shall grant or deny the application in writing within 6 months after the notice of tax date.

III.(a) If the selectmen or assessors neglect or refuse to abate the betterment assessment, any person aggrieved may either:

(1) Appeal in writing to the board of tax and land appeals, upon payment of a \$65 filing fee; or

(2) Petition the superior court in the county where the property is located.

(b) The appeal to either the board of tax and land appeals or superior court shall be filed within 8 months of the notice of tax date and not afterwards.

IV. For purposes of this section, "notice of tax date" means the date the taxing jurisdiction mails the betterment assessment tax bill.

V. Each betterment assessment tax bill shall require a separate abatement request and appeal.

33 New Section; Adequacy Funds for New Kindergarten Programs. Amend RSA 198 by inserting after section 42 the following new section:

198:42-a Adequacy Funds for New Kindergarten Programs. A school district that implements a new public kindergarten program on July 1, 1999 or thereafter, shall receive annually, beginning in fiscal year 2002, a kindergarten adequacy payment from the education trust fund established in RSA 198:39 to be calculated as follows:

I. Payments for each eligible kindergarten pupil shall be made at the rate of 1/2 the average base cost per pupil of an adequate education at the elementary level as determined under RSA 198:40 for the fiscal year ending June 30, 2002. Payments for each eligible kindergarten pupil shall be made at the rate of \$1,650 for the fiscal year ending June 30, 2003, and shall increase by 3 percent in each fiscal year thereafter.

II. The number of eligible pupils shall be the number of kindergarten pupils who reside in the district and who, on October 1 of each school year, are enrolled in an approved public kindergarten operated by the district, or are enrolled under a tuition agreement in an approved public kindergarten operated by another district, or are enrolled in an approved alternative kindergarten program operated under RSA 198:48-a.

III. The annual new kindergarten adequacy payment shall be calculated by multiplying the amount established in paragraph I by the number of pupils determined in accordance with paragraph II.

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1 IV. The annual new kindergarten adequacy payment calculated under paragraph III shall
2 be distributed to eligible districts on or before January 1 of each school year.

3 V. Notwithstanding RSA 198:39, for the fiscal year beginning July 1, 2001, and every fiscal
4 year thereafter, a sum sufficient to distribute annual new kindergarten adequacy payments in
5 accordance with this section shall be appropriated from the education trust fund to the department
6 of education. For each fiscal year, the governor is authorized to draw a warrant for said sum from
7 any moneys available in the education trust fund.

8 VI. When enrollments in a new public kindergarten program are included in the school
9 district's average daily membership in residence for the purpose of determining adequate education
10 costs and distributing adequate education grants under RSA 198:40 through 198:42, the school
11 district shall not be eligible to receive a new kindergarten adequacy payment calculated under this
12 section.

13 34 Repeal. The following are repealed:

14 I. RSA 198:48-a, VII, relative to certain pupils enrolled in an approved alternative
15 kindergarten program.

16 II. 1999, 65:9, I, as amended by 2000, 289:2, relative to per pupil reimbursements for new
17 public kindergarten programs.

18 35 Lapse Date Extended to June 30, 2003. The appropriation made to the department of
19 administrative services, division of plant and property management, bureau of general services in
20 1999, 226:1, II, A, 8 for executive/legislative budget system is hereby extended to June 30, 2003.

21 36 Committee to Study the Development of a New Budget System.

22 I. There is established a committee to study the development of a new budget system.

23 II.(a) The members of the committee shall be as follows:

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

25 (2) Three members of the house of representatives, appointed by the speaker of the
26 house of representatives.

27 (b) Members of the committee shall receive mileage at the legislative rate when
28 attending to the duties of the committee.

29 III. The committee shall study the development of a new budget system. The committee
30 shall coordinate its activities with the department of administrative services and the legislative
31 budget assistant.

32 IV. The members of the study committee shall elect a chairperson from among the members.
33 The first meeting of the committee shall be called by the first-named senate member. The first
34 meeting of the committee shall be held within 45 days of the effective date of this section. Four
35 members of the committee shall constitute a quorum.

36 V. The committee shall report its findings and any recommendations for proposed legislation
37 to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk,

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1 the governor, and the state library on or before November 1, 2002.

2 37 Budget System Appropriation; Availability. The department of administrative services shall
3 make the appropriation made to the department of administrative services, division of plant and
4 property management, bureau of general services in 1999, 226:1, II, A, 8 for executive/legislative
5 budget available to the committee to study the development of a new budget system established by
6 this act.

7 38 Deficit Control; Revenue Stabilization Reserve Account; Suspension of Provisions.
8 Notwithstanding the provisions of RSA 9:13-e, IV, the provisions of RSA 9:13-e are hereby suspended
9 for the biennium ending June 30, 2001.

10 39 Education Trust Fund Budget Deficit; Transfer of Funds. In the event of an education trust
11 fund budget deficit at the close of the fiscal biennium ending June 30, 2001 as determined by the
12 official audit performed pursuant to RSA 21-I:8, I(h), the comptroller shall notify the fiscal
13 committee and the governor of such deficit and request that sufficient funds, to the extent available,
14 be transferred from the general fund operating surplus to eliminate such deficit.

15 40 County Reimbursements. Amend RSA 170-G:5-a to read as follows:

16 170-G:5-a County Reimbursement. County payments due under RSA 169-B:40, 169-C:27, and
17 169-D:29 shall be paid to the department of health and human services on a monthly basis within
18 [30] 45 days' notice of the amount due to the state. Delinquent payments due under these chapters,
19 with interest at the rate of 12 percent per annum, may be recovered by action in a court of competent
20 jurisdiction against the political subdivision liable therefor or may, at the request of the state
21 agency, be deducted from any other moneys payable to such subdivision by any department or
22 agency of the state.

23 41 Additional Revenues; Department of Health and Human Services. Notwithstanding any
24 provision of the law to the contrary, the legislative fiscal committee and the governor and council
25 may authorize the commissioner of the department of health and human services to accept and
26 expend additional revenues, in excess of or in addition to the budgeted amounts, from any source,
27 which become available to the department. Such additional revenues shall be available to the
28 department of health and human services to supplement funds in the following programs and
29 services: direct care provider wage increases across all department programs, community and public
30 health and elderly and adult services provider payments, tobacco use prevention funds, and any
31 other such program or service that requires deficit reduction or for which revenue has been
32 specifically obtained. If any direct care provider wage increases the department may effect during
33 the biennium pursuant to this section results in a net increase in expenditures to a county
34 government, and that net increase is not offset with proportionate share payments in excess of
35 budgeted amounts, the department of health and human services shall make a payment to any such
36 county government for each year of the biennium in the amount necessary to eliminate any such
37 loss.

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1 42 Repeal. 1999, 225:45, relative to reports of productivity gains from investments in
2 information technology, is repealed.

3 43 Postsecondary Education Commission; Granite State Scholars; Appropriations for Fiscal
4 Years 2002 and 2003.

5 I. Notwithstanding any provision of RSA 188-D to the contrary, the postsecondary education
6 commission shall expend funds appropriated for fiscal years 2002 and 2003 to PAU 06, 01, 01, 95
7 either for scholarships to students qualifying for granite state scholar designation or to match gifts
8 and contributions to participating institutions for purposes of the granite state scholars program.

9 II. To the extent the postsecondary education commission elects to expend the
10 appropriations for scholarships, the commission shall award scholarships directly to students
11 qualifying for granite state scholar designation under RSA 188-D:39, I. The commission shall adopt
12 rules under RSA 188-D:8-a, III for awarding the scholarships.

13 III. To the extent the postsecondary education commission elects to expend the
14 appropriations to match gifts and contributions to participating institutions for purposes of the
15 granite state scholars program, the commission shall, notwithstanding RSA 188-D:41, provide a
16 match of up to 100 percent of each gift and contribution. In addition, a participating institution
17 shall, in the year following the receipt of the state match, disburse as scholarships to granite state
18 scholars an amount equal to $\frac{1}{2}$ of the state match received by the institution.

19 44 Maintenance of Funds Collected Pursuant to Electric Utility Restructuring Orders; Plans for
20 Administration. Amend RSA 6:12-b to read as follows:

21 6:12-b Maintenance of Funds Collected Pursuant to Electric Utility Restructuring Orders. On
22 request of the public utilities commission, the state treasurer shall maintain custody over funds
23 collected by order of the public utilities commission consisting of only that portion of the system
24 benefits charge directly attributable to programs for low income customers as described in RSA 374-
25 F:4, VIII(c). All funds received by the state treasurer pursuant to this section shall be kept separate
26 from any other funds and shall be administered in accordance with terms and conditions established
27 by the public utilities commission. *Plans for the administration of such funds shall be*
28 *approved by the fiscal committee of the general court and the governor and council prior to*
29 *submission to the public utilities commission.*

30 45 Rehiring; Laid-Off State Employees. The provisions of 1990, 261:1, as amended by 1991, 4:10
31 and 355:103, relative to rehiring of laid-off state employees, shall apply to any person laid-off
32 between July 1, 2001, and June 30, 2003, as a result of any state law, regardless of the funding
33 source for the person's position. The head of each department or agency shall submit the names and
34 classification of individuals laid-off from July 1, 2001, to June 30, 2003, to the director of the division
35 of personnel within 10 days of the layoff.

36 46 Emergency Medical Transport Services. The department of health and human services shall
37 reimburse municipal and private emergency medical ambulance transport providers in the class 90

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1 account of PAU 05, 01, 07, 06, 03, as inserted by HB 1-A of the 2001 legislative session, for the
2 emergency and non-emergency transportation of New Hampshire Medicaid patients at the same
3 transport and mileage rate as the Federal Health Care Financing Authority pays for the emergency
4 and non-emergency transportation of Medicare patients.

5 47 Longevity Payment Authorized; Department of Health and Human Services.
6 Notwithstanding any provision of law to the contrary, payment is hereby authorized in the amount
7 of \$3,000 for longevity to position 9U201, deputy commissioner, department of health and human
8 services for the years 1994 through 1999. Funding for the longevity payment shall be from
9 appropriations made to the department of health and human services in the 2000-2001 operating
10 budget for positions which are not filled.

11 48 Commissioner of Health and Human Services; Authority to Establish Positions. For the
12 biennium ending June 30, 2003, the commissioner of health and human services may exercise the
13 authority granted by RSA 126-A:9, II(a) as necessary to support and carry out the purposes of any
14 laws enacted to transfer the youth development center and the youth services center to the
15 department of health and human services and to establish a juvenile justice services unit within the
16 department.

17 49 Operation of Beach Parking Facilities; Hampton Beach Capital Improvement Fund. Amend
18 RSA 216:3 to read as follows:

19 216:3 Operation of Beach Parking Facilities.

20 I. The department of resources and economic development shall operate, maintain, and
21 manage the parking facilities at Hampton Beach, and shall be authorized to charge for the use of the
22 parking facilities by meters or fees, including parking violation fines, whichever is determined most
23 practical.

24 II. The state treasurer shall establish a special nonlapsing fund, which shall only lapse
25 pursuant to paragraph III, for the revenues from ~~(this source which shall be expended to retire 50)~~
26 *the parking facilities at Hampton Beach. Fifty percent of the payments for principal and*
27 *interest of bonds and notes that are issued for the project of replacing the steel seawall with a*
28 *concrete seawall in the Hampton Beach area shall be paid from this fund. If the revenues from*
29 *the parking facilities at Hampton Beach exceed \$1,000,000 for the fiscal year, all revenues*
30 *in excess of \$1,000,000 shall be transferred prior to the close of the fiscal year from this*
31 *fund to the Hampton Beach capital improvement fund established in paragraph IV.*

32 III. The balance of any funds in this special nonlapsing fund shall be lapsed at the close of
33 each fiscal year to the state park fund.

34 IV.(a) *There is established a nonlapsing revolving fund to be known as the*
35 *Hampton Beach capital improvement fund in the department of resources and economic*
36 *development. The revolving fund shall be used for capital improvements for the parking*
37 *facilities at Hampton Beach.*

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1 (b) *The commissioner of resources and economic development shall submit a*
2 *report detailing the activities of the revolving fund annually to the governor and council*
3 *and the fiscal committee within 60 days of the close of each fiscal year.*

4 50 New Paragraphs; Board of Tax and Land Appeals; Authority; Duties. Amend RSA 71-B:5 by
5 inserting after paragraph III the following new paragraphs:

6 IV. To hear and determine all matters relating to orders for reassessment properly brought
7 pursuant to RSA 71-B:16.

8 V. To hear and determine petitions filed by the commissioner of revenue administration
9 pursuant to RSA 21-J:11-a, II(b). The board shall give such petitions priority for scheduling
10 hearings and for final rulings. In addition to the standards utilized by the commissioner of revenue
11 administration in the certification of assessments pursuant to RSA 21-J:11-a, the board shall
12 consider the criteria in a RSA 71-B:16-a. The board's decision on such petitions shall be final,
13 subject to appeal to the supreme court. Any appeal shall be filed with the clerk of the supreme court
14 within 20 days after the date the decision is issued. The supreme court shall give any appeal it
15 hears under this section priority in the court calendar.

16 51 Appraisal of Taxable Property; How Appraised. RSA 75:1 is repealed and reenacted to read
17 as follows:

18 75:1 How Appraised. The selectmen shall appraise open space land pursuant to RSA 79-A:5,
19 open space land with conservation restrictions pursuant to RSA 79-B:3, land with discretionary
20 easements pursuant to RSA 79-C:7, residences on commercial or industrial zoned land pursuant to
21 RSA 75:11, earth and excavations pursuant to RSA 72-B, and all other taxable property at its
22 market value. Market value means the property's full and true value as the same would be
23 appraised in payment of a just debt due from a solvent debtor. The selectmen shall receive and
24 consider all evidence that may be submitted to them relative to the value of property, the value of
25 which cannot be determined by personal examination.

26 52 Appraisal of Taxable Property; Oath. Amend RSA 75:7 to read as follows:

27 75:7 Oath. The selectmen and assessors shall take and subscribe upon the copies or original
28 inventories and assessments of both resident and nonresident taxes, furnished by them to the town
29 clerks in their respective towns, to be recorded in the clerk's records, the following oath, which may
30 be subscribed before any justice of the peace or notary public: We, the selectmen and assessors of
31 _____, ~~[do solemnly swear that in making the inventory for the purpose of assessing the~~
32 ~~foregoing taxes we appraised all taxable property at its full value, and as we would appraise the~~
33 ~~same in payment of a just debt due from a solvent debtor. So help us God]~~ *certify under the*
34 *penalty of perjury that in making the inventory for the purpose of assessing the foregoing*
35 *taxes, all taxable property was valued in accordance with RSA 75:3, to the best of our*
36 *knowledge and belief.*

37 53 Annual Revised Inventory. RSA 75:8 is repealed and reenacted to read as follows:

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1 75:8 Revised Inventory.

2 I. Annually, and in accordance with state assessing standards, the assessors and selectmen
3 shall adjust assessments to reflect changes so that all assessments are reasonably proportional
4 within that municipality. All adjusted assessments shall be included in the inventory of that
5 municipality and shall be sworn to in accordance with RSA 75:7.

6 II. Assessors and selectmen shall consider adjusting assessments for any properties that:

- 7 (a) They know or believe have had a material physical change;
8 (b) Changed in ownership;
9 (c) Have undergone zoning changes;
10 (d) Have undergone changes to exemptions, credits or abatements;
11 (e) Have undergone subdivision, boundary line adjustments, or mergers; or
12 (f) Have undergone other changes affecting value.

13 54 New Section; Appraisal of Taxable Property; Five-Year Valuation. Amend RSA 75 by
14 inserting after section 8 the following new section:

15 75:8-a Five-Year Valuation. At least as often as every fifth year, beginning with the first year
16 the commissioner of the department of revenue administration certifies a municipality's assessments
17 pursuant to RSA 21-J:3, XXVI, the assessors and/or selectmen shall value all real estate within the
18 municipality so that the assessments are valued in accordance with RSA 75:1.

19 55 New Paragraph; Department of Revenue Administration; Duties of Commissioner. Amend
20 RSA 21-J:3 by inserting after section XXV the following new paragraph:

21 XXVI. Review each municipality's assessments once within every 5 years and certify the
22 assessments of the municipality if such assessments are valued in accordance with RSA 75:1. In
23 carrying out the duty to certify the assessments of property, the commissioner shall follow the
24 procedures set forth in RSA 21-J:11-a.

25 56 New Sections; Department of Revenue Administration. Amend RSA 21-J by inserting after
26 section 11 the following new sections:

27 21-J:11-a Certification of Assessments.

28 I. The commissioner shall certify that the assessments of a municipality comply with the
29 provisions of RSA 75:1 when the commissioner determines that:

- 30 (a) Level of assessments and uniformity of assessments are within acceptable ranges as
31 prescribed by state assessing standards by considering, where appropriate, an assessment-to-sales-
32 ratio study conducted by the department for the municipality;
33 (b) Assessment practices substantially comply with applicable statutes and rules;
34 (c) Exemption, credit, and abatement procedures substantially comply with applicable
35 statutes and rules;
36 (d) Assessments are based on reasonably accurate data; and
37 (e) Assessments of various types of properties are reasonably proportional to other types

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1 of properties within the municipality.

2 II. If the commissioner does not certify that the assessments of a municipality comply with
3 RSA 75:1, the commissioner shall order in writing those corrective actions, including the time for
4 completion, deemed necessary to assess the municipality's property in accordance with RSA 75:1;
5 and:

6 (a) If the governing body of the municipality agrees with the commissioner's
7 determination, the municipality shall complete the corrective actions within the time prescribed by
8 the commissioner.

9 (b) If the governing body of the municipality does not agree with the commissioner's
10 determination not to certify its assessments, with the corrective actions ordered, or the time allowed
11 for completion, the commissioner shall petition the board of tax and land appeals to order that the
12 municipality's property is not assessed in accordance with RSA 75:1 and to order such corrective
13 action necessary to ensure that the municipality's assessment are in accordance with RSA 75:1.

14 III. The commissioner shall adopt rules under RSA 541-A relative to acceptable ranges of
15 level of assessments and uniformity of assessments, procedures for review of assessment practices,
16 and procedures and forms for the commissioner's certification of assessments. Rules adopted by the
17 commissioner under this paragraph shall remain effective until the assessing standards board
18 adopts rules under RSA 21-J:14-b, II.

19 IV. Within 60 days of the certification of a municipality's assessments, the commissioner
20 shall reimburse the municipality on a per parcel basis to defray assessing expenses associated with
21 certification according to the following formula: \$10 per parcel for the first 1,000 parcels, \$8 per
22 parcel for the next 5,000 parcels, and \$5 per parcel for all remaining parcels.

23 21-J:11-b Implementation of Certification.

24 I. The commissioner of revenue administration shall adopt a schedule so that each city,
25 town, and unincorporated place has its assessments reviewed within 5 years of April 1, 2002, and
26 shall notify each city, town, and unincorporated place, within 60 days of passage of this act, of the
27 property tax year for which their initial certification review shall occur.

28 II. The department shall offer training and technical assistance to municipal officials to
29 assist in complying with the provisions of RSA 75:8, RSA 75:8-a, and RSA 21-J:11-a.

30 III. The commissioner of revenue administration shall report in its annual report, the
31 number of communities assisted and the types of assistance and training provided pursuant to RSA
32 21-J:10, RSA 21-J:11, and RSA 21-J:11-b, II.

33 57 Setting of Tax Rates by Commissioner. Amend RSA 21-J:35, I to read as follows:

34 I. The commissioner of revenue administration shall compute and establish the tax rate of
35 each town, city, or unincorporated place. *Any decision by the commissioner not to certify the*
36 *assessments of a municipality pursuant to RSA 21-J:11-a shall not delay or otherwise affect*
37 *the setting of the tax rate for that municipality.*

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1 58 Real Estate. Amend RSA 73:10 to read as follows:

2 73:10 Real Estate. Real and personal property shall be taxed to the person claiming the same,
3 or to the person who is in the possession and actual occupancy thereof, if such person will consent to
4 be taxed for the same; but such real estate shall be taxed in the town in which it is situate. *Any*
5 *decision by the commissioner not to certify the assessments of a municipality pursuant to*
6 *RSA 21-J:11-a shall not affect the obligation of the taxpayer to pay property taxes otherwise*
7 *lawfully assessed.*

8 59 Powers of Collector. Amend RSA 80:4 to read as follows:

9 80:4 Powers of Collector. Every collector, in the collection of taxes committed to him and in the
10 service of his warrant, shall have the powers vested in constables in the service of civil process,
11 which shall continue until all the taxes in his list are collected. *Any decision by the commissioner*
12 *not to certify the assessments of a municipality pursuant to RSA 21-J:11-a shall not affect*
13 *the authority of the tax collector to issue tax bills and to exercise all powers contained in*
14 *this chapter for the collection of taxes.*

15 60 Petition for Order of Reassessment; SB 193 Provision Amended. Amend RSA 21-J:9-b to read
16 as follows:

17 21-J:9-b Petition for Order of Reassessment. The commissioner, in petitioning for an order of
18 reassessment pursuant to RSA 21-J:3, XXV, may consider any information that indicates that
19 property in a city, town, or unincorporated place is valued disproportionately to other property
20 within that municipality in determining whether to petition the board of tax and land appeals to
21 issue an order for reassessment. Additionally, the commissioner shall petition the board of tax and
22 land appeals to issue an order for reassessment of property if the following criteria are met:

23 I. The commissioner's most recent annual sales-assessment ratio study indicates that the
24 coefficient of dispersion exceeds 20 employing a 95-percent level of confidence, provided however that
25 if the sample size for a sales-assessment ratio study is less than 30, the commissioner may use a
26 level of confidence as low as 70 percent;

27 II. The municipality has not ~~conducted a full revaluation within 6 years~~ *complied with*
28 *the provisions of RSA 75:8-a;* and

29 ~~[III. A municipality has not contracted for a full revaluation of the property within such~~
30 ~~municipality to be effective no later than the tax year following such determination.]~~

31 61 Certification Required; SB 193 Provision Amended. Amend RSA 21-J:14-f, I to read as
32 follows:

33 I. Every person, whether working individually, for a firm or corporation, or as a municipal
34 ~~[or department of revenue administration]~~ employee, making appraisals of a municipality for tax
35 assessment purposes, except elected officials making appraisals pursuant to RSA 75:1, shall be
36 certified by the department. *Department of revenue employees shall be certified at the level*
37 *appropriate to their duties.* The commissioner shall adopt rules, pursuant to RSA 541-A, relative

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1 to qualifications for certification, standards for continuing education, and standards for revocation or
2 suspension of certification. Rules adopted by the commissioner under this paragraph shall remain
3 effective until the assessing standards board adopts rules under RSA 21-J:14-b, I(c).

4 62 Property Taxes; What Taxes Assessed; Expenses of Reassessment; SB 193 Provision
5 Amended. Amend RSA 76:5 to read as follows:

6 76:5 What Taxes Assessed. The selectmen shall seasonably assess all state and county taxes for
7 which they have the warrants of the commissioner of revenue administration and county treasurers
8 respectively; all taxes duly voted in their towns; and all school and village district taxes authorized
9 by law or by vote of any school or village district duly certified to them; and all sums required to be
10 assessed by RSA 33 and RSA 21-J:9-c. *Any decision by the commissioner not to certify the*
11 *assessments of a municipality pursuant to RSA 21-J:11-a shall not affect the authority of*
12 *the selectmen to assess taxes.*

13 63 Initial Assessment Review Schedule. The commissioner of revenue administration shall
14 adopt a schedule so that each city, town, and unincorporated place has its assessments reviewed
15 within 5 years and shall notify each municipality, within 60 days of passage of this act, of the
16 property tax year for which their initial certification review shall occur. The department shall offer
17 training and technical assistance to municipal officials to assist in complying with the provisions of
18 RSA 21-J:11-a, as inserted by this act.

19 64 Contingency. If SB 193 of the 2001 legislative session becomes law, then section 60 of this
20 act shall take effect at 12:01 a.m. on the effective date of section 17 of SB 193. If SB 193 of the 2001
21 legislative session becomes law, then section 61 of this act shall take effect at 12:01 on the effective
22 date of section 2 of SB 193. If SB 193 of the 2001 legislative session becomes law, then section 62 of
23 this act shall take effect at 12:01 a.m. on the effective date of section 18 of SB 193. If SB 193 does
24 not become law, then sections 60-62 of this act shall not take effect.

25 65 Purpose. Since the agricultural fairs of New Hampshire contribute greatly to the economic,
26 cultural, and social well-being of the state, it is important that the state assist the fairs to assure
27 their continued viability.

28 66 Appropriation. The sum of \$1 is hereby appropriated to the department of agriculture,
29 markets, and food for each year of the biennium ending June 30, 2003, for purposes of making
30 distributions to agricultural fairs as provided in RSA 425:19-a - 19-f. The governor is authorized to
31 draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

32 67 Distribution Formula. The commissioner of agriculture, markets, and food shall distribute
33 sums appropriated under section 66 of this act to agricultural fairs qualified under RSA 425:19-b
34 according to the following formula: To each fair for capital improvements, \$10,000; to each fair for
35 marketing and promotional activities, \$8,000; and to each fair a pro rata share based upon premiums
36 paid and qualified under RSA 425:19-b of the remaining sums appropriated under section 66 of this
37 act.

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1 68 Statement of Purpose. The general court recognizes that a small number of individuals with
2 complex diagnostic presentations such as individuals who have significant cognitive limitations as
3 well as affective or thought disorders, severe emotional disturbances and significant functional
4 limitations engage in behavior that potentially endangers their communities. Intervention,
5 treatment, and supervision are effective means of assisting such individuals while providing for the
6 safety of the public. Extended periods of treatment may be required in order for such individuals to
7 benefit from therapeutic programs due to their learning difficulties. The general court intends to
8 provide these individuals with appropriate treatment so that they may gain the skills needed to live
9 safely in a community setting.

10 69 Definition of Mental Retardation Clarified. Amend RSA 171-B:2, IV to read as follows:

11 IV. The person has mental retardation, *as defined in the most current edition of the*
12 *Diagnostic and Statistical Manual of Mental Disorders published by the American*
13 *Psychiatric Association*; and

14 70 New Subparagraph; Responsibility of Guardian. Amend RSA 464-A:25, I by inserting after
15 subparagraph (g) the following new subparagraph:

16 (h) The guardian of any ward who has a history of engaging in behavior which
17 substantially endangers others shall consider the security and protection of the community while
18 ensuring that the ward receives appropriate care, treatment, and supervision.

19 71 Commission Established. There is established a commission to review and approve proposed
20 locations for the provision of residential treatment to individuals with complex and significant
21 disabilities who have engaged in behavior which endangers the community and who require
22 intensive therapeutic interventions and close supervision.

23 72 Membership and Compensation.

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

25 (a) One member of the senate, appointed by the president of the senate.

26 (b) One member of the house of representatives, appointed by the speaker
27 of the house.

28 (c) The attorney general.

29 (d) Two public members, appointed by the governor.

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

32 73 Duties.

33 I. The commission shall receive recommendations from the department of health and human
34 services of proposed program sites. The commission shall review the programs, services, and
35 security provisions for each prospective program site, shall consult with representatives of the
36 community in which a proposed program site is located, and shall give due consideration to local
37 concerns. The commission shall conduct a public hearing in those communities where such a

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1 proposed site would be located. The department of health and human services shall make a
2 presentation at each public hearing regarding the proposed program, including the number of
3 individuals to be served and the staffing and security provisions incorporated into the proposed
4 program.

5 II. Following consideration of the public input and information provided by the department
6 of health and human services about the proposed programs, the commission shall approve at least 5
7 sites equitably distributed across the state to meet the needs of the state's population in rural as well
8 as densely populated communities. A site shall be approved only if it is:

9 (a) Out of visual range of any existing child care programs, playgrounds and other
10 locations where children gather;

11 (b) Within a 30 minute drive of a general hospital; and

12 (c) In reasonable proximity of the community's emergency services such as police, fire,
13 and medical response.

14 III. Following approval by the commission, or after 4 months from the submission of a
15 proposed site by the department if the commission fails to approve or deny a proposed site, the
16 department shall be authorized to establish a program at the proposed site, provided, that the
17 program conforms to local building and fire codes applicable to single family residences.

18 74 Chairperson; Support.

19 I. The chairperson of the commission shall be the attorney general. The first meeting of the
20 commission shall be called by the attorney general. The first meeting shall be held within 45 days of
21 the effective date of this section.

22 II. The department of health and human services shall provide any administrative support
23 the commission deems necessary.

24 75 Repeal. Sections 71-74, relative to a commission to review certain proposed sites, is repealed.

25 76 New Chapter; Specialized Treatment Program. Amend RSA by inserting after chapter 135-D
26 the following new chapter:

CHAPTER 135-E

SPECIALIZED TREATMENT PROGRAM

27 135-E:1 Definitions. In this chapter:

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

29 II. "Department" means the department of health and human services.

30 135-E:2 Specialized Treatment Program.

31 I. The department shall establish, subject to available appropriations, a specialized
32 therapeutic program including secure residential care and community-based after-care treatment
33 which is designed to meet the needs of individuals with significant cognitive limitations as well as
34 affective or thought disorders, severe emotional disturbances, and significant functional limitations
35 who engage in behavior that potentially endangers their community. Such programs shall be
36
37

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1 utilized when less restrictive alternatives do not provide adequate safety and security to the
2 community.

3 II. One component of the program shall be designed specifically to meet the needs of young
4 adults with serious emotional disturbance or significant learning disabilities who have been in
5 placement through the department under RSA 169-B or RSA 169-C and who continue to need
6 intensive treatment in order to receive the support and supervision they require until they achieve
7 the full benefit of the treatment that has been initiated during their minority. A young adult who
8 meets admission criteria for the program shall be admitted on a voluntary basis, or by consent of his
9 or her guardian.

10 III. The department may, if necessary, request the appointment of a guardian as provided in
11 RSA 464-A for an individual who may be legally incapacitated and who is determined to need a
12 specialized treatment program established pursuant to this chapter.

13 IV. Individuals receiving treatment from a specialized treatment program established
14 pursuant to this chapter shall have all the rights guaranteed by RSA 171-A to persons with
15 developmental disabilities, except to the extent necessary for safety or security.

16 V. A comprehensive clinical assessment shall occur prior to any admission, discharge, or
17 transfer from the program.

18 135-E:3 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

19 I. Admission and discharge criteria for the program.

20 II. Program requirements.

21 III. The rights of individuals receiving treatment.

22 IV. Periodic review of each individual's treatment to determine if the individual is served in
23 the least restrictive setting consistent with the safety and security of the community.

24 V. Quality assurance processes and criteria for the program.

25 VI. Any other matter necessary to the administration of this chapter.

26 77 Rights Guaranteed. Amend RSA 171-A:29 to read as follows:

27 171-A:29 Rights Guaranteed. All rights guaranteed by RSA 171-A to persons with
28 developmental disabilities shall be retained by persons involuntarily admitted under RSA 171-B
29 except ~~[where safety or security mandates restriction of such rights]~~ **to the extent necessary for**
30 **safety or security.** Any restriction of rights under this section may be appealed to the commissioner
31 pursuant to rules adopted by the commissioner under RSA 171-A.3.

32 78 Order of the Court. Amend RSA 171-B:12 to read as follows:

33 171-B:12 Order of Court. If, after the hearing, the court finds by clear and convincing evidence
34 that the person meets the standard set forth in RSA 171-B:2, the court shall order the person to
35 submit to **the least restrictive alternative of the following alternative consistent with the**
36 **security and protection to the public:**

37 I. Treatment and services in a receiving facility within the state developmental services

Amendment to HB 375

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1 delivery system *or the residential settings specified in RSA 135-E:2;*

2 II. Treatment and services within the state developmental services delivery system
3 *pursuant to RSA 171-A:4* other than in-patient treatment; or

4 III. Treatment and services in the secure psychiatric unit if the court determines that the
5 programs and placements enumerated in paragraph I or II do not provide sufficient security and
6 protection to the public.

7 79 Appropriation. The sum of \$1 for operations and administration and the sum of \$1 for capital
8 expenditures for the fiscal year ending June 30, 2002 and the sum of \$1 for operations and
9 administration and the sum of \$1 for capital expenditures for the fiscal year ending June 30, 2003
10 are hereby appropriated to the department of health and human services for the purposes of sections
11 68-78. The governor is authorized to draw a warrant for said sums out of any money in the treasury
12 not otherwise appropriated.

13 80 Effective Date.

14 I. Sections 8, 9, 40, 44, 50-59 and 63 of this act shall take effect 60 days after its passage.

15 II. Sections 21, 31, 32, 35-39, 47, and 64 of this act shall take effect upon its passage.

16 III. Sections 60-62 of this act shall take effect as provided in section 64.

17 IV. Section 15 of this act shall take effect June 30, 2001.

18 V. Sections 10 and 25 of this act shall take effect January 1, 2002.

19 VI. Section 75 of this act shall take effect July 1, 2004.

20 VII. Section 26 of this act shall take effect January 1, 2005.

21 VIII. The remainder of this act shall take effect July 1, 2001.

Amendment to HB 375

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2001-1577s

AMENDED ANALYSIS

- I. Extends the temporary rate of the communications services tax.
- II. Establishes a travel and tourism development fund.
- III. Provides for the costs of administration of the retirement system to be a charge upon retirement system funds.
- IV. Provides for the method of funding payments for certain group I members of the New Hampshire retirement system.
- V. Establishes an administrative fund for the land and community heritage investment authority and adds certain powers and duties of the authority.
- VI. Provides that the initial funding mechanism and appropriation for the telecommunications planning and development initiative shall not lapse until June 30, 2003.
- VII. Permits the commissioner of the department of health and human services to fill authorized unfunded positions.
- VIII. Requires that \$1,500,000 from the tobacco use prevention fund lapse to the general fund.
- IX. Increases the rate of the business enterprise tax from $\frac{1}{2}$ of one percent to one percent of the taxable enterprise value tax base and provides that all revenue received from the business enterprise tax shall be deposited in the education trust fund.
- X. Establishes a committee to study the economic impact on New Hampshire's economy of raising the business enterprise tax rate from $\frac{1}{2}$ of one percent to one percent.
- XI. Provides for an amnesty period on payment of penalties and interest on unpaid taxes owed to the state.
- XII. Increases the rate of taxes on communications services from 3 percent of the gross charge to 4 percent of the gross charge.
- XIII. Reduces the rate of the legacies and succession tax by 4.5 percent per year until the tax is repealed effective January 1, 2005.
- XIV. Establishes the division of community services within the department of revenue administration and enables certain purchases and positions relating to assessing enforcement.
- XV. Provides specific time lines and abatement and appeal procedures for betterment assessments.
- XVI. Sets forth a formula for distributing new kindergarten adequacy payments to pupils enrolled in new public kindergarten programs or an approved alternative kindergarten program.
- XVII. Establishes a committee to study the development of a new budget system; extends the lapse date of an appropriation to the department of administrative services; and makes the appropriation available to the study committee.

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XVIII. Suspends the provisions of law relating to the revenue stabilization account for the biennium ending June 30, 2001, and provides for a transfer of funds from the general fund operating surplus in the event of an education trust fund budget deficit at the close of the fiscal biennium ending June 30, 2001.

XIX. Changes the date monthly payments are due from the counties to the state for certain services from 30 days to 45 days of notice such payments are due.

XX. Enables additional revenues to be made available for certain health and human services programs.

XXI. Makes an appropriation to the postsecondary education commission for administration of the granite state scholars program.

XXII. Requires approval by the fiscal committee of the general court and the governor and council prior to submission to the public utilities commission of plans for the administration of system benefits charge funds which are in the custody of the treasurer pursuant to a request of the public utilities commission.

XXIII. Grants laid-off state employees certain rights with regard to rehiring.

XXIV. Requires the department of health and human services to reimburse municipal and private emergency medical ambulance transport providers for transporting medicaid patients at the same transport and mileage rate as the federal Health Care Financing Authority pays for transportation of Medicare patients.

XXV. Authorizes a longevity payment for the deputy commissioner of the department of health and human services.

XXVI. Authorizes the commissioner of the department of health and human services to establish certain unclassified positions as necessary for the biennium ending June 30, 2003.

XXVII. Establishes a revolving fund to be used for capital improvements for the parking facilities at Hampton Beach.

XXVIII. Requires valuations of taxable property every 5 years, and certification of municipal assessments by the commissioner of revenue administration of compliance with state assessing standards.

XXIX. Makes a \$1 appropriation to the department of agriculture, markets, and food for the purpose of distribution to agricultural fairs.

XXX. Clarifies the definition of mental retardation for the purposes of involuntary admission; establishes a commission to review possible sites for the provision of specialized treatment for certain individuals; requires the department of health and human services to establish the specialized treatment program, subject to available appropriations; and makes an appropriation of \$1 for this purpose.

SENATOR BARNES: I defer to Senator Boyce.

SENATOR BOYCE: I thought that I was just going to be doing the numbers, but I will try and improvise. What we did in HB 375 was we transferred to it, the entire contents of what was HB 2 as amended by the Senate, so that it continued the items that were in there already. In addition to that, we did add some things to make the budget balance. The first of those is that the increase in the BET (the business enterprise tax) was put in, raising the rate from one-half to 1 percent. That, by our calculations, which are based on information from the DRA, will raise approximately \$60 million per year because of the sixth quarter effect on the first year...for 2002, that should be \$90 million. In 2003 that should be \$60 million for a net of \$150 million. We have also added a tax amnesty program which should bring in, modestly we are predicting, \$10 million. The commissioner said that he felt very comfortable at \$15 million, and maybe as much as \$20 million would be brought in by this. We have also added to it, an increase in the communication service tax by one percent from three percent to four percent. That is predicted to bring in \$19.6 million. We have also continued with the legacy tax phase out...the legacy tax repeal that was passed by the House. We have modified it slightly to phase it out, in line with the phase out of the federal estate tax. That will cost approximately \$5 million. That is the substance of the tax changes in HB 375. I believe that I have covered all of the numbers in it. We also had some other items in there which I don't have in front of me, because all that I prepared was the numbers part. There were other amendments made to that, as it is the standard trailer bill. There are other items.

Amendment adopted.

Senator Johnson offered a floor amendment.

2001-1646s

03/04

Floor Amendment to HB 375

Amend the bill by inserting after section 79 the following and renumbering the original section 80 to read as 81:

80 Lease Agreement Required; Pease Development Authority; Department of Regional Community-Technical Colleges. The department of regional community-technical colleges and Pease development authority shall enter into a lease agreement in which the department shall occupy the first floor, consisting of 71,243 square feet, of 320 Corporate Drive in Portsmouth. In exchange, the state shall reduce by \$1,068,644 per year, starting with the commencement of the lease on July 1, 2001, Pease development authority's debt owed to the state relative to start-up funding costs under RSA 12-G:27-b through 12-G:27-d; 1991, 355:110, as amended by 1992, 260:11; 1992, 260:12, as amended by 1993, 358:3; 1994, 415:1; and 1995, 307:10. The lease term shall be 2 years or until such time as the debt owed to the state relative to the authority's start-up funding costs has been exhausted. The lease may be extended subject to the approval of the capital budget overview committee and the governor and council.

2001-1646s

AMENDED ANALYSIS

This bill:

- I. Extends the temporary rate of the communications services tax.
- II. Establishes a travel and tourism development fund.
- III. Provides for the costs of administration of the retirement system to be a charge upon retirement system funds.

IV. Provides for the method of funding payments for certain group I members of the New Hampshire retirement system.

V. Establishes an administrative fund for the land and community heritage investment authority and adds certain powers and duties of the authority.

VI. Provides that the initial funding mechanism and appropriation for the telecommunications planning and development initiative shall not lapse until June 30, 2003.

VII. Permits the commissioner of the department of health and human services to fill authorized unfunded positions.

VIII. Requires that \$1,500,000 from the tobacco use prevention fund lapse to the general fund.

IX. Increases the rate of the business enterprise tax from $\frac{1}{2}$ of one percent to one percent of the taxable enterprise value tax base and provides that all revenue received from the business enterprise tax shall be deposited in the education trust fund.

X. Establishes a committee to study the economic impact on New Hampshire's economy of raising the business enterprise tax rate from $\frac{1}{2}$ of one percent to one percent.

XI. Provides for an amnesty period on payment of penalties and interest on unpaid taxes owed to the state.

XII. Increases the rate of taxes on communications services from 3 percent of the gross charge to 4 percent of the gross charge.

XIII. Reduces the rate of the legacies and succession tax by 4.5 percent per year until the tax is repealed effective January 1, 2005.

XIV. Establishes the division of community services within the department of revenue administration and enables certain purchases and positions relating to assessing enforcement.

XV. Provides specific time lines and abatement and appeal procedures for betterment assessments.

XVI. Sets forth a formula for distributing new kindergarten adequacy payments to pupils enrolled in new public kindergarten programs or an approved alternative kindergarten program.

XVII. Establishes a committee to study the development of a new budget system; extends the lapse date of an appropriation to the department of administrative services; and makes the appropriation available to the study committee.

XVIII. Suspends the provisions of law relating to the revenue stabilization account for the biennium ending June 30, 2001, and provides for a transfer of funds from the general fund operating surplus in the event of an education trust fund budget deficit at the close of the fiscal biennium ending June 30, 2001.

XIX. Changes the date monthly payments are due from the counties to the state for certain services from 30 days to 45 days of notice such payments are due.

XX. Enables additional revenues to be made available for certain health and human services programs.

XXI. Makes an appropriation to the postsecondary education commission for administration of the granite state scholars program.

XXII. Requires approval by the fiscal committee of the general court and the governor and council prior to submission to the public utilities commission of plans for the administration of system benefits charge funds which are in the custody of the treasurer pursuant to a request of the public utilities commission.

XXIII. Grants laid-off state employees certain rights with regard to rehiring.

XXIV. Requires the department of health and human services to reimburse municipal and private emergency medical ambulance transport providers for transporting medicaid patients at the same transport and mileage rate as the federal Health Care Financing Authority pays for transportation of Medicare patients.

XXV. Authorizes a longevity payment for the deputy commissioner of the department of health and human services.

XXVI. Authorizes the commissioner of the department of health and human services to establish certain unclassified positions as necessary for the biennium ending June 30, 2003.

XXVII. Establishes a revolving fund to be used for capital improvements for the parking facilities at Hampton Beach.

XXVIII. Requires valuations of taxable property every 5 years, and certification of municipal assessments by the commissioner of revenue administration of compliance with state assessing standards.

XXIX. Makes an appropriation to the department of agriculture, markets, and food for the purpose of distribution to agricultural fairs.

XXX. Clarifies the definition of mental retardation for the purposes of involuntary admission; establishes a commission to review possible sites for the provision of specialized treatment for certain individuals; requires the department of health and human services to establish the specialized treatment program, subject to available appropriations; and makes an appropriation for this purpose.

XXXI. Requires the department of regional community-technical colleges and Pease development authority to enter into a lease agreement and provides for reductions in Pease development authority's debt to the state as payment for the premises.

SENATOR JOHNSON: I rise to offer a floor amendment. While we are waiting for this amendment to be passed out, Mr. President, I just want to take a moment to take this opportunity to thank my fellow colleagues for their support for several pieces of legislation dealing with the community technical college system in the past. It has put the system on the radar screen and has enabled them to show substantial growth over the last four years. I believe this amendment continues that success and is a win-win situation for everyone. Just to give you a few bullets relative to what the amendment does and a little history of the amendment: This amendment would allow the Community Technical College at Pease, to move into the former Cabletron Training Center which was the Pease Hospital Building located at 320 Corporate Drive, Portsmouth, New Hampshire. In lieu of rent, the state would reduce Pease Development Authority's debt owed to the state, relative to start up funding costs under specific accounts. The deal only concerns the first floor, consisting of 71,243 square feet. The college and Commissioner O'Donnell had a drawing and a plan for the space usage. Currently the community technical colleges are located in the 30,000 square foot facility, which is inadequate space for the robust growth that campuses realized over the last two years. The PDA has plans to demolish that building, currently being used by the college. The increase in space is dedicated primarily to tried and true programs, including computer programs and biotechnology with plans to develop an early childhood lab school that will provide local businesses with childcare programs. The amount of reduction to debt for the PDA is \$1,068,644 per year, which is based on fair market value of the square footage of the first floor. The lease term shall be two years until such time as a debt

owed to the state relative to the authority start up funding costs has been exhausted. So that is the essence of the floor amendment. I request your favorable consideration once more. Thank you Mr. President.

Floor Amendment adopted.

Senator Below offered a floor amendment.

2001-1628s

03/04

Floor Amendment to HB 375

Amend the bill by deleting sections 18-21 and renumbering the original sections 22-80 to read as 18-76, respectively.

Amend the bill by replacing section 60 with the following:

60 Contingency. If SB 193 of the 2001 legislative session becomes law, then section 56 of this act shall take effect at 12:01 a.m. on the effective date of section 17 of SB 193. If SB 193 of the 2001 legislative session becomes law, then section 57 of this act shall take effect at 12:01 on the effective date of section 2 of SB 193. If SB 193 of the 2001 legislative session becomes law, then section 58 of this act shall take effect at 12:01 a.m. on the effective date of section 18 of SB 193. If SB 193 does not become law, then sections 56-58 of this act shall not take effect.

Amend the bill by replacing section 63 with the following:

63 Distribution Formula. The commissioner of agriculture, markets, and food shall distribute sums appropriated under section 62 of this act to agricultural fairs qualified under RSA 425:19-b according to the following formula: To each fair for capital improvements, \$10,000; to each fair for marketing and promotional activities, \$8,000; and to each fair a pro rata share based upon premiums paid and qualified under RSA 425:19-b of the remaining sums appropriated under section 62 of this act.

Amend the bill by replacing section 71 with the following:

71 Repeal. Sections 67-70, relative to a commission to review certain proposed sites, is repealed.

Amend the bill by replacing sections 75 and 76 with the following:

75 Appropriation. The sum of \$1 for operations and administration and the sum of \$1 for capital expenditures for the fiscal year ending June 30, 2002 and the sum of \$1 for operations and administration and the sum of \$1 for capital expenditures for the fiscal year ending June 30, 2003 are hereby appropriated to the department of health and human services for the purposes of sections 64-74. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

76 Effective Date.

I. Sections 8, 9, 36, 40, 46-55, and 59 of this act shall take effect 60 days after its passage.

II. Sections 27, 28, 31-35, 43, and 60 of this act shall take effect upon its passage.

III. Sections 56-58 of this act shall take effect as provided in section 60.

IV. Section 15 of this act shall take effect June 30, 2001.

V. Sections 10 and 21 of this act shall take effect January 1, 2002.

VI. Section 71 of this act shall take effect July 1, 2004.

VII. Section 22 of this act shall take effect January 1, 2005.

VIII. The remainder of this act shall take effect July 1, 2001.

2001-1628s

AMENDED ANALYSIS

This bill:

- I. Extends the temporary rate of the communications services tax.
- II. Establishes a travel and tourism development fund.
- III. Provides for the costs of administration of the retirement system to be a charge upon retirement system funds.
- IV. Provides for the method of funding payments for certain group I members of the New Hampshire retirement system.
- V. Establishes an administrative fund for the land and community heritage investment authority and adds certain powers and duties of the authority.
- VI. Provides that the initial funding mechanism and appropriation for the telecommunications planning and development initiative shall not lapse until June 30, 2003.
- VII. Permits the commissioner of the department of health and human services to fill authorized unfunded positions.
- VIII. Requires that \$1,500,000 from the tobacco use prevention fund lapse to the general fund.
- IX. Provides for an amnesty period on payment of penalties and interest on unpaid taxes owed to the state.
- X. Increases the rate of taxes on communications services from 3 percent of the gross charge to 4 percent of the gross charge.
- XI. Reduces the rate of the legacies and succession tax by 4.5 percent per year until the tax is repealed effective January 1, 2005.
- XII. Establishes the division of community services within the department of revenue administration and enables certain purchases and positions relating to assessing enforcement.
- XIII. Provides specific time lines and abatement and appeal procedures for betterment assessments.
- XIV. Sets forth a formula for distributing new kindergarten adequacy payments to pupils enrolled in new public kindergarten programs or an approved alternative kindergarten program.
- XV. Establishes a committee to study the development of a new budget system; extends the lapse date of an appropriation to the department of administrative services; and makes the appropriation available to the study committee.
- XVI. Suspends the provisions of law relating to the revenue stabilization account for the biennium ending June 30, 2001, and provides for a transfer of funds from the general fund operating surplus in the event of an education trust fund budget deficit at the close of the fiscal biennium ending June 30, 2001.
- XVII. Changes the date monthly payments are due from the counties to the state for certain services from 30 days to 45 days of notice such payments are due.
- XVIII. Enables additional revenues to be made available for certain health and human services programs.
- XIX. Makes an appropriation to the postsecondary education commission for administration of the granite state scholars program.
- XX. Requires approval by the fiscal committee of the general court and the governor and council prior to submission to the public utilities commission of plans for the administration of system benefits charge funds which are in the custody of the treasurer pursuant to a request of the public utilities commission.

XXI. Grants laid-off state employees certain rights with regard to re-hiring.

XXII. Requires the department of health and human services to reimburse municipal and private emergency medical ambulance transport providers for transporting medicaid patients at the same transport and mileage rate as the federal Health Care Financing Authority pays for transportation of Medicare patients.

XXIII. Authorizes a longevity payment for the deputy commissioner of the department of health and human services.

XXIV. Authorizes the commissioner of the department of health and human services to establish certain unclassified positions as necessary for the biennium ending June 30, 2003.

XXV. Establishes a revolving fund to be used for capital improvements for the parking facilities at Hampton Beach.

XXVI. Requires valuations of taxable property every 5 years, and certification of municipal assessments by the commissioner of revenue administration of compliance with state assessing standards.

XXVII. Makes an appropriation to the department of agriculture, markets, and food for the purpose of distribution to agricultural fairs.

XXVIII. Clarifies the definition of mental retardation for the purposes of involuntary admission; establishes a commission to review possible sites for the provision of specialized treatment for certain individuals; requires the department of health and human services to establish the specialized treatment program, subject to available appropriations; and makes an appropriation for this purpose.

Recess.

Out of Recess.

SENATOR BELOW: This floor amendment, the only part that really counts in this is the first two lines...that delete sections 18-21 in HB 375 as amended. The following sections, which you will see in further additional amendments, simply take care of renumbering references to sections and are just irrelevant to the substance of the amendment. What deleting sections 18-21 would do is to delete the doubling of the business enterprise tax. Delete the repeal of the statutory two-thirds majority requirement for increasing the rate, and delete the business enterprise tax rate study committee and the relevant parts to do that. I rise in support of this amendment because I think that this is the wrong way to go in solving our budget problems and finding a sustainable revenue source that is good for the economy of New Hampshire. The business enterprise tax as you may remember, was enacted under Governor Steve Merrill. He ran for Governor saying that he was opposed to broad base taxes. The irony...he brought us one of the broadest based taxes that this state has ever seen. The business enterprise tax is a tax on all wages, salaries paid, all dividends paid, all interest paid on debt, by most of the businesses in this state, by most of the business activity. Originally it was sort of acceptable because it was an itsy, teeny, tiny, little broad base tax. Then we doubled it a couple of years ago, somewhat at the suggestion of the business community because their feeling was...well, hey we need to step up to the plate. But they said at that time, this is really the limit, this is pushing the limit of what is a reasonable business tax structure. Indeed, I think all of the Senators have received a letter from the business and industry association stating their concerns and noting that the proposed doubling of the business enterprise tax and the increase in the telecommunications tax come on the heels of major business tax increases

just two years ago. Our message to you is that the state cannot continue to view business as virtually its sole source of revenue for education funding and other budget obligation. New Hampshire already has among the highest effective business tax rates in the country. There is no tax free New Hampshire advantage for businesses in this state. The BIA is concerned about the state's tax structure which is overly reliant on business taxes that will impact New Hampshire's ability to attract new business. One thing is for certain: every time the legislature raises business taxes, it sends a chilling message to those looking to move or expand their business to our state. When I was in the House, I think in my first term, the BET was proposed. I took a stand. It was one of my first floor speeches. I voted against it. As a business person myself, my concern was it does not relate to a businesses ability to pay, whether they are profitable or not. One of the ironies of it, and the irony became very graphic a couple of days ago, on the front page of the *Valley News*, and I had it to bring in, but I seem to have left it behind. It was a picture of the collapsed roof of a 115,000 square foot facility of the Durgin and Crowell lumber saw-mill operation in Springfield, New Hampshire, in my district. They had an unfortunate event where they had invested in a state of the art planing mill to produce high value added lumber materials just eight months before the whole building collapsed in one of our late winter wet snow storms. Just a few days ago, last week, the insurance company that was investigating it, one of their contractors started a fire in which some of their one and half million board feet of lumber that was in this warehouse, burned. The article talked about the fact this company has had to cut back in production by 40 percent, yet the commitment of the owners has been to keep the entire workforce on the job. Paying and keeping them working in spite of the fact that they are now losing money, they are having to borrow money to stay in business. This tax, not only taxes the wages paid, but will tax any interest paid of debt that they are incurring to keep the business going to get over this hump and to keep their workers employed. We have doubled it once, we are going to double it again. The question becomes, what happens when the overestimation of revenue comes in way short? Are we going to look back to increase the BET or the state property tax because those are the only things sort of left in play here for funding education? I guess my point is, it is the wrong way to go. It is the wrong signal to businesses. We want to retain our business competitive advantage. As one constituent who came in and testified earlier in this session said, "If you are going to tax me to fund education, don't tax the way that I earn my living, don't tax my business beyond what is reasonable. If you have to tax me, tax me the income that I earn net of business expenses." So I would urge you to adopt this amendment and let the business community know that this legislature is not going to take it all out on them. Thank you.

SENATOR HOLLINGWORTH: I, as well as Senator Below was in the House at the time, and I was one of those that voted against it as well. My concern at the time, as a business person, it made no sense to me that people will be taxed even if they were not making profit, and that they would be taxed on their employees and on their borrowing of money. It hit home with me the other night after this body passed those taxes and I had dinner with the owner of a fairly sizable restaurant and his brother...and they were quite upset. They could not believe that they would double the tax on the BET. They recalled the days when this tax went in. The idea was to get those people...doctors and lawyers and indian chiefs who were not paying the BPT and that was the idea...that

they would put this tax in and it wouldn't be hurting other businesses that were earning profits and paying the BPT. What they couldn't understand is, how it hinders people to develop their businesses and grow. Because if they want to make a major expansion, they pay on the interest that they borrow in money. Also for growth in employees. What they have said that it does is it shuts the door on whether you...if you are not going to make enough of a profit for it to be worthwhile, you don't go out and borrow that money, because you are going to pay on that interest that you are borrowing. I can tell you that the business community...the smaller businesses, middle sized businesses in the state are in shock. I feel like I am in awe myself. I cannot believe that the Republicans who are considered the friends of business, would possibly be doing this. And when we passed that bill in the House, we had to have a super majority to take and change the number. A super majority. Guess what happened last time that we increased it? We repealed the super majority and increased it. So we put the repeal back in there and put the piece back in that we had repealed that said that you can increase it unless you have a super majority. Guess what, this time the super majority is gone. It is no longer there. So you can up that BET just as much as you want, anytime you get into a risk. I was at the entrepreneurs dinner the other night and I sat at the table with five men who I had never met before. Actually it was four and two women. They couldn't believe it. They absolutely were stunned. They were sitting at that table and they were absolutely stunned that this...the Senate...they were shocked at what the House did, taking away the credit, but they were more stunned that the Senate, who is usually an agreeable group, who listens to what the business community is saying...has passed this proposed...attack on businesses, in a time where it is the worse time that you should be treating businesses...when we know, the economy is slowing, whether we want to admit it in this body or not. The truth of the matter...and I won't go back and do it, but I just happened to say that this was a conference that went on in May, and this was the economic outlook of New Hampshire, and even then, they were saying watch out New Hampshire. It has gotten worse since then. That is all that I am saying. I am really stunned that we have taken this action. I hope that this body, as a whole, will reject it.

SENATOR WHEELER: I, too, was in the House when this passed. It certainly passed without my vote. It passed without the vote of most of the Democrats. It was a Republican governor who was pushing it. It always struck me as really odd that we would pass a business tax that would tax your indebtedness, and that Republicans would want it. At the time, I talked to my local businesses and they were very upset about the concept, but they said well it is really small. It won't affect me now and as long as you don't raise it, I guess that I can live with it. Well, here we go, making it...doubling it and making it an onerous tax. It is the wrong way to go. I am used to being called a tax spender, but I hope that everybody realizes that the people who want to double this are the true tax spenders. Thank you.

SENATOR BARNES: Senator Wheeler, I wasn't fortunate enough to be here the last two years in this Senate, when it was Democratically controlled. It went from .25 to .50. Are you one of the folks that doubled it last session?

SENATOR WHEELER: It is quite possible that I did. But I would like to get rid of any further increase. I honestly can't remember that vote.

SENATOR BARNES: Okay. Thank you Senator.

SENATOR HOLLINGWORTH: Senator Below, the question that was just asked by Senator Barnes...when the tax went up, it was my recollection that the business community strongly came in and said that they wanted to...rather than any broad base tax, that they were willing to take a bump in the BET...was that not the case? There were many of us that thought that was inappropriate and had other suggestions?

SENATOR BELOW: Well this is a broad base tax, but it was a proposal, I think, that came out of the House. It was one that many of us struggled with, I think, on the floor of this Senate. I think that it was out of some desperation because we were rapidly approaching the point where teachers were about to be pink-slipped across the state. So I think that a number of us, Republicans and Democrats alike, did vote to do that. If you feel like I do, it is not something that I have felt good about since.

SENATOR HOLLINGWORTH: Thank you.

SENATOR BARNES: Senator Hollingworth, would you believe that I received some phone calls from small business people...I haven't had dinner with them yet, but I am sure that I will be soon. But the people that have talked to me are thankful, not because they are not happy with building it up, but they are also pleased that it doesn't...plans don't include an income or sales tax. A couple of people have called me and thanked me very much for not raising the rooms and meals tax. So you and I are hearing from business people, but the ones that are talking to me are a little more generous to the Republican side than the ones that you are talking to?

SENATOR COHEN: I was in the Senate when this was put in at .25. I voted against it then and I voted against making it the...to double it. Now we are talking about quadrupling it, from what we initially first put in. Whatever solution there is to this education funding crisis, I would hope that we would all agree that we would not do something to adversely affect our economy. Now look at our economy in the past few years. There is no question that the growth in our economy has come from small businesses. Small business is where the growth has really been. Many businesses gross \$100,000. I believe that this proposes to raise that gross to \$150,000. There are many that gross that little amount. But they net very little, if anything. The idea of hurting our economy by doing this, by taxing businesses which gross \$100,000 or \$150,000 but actually net very little, it just doesn't make sense. It is going to hurt our economic strength. It is going to hurt the very area of our economy where we have grown. Hurting the small businesses. I would urge my colleagues to support this particular amendment and make this...and to have some sense in our economic and tax policy.

SENATOR PRESCOTT: I rise as one of those small business owners that you are discussing. Take a small business that may have 25 or 20 employees with a \$500,000 payroll. This is similar to a business that I am familiar with in Exeter. That would make a \$35 per week increase in taxes on a \$10,000 payroll. I looked at that number as \$35 a week for let's say a business like mine. I did grapple with this as increasing taxes, but I also did not want to consider an income tax. I did not want to consider a sales tax, nor do I want to consider gambling. This is a very tough decision for me to take. But when you do come down to the real numbers and the real figures for the small business people, \$35 a week for my company, I thought that was reasonable tax. Also, I deal and sell to

a lot of smaller companies than myself, such as a plumbing and heating company, such as a well drilling company. Their impact is none, because of the threshold being raised, even if was stayed at \$100,000. Their impact with the BET increase is zero. I have gotten a lot of positive comments in my business community. I am for this tax only because two years ago this body decided to spend \$100 million of unrenewable tax money. This year, we need to implement a tax to cover that unrenewable money that was spent last term. This is the responsible thing to do. Thank you Mr. President.

SENATOR FERNALD: We all know that we are all trying to solve that \$100 million problem. We all know that we have an education obligation that is \$800 million or \$900 million depending on how you want to define it. We all know that we need a broad base tax to pay for education. Our broad base tax of choice, right now, is the property tax, plus this business enterprise tax. The other options would be a sales tax or an income tax. The political reality in New Hampshire is we are never going to do a sales tax. That is the economic reality. We gain too much from not having a sales tax. And...in spite of the fact that the Republicans in this state, many of them have said that they prefer the property tax and have said that it is fair and equitable, there is no political will in Concord to raise the property tax. So we only have two places to go. Hit the business community with higher business taxes or look at an income tax where everybody pays. This is a wake up call for the business community in New Hampshire. The House Republican plan, the leadership plan, is to increase taxes on big businesses. The Senate Republican plan is to increase taxes on small businesses. Maybe in Committee of Conference everybody will get together and increase taxes on all businesses. Now one justification that I have heard for this is that it is a pass through. I was trying to think, what does that mean? It made me think of gardening and natural fertilizer that we put on our garden. Now cows, when they eat stuff, they have **TAPE CHANGE** and all of the seeds die, and that is pretty good fertilizer. But you are warned not to use horse manure because the seeds pass through and you end up with a lot of weeds in your garden. So when people tell me that this business tax is just a pass through, I think that it is a bunch of manure. The business community...I said that this is a wake up call because this body has taken the position that we should cut education funding by \$103 million. If, as I suspect, the Supreme Court says that is not adequate, in six months from now or less, we are having to add back \$100 million, are we going to go and bang the business community over the head again with another increase in this tax or another business tax? The business community better hold on to its wallets, because this body is not paying attention to facts. One fact that I think is really essential for the small business community to speak up about is, a personal income tax, for many small business people, would cost less than an income tax. Businesses that have a high payroll and not a big profit are going to pay more on this tax than they would ever pay under an income tax, raising the same amount of money. Thank you.

SENATOR HOLLINGWORTH: There is one thing that I forgot to say. One of the things that we do when we usually look at increases in taxes is, we look around at our neighbors near us, because for us to have the results of the increased tax, we want to be in a better position than our neighboring states, particularly in New England. One of the things that those companies that can decide where they want to go, they are going

to look at taxes. They are going to decide whether in fact this is a place where they can do business and it is the best place for them. In fact, many of them are required...for their...the people who are their stockholders, they are required to turn a profit, and the best profit that they can, so they are required to look at the place that they are doing business in and see whether they can do business somewhere else and produce that profit for their stockholders. It is something that you have to be aware of when there are so many companies that are no longer brick and mortar. They don't have buildings and they don't have structures, they are able to pick up and move without an awful lot of turmoil to do that. Now truly, a lot of people do pick New Hampshire because of its quality of life, and they decide that they want to stay here and they raise their children here, and then after their children, they continue on and they love New Hampshire, as I do. But there are other companies that have come here in recent months, which we know, in recent years we know. They are going to look very closely at our tax structure. When we have the highest in the nation property taxes. We have the highest, now, or close to the highest if not the highest, business taxes. I think that we are in serious jeopardy of taking and placing ourselves as a very unattractive state to do business in.

SENATOR BELOW: I want to rise briefly. I wanted to thank Senator Prescott because I think that he gave a very honest and legitimate perspective on the issue. One of the concerns that he pointed out is that we are having to look back on what the legislature did two years ago. It is sinking a whole bunch of one-time money into this to patch it together, and we need a more permanent solution. One of the problems with this is that we are doing it again. This revenue estimate, on this Business Enterprise Tax, counts on six quarters of revenue. This tax is made retroactive back to the first of the year. Businesses are already five and a half months down the line in this fiscal year and they are going to be paying this tax retroactive to their business activity to the first of this year. There are a number of areas in which we are doing the same thing, taking some one-time money, patching it together for one more biennium, maybe.

Question is on the adoption of the floor amendment.

A roll call was requested by Senator Below.

Seconded by Senator Fernald.

The following Senators voted Yes: Below, McCarley, Disnard, Fernald, Pignatelli, Larsen, O'Neil, D'Allesandro, Wheeler, Hollingworth, Cohen.

The following Senators voted No: Burns, Gordon, Johnson, Boyce, Flanders, Roberge, Eaton, O'Hearn, Francoeur, Gatsas, Barnes, Prescott, Klemm.

Yeas: 11 - Nays: 13

Floor amendment failed.

Senator Larsen offered a floor amendment.

2001-1625s

03/10

Floor Amendment to HB 375

Amend the bill by replacing section 1 with the following:

1 Rate of Tax for Biennium Ending June 30, 2003; Intrastate and Interstate Communications Services Tax. Notwithstanding RSA 82-A:3 and

RSA 82-A:4, for the period beginning July 1, 2001 and ending June 30, 2003, the rate of tax shall be 5.5 percent on the gross charge for communications services purchased at retail from a retailer.

Amend the bill by deleting sections 23 and 24 and renumbering the original sections 25-80 to read as 23-78, respectively.

Amend the bill by replacing section 62 with the following:

62 Contingency. If SB 193 of the 2001 legislative session becomes law, then section 58 of this act shall take effect at 12:01 a.m. on the effective date of section 17 of SB 193. If SB 193 of the 2001 legislative session becomes law, then section 59 of this act shall take effect at 12:01 on the effective date of section 2 of SB 193. If SB 193 of the 2001 legislative session becomes law, then section 60 of this act shall take effect at 12:01 a.m. on the effective date of section 18 of SB 193. If SB 193 does not become law, then sections 58-60 of this act shall not take effect.

Amend the bill by replacing section 65 with the following:

65 Distribution Formula. The commissioner of agriculture, markets, and food shall distribute sums appropriated under section 64 of this act to agricultural fairs qualified under RSA 425:19-b according to the following formula: To each fair for capital improvements, \$10,000; to each fair for marketing and promotional activities, \$8,000; and to each fair a pro rata share based upon premiums paid and qualified under RSA 425:19-b of the remaining sums appropriated under section 64 of this act.

Amend the bill by replacing section 73 with the following:

73 Repeal. Sections 69-72, relative to a commission to review certain proposed sites, is repealed.

Amend the bill by replacing sections 77 and 78 with the following:

77 Appropriation. The sum of \$1 for operations and administration and the sum of \$1 for capital expenditures for the fiscal year ending June 30, 2002 and the sum of \$1 for operations and administration and the sum of \$1 for capital expenditures for the fiscal year ending June 30, 2003 are hereby appropriated to the department of health and human services for the purposes of sections 66-76. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

78 Effective Date.

I. Sections 8, 9, 38, 42, 48-57, and 61 of this act shall take effect 60 days after its passage.

II. Sections 21, 29, 30, 33-37, 45, and 62 of this act shall take effect upon its passage.

III. Sections 58-60 of this act shall take effect as provided in section 62.

IV. Section 15 of this act shall take effect June 30, 2001.

V. Sections 10 and 23 of this act shall take effect January 1, 2002.

VI. Section 73 of this act shall take effect July 1, 2004.

VII. Section 24 of this act shall take effect January 1, 2005.

VIII. The remainder of this act shall take effect July 1, 2001.

2001-1625s

AMENDED ANALYSIS

This bill:

I. Establishes a travel and tourism development fund.

II. Provides for the costs of administration of the retirement system to be a charge upon retirement system funds.

III. Provides for the method of funding payments for certain group I members of the New Hampshire retirement system.

IV. Establishes an administrative fund for the land and community heritage investment authority and adds certain powers and duties of the authority.

V. Provides that the initial funding mechanism and appropriation for the telecommunications planning and development initiative shall not lapse until June 30, 2003.

VI. Permits the commissioner of the department of health and human services to fill authorized unfunded positions.

VII. Requires that \$1,500,000 from the tobacco use prevention fund lapse to the general fund.

VIII. Increases the rate of the business enterprise tax from $\frac{1}{2}$ of one percent to one percent of the taxable enterprise value tax base and provides that all revenue received from the business enterprise tax shall be deposited in the education trust fund.

IX. Establishes a committee to study the economic impact on New Hampshire's economy of raising the business enterprise tax rate from $\frac{1}{2}$ of one percent to one percent.

X. Provides for an amnesty period on payment of penalties and interest on unpaid taxes owed to the state.

XI. Reduces the rate of the legacies and succession tax by 4.5 percent per year until the tax is repealed effective January 1, 2005.

XII. Establishes the division of community services within the department of revenue administration and enables certain purchases and positions relating to assessing enforcement.

XIII. Provides specific time lines and abatement and appeal procedures for betterment assessments.

XIV. Sets forth a formula for distributing new kindergarten adequacy payments to pupils enrolled in new public kindergarten programs or an approved alternative kindergarten program.

XV. Establishes a committee to study the development of a new budget system; extends the lapse date of an appropriation to the department of administrative services; and makes the appropriation available to the study committee.

XVI. Suspends the provisions of law relating to the revenue stabilization account for the biennium ending June 30, 2001, and provides for a transfer of funds from the general fund operating surplus in the event of an education trust fund budget deficit at the close of the fiscal biennium ending June 30, 2001.

XVII. Changes the date monthly payments are due from the counties to the state for certain services from 30 days to 45 days of notice such payments are due.

XVIII. Enables additional revenues to be made available for certain health and human services programs.

XIX. Makes an appropriation to the postsecondary education commission for administration of the granite state scholars program.

XX. Requires approval by the fiscal committee of the general court and the governor and council prior to submission to the public utilities commission of plans for the administration of system benefits charge funds which are in the custody of the treasurer pursuant to a request of the public utilities commission.

XXI. Grants laid-off state employees certain rights with regard to re-hiring.

XXII. Requires the department of health and human services to reimburse municipal and private emergency medical ambulance transport

providers for transporting medicaid patients at the same transport and mileage rate as the federal Health Care Financing Authority pays for transportation of Medicare patients.

XXIII. Authorizes a longevity payment for the deputy commissioner of the department of health and human services.

XXIV. Authorizes the commissioner of the department of health and human services to establish certain unclassified positions as necessary for the biennium ending June 30, 2003.

XXV. Establishes a revolving fund to be used for capital improvements for the parking facilities at Hampton Beach.

XXVI. Requires valuations of taxable property every 5 years, and certification of municipal assessments by the commissioner of revenue administration of compliance with state assessing standards.

XXVII. Makes an appropriation to the department of agriculture, markets, and food for the purpose of distribution to agricultural fairs.

XXVIII. Clarifies the definition of mental retardation for the purposes of involuntary admission; establishes a commission to review possible sites for the provision of specialized treatment for certain individuals; requires the department of health and human services to establish the specialized treatment program, subject to available appropriations; and makes an appropriation for this purpose.

SENATOR LARSEN: As the amendment that you are about to receive...you will see that it addresses the communications tax. The communications tax in HB 375 is covered both under section 1 of the bill and section 23 & 24 on page 10 of the original bill. This amendment deletes the communications tax increases proposed in HB 375. The communications tax represents a second hit in combination with the increase in the Business Enterprise Tax. A second hit on the very businesses which we, as a state, are attempting to promote. Those who pay the highest communications taxes tend to be the high technology firms, the HMO's, the finance sectors of our state...those who rely upon our telephone systems, our internet systems. Those are who we are once again asking to pay more. Two years ago, we at least had the agreement of industry that they preferred that we pass the tax increase. That is not happening this year. This year, we are looking at a tax increase without their support, knowing that we just increased their taxes two years ago. If we, as a state, are going to be promoting high technology jobs, high paying wages, in industries that are clean and high paying, to pass a communications tax increase on to those very businesses is wrong. We already know that recently businesses came to our state because of tax advantage. Two of those mentioned were Oxford Health and Fidelity. Just last year I went with some members of the Land and Community Heritage Program to visit Fidelity because we were looking for ways to fund community investment in our lands and special places. We asked Fidelity if they could support an increase in the communications tax. They pointed out the number of lines which I don't recall now, but the number of lines coming into their building. And, the fact that they in fact, did move to New Hampshire because it was a business-friendly state. If we pass this, we become one of the highest taxing states in New England on telecommunications. In Vermont, the effective rate on communications is 2.81. In Connecticut it is 6 percent total. In Massachusetts, what we often laugh about, Taxachusetts, their rate is currently only 5.22 percent. Maine is 5 percent. New Hampshire already is 6.93. Are we going to increase those taxes to an even higher level and become the highest taxing state in New England? What kind of draw are we going to be when businesses look at our state and whether they want to move here or not? I say that this tax increase is bad for business

and it is bad for the low income, fixed income people of this state. When you get your telephone bill, already you see that there is a fee, both for your 911 service and for your telecommunications tax. They are going to see that and they are going to feel it. The people on fixed incomes have a hard time with those kinds of cost increases. We have already been passing on or seen passes through of utility increases and others. Property taxes could go up on those people. This is one which is a very visible tax, both for industry and for people living on fixed incomes, low income people. I say that we vote this section of HB 375 out and I ask for your support to remove the telecommunications tax increase proposed in this bill.

SENATOR COHEN: Senator Larsen, as we all know now, the telecommunications now goes through telephone wire as well as traditional cable. Does this then tax the telephone wire usage as well as the cable?

SENATOR LARSEN: As far as I know, it taxes telecommunications and I am not sure that it extends to cable companies. I don't recall it showing up in our cable bills, on a personal level. I have never heard a discussion that it extends to the cable companies.

SENATOR COHEN: So it just taxes one of the two providers?

SENATOR LARSEN: Right, and when you have a high...a company like Fidelity that has a high reliance on online networking that goes through our telephone service, and they use it to respond, they need those lines in there, and they will be paying a high tax. The very businesses which we are trying to promote, will pay a very high tax. Their taxes will see an increase.

SENATOR COHEN: Thank you.

SENATOR HOLLINGWORTH: Senator Larsen, you have heard my speech before on the last bill. My question is, in two years from now, if we have not resolved the long-term solution of this funding problem, my fear is that we will be back here, doing these patches again, and I have this terrible feeling that businesses are going to take the blow. In fact, when I had said that the businesses that I thought...if not the highest, one of the highest...and this message that we have from John Crozier, he said, "New Hampshire already has among the highest effective business tax rates in the country. There is no tax free New Hampshire for businesses in this state." Then the...to assume that since this body is making these patches, that two years from now, we will be increasing more business taxes?

SENATOR LARSEN: In fact, we have been around here long enough to know that if we continue to extend through our patchwork system of fees and charges and taxes, we continue to rely upon that patchwork instead of finding a reliable source. I was speaking with the commissioner of revenue administration in the hall about the telecommunications tax and he in fact pointed out that the telecommunications tax is a flattening tax. It is not a tax which has elasticity which grows with our economy, at a rate that keeps up. So once again, we will see that our reliance on these taxes...we are going to have to keep going back to businesses and other patchwork systems until we realize that we need a more reliable source of revenue that is sustainable.

SENATOR HOLLINGWORTH: In fact, this tax doesn't raise that much money does it? And that in fact, over the years, if we look...since the tax has been in place, it has been one of those surprises to us, since everybody seems to be on the net and using the computer, that this tax has not seen much growth?

SENATOR LARSEN: No. As I said, he said that it was a flattening source of revenue and he didn't expect it to grow greatly in the future.

Question is on the adoption of the floor amendment.

A roll call was requested by Senator Below.

Seconded by Senator Fernald.

The following Senators voted Yes: Below, McCarley, Disnard, Fernald, Pignatelli, Larsen, O'Neil, D'Allesandro, Wheeler, Hollingworth, Cohen.

The following Senators voted No: Burns, Gordon, Johnson, Boyce, Flanders, Roberge, Eaton, O'Hearn, Francoeur, Gatsas, Barnes, Prescott, Klemm.

Yeas: 11 - Nays: 13

Floor amendment failed.

Senator Pignatelli offered a floor amendment.

**2001-1627s
03/10**

Floor Amendment to HB 375

Amend the bill by deleting section 25 and renumbering the original sections 26-80 to read as 25-79, respectively.

Amend the bill by replacing section 63 with the following:

63 Contingency. If SB 193 of the 2001 legislative session becomes law, then section 59 of this act shall take effect at 12:01 a.m. on the effective date of section 17 of SB 193. If SB 193 of the 2001 legislative session becomes law, then section 60 of this act shall take effect at 12:01 on the effective date of section 2 of SB 193. If SB 193 of the 2001 legislative session becomes law, then section 61 of this act shall take effect at 12:01 a.m. on the effective date of section 18 of SB 193. If SB 193 does not become law, then sections 59-61 of this act shall not take effect.

Amend the bill by replacing section 66 with the following:

66 Distribution Formula. The commissioner of agriculture, markets, and food shall distribute sums appropriated under section 65 of this act to agricultural fairs qualified under RSA 425:19-b according to the following formula: To each fair for capital improvements, \$10,000; to each fair for marketing and promotional activities, \$8,000; and to each fair a pro rata share based upon premiums paid and qualified under RSA 425:19-b of the remaining sums appropriated under section 65 of this act.

Amend the bill by replacing section 74 with the following:

74 Repeal. Sections 70-73, relative to a commission to review certain proposed sites, is repealed.

Amend the bill by replacing sections 78 and 79 with the following:

78 Appropriation. The sum of \$1 for operations and administration and the sum of \$1 for capital expenditures for the fiscal year ending June 30, 2002 and the sum of \$1 for operations and administration and the sum of \$1 for capital expenditures for the fiscal year ending June 30, 2003 are hereby appropriated to the department of health and human services for the purposes of sections 67-77. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

79 Effective Date.

I. Sections 8, 9, 39, 43, 49-58, and 62 of this act shall take effect 60 days after its passage.

II. Sections 21, 30, 31, 34-38, 46, and 63 of this act shall take effect upon its passage.

III. Sections 59-61 of this act shall take effect as provided in section 63.

IV. Section 15 of this act shall take effect June 30, 2001.

V. Section 10 of this act shall take effect January 1, 2002.

VI. Section 74 of this act shall take effect July 1, 2004.

VII. The remainder of this act shall take effect July 1, 2001.

2001-1627s

AMENDED ANALYSIS

This bill:

I. Extends the temporary rate of the communications services tax.

II. Establishes a travel and tourism development fund.

III. Provides for the costs of administration of the retirement system to be a charge upon retirement system funds.

IV. Provides for the method of funding payments for certain group I members of the New Hampshire retirement system.

V. Establishes an administrative fund for the land and community heritage investment authority and adds certain powers and duties of the authority.

VI. Provides that the initial funding mechanism and appropriation for the telecommunications planning and development initiative shall not lapse until June 30, 2003.

VII. Permits the commissioner of the department of health and human services to fill authorized unfunded positions.

VIII. Requires that \$1,500,000 from the tobacco use prevention fund lapse to the general fund.

IX. Increases the rate of the business enterprise tax from $\frac{1}{2}$ of one percent to one percent of the taxable enterprise value tax base and provides that all revenue received from the business enterprise tax shall be deposited in the education trust fund.

X. Establishes a committee to study the economic impact on New Hampshire's economy of raising the business enterprise tax rate from $\frac{1}{2}$ of one percent to one percent.

XI. Provides for an amnesty period on payment of penalties and interest on unpaid taxes owed to the state.

XII. Increases the rate of taxes on communications services from 3 percent of the gross charge to 4 percent of the gross charge.

XIII. Repeals the legacies and succession tax.

XIV. Establishes the division of community services within the department of revenue administration and enables certain purchases and positions relating to assessing enforcement.

XV. Provides specific time lines and abatement and appeal procedures for betterment assessments.

XVI. Sets forth a formula for distributing new kindergarten adequacy payments to pupils enrolled in new public kindergarten programs or an approved alternative kindergarten program.

XVII. Establishes a committee to study the development of a new budget system; extends the lapse date of an appropriation to the department of administrative services; and makes the appropriation available to the study committee.

XVIII. Suspends the provisions of law relating to the revenue stabilization account for the biennium ending June 30, 2001, and provides for a transfer of funds from the general fund operating surplus in the event of an education trust fund budget deficit at the close of the fiscal biennium ending June 30, 2001.

XIX. Changes the date monthly payments are due from the counties to the state for certain services from 30 days to 45 days of notice such payments are due.

XX. Enables additional revenues to be made available for certain health and human services programs.

XXI. Makes an appropriation to the postsecondary education commission for administration of the granite state scholars program.

XXII. Requires approval by the fiscal committee of the general court and the governor and council prior to submission to the public utilities commission of plans for the administration of system benefits charge funds which are in the custody of the treasurer pursuant to a request of the public utilities commission.

XXIII. Grants laid-off state employees certain rights with regard to rehiring.

XXIV. Requires the department of health and human services to reimburse municipal and private emergency medical ambulance transport providers for transporting medicaid patients at the same transport and mileage rate as the federal Health Care Financing Authority pays for transportation of Medicare patients.

XXV. Authorizes a longevity payment for the deputy commissioner of the department of health and human services.

XXVI. Authorizes the commissioner of the department of health and human services to establish certain unclassified positions as necessary for the biennium ending June 30, 2003.

XXVII. Establishes a revolving fund to be used for capital improvements for the parking facilities at Hampton Beach.

XXVIII. Requires valuations of taxable property every 5 years, and certification of municipal assessments by the commissioner of revenue administration of compliance with state assessing standards.

XXIX. Makes an appropriation to the department of agriculture, markets, and food for the purpose of distribution to agricultural fairs.

XXX. Clarifies the definition of mental retardation for the purposes of involuntary admission; establishes a commission to review possible sites for the provision of specialized treatment for certain individuals; requires the department of health and human services to establish the specialized treatment program, subject to available appropriations; and makes an appropriation for this purpose.

SENATOR PIGNATELLI: This amendment is the "Live Free But Don't Die in New Hampshire" amendment. What this amendment does is, it repeals the phase-in in HB 375 and makes the total repeal of the legacy and succession tax effective July 1. So it is two more weeks for all of these elderly people. Just hold on for two more weeks. If this passes, rest assured. The legacy and succession tax is unfair, outdated, regressive and most probably unconstitutional. The tax is an unfair burden on a very narrow segment of the population, the elderly and infertile couples or a last survivor. It was put into place in 1905 in a completely different era in the state. When most families had children and children were available to take care of their elderly parents, we are a completely different society today. Today, the tax starts at 18 percent. It is an 18 percent tax on the first dollar. So even if you are a person of very limited

means, a poor person, you need to pay your survivor, whoever you want your money to go to, needs to start paying 18 percent. We have all received letters from people who have had to sell a home that they might have shared with a deceased brother or sister. We have received letters from people who are very concerned about this. I might tell you that I live in a condominium where there are a lot of residents who do not have children, do not have lineal descendants. I might add that most of them are very wealthy. They have talked to me about this tax and I have started to encourage them to look into residency in another state because I can't in good conscience, encourage them to stay in this state where they are going to have to pay 18 percent of a substantial money that they have when they die, to the state. It is just unfair. I am also going to start encouraging people, when they ask me, to contribute money toward a lawyer so that we can sue the state, and determine if this is an unconstitutional tax, I think that it is, and get rid of it that way. It seems to me, that the things happen in this state only when we are sued. We don't take the initiative ourselves to do what is right many times, we wait until we are sued and we have to do it. So I encourage you to vote for this amendment. The time is right. The place is right and the language is right. Thank you.

SENATOR FERNALD: I wanted to add onto what Senator Pignatelli said and actually add on a story of my own. I have a client who is in her 50's. She has lived in New Hampshire all of her life. Recently her health has taken a turn for the worse. She is in a nursing home and she is under the guardianship of her sister. I said to her sister, "My client's health is failing, your sister's health is failing. She is in a nursing home now, and if you can find a good nursing home for her in Vermont, you should move her there, because she has no children and she is looking at an 18 percent tax on her estate when she dies. So you are going to save yourself and your sisters, because that is where the estate would go, 18 percent, which in this case is in the neighborhood of \$75,000, if you move her to a different nursing home. I said, I am sorry, we have been trying to get rid of this unfair tax, but it hasn't worked. I think that it means that your sister, who has lived in New Hampshire all of her life, really has to live somewhere else." I think that is really sad when people make these decisions, because they are being unfairly taxed. It is wrong and we should change it and now is the time.

SENATOR HOLLINGWORTH: I don't think that there is a person in this room who sat through last session and heard about the estate and legacy tax, and again this year, didn't feel moved and compelled by the phone calls, letters and testimony of the people. I think that you ought want to repeal it. Obviously you do because you have a phase-in for it in five years. So if it is a bad tax now, it is a bad tax and it should be repealed now. The idea that you would ask people to take and wait, and not die for five years...I have an 89 year old aunt who has no family. She has two sisters. The story that Mark told is a very true one because I am supposed to take care of her and make sure that her estate is in order and she wants to stay in her own home. I have this feeling that...she is talking now about assisted living or moving into a nursing home because she is starting to feel the effects of her age. Am I a good executrix of her wishes if I don't say...she was born in Haverhill, Massachusetts, she has friends there. Should I say to her, "Gee, Aunt Ann, I think that maybe you should go over the line and move into Massachusetts." The idea that her collection of angels that are probably not worth much at all, maybe \$100. She is going to pay 18 percent on that when she gives those to her

nieces. On her collection of buttons from candidates, I don't know what that is worth, but she is going to pay 18 percent on that. On her collection of bears that she hangs around so that she can give to the kids when they come to play...18 percent on dollar one. Is that incredible or what? And we are talking about keeping that in place for another five years.

SENATOR BELOW: I rise to speak to this briefly. I appreciate that everyone here is trying to get to this question of getting rid of this unjust tax, either in this amendment in about 17 days or if this amendment fails, phased out after four years. Certainly the phase out is better than nothing. But again, that provokes a couple of questions. One is, what is the sustainability of this revenue package, because the full impact of the phase out is put off to the next biennium, so there is going to be revenue that we will have to make up in the future that we are not doing now. The other issue here is, what is the urgency to this? I think the urgency to this is embedded fundamental questions of what is fair taxation? I just have to speak a few minutes on this because it sort of lays the foundation of the big issues that we have to address. I just want to go back and cite from a Supreme Court case in 1880, state vs. U.S. and Canada Express Company in which the whole basis of taxation was discussed at some length. "Noting that the quality and justice are the basis of all constitutional taxation. That the true idea of all taxation, equality and justice and that each person in his estate shall bear his proportional and reasonable share of the public burdens." Chief Justice Doe wrote, "that the unconstitutionality of an unequal division of public expense among New Hampshire taxpayers has been settled too long and by too many decisions to be the subject of debate." It goes on and on at length about the idea that taxation is to be an equal and honest division of the common burden and that each person, under our Constitution, under our Bill of Rights, has a responsibility and a duty to not only pay their just share, but they have a constitutional right to pay no more than their just share. What this tax does is single out a small class of people for a highly discriminatory tax. This applies to about a quarter of all estates. Those estates without children, without a direct lineal descendent and it asks them to pay a very high rate. It started out at 5 percent and it kept creeping up and up and up to balance the budget, to the point where it is 18 percent. Even, I think, a 5 percent rate, at this day and age, on this selective class, is too unfair and too discriminatory to sustain. The other big difference is that this tax starts at dollar zero, unlike the federal estate tax, in which there are hundreds and hundreds of exemptions, this tax starts at dollar one. In fact, approximately, two-thirds of all estates that are taxed, are worth less than \$100,000. I think for these reasons, it is compelling that we proceed immediately with the repeal of this unfair tax. Thank you Mr. President.

SENATOR HOLLINGWORTH: Senator Below, I was told that there is no way that someone who is in business, say with their brother or their sister, and one of them dies, that business is going to be taxed on 18 percent on that business, and there is no way in which they can avoid paying that tax, and that in fact, some very small businesses where a brother and sister have owned it jointly, they have been forced to sell. Is that what you have heard, as well?

SENATOR BELOW: Generally, yes. Sometimes very clever estate planners can figure things out, but for most people, they are going to spend thousands of dollars on fancy lawyers. They get hit with this tax, and often unexpectedly so. It forces liquidations of family assets in situations that are just not right. Thank you.

Question is on the adoption of the floor amendment.

A roll call was requested by Senator Pignatelli.

Seconded by Senator Below.

The following Senators voted Yes: Below, McCarley, Disnard, Fernald, Pignatelli, Larsen, O'Neil, D'Allesandro, Wheeler, Hollingworth, Cohen.

The following Senators voted No: Burns, Gordon, Johnson, Boyce, Flanders, Roberge, Eaton, O'Hearn, Francoeur, Gatsas, Barnes, Prescott, Klemm.

Yeas: 11 - Nays: 13

Floor amendment failed.

Senator McCarley offered a floor amendment.

2001-1629s

03/04

Floor Amendment to HB 375

Amend the bill by deleting section 38 and renumbering the original sections 26-80 to read as 25-79, respectively.

Amend the bill by replacing section 63 with the following:

63 Contingency. If SB 193 of the 2001 legislative session becomes law, then section 59 of this act shall take effect at 12:01 a.m. on the effective date of section 17 of SB 193. If SB 193 of the 2001 legislative session becomes law, then section 60 of this act shall take effect at 12:01 on the effective date of section 2 of SB 193. If SB 193 of the 2001 legislative session becomes law, then section 61 of this act shall take effect at 12:01 a.m. on the effective date of section 18 of SB 193. If SB 193 does not become law, then sections 59-61 of this act shall not take effect.

Amend the bill by replacing section 66 with the following:

66 Distribution Formula. The commissioner of agriculture, markets, and food shall distribute sums appropriated under section 65 of this act to agricultural fairs qualified under RSA 425:19-b according to the following formula: To each fair for capital improvements, \$10,000; to each fair for marketing and promotional activities, \$8,000; and to each fair a pro rata share based upon premiums paid and qualified under RSA 425:19-b of the remaining sums appropriated under section 65 of this act.

Amend the bill by replacing section 74 with the following:

74 Repeal. Sections 70-73, relative to a commission to review certain proposed sites, is repealed.

Amend the bill by replacing sections 78 and 79 with the following:

78 Appropriation. The sum of \$1 for operations and administration and the sum of \$1 for capital expenditures for the fiscal year ending June 30, 2002 and the sum of \$1 for operations and administration and the sum of \$1 for capital expenditures for the fiscal year ending June 30, 2003 are hereby appropriated to the department of health and human services for the purposes of sections 67-77. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

79 Effective Date.

I. Sections 8, 9, 39, 43, 49-58, and 62 of this act shall take effect 60 days after its passage.

II. Sections 21, 31, 32, 35-38, 46, and 63 of this act shall take effect upon its passage.

- III. Sections 59-61 of this act shall take effect as provided in section 63.
- IV. Section 15 of this act shall take effect June 30, 2001.
- V. Sections 10 and 25 of this act shall take effect January 1, 2002.
- VI. Section 74 of this act shall take effect July 1, 2004.
- VII. Section 26 of this act shall take effect January 1, 2005.
- VIII. The remainder of this act shall take effect July 1, 2001.

2001-1629s**AMENDED ANALYSIS**

This bill:

- I. Extends the temporary rate of the communications services tax.
- II. Establishes a travel and tourism development fund.
- III. Provides for the costs of administration of the retirement system to be a charge upon retirement system funds.
- IV. Provides for the method of funding payments for certain group I members of the New Hampshire retirement system.
- V. Establishes an administrative fund for the land and community heritage investment authority and adds certain powers and duties of the authority.
- VI. Provides that the initial funding mechanism and appropriation for the telecommunications planning and development initiative shall not lapse until June 30, 2003.
- VII. Permits the commissioner of the department of health and human services to fill authorized unfunded positions.
- VIII. Requires that \$1,500,000 from the tobacco use prevention fund lapse to the general fund.
- IX. Increases the rate of the business enterprise tax from $\frac{1}{2}$ of one percent to one percent of the taxable enterprise value tax base and provides that all revenue received from the business enterprise tax shall be deposited in the education trust fund.
- X. Establishes a committee to study the economic impact on New Hampshire's economy of raising the business enterprise tax rate from $\frac{1}{2}$ of one percent to one percent.
- XI. Provides for an amnesty period on payment of penalties and interest on unpaid taxes owed to the state.
- XII. Increases the rate of taxes on communications services from 3 percent of the gross charge to 4 percent of the gross charge.
- XIII. Reduces the rate of the legacies and succession tax by 4.5 percent per year until the tax is repealed effective January 1, 2005.
- XIV. Establishes the division of community services within the department of revenue administration and enables certain purchases and positions relating to assessing enforcement.
- XV. Provides specific time lines and abatement and appeal procedures for betterment assessments.
- XVI. Sets forth a formula for distributing new kindergarten adequacy payments to pupils enrolled in new public kindergarten programs or an approved alternative kindergarten program.
- XVII. Establishes a committee to study the development of a new budget system; extends the lapse date of an appropriation to the department of administrative services; and makes the appropriation available to the study committee.
- XVIII. Provides for a transfer of funds from the general fund operating surplus in the event of an education trust fund budget deficit at the close of the fiscal biennium ending June 30, 2001.

XIX. Changes the date monthly payments are due from the counties to the state for certain services from 30 days to 45 days of notice such payments are due.

XX. Enables additional revenues to be made available for certain health and human services programs.

XXI. Makes an appropriation to the postsecondary education commission for administration of the granite state scholars program.

XXII. Requires approval by the fiscal committee of the general court and the governor and council prior to submission to the public utilities commission of plans for the administration of system benefits charge funds which are in the custody of the treasurer pursuant to a request of the public utilities commission.

XXIII. Grants laid-off state employees certain rights with regard to rehiring.

XXIV. Requires the department of health and human services to reimburse municipal and private emergency medical ambulance transport providers for transporting medicaid patients at the same transport and mileage rate as the federal Health Care Financing Authority pays for transportation of Medicare patients.

XXV. Authorizes a longevity payment for the deputy commissioner of the department of health and human services.

XXVI. Authorizes the commissioner of the department of health and human services to establish certain unclassified positions as necessary for the biennium ending June 30, 2003.

XXVII. Establishes a revolving fund to be used for capital improvements for the parking facilities at Hampton Beach.

XXVIII. Requires valuations of taxable property every 5 years, and certification of municipal assessments by the commissioner of revenue administration of compliance with state assessing standards.

XXIX. Makes an appropriation to the department of agriculture, markets, and food for the purpose of distribution to agricultural fairs.

XXX. Clarifies the definition of mental retardation for the purposes of involuntary admission; establishes a commission to review possible sites for the provision of specialized treatment for certain individuals; requires the department of health and human services to establish the specialized treatment program, subject to available appropriations; and makes an appropriation for this purpose.

SENATOR MCCARLEY: While this amendment is being handed out, in the interest of expediency, I will tell you that if you turn to page 14 of the amendment to HB 375, you will see section 38. This language, in this floor amendment, would delete section 38. What section 38 does is direct us...what this section currently does is to allow us, at the end of 2001, to take any general fund surplus that we have, currently estimated in the plan that we are working with, to be \$19,962,000 and rather than send that money to the revenue stabilization account, otherwise known as our rainy day account, and the healthcare transition account, which is what the legislation has called it for years, that number should be split between those two accounts. What we have now in HB 375, is that that money would go forward to help us balance our budget in the next biennium. I have two reasons for suggesting that that is a bad idea. The first one has to do with the efficacy of that \$19 million number. We discussed last night, and I think that there was broad general consensus around this, as I understood, that we are **TAPE CHANGE** and three. We also know that we have another \$8 million in health insurance in-

creases that are not going to be available for lapsing this time around. That brings you up to \$11 something...there is certainly debate around the gap and other adjustments line, to the tune of around \$3 million. So that brings that number down to \$5.6 million. I think, therefore, that it is a very risky number to be moving forward. Having said that, I also think as a policy, we should not be raiding those funds. Those funds should be getting that money at the end of a biennium, particularly as we are going into a slow down. I can tell you that having...because I sit on the Healthcare Transition Fund Grants Committee that sends these grants out to communities, for which we only have the interest on that fund to send out, those grants do a lot of good work. They ask us to push volunteerism and private business, and collaborations to step up to the plate, to provide good programming for our citizens, and we do it based on the interest in this fund. I also think that because we keep hearing about a downturn, as we look towards a rainy day fund, I think that whatever dollars that we have left at the end of this biennium, should be going into it. I would encourage you to support this floor amendment. Thank you.

SENATOR BELOW: I think that it is also important to note what the levels of these funds are at the present time. The revenue stabilization fund or the rainy day fund has less than \$20 million in it at present, which is a very low level compared to our neighboring states or even the national average. The National Conference of State Legislature puts out a periodic fiscal report. In the latest one from January, it has both fiscal year 2000 and projects for fiscal year 2001. In either case, New Hampshire is about 1.9 percent or about \$19 or \$20 million over a little...over a billion dollars in general funds appropriations. Compared to the New England average, the New England average is 6.3 percent. So we have less than a third of the rainy day fund balance of our neighboring...of the New England average. The national average is above 4 percent. We are less than half of the national average and that is counting a lot of states that don't carry a rainy day fund. There is a question of fiscal responsibility in the light of economic uncertainty going into the next biennium and in light of questionable revenue estimates. We need to have some money in the rainy day fund, and it is time to let the surplus lapse into that, which you have not been doing for a number of years. Also during my six years in the House, it seemed that every other year the legislature was tapping money from the Health Care Transition Fund. That fund was the result of a windfall. It was started at \$100 million. The idea was to set it aside and only the interest would be used for certain health care projects. Because we kept coming up short, we tapped into it to the tune of over \$60 million. The promise was, we are borrowing from it now but we will refill it with any surplus that we have in the future. Once again, we are backing down on what many of us thought at the time was a commitment. Of course past legislatures, you can't bind future legislatures, but I don't want to repeat that mistake.

Question is on the adoption of the floor amendment.

A roll call was requested by Senator Fernald.

Seconded by Senator Cohen.

The following Senators voted Yes: Below, McCarley, Disnard, Fernald, Pignatelli, Larsen, O'Neil, D'Allesandro, Wheeler, Hollingworth, Cohen.

The following Senators voted No: Burns, Gordon, Johnson, Boyce, Flanders, Roberge, Eaton, O'Hearn, Francoeur, Gatsas, Barnes, Prescott, Klemm.

Yeas: 11 - Nays: 13

Floor amendment failed.

Senator Wheeler offered a floor amendment.

2001-1626s

03/10

Floor Amendment to HB 375

Amend the bill by deleting section 17 and renumbering the original sections 18-80 to read as 17-79, respectively.

Amend the bill by replacing section 19 with the following:

19 Applicability. Section 17 of this act shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 2001. In the case of any business organization or enterprise which has elected a 52-53 week taxable period under section 441(f) of the United States Internal Revenue Code and the fiscal year of which ends on the last day of the week nearest to June 30, 2001, the taxable period shall be deemed to have ended on June 30, 2001, for the purposes of this act.

Amend the bill by replacing section 63 with the following:

63 Contingency. If SB 193 of the 2001 legislative session becomes law, then section 59 of this act shall take effect at 12:01 a.m. on the effective date of section 17 of SB 193. If SB 193 of the 2001 legislative session becomes law, then section 60 of this act shall take effect at 12:01 on the effective date of section 2 of SB 193. If SB 193 of the 2001 legislative session becomes law, then section 61 of this act shall take effect at 12:01 a.m. on the effective date of section 18 of SB 193. If SB 193 does not become law, then sections 59-61 of this act shall not take effect.

Amend the bill by replacing section 66 with the following:

66 Distribution Formula. The commissioner of agriculture, markets, and food shall distribute sums appropriated under section 65 of this act to agricultural fairs qualified under RSA 425:19-b according to the following formula: To each fair for capital improvements, \$10,000; to each fair for marketing and promotional activities, \$8,000; and to each fair a pro rata share based upon premiums paid and qualified under RSA 425:19-b of the remaining sums appropriated under section 65 of this act.

Amend the bill by replacing section 74 with the following:

74 Repeal. Sections 70-73, relative to a commission to review certain proposed sites, is repealed.

Amend the bill by replacing sections 78 and 79 with the following:

78 Appropriation. The sum of \$1 for operations and administration and the sum of \$1 for capital expenditures for the fiscal year ending June 30, 2002 and the sum of \$1 for operations and administration and the sum of \$1 for capital expenditures for the fiscal year ending June 30, 2003 are hereby appropriated to the department of health and human services for the purposes of sections 67-77. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

79 Effective Date.

I. Sections 8, 9, 39, 43, 49-58, and 62 of this act shall take effect 60 days after its passage.

II. Sections 20, 30, 31, 34-38, 46, and 63 of this act shall take effect upon its passage.

III. Sections 59-61 of this act shall take effect as provided in section 63.

IV. Section 15 of this act shall take effect June 30, 2001.

V. Sections 10 and 24 of this act shall take effect January 1, 2002.

VI. Section 74 of this act shall take effect July 1, 2004.

VII. Section 25 of this act shall take effect January 1, 2005.

VIII. The remainder of this act shall take effect July 1, 2001.

2001-1626s

AMENDED ANALYSIS

This bill:

I. Extends the temporary rate of the communications services tax.

II. Establishes a travel and tourism development fund.

III. Provides for the costs of administration of the retirement system to be a charge upon retirement system funds.

IV. Provides for the method of funding payments for certain group I members of the New Hampshire retirement system.

V. Establishes an administrative fund for the land and community heritage investment authority and adds certain powers and duties of the authority.

VI. Provides that the initial funding mechanism and appropriation for the telecommunications planning and development initiative shall not lapse until June 30, 2003.

VII. Permits the commissioner of the department of health and human services to fill authorized unfunded positions.

VIII. Increases the rate of the business enterprise tax from $\frac{1}{2}$ of one percent to one percent of the taxable enterprise value tax base and provides that all revenue received from the business enterprise tax shall be deposited in the education trust fund.

IX. Establishes a committee to study the economic impact on New Hampshire's economy of raising the business enterprise tax rate from $\frac{1}{2}$ of one percent to one percent.

X. Provides for an amnesty period on payment of penalties and interest on unpaid taxes owed to the state.

XI. Increases the rate of taxes on communications services from 3 percent of the gross charge to 4 percent of the gross charge.

XII. Reduces the rate of the legacies and succession tax by 4.5 percent per year until the tax is repealed effective January 1, 2005.

XIII. Establishes the division of community services within the department of revenue administration and enables certain purchases and positions relating to assessing enforcement.

XIV. Provides specific time lines and abatement and appeal procedures for betterment assessments.

XV. Sets forth a formula for distributing new kindergarten adequacy payments to pupils enrolled in new public kindergarten programs or an approved alternative kindergarten program.

XVI. Establishes a committee to study the development of a new budget system; extends the lapse date of an appropriation to the department of administrative services; and makes the appropriation available to the study committee.

XVII. Suspends the provisions of law relating to the revenue stabilization account for the biennium ending June 30, 2001, and provides for a transfer of funds from the general fund operating surplus in the event of an education trust fund budget deficit at the close of the fiscal biennium ending June 30, 2001.

XVIII. Changes the date monthly payments are due from the counties to the state for certain services from 30 days to 45 days of notice such payments are due.

XIX. Enables additional revenues to be made available for certain health and human services programs.

XX. Makes an appropriation to the postsecondary education commission for administration of the granite state scholars program.

XXI. Requires approval by the fiscal committee of the general court and the governor and council prior to submission to the public utilities commission of plans for the administration of system benefits charge funds which are in the custody of the treasurer pursuant to a request of the public utilities commission.

XXII. Grants laid-off state employees certain rights with regard to rehiring.

XXIII. Requires the department of health and human services to reimburse municipal and private emergency medical ambulance transport providers for transporting medicaid patients at the same transport and mileage rate as the federal Health Care Financing Authority pays for transportation of Medicare patients.

XXIV. Authorizes a longevity payment for the deputy commissioner of the department of health and human services.

XXV. Authorizes the commissioner of the department of health and human services to establish certain unclassified positions as necessary for the biennium ending June 30, 2003.

XXVI. Establishes a revolving fund to be used for capital improvements for the parking facilities at Hampton Beach.

XXVII. Requires valuations of taxable property every 5 years, and certification of municipal assessments by the commissioner of revenue administration of compliance with state assessing standards.

XXVIII. Makes an appropriation to the department of agriculture, markets, and food for the purpose of distribution to agricultural fairs.

XXIX. Clarifies the definition of mental retardation for the purposes of involuntary admission; establishes a commission to review possible sites for the provision of specialized treatment for certain individuals; requires the department of health and human services to establish the specialized treatment program, subject to available appropriations; and makes an appropriation for this purpose.

SENATOR WHEELER: While the floor amendment is being distributed, I will tell you briefly what it is. It deletes section 17, which is found on page nine of the amendment to HB 375, which in the amendment to HB 375, takes \$1.5 million from the Tobacco Use Prevention Fund, and puts it into the general fund. Offensively because it hadn't already been spent, therefore it wasn't needed. The fact of the matter is that we didn't have the committee in place to figure out the ways to distribute it in time to spend all of the money this year. It was never the intent of the legislature to have this money lapse. I just had the honor of going to an NCSL conference for healthcare chairs around the country and realized once again, New Hampshire's shame of how little money from the Tobacco Settlement that we have put into prevention and healthcare. All that we were able to preserve was \$3 million from that and we are talking about cutting that in half. Now, I will tell you what \$1.5 million won't do. We have been talking much larger funds right now. It is not going to balance the budget. It is not going to fill any gaps. It is not going to pay for education and it is not going to replace a tax. I will tell you what eliminating that \$1.5 million will do. It will cut \$1.5 million for community grants

and statewide programs to prevent teenage smoking this year. This cut would force over 15 schools and communities to eliminate or to curtail their smoking prevention programs. These prevention programs are designed to attack the very high rate of New Hampshire teen smoking, thereby reducing the high cost of associated future healthcare. I just participated in a press conference a couple of hours ago over in the Legislative Office Building where the American Lung Association of New Hampshire, on behalf of the New Hampshire Smoke Free Alliance, has been awarded \$1,160,000 from the Robert Wood Johnson Foundation Smokeless State's National Tobacco Policy Initiative. This was really exciting for New Hampshire to get this money. Not all states got this money. This is in recognition of the fact that New Hampshire is truly trying to enact policies that will reduce the use of smoking. That will reduce the use of tobacco. We are sending a real negative message by saying that we want to, by half our contribution to smoking cessation, that we get from the Tobacco Settlement money. New Hampshire has among the nations highest youth smoking rates. Thirty-four percent of our youth were smoking in 1999. This is scary. We are talking about taking \$1.5 million away from that to throw into the general fund where it will do no good whatsoever. I urge you to support this initiative. Thank you.

SENATOR HOLLINGWORTH: Several years ago I had a study and worked with Health and Human Services and we spent several years, in fact four, trying to collect information on smoking and its effect on young women, pregnant women. We found that the number one cause of low birth weight babies was smoking, and that the cost was incredible to the state of New Hampshire. So that was something that we really felt that if we could focus on explaining and encouraging young people to understand what happens when they smoke. So we have been working very hard to try and have programs such as that and such as this program that would have monies for prevention. In fact, when Doctor Squires was here last term, he tried very hard to put a lot more money into the prevention because he was so convinced that we could save so much money for the state of New Hampshire if we worked to try and prevent young people from ever starting. So we not only did not do what we should have done with the money that was supposed to go for prevention then, we are now taking what we had planned to put in for prevention, so we are just absorbing all that. We will again carry the burden and the responsibility of so many young women who will have low birth weight babies. It will cost the state money and sick people will die because of the effect of smoking.

SENATOR COHEN: Senator Wheeler, I am just curious if you find it as odd and ironic as I do. A few days ago, we passed a bill here at the initiative of some students from Dover who are concerned about kids getting access to cigarette rolling papers because we were concerned about kids rolling their own cigarettes. So we found it really important to do that, yet at the same time, we are cutting funds for tobacco prevention programs to keep kids off of tobacco. Do you find this a bit odd?

SENATOR WHEELER: I find this is a very mixed message, Senator Cohen. I find it really disturbing that at the state level, we can't enact policy that indicates that we are truly serious about keeping cigarettes out of the hands of our young people. What good is \$1.5 million going to do anywhere except in this program?

SENATOR COHEN: Thank you.

SENATOR FERNALD: Two years we were going through a similar process trying to fund education. It became clear early on that that tobacco settlement money was coming in and people wanted to use it to fund education. Senator Squires spoke up and said that we needed to put \$3 million into tobacco prevention programs. When he first said that, inside I kind of smiled because I thought that for sure, the folks on the other side of this wall were going to grab the whole \$43 million and none of it was going to go into prevention. Things were that tight and that contentious. But every time the discussion came up, he repeated it. It didn't matter if it was on the floor of the Senate or meeting with the House or in committee. He repeated it over and over and he got the language. And by golly, he got it done. We have \$3 million in tobacco prevention money because of Jim Squires. Now I am distressed to see that only two years later, that is all being undone. The one thing that I am thankful for is that Jim Squires is not within earshot of this body while this action is being taken.

SENATOR BELOW: I would just observe that the previous action in which the majority kept the lapse of the surplus into the next biennium, this is yet one more example, albeit the smallest, of an unsustainable part of the package. This is a one time fix that does not contribute to a durable, sustainable solution to our education funding and budget problems.

Question is on the adoption of the floor amendment.

A roll call was requested by Senator Wheeler.

Seconded by Senator Fernald.

The following Senators voted Yes: Below, McCarley, Disnard, Fernald, Pignatelli, Larsen, O'Neil, D'Allesandro, Wheeler, Hollingworth, Cohen.

The following Senators voted No: Burns, Gordon, Johnson, Boyce, Flanders, Roberge, Eaton, O'Hearn, Francoeur, Gatsas, Barnes, Prescott, Klemm.

Yeas: 11 - Nays: 13

Floor amendment failed.

Recess.

Out of Recess.

Senator Below offered a floor amendment.

Sen. Below, Dist. 5

Sen. Fernald, Dist. 11

2001-1663s

04/09

Floor Amendment to HB 375

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

AN ACT relative to state fees, funds, revenues, expenditures, establishing a flat rate education income tax, relative to the state education property tax and certain other taxes, and relative to other sources of funding for education.

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

1 Rate of Tax for Biennium Ending June 30, 2003; Intrastate and Interstate Communications Services Tax. Notwithstanding RSA 82-A:3 and

RSA 82-A:4, for the period beginning July 1, 2001 and ending June 30, 2003, the rate of tax shall be 5.5 percent on the gross charge for communications services purchased at retail from a retailer.

2 Prospective Repeal Date Extended for Exemption of Wooden Poles Under RSA 72:8-b. Amend 1998, 304:6, I as amended by 1999, 163:7 to read as follows:

I. Section 5 of this act shall take effect July 1, ~~2001~~ **2003**.

3 New Section; Department of Resources and Economic Development; Travel and Tourism Development; Travel and Tourism Development Fund. Amend RSA 12-A by inserting after section 43 the following new section:

12-A:43-a Travel and Tourism Development Fund.

I. There is hereby established in the office of the state treasurer a fund to be known as the travel and tourism development fund. Any appropriations received shall be deposited in the fund. Moneys in the fund and any interest earned on the fund shall be used for the purpose of promoting and developing appropriate travel and tourism initiatives through the division of travel and tourism development and shall not be used for any other purpose. The director of travel and tourism development shall oversee expenditures from the fund. The moneys in the fund shall be non-lapsing and shall be continually appropriated to the department of resources and economic development.

II. The commissioner of resources and economic development shall prepare an annual report to be presented no later than December 1 of each year to the president of the senate, the speaker of the house of representatives, and the governor and council, and filed with the state library. The report shall detail the specific activities supported by, and expenditures from, the fund during the past year.

4 New Subparagraph; Travel and Tourism Development Fund. Amend RSA 6:12, I by inserting after subparagraph (dddd) the following new subparagraph:

(eeee) Moneys received for deposit in the travel and tourism development fund established by RSA 12-A:43-a, I.

5 Retirement System; Definition of Employee. Amend RSA 100-A:1, V to read as follows:

V. "Employee" shall mean any regular classified or unclassified officer or employee of the state or any department, commission, institution or agency of the state government by which an employee is paid through the office of the state treasurer, or employees of the general court who work on a full-time basis and are eligible for other state benefits, but whose salary is calculated on a per diem basis or any employee *of the retirement system or* of any of the groups authorized to participate ~~in the retirement system~~ under this chapter but excluding any person who is a teacher, permanent policeman, or permanent fireman as defined in this section, or who is a member or attache of the general court or member of the executive council.

6 Retirement System; Administrative Cost Assessment. RSA 100-A:14, XIII is repealed and reenacted to read as follows:

XIII. Administrative Cost Assessment. Other provisions of law notwithstanding, the cost of administration of the retirement system as provided in this section shall be a charge upon the funds of the retirement system. The amount of administrative expense recorded monthly by the department of administrative service, division of accounting services, shall be paid to the state treasurer by the board of trustees. The board shall biennially review the administrative expenses for the previous biennium and shall submit in a budget for legislative appropriation, those amounts that the board, in its reasonable discretion, may

deem necessary for the efficient operation of the system. Administrative balances accrued prior to June 30, 2001 shall be retained by the retirement system and expended for ongoing operations.

7 Retirement System; Management of Funds. Amend RSA 100-A:15, IV to read as follows:

IV. The board of trustees is authorized to engage the services of legal counsel for special investment, federal, and tax matters and; ~~with the approval of the attorney general;~~ to engage outside counsel for other matters. The payment for services provided in this paragraph shall be a charge upon the funds of the New Hampshire retirement system.

8 New Hampshire Retirement System; Payment by Retirement System-Group I; Amend RSA 100-A:52-a to read as follows:

100-A:52-a Payment by Retirement System; Group I [~~Teachers and Political Subdivision Employees~~].

I. The New Hampshire retirement system shall pay the cost for permanent group hospitalization, hospital medical care, surgical care, and other medical and surgical benefits, in the employer-sponsored plan provided for active employees of a retiree's former employer, subject to the provisions of this section, for the following persons:

(a) Any person, who has at least 20 years of creditable service as a group I member if age 60 or older, or at least 30 years of creditable service as a group I member if age 55-59, retired on or before July 1, 2004 as a group I [~~teacher member or political subdivision employee~~] member of the New Hampshire retirement system on service or ordinary disability retirement, provided that such person shall be entitled to retirement on the basis of group I creditable service, or any person retired on or before July 1, 2004, as a group I member whose service retirement benefit is based upon the provisions of RSA 100-A:19-c and who has a minimum of 20 years of creditable service as a group I member.

(b) Any person who has completed no less than 20 years of group I creditable service, but who for reasons other than retirement or death ceased to be a group I [~~teacher member or political subdivision employee~~] member prior to attaining the age of 60, and who, as of July 1, 2004, receives a vested deferred retirement allowance and who subsequently attains the age of 60.

(c) Any person who has completed no less than 20 years of group I creditable service and who retired as a group I [~~teacher member or political subdivision employee~~] member prior to age 60, and who subsequently attains the age of 60, or any person who has completed no less than 30 years of group I creditable service and who retired as a group I [~~teacher member or political subdivision employee~~] member prior to age 55, and who subsequently attains the age of 55.

(d) The surviving spouse of a deceased retired group I [~~teacher member or political subdivision employee~~] member who met the qualifications of subparagraphs (a), (b) or (c), or of a deceased member who died while in service as a group I [~~teacher member or political subdivision employee~~] member, provided that such surviving spouse was covered as the member's spouse in the employer-sponsored plan before the member's death and is entitled to a monthly allowance under RSA 100-A:8, 100-A:9, or 100-A:13.

(e) Any certifiably dependent child with a disability living in the household and being cared for by the qualified retired member, the member's spouse, or the qualified surviving spouse.

(f) The surviving spouse and children of a deceased ~~teacher or~~ group I ~~[political subdivision employee]~~ member who dies as the natural and proximate result of injuries suffered while in the performance of duty, provided that:

(1) Any such child shall be qualified under this subparagraph only if under 18 years of age, or under 23 years of age if attending school on a full-time basis; and

(2) Such surviving spouse shall cease to be qualified upon the remarriage of the surviving spouse; and

(3) No surviving spouse or child shall be qualified or continue to be qualified under this subparagraph while receiving or eligible to receive medical insurance or health care benefits from any employer's sponsored plan.

(g) Any group I ~~[teacher member or political subdivision employee]~~ member retired on or before July 1, 2004 on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty.

(h) The spouse of a qualified retiree.

I-a. Notwithstanding the provision of RSA 100-A:4, III-b, for the purpose of calculating creditable service for eligibility for medical benefits payment under paragraph I, each full year of job-sharing service of a teacher in a job-sharing position shall be calculated at 1/2[;] of one year of such service credit.

II. However, for the fiscal year beginning July 1, 2000, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not entitled to medicare benefits, and on account of each person qualified under paragraph I who is entitled to medicare benefits, shall be the same as the amount provided in RSA 100-A:52, II for group II retirees. As of July 1, 2000 and on each July 1 thereafter, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 8 percent, compounded on previous increases.

III. In the case of group I members retired from employment by political subdivisions of the state, the amount payable by the retirement system on account of qualified persons shall be paid over to the employer, insurer, or health care administrator and used to pay for all or part of the medical benefits provided through the former employer for qualified persons. If the cost of the premium for any eligible person under paragraph I shall exceed the maximum under paragraph II, and the employer does not elect to pay the excess cost, the excess cost shall be paid by the retiree or qualified surviving spouse and may be deducted from retirement benefits as provided in RSA 100-A:51. The employer may require, as a condition for coverage, that the retiree or surviving spouse apply for deduction of such excess cost from retirement benefits as provided in RSA 100-A:51.

III-a. As of January 1, 2002, in the case of group I members retired from state employment before July 1, 1991, and their beneficiaries who are eligible for coverage under this subdivision and also under the provisions of RSA 21-I:26-36, the amount payable by the retirement system on account of such persons shall be paid over to the state and used to pay for all or part of the medical benefits provided under RSA 21-I:26-36 for such persons, and the balance shall be paid by the state as provided in RSA 21-I:26-36.

III-b. As of January 1, 2002, in the case of group I members retired from state employment on or after July 1, 1991, and their beneficiaries who are eligible for coverage under this subdivision and also under the

provisions of RSA 21-I:26-36, the amount payable by the retirement system on account of such persons shall be paid over to the state and used to pay for all or part of the medical benefits provided under RSA 21-I:26-36 for such persons, and the state shall pay its portion as provided in RSA 21-I:26-36. If the cost of the premium for any retired group I member and spouse, surviving spouse, or any other person entitled to benefits under paragraph I shall exceed the maximum under paragraph II, and the state does not elect to pay the excess cost above the amount to be paid under RSA 21-I:26-36, the excess cost shall be paid by the retiree or qualified surviving spouse and may be deducted from retirement benefits as provided in RSA 100-A:51. The state may require, as a condition for coverage, that the retiree or surviving spouse apply for deduction of such excess cost from retirement benefits as provided in RSA 100-A:51.

IV. There shall be no age limit to participate in the employer sponsored medical and health plan provided in paragraph I, and there shall be no physical examination or health statement required for such coverage, provided, however, that if an eligible retired group I [~~teacher member or political subdivision employee~~] member of the retirement system fails to apply for such coverage within the time required by the insurance contract, the insurer may require satisfactory evidence of insurability as a condition for becoming insured.

V. Any group I teacher member retired before January 1, 2000, or other eligible person under paragraph I, who would have been eligible for medical benefits under this section if this section had been in effect on the member's date of retirement, shall have the option of rejoining the medical or health plan sponsored by the retired member's former employer and of receiving benefits under this section, provided that such eligible person shall apply to the employer for such benefits before January 1, 2002. Upon receipt of such application, the former employer shall enroll such retiree or other eligible person in the employer's plan in the same manner and subject to the same conditions as enrollment of a new employee but without any benefit-waiting period which may be applicable to new employees of that employer. Neither an employer nor an employer's group plan or insurer shall be liable for any claims incurred prior to the date of enrollment under this paragraph.

VI. Any group I political subdivision employee member retired before January 1, 2001, or other eligible person under paragraph I, who would have been eligible for medical benefits under this section if this section had been in effect on the member's date of retirement, shall have the option of rejoining the medical or health plan sponsored by the retired member's former employer and of receiving benefits under this section, provided that such eligible person shall apply to the employer for such benefits before January 1, 2003. Upon receipt of such application, the former employer shall enroll such retiree or other eligible person in the employer's plan in the same manner and subject to the same conditions as enrollment of a new employee but without any benefit-waiting period which may be applicable to new employees of that employer. Neither an employer nor an employer's group plan or insurer shall be liable for any claims incurred prior to the date of enrollment under this paragraph.

VII. The retirement system shall notify all group I teacher and political subdivision employee retirees and surviving spouse beneficiaries, who are currently drawing monthly allowances from the retirement system, of their possible right to rejoin and active-employee medical insurance or health plan and to receive benefits under this section.

VIII. Any person who is eligible to receive group insurance or other medical benefits under the provisions of this section, but who does not need and who declines such benefits because they would be duplicative of coverage under any employer-sponsored plan, shall nevertheless continue to be eligible and, upon ceasing to be eligible for the other coverage, shall be permitted to receive the benefits allowable under this section without any waiting period.

9 New Section; New Hampshire Retirement System; Method of Financing; Group I State Employees. Amend RSA 100-A by inserting after section 53-c the following new section:

100-A:53-d Method of Financing; Group I State Employees.

I. The benefits provided under RSA 100-A:52-a shall be provided by a 401(h) subtrust of the New Hampshire retirement system. The 401(h) subtrust shall be funded by allocating 25 percent of future group I state employer contributions made for group I state employees in accordance with RSA 100-A:16 to the subtrust until such time as the benefits are fully funded. Thereafter, the subtrust shall receive only that portion of each year's contribution as is necessary to keep the benefits fully funded.

II. All contributions made to the retirement system to provide medical benefits under RSA 100-A:52-a shall be maintained in a separate account, the 401(h) subtrust. All funds and accumulated interest shall not be used for or diverted to any purpose other than to provide said medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set forth in this chapter may be used or diverted to provide medical benefits under RSA 100-A:52-a. The funds, if any, providing medical benefits under RSA 100-A:52-a may be invested pursuant to the provisions of RSA 100-A:15.

10 New Paragraph; New Hampshire Retirement System; Medical Benefits; Application. Amend RSA 100-A:55 by inserting after paragraph I-b the following new paragraph:

I-c. It is the intent of the legislature that future group I state employee members eligible after July 1, 2004 shall be included under the provisions of RSA 100-A:52-a only if the total cost of such inclusion can be terminally funded from the special account established in RSA 100-A:16, II (h).

11 Defense and Indemnification. Amend RSA 99-D:2 to read as follows:

99-D:2 Defense and Indemnification. If any claim is made or any civil action is commenced against a present or former officer, trustee, official, or employee of the state or any agency thereof, including members of the New Hampshire national guard and any justice of the district, municipal, probate, superior, or supreme court, or the clerks or bail commissioners thereof, or any harbor master appointed by the New Hampshire port authority, or officials and employees of the New Hampshire housing finance authority, or directors, officers, and employees of the Pease development authority, *or directors, officers, and employees of the land and community heritage investment authority* seeking equitable relief or claiming damages for the negligent or wrongful acts and the officer, trustee, official, or employee requests the state to provide representation for him *or her*, and the attorney general, or, in the case of a claim or civil action commenced against the attorney general, the governor and council, determines that the acts complained of were committed by the officer, trustee, official, or employee while acting within the scope of official duty for the state and that such acts were not wanton or reckless, the attorney general shall represent and defend such person with respect to such claim or throughout such action, or shall

retain outside counsel to represent or defend such person, and the state shall defray all costs of such representation or defense, to be paid from funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold harmless such person from any costs, damages, awards, judgments, or settlements arising from the claim or suit. The attorney general or governor and council shall not be required to consider the request of such person that representation be provided for him *or her* unless within 7 days of the time such person is served with any summons, complaint, process, notice, demand, or pleading ~~he~~ *the person* shall deliver the original or a copy thereof to the attorney general or, in the case of an action against the attorney general, to the governor and council. As a condition to the continued representation by the attorney general and to the obligation of the state to indemnify and hold harmless, such officer, trustee, official, or employee shall cooperate with the attorney general in the defense of such claim or civil action. No property either real or personal of the state of New Hampshire shall be subject to attachment or execution to secure payment of or to satisfy any obligations of the state created under this chapter. Upon the entry of final judgment in any action brought under this chapter, the governor shall draw ~~his~~ *a* warrant for said payment out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated. The attorney general shall have the authority to settle any claim brought under this chapter by compromise and the amount of any such settlement shall be paid as if the amount were awarded as a judgment under this chapter. Indemnification by the state under this section shall be for the actual amount of costs, damages, awards, judgments, or settlements personally incurred by any such officer, trustee, official, or employee, and the state shall not pay any amounts for which payment is the obligation of any insurance carrier or company under a policy or policies of insurance or any other third party under a similar obligation.

12 New Subparagraphs; Additional Powers and Duties. Amend RSA 227-M:5, VIII by inserting after subparagraph (c) the following new subparagraphs:

(d) Employ or retain as independent contractors architects, engineers, attorneys, accountants, and other advisors and employees, consultants, and agents as may be necessary in its judgment without regard to any personnel or civil service law of the state to prescribe their duties and qualifications and to fix and pay their compensation if any.

(e) Appoint qualified individuals to serve as unpaid volunteers under such terms and conditions as it deems necessary. Said volunteers or advisors may be paid a stipend and/or reimbursed for any incidental expenses determined by the authority to be necessary and incurred while performing the business of the authority.

13 New Section; Administrative Fund Established. Amend RSA 227-M by inserting after section 7 the following new section:

227-M:7-a Administrative Fund.

I. There is established in the office of the state treasurer a fund to be known as the land and community heritage investment program administrative fund into which the state treasurer shall credit any revenue generated pursuant to RSA 261:97-b, I-a. For the biennium ending June 30, 2003 there shall also be deposited, on a monthly basis, interest income generated on appropriations made to the land and community heritage investment program trust fund pursuant to RSA 227-M:7. If the revenues generated to the administrative fund from these two sources for said biennium do not total \$335,000 during each year of the biennium, then, on

or after the first day of the last month of the fiscal year, the treasurer shall be authorized to credit the administrative fund from the principal of the trust fund, not to exceed this total.

II. All sums so credited shall be appropriated to the authority for the following purposes:

(a) To pay the costs of administering and operating the authority, including, but not limited to, all wages, salaries, benefits, and other expenses authorized by the board or the executive director. The authority may enter into a contract or agreement for provision of services to withhold on a monthly basis all payroll and benefit costs for employees.

(b) In general for the payment of all expenses incident to the management and operation of the authority as are consistent with its statutory purpose and as the board or the executive director thereof may from time to time determine.

III. This fund shall constitute a continuing appropriation for the benefit of the authority. Any amount remaining to the credit of the authority at the close of any fiscal year, and any interest accrued, shall be nonlapsing and shall be carried over and credited to the fund for the succeeding year.

14 New Section; Land and Community Heritage Investment Program; Authority Employees. Amend RSA 227-M by inserting after section 6 the following new section:

227-M:6-a Status of Employees.

I. The authority may hire, fix and pay compensation, prescribe duties and qualifications, and establish personnel policies without regard to any personnel or civil service law or personnel or civil service rule of the state. The employees of the authority shall not be classified employees of the state within the meaning of RSA 21-I:49. Any individual employed by the authority shall be deemed an employee at will and shall serve at the pleasure of the authority.

II. Notwithstanding the provisions of paragraph I, any individual employed by the authority whose employment calls for 30 hours or more work in a normal calendar week, and whose position is anticipated to have a duration of 6 months or more, shall be entitled to elect to receive such health, dental, life insurance, deferred compensation, and retirement benefits as are afforded to classified employees of the state provided, however, that the election is made in writing within 30 days of the start of employment. Upon election by such individual, the authority shall pay from its revenues the state's share of such benefits. Any remaining costs of health, dental, life insurance, deferred compensation, and retirement benefits which an individual elects to receive pursuant to this section, shall be withheld from such individual's salary as a payroll deduction. Written notice of the availability of these benefit options shall be provided to each individual upon employment by the authority.

15 New Paragraph; Department of Resources and Economic Development; Telecommunications Planning and Development Initiative; Initial Funding; Appropriation Nonlapsing. Amend 2000, 298:5 by inserting after paragraph IV the following new paragraph:

V. The initial funding mechanism and the appropriation made pursuant to this section shall not lapse until June 30, 2003.

16 Authority to Fill Unfunded Positions; Department of Health and Human Services. Notwithstanding any other provision of law, the commissioner of the department of health and human services may fill any authorized unfunded positions during the biennium ending June 30, 2003, provided that the total expenditures shall not exceed the amount appropriated for personal services, permanent and personal services, unclassified.

17 Tax Amnesty. Notwithstanding the provisions of any other law, with respect to taxes administered by the department of revenue administration, an amnesty from the assessment or payment of all penalties and interest greater than 7 percent shall apply with respect to unpaid taxes reported and paid in full during the period from December 1, 2001, through and including February 15, 2002, regardless of whether previously assessed. This amnesty shall only apply to taxes due but unpaid on or before February 15, 2002.

18 New Subparagraph; Purchase of Supplies; Exemptions; Assessing Enforcement Contractors. Amend RSA 21-I:18, I by inserting after subparagraph (l) the following new subparagraph:

(m) Purchases of services from private contractors by the department of revenue administration with respect to the establishment of assessing enforcement procedures.

19 New Section; Department of Revenue Administration; Division of Community Services Established. Amend RSA 21-J by inserting after section 10 the following new section:

21-J:10-a Division of Community Services. There is established within the department the division of community services, under the supervision of an unclassified director of community services who shall be responsible for providing technical support and assistance to municipalities.

20 Compensation of State Officers; Salaries Established; Director of Community Services. Amend RSA 94:1-a, I by inserting in group M the following:

Director, community services

21 Authority to Establish Positions; Department of Revenue Administration. Notwithstanding any other provision of law, the commissioner of the department of revenue administration is authorized to establish positions necessary to implement assessing enforcement procedures.

22 Betterment Assessments; Liens Created. Amend RSA 231:30 to read as follows:

231:30 Liens For Assessments. All assessments made under the provisions of RSA 231:29 shall create a lien upon the lands on account of which they are made, which shall continue following the assessment until fully discharged in accordance with the terms set by each governing board or in compliance with any court judgment. Such assessments shall be subject to interest and such other charges as are applicable to the collection of delinquent taxes. ~~[-The landowner shall have the same right of appeal and follow the same procedures as are applicable to the assessment of taxes.]~~

23 Betterment Assessments; Abatement and Appeal. RSA 231:32 is repealed and reenacted to read as follows:

231:32 Abatement and Appeal of Betterment Assessments.

I. Any person aggrieved by a betterment assessment made pursuant to RSA 231:29 may, within 2 months of the notice of tax date and not afterwards, apply in writing to the selectmen or assessors for an abatement of the betterment assessment.

II. Upon receipt of an application under paragraph I, the selectmen or assessors shall review the application and shall grant or deny the application in writing within 6 months after the notice of tax date.

III.(a) If the selectmen or assessors neglect or refuse to abate the betterment assessment, any person aggrieved may either:

(1) Appeal in writing to the board of tax and land appeals, upon payment of a \$65 filing fee; or

(2) Petition the superior court in the county where the property is located.

(b) The appeal to either the board of tax and land appeals or superior court shall be filed within 8 months of the notice of tax date and not afterwards.

IV. For purposes of this section, "notice of tax date" means the date the taxing jurisdiction mails the betterment assessment tax bill.

V. Each betterment assessment tax bill shall require a separate abatement request and appeal.

24 New Section; Adequacy Funds for New Kindergarten Programs. Amend RSA 198 by inserting after section 42 the following new section:

198:42-a Adequacy Funds for New Kindergarten Programs. A school district that implements a new public kindergarten program on July 1, 1999 or thereafter, shall receive annually, beginning in fiscal year 2002, a kindergarten adequacy payment from the education trust fund established in RSA 198:39 to be calculated as follows:

I. Payments for each eligible kindergarten pupil shall be made at the rate of $\frac{1}{2}$ the average base cost per pupil of an adequate education at the elementary level as determined under RSA 198:40 for the fiscal year ending June 30, 2002. Payments for each eligible kindergarten pupil shall be made at the rate of \$1,650 for the fiscal year ending June 30, 2003, and shall increase by 3 percent in each fiscal year thereafter.

II. The number of eligible pupils shall be the number of kindergarten pupils who reside in the district and who, on October 1 of each school year, are enrolled in an approved public kindergarten operated by the district, or are enrolled under a tuition agreement in an approved public kindergarten operated by another district, or are enrolled in an approved alternative kindergarten program operated under RSA 198:48-a.

III. The annual new kindergarten adequacy payment shall be calculated by multiplying the amount established in paragraph I by the number of pupils determined in accordance with paragraph II.

IV. The annual new kindergarten adequacy payment calculated under paragraph III shall be distributed to eligible districts on or before January 1 of each school year.

V. Notwithstanding RSA 198:39, for the fiscal year beginning July 1, 2001, and every fiscal year thereafter, a sum sufficient to distribute annual new kindergarten adequacy payments in accordance with this section shall be appropriated from the education trust fund to the department of education. For each fiscal year, the governor is authorized to draw a warrant for said sum from any moneys available in the education trust fund.

VI. When enrollments in a new public kindergarten program are included in the school district's average daily membership in residence for the purpose of determining adequate education costs and distributing adequate education grants under RSA 198:40 through 198:42, the school district shall not be eligible to receive a new kindergarten adequacy payment calculated under this section.

25 Repeal. The following are repealed:

I. RSA 198:48-a, VII, relative to certain pupils enrolled in an approved alternative kindergarten program.

II. 1999, 65:9, I, as amended by 2000, 289:2, relative to per pupil reimbursements for new public kindergarten programs.

26 Lapse Date Extended to June 30, 2003. The appropriation made to the department of administrative services, division of plant and property management, bureau of general services in 1999, 226:1, II, A, 8 for executive/legislative budget system is hereby extended to June 30, 2003.

27 Committee to Study the Development of a New Budget System.

I. There is established a committee to study the development of a new budget system.

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

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

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

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall study the development of a new budget system. The committee shall coordinate its activities with the department of administrative services and the legislative budget assistant.

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

V. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2002.

28 Budget System Appropriation; Availability. The department of administrative services shall make the appropriation made to the department of administrative services, division of plant and property management, bureau of general services in 1999, 226:1, II, A, 8 for executive/legislative budget available to the committee to study the development of a new budget system established by this act.

29 Education Trust Fund Budget Deficit; Transfer of Funds. In the event of an education trust fund budget deficit at the close of the fiscal biennium ending June 30, 2001 as determined by the official audit performed pursuant to RSA 21-I:8, I(h), the comptroller shall notify the fiscal committee and the governor of such deficit and request that sufficient funds, to the extent available, be transferred from the general fund operating surplus to eliminate such deficit.

30 County Reimbursements. Amend RSA 170-G:5-a to read as follows:

170-G:5-a County Reimbursement. County payments due under RSA 169-B:40, 169-C:27, and 169-D:29 shall be paid to the department of health and human services on a monthly basis within ~~30~~ 45 days' notice of the amount due to the state. Delinquent payments due under these chapters, with interest at the rate of 12 percent per annum, may be recovered by action in a court of competent jurisdiction against the political subdivision liable therefor or may, at the request of the state agency, be deducted from any other moneys payable to such subdivision by any department or agency of the state.

31 Additional Revenues; Department of Health and Human Services. Notwithstanding any provision of the law to the contrary, the legislative fiscal committee and the governor and council may authorize the commissioner of the department of health and human services to accept and expend additional revenues, in excess of or in addition to the budgeted amounts, from any source, which become available to the department. Such additional revenues shall be available to the department of health and human services to supplement funds in the following programs and services: direct care provider wage increases across all department programs, community and public health and elderly and adult services provider payments, tobacco use prevention funds, and any other such pro-

gram or service that requires deficit reduction or for which revenue has been specifically obtained. If any direct care provider wage increases the department may effect during the biennium pursuant to this section results in a net increase in expenditures to a county government, and that net increase is not offset with proportionate share payments in excess of budgeted amounts, the department of health and human services shall make a payment to any such county government for each year of the biennium in the amount necessary to eliminate any such loss.

32 Repeal. 1999, 225:45, relative to reports of productivity gains from investments in information technology, is repealed.

33 Postsecondary Education Commission; Granite State Scholars; Appropriations for Fiscal Years 2002 and 2003.

I. Notwithstanding any provision of RSA 188-D to the contrary, the postsecondary education commission shall expend funds appropriated for fiscal years 2002 and 2003 to PAU 06, 01, 01, 95 either for scholarships to students qualifying for granite state scholar designation or to match gifts and contributions to participating institutions for purposes of the granite state scholars program.

II. To the extent the postsecondary education commission elects to expend the appropriations for scholarships, the commission shall award scholarships directly to students qualifying for granite state scholar designation under RSA 188-D:39, I. The commission shall adopt rules under RSA 188-D:8-a, III for awarding the scholarships.

III. To the extent the postsecondary education commission elects to expend the appropriations to match gifts and contributions to participating institutions for purposes of the granite state scholars program, the commission shall, notwithstanding RSA 188-D:41, provide a match of up to 100 percent of each gift and contribution. In addition, a participating institution shall, in the year following the receipt of the state match, disburse as scholarships to granite state scholars an amount equal to ½ of the state match received by the institution.

34 Maintenance of Funds Collected Pursuant to Electric Utility Restructuring Orders; Plans for Administration. Amend RSA 6:12-b to read as follows:

6:12-b Maintenance of Funds Collected Pursuant to Electric Utility Restructuring Orders. On request of the public utilities commission, the state treasurer shall maintain custody over funds collected by order of the public utilities commission consisting of only that portion of the system benefits charge directly attributable to programs for low income customers as described in RSA 374-F:4, VIII(c). All funds received by the state treasurer pursuant to this section shall be kept separate from any other funds and shall be administered in accordance with terms and conditions established by the public utilities commission. ***Plans for the administration of such funds shall be approved by the fiscal committee of the general court and the governor and council prior to submission to the public utilities commission.***

35 Rehiring; Laid-Off State Employees. The provisions of 1990, 261:1, as amended by 1991, 4:10 and 355:103, relative to rehiring of laid-off state employees, shall apply to any person laid-off between July 1, 2001, and June 30, 2003, as a result of any state law, regardless of the funding source for the person's position. The head of each department or agency shall submit the names and classification of individuals laid-off from July 1, 2001, to June 30, 2003, to the director of the division of personnel within 10 days of the layoff.

36 Emergency Medical Transport Services. The department of health and human services shall reimburse municipal and private emergency

medical ambulance transport providers in the class 90 account of PAU 05, 01, 07, 06, 03, as inserted by HB 1-A of the 2001 legislative session, for the emergency and non-emergency transportation of New Hampshire Medicaid patients at the same transport and mileage rate as the Federal Health Care Financing Authority pays for the emergency and non-emergency transportation of Medicare patients.

37 Longevity Payment Authorized; Department of Health and Human Services. Notwithstanding any provision of law to the contrary, payment is hereby authorized in the amount of \$3,000 for longevity to position 9U201, deputy commissioner, department of health and human services for the years 1994 through 1999. Funding for the longevity payment shall be from appropriations made to the department of health and human services in the 2000-2001 operating budget for positions which are not filled.

38 Commissioner of Health and Human Services; Authority to Establish Positions. For the biennium ending June 30, 2003, the commissioner of health and human services may exercise the authority granted by RSA 126-A:9, II(a) as necessary to support and carry out the purposes of any laws enacted to transfer the youth development center and the youth services center to the department of health and human services and to establish a juvenile justice services unit within the department.

39 Operation of Beach Parking Facilities; Hampton Beach Capital Improvement Fund. Amend RSA 216:3 to read as follows:

216:3 Operation of Beach Parking Facilities.

I. The department of resources and economic development shall operate, maintain, and manage the parking facilities at Hampton Beach, and shall be authorized to charge for the use of the parking facilities by meters or fees, including parking violation fines, whichever is determined most practical.

II. The state treasurer shall establish a special nonlapsing fund, which shall only lapse pursuant to paragraph III, for the revenues from ~~[this source which shall be expended to retire 50]~~ ***the parking facilities at Hampton Beach. Fifty percent of the payments for principal and interest of bonds and notes that are issued for the project of replacing the steel seawall with a concrete seawall in the Hampton Beach area shall be paid from this fund. If the revenues from the parking facilities at Hampton Beach exceed \$1,000,000 for the fiscal year, all revenues in excess of \$1,000,000 shall be transferred prior to the close of the fiscal year from this fund to the Hampton Beach capital improvement fund established in paragraph IV.***

III. The balance of any funds in this special nonlapsing fund shall be lapsed at the close of each fiscal year to the state park fund.

IV.(a) There is established a nonlapsing revolving fund to be known as the Hampton Beach capital improvement fund in the department of resources and economic development. The revolving fund shall be used for capital improvements for the parking facilities at Hampton Beach.

(b) The commissioner of resources and economic development shall submit a report detailing the activities of the revolving fund annually to the governor and council and the fiscal committee within 60 days of the close of each fiscal year.

40 New Paragraphs; Board of Tax and Land Appeals; Authority; Duties. Amend RSA 71-B:5 by inserting after paragraph III the following new paragraphs:

IV. To hear and determine all matters relating to orders for reassessment properly brought pursuant to RSA 71-B:16.

V. To hear and determine petitions filed by the commissioner of revenue administration pursuant to RSA 21-J:11-a, II(b). The board shall give such petitions priority for scheduling hearings and for final rulings. In addition to the standards utilized by the commissioner of revenue administration in the certification of assessments pursuant to RSA 21-J:11-a, the board shall consider the criteria in a RSA 71-B:16-a. The board's decision on such petitions shall be final, subject to appeal to the supreme court. Any appeal shall be filed with the clerk of the supreme court within 20 days after the date the decision is issued. The supreme court shall give any appeal it hears under this section priority in the court calendar.

41 Appraisal of Taxable Property; How Appraised. RSA 75:1 is repealed and reenacted to read as follows:

75:1 How Appraised. The selectmen shall appraise open space land pursuant to RSA 79-A:5, open space land with conservation restrictions pursuant to RSA 79-B:3, land with discretionary easements pursuant to RSA 79-C:7, residences on commercial or industrial zoned land pursuant to RSA 75:11, earth and excavations pursuant to RSA 72-B, and all other taxable property at its market value. Market value means the property's full and true value as the same would be appraised in payment of a just debt due from a solvent debtor. The selectmen shall receive and consider all evidence that may be submitted to them relative to the value of property, the value of which cannot be determined by personal examination.

42 Appraisal of Taxable Property; Oath. Amend RSA 75:7 to read as follows:

75:7 Oath. The selectmen and assessors shall take and subscribe upon the copies or original inventories and assessments of both resident and nonresident taxes, furnished by them to the town clerks in their respective towns, to be recorded in the clerk's records, the following oath, which may be subscribed before any justice of the peace or notary public: We, the selectmen and assessors of _____, ~~[do solemnly swear that in making the inventory for the purpose of assessing the foregoing taxes we appraised all taxable property at its full value, and as we would appraise the same in payment of a just debt due from a solvent debtor. So help us God]~~ ***certify under the penalty of perjury that in making the inventory for the purpose of assessing the foregoing taxes, all taxable property was valued in accordance with RSA 75:8, to the best of our knowledge and belief.***

43 Annual Revised Inventory. RSA 75:8 is repealed and reenacted to read as follows:

75:8 Revised Inventory.

I. Annually, and in accordance with state assessing standards, the assessors and selectmen shall adjust assessments to reflect changes so that all assessments are reasonably proportional within that municipality. All adjusted assessments shall be included in the inventory of that municipality and shall be sworn to in accordance with RSA 75:7.

II. Assessors and selectmen shall consider adjusting assessments for any properties that:

- (a) They know or believe have had a material physical change;
- (b) Changed in ownership;
- (c) Have undergone zoning changes;
- (d) Have undergone changes to exemptions, credits or abatements;
- (e) Have undergone subdivision, boundary line adjustments, or mergers; or
- (f) Have undergone other changes affecting value.

44 New Section; Appraisal of Taxable Property; Five-Year Valuation. Amend RSA 75 by inserting after section 8 the following new section:

75:8-a Five-Year Valuation. At least as often as every fifth year, beginning with the first year the commissioner of the department of revenue administration certifies a municipality's assessments pursuant to RSA 21-J:3, XXVI, the assessors and/or selectmen shall value all real estate within the municipality so that the assessments are valued in accordance with RSA 75:1.

45 New Paragraph; Department of Revenue Administration; Duties of Commissioner. Amend RSA 21-J:3 by inserting after section XXV the following new paragraph:

XXVI. Review each municipality's assessments once within every 5 years and certify the assessments of the municipality if such assessments are valued in accordance with RSA 75:1. In carrying out the duty to certify the assessments of property, the commissioner shall follow the procedures set forth in RSA 21-J:11-a.

46 New Sections; Department of Revenue Administration. Amend RSA 21-J by inserting after section 11 the following new sections:

21-J:11-a Certification of Assessments.

I. The commissioner shall certify that the assessments of a municipality comply with the provisions of RSA 75:1 when the commissioner determines that:

(a) Level of assessments and uniformity of assessments are within acceptable ranges as prescribed by state assessing standards by considering, where appropriate, an assessment-to-sales-ratio study conducted by the department for the municipality;

(b) Assessment practices substantially comply with applicable statutes and rules;

(c) Exemption, credit, and abatement procedures substantially comply with applicable statutes and rules;

(d) Assessments are based on reasonably accurate data; and

(e) Assessments of various types of properties are reasonably proportional to other types of properties within the municipality.

II. If the commissioner does not certify that the assessments of a municipality comply with RSA 75:1, the commissioner shall order in writing those corrective actions, including the time for completion, deemed necessary to assess the municipality's property in accordance with RSA 75:1; and:

(a) If the governing body of the municipality agrees with the commissioner's determination, the municipality shall complete the corrective actions within the time prescribed by the commissioner.

(b) If the governing body of the municipality does not agree with the commissioner's determination not to certify its assessments, with the corrective actions ordered, or the time allowed for completion, the commissioner shall petition the board of tax and land appeals to order that the municipality's property is not assessed in accordance with RSA 75:1 and to order such corrective action necessary to ensure that the municipality's assessment are in accordance with RSA 75:1.

III. The commissioner shall adopt rules under RSA 541-A relative to acceptable ranges of level of assessments and uniformity of assessments, procedures for review of assessment practices, and procedures and forms for the commissioner's certification of assessments. Rules adopted by the commissioner under this paragraph shall remain effective until the assessing standards board adopts rules under RSA 21-J:14-b, II.

IV. Within 60 days of the certification of a municipality's assessments, the commissioner shall reimburse the municipality on a per parcel basis

to defray assessing expenses associated with certification according to the following formula: \$10 per parcel for the first 1,000 parcels, \$8 per parcel for the next 5,000 parcels, and \$5 per parcel for all remaining parcels.

21-J:11-b Implementation of Certification.

I. The commissioner of revenue administration shall adopt a schedule so that each city, town, and unincorporated place has its assessments reviewed within 5 years of April 1, 2002, and shall notify each city, town, and unincorporated place, within 60 days of passage of this act, of the property tax year for which their initial certification review shall occur.

II. The department shall offer training and technical assistance to municipal officials to assist in complying with the provisions of RSA 75:8, RSA 75:8-a, and RSA 21-J:11-a.

III. The commissioner of revenue administration shall report in its annual report, the number of communities assisted and the types of assistance and training provided pursuant to RSA 21-J:10, RSA 21-J:11, and RSA 21-J:11-b, II.

47 Setting of Tax Rates by Commissioner. Amend RSA 21-J:35, I to read as follows:

I. The commissioner of revenue administration shall compute and establish the tax rate of each town, city, or unincorporated place. ***Any decision by the commissioner not to certify the assessments of a municipality pursuant to RSA 21-J:11-a shall not delay or otherwise affect the setting of the tax rate for that municipality.***

48 Real Estate. Amend RSA 73:10 to read as follows:

73:10 Real Estate. Real and personal property shall be taxed to the person claiming the same, or to the person who is in the possession and actual occupancy thereof, if such person will consent to be taxed for the same; but such real estate shall be taxed in the town in which it is situated. ***Any decision by the commissioner not to certify the assessments of a municipality pursuant to RSA 21-J:11-a shall not affect the obligation of the taxpayer to pay property taxes otherwise lawfully assessed.***

49 Powers of Collector. Amend RSA 80:4 to read as follows:

80:4 Powers of Collector. Every collector, in the collection of taxes committed to him and in the service of his warrant, shall have the powers vested in constables in the service of civil process, which shall continue until all the taxes in his list are collected. ***Any decision by the commissioner not to certify the assessments of a municipality pursuant to RSA 21-J:11-a shall not affect the authority of the tax collector to issue tax bills and to exercise all powers contained in this chapter for the collection of taxes.***

50 Petition for Order of Reassessment; SB 193 Provision Amended. Amend RSA 21-J:9-b to read as follows:

21-J:9-b Petition for Order of Reassessment. The commissioner, in petitioning for an order of reassessment pursuant to RSA 21-J:3, XXV, may consider any information that indicates that property in a city, town, or unincorporated place is valued disproportionately to other property within that municipality in determining whether to petition the board of tax and land appeals to issue an order for reassessment. Additionally, the commissioner shall petition the board of tax and land appeals to issue an order for reassessment of property if the following criteria are met:

I. The commissioner's most recent annual sales-assessment ratio study indicates that the coefficient of dispersion exceeds 20 employing a 95-percent level of confidence, provided however that if the sample size for a sales-assessment ratio study is less than 30, the commissioner may use a level of confidence as low as 70 percent;

II. The municipality has not ~~conducted a full revaluation within 6 years~~ ***complied with the provisions of RSA 75:8-a;*** and

~~[III. A municipality has not contracted for a full revaluation of the property within such municipality to be effective no later than the tax year following such determination.]~~

51 Certification Required; SB 193 Provision Amended. Amend RSA 21-J:14-f, I to read as follows:

I. Every person, whether working individually, for a firm or corporation, or as a municipal ~~[or department of revenue administration]~~ employee, making appraisals of a municipality for tax assessment purposes, except elected officials making appraisals pursuant to RSA 75:1, shall be certified by the department. ***Department of revenue employees shall be certified at the level appropriate to their duties.*** The commissioner shall adopt rules, pursuant to RSA 541-A, relative to qualifications for certification, standards for continuing education, and standards for revocation or suspension of certification. Rules adopted by the commissioner under this paragraph shall remain effective until the assessing standards board adopts rules under RSA 21-J:14-b, I(c).

52 Property Taxes; What Taxes Assessed; Expenses of Reassessment; SB 193 Provision Amended. Amend RSA 76:5 to read as follows:

76:5 What Taxes Assessed. The selectmen shall seasonably assess all state and county taxes for which they have the warrants of the commissioner of revenue administration and county treasurers respectively; all taxes duly voted in their towns; and all school and village district taxes authorized by law or by vote of any school or village district duly certified to them; and all sums required to be assessed by RSA 33 ***and RSA 21-J:9-c. Any decision by the commissioner not to certify the assessments of a municipality pursuant to RSA 21-J:11-a shall not affect the authority of the selectmen to assess taxes.***

53 Initial Assessment Review Schedule. The commissioner of revenue administration shall adopt a schedule so that each city, town, and unincorporated place has its assessments reviewed within 5 years and shall notify each municipality, within 60 days of passage of this act, of the property tax year for which their initial certification review shall occur. The department shall offer training and technical assistance to municipal officials to assist in complying with the provisions of RSA 21-J:11-a, as inserted by this act.

54 Contingency. If SB 193 of the 2001 legislative session becomes law, then section 50 of this act shall take effect at 12:01 a.m. on the effective date of section 17 of SB 193. If SB 193 of the 2001 legislative session becomes law, then section 51 of this act shall take effect at 12:01 on the effective date of section 2 of SB 193. If SB 193 of the 2001 legislative session becomes law, then section 52 of this act shall take effect at 12:01 a.m. on the effective date of section 18 of SB 193. If SB 193 does not become law, then sections 50-52 of this act shall not take effect.

55 Purpose. Since the agricultural fairs of New Hampshire contribute greatly to the economic, cultural, and social well-being of the state, it is important that the state assist the fairs to assure their continued viability.

56 Appropriation. The sum of \$1 is hereby appropriated to the department of agriculture, markets, and food for each year of the biennium ending June 30, 2003, for purposes of making distributions to agricultural fairs as provided in RSA 425:19-a – 19-f. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

57 Distribution Formula. The commissioner of agriculture, markets, and food shall distribute sums appropriated under section 56 of this act to agricultural fairs qualified under RSA 425:19-b according to the following formula: To each fair for capital improvements, \$10,000; to each fair for marketing and promotional activities, \$8,000; and to each fair a pro rata share based upon premiums paid and qualified under RSA 425:19-b of the remaining sums appropriated under section 66 of this act.

58 Statement of Purpose. The general court recognizes that a small number of individuals with complex diagnostic presentations such as individuals who have significant cognitive limitations as well as affective or thought disorders, severe emotional disturbances and significant functional limitations engage in behavior that potentially endangers their communities. Intervention, treatment, and supervision are effective means of assisting such individuals while providing for the safety of the public. Extended periods of treatment may be required in order for such individuals to benefit from therapeutic programs due to their learning difficulties. The general court intends to provide these individuals with appropriate treatment so that they may gain the skills needed to live safely in a community setting.

59 Definition of Mental Retardation Clarified. Amend RSA 171-B:2, IV to read as follows:

IV. The person has mental retardation, *as defined in the most current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association*; and

60 New Subparagraph; Responsibility of Guardian. Amend RSA 464-A:25, I by inserting after subparagraph (g) the following new subparagraph:

(h) The guardian of any ward who has a history of engaging in behavior which substantially endangers others shall consider the security and protection of the community while ensuring that the ward receives appropriate care, treatment, and supervision.

61 Commission Established. There is established a commission to review and approve proposed locations for the provision of residential treatment to individuals with complex and significant disabilities who have engaged in behavior which endangers the community and who require intensive therapeutic interventions and close supervision.

62 Membership and Compensation.

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

(a) One member of the senate, appointed by the president of the senate.

(b) One member of the house of representatives, appointed by the speaker of the house.

(c) The attorney general.

(d) Two public members, appointed by the governor.

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

63 Duties.

I. The commission shall receive recommendations from the department of health and human services of proposed program sites. The commission shall review the programs, services, and security provisions for each prospective program site, shall consult with representatives of the community in which a proposed program site is located, and shall give due consideration to local concerns. The commission shall conduct a public

hearing in those communities where such a proposed site would be located. The department of health and human services shall make a presentation at each public hearing regarding the proposed program, including the number of individuals to be served and the staffing and security provisions incorporated into the proposed program.

II. Following consideration of the public input and information provided by the department of health and human services about the proposed programs, the commission shall approve at least 5 sites equitably distributed across the state to meet the needs of the state's population in rural as well as densely populated communities. A site shall be approved only if it is:

- (a) Out of visual range of any existing child care programs, playgrounds and other locations where children gather;
- (b) Within a 30 minute drive of a general hospital; and
- (c) In reasonable proximity of the community's emergency services such as police, fire, and medical response.

III. Following approval by the commission, or after 4 months from the submission of a proposed site by the department if the commission fails to approve or deny a proposed site, the department shall be authorized to establish a program at the proposed site, provided, that the program conforms to local building and fire codes applicable to single family residences.

64 Chairperson; Support.

I. The chairperson of the commission shall be the attorney general. The first meeting of the commission shall be called by the attorney general. The first meeting shall be held within 45 days of the effective date of this section.

II. The department of health and human services shall provide any administrative support the commission deems necessary.

65 Repeal. Sections 61-64, relative to a commission to review certain proposed sites, is repealed.

66 New Chapter; Specialized Treatment Program. Amend RSA by inserting after chapter 135-D the following new chapter:

CHAPTER 135-E

SPECIALIZED TREATMENT PROGRAM

135-E:1 Definitions. In this chapter:

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

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

135-E:2 Specialized Treatment Program.

I. The department shall establish, subject to available appropriations, a specialized therapeutic program including secure residential care and community-based after-care treatment which is designed to meet the needs of individuals with significant cognitive limitations as well as affective or thought disorders, severe emotional disturbances, and significant functional limitations who engage in behavior that potentially endangers their community. Such programs shall be utilized when less restrictive alternatives do not provide adequate safety and security to the community.

II. One component of the program shall be designed specifically to meet the needs of young adults with serious emotional disturbance or significant learning disabilities who have been in placement through the department under RSA 169-B or RSA 169-C and who continue to need intensive treatment in order to receive the support and supervision they

require until they achieve the full benefit of the treatment that has been initiated during their minority. A young adult who meets admission criteria for the program shall be admitted on a voluntary basis, or by consent of his or her guardian.

III. The department may, if necessary, request the appointment of a guardian as provided in RSA 464-A for an individual who may be legally incapacitated and who is determined to need a specialized treatment program established pursuant to this chapter.

IV. Individuals receiving treatment from a specialized treatment program established pursuant to this chapter shall have all the rights guaranteed by RSA 171-A to persons with developmental disabilities, except to the extent necessary for safety or security.

V. A comprehensive clinical assessment shall occur prior to any admission, discharge, or transfer from the program.

135-E:3 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

I. Admission and discharge criteria for the program.

II. Program requirements.

III. The rights of individuals receiving treatment.

IV. Periodic review of each individual's treatment to determine if the individual is served in the least restrictive setting consistent with the safety and security of the community.

V. Quality assurance processes and criteria for the program.

VI. Any other matter necessary to the administration of this chapter.

67 Rights Guaranteed. Amend RSA 171-A:29 to read as follows:

171-A:29 Rights Guaranteed. All rights guaranteed by RSA 171-A to persons with developmental disabilities shall be retained by persons involuntarily admitted under RSA 171-B except [~~where safety or security mandates restriction of such rights~~] ***to the extent necessary for safety or security***. Any restriction of rights under this section may be appealed to the commissioner pursuant to rules adopted by the commissioner under RSA 171-A:3.

68 Order of the Court. Amend RSA 171-B:12 to read as follows:

171-B:12 Order of Court. If, after the hearing, the court finds by clear and convincing evidence that the person meets the standard set forth in RSA 171-B:2, the court shall order the person to submit to ***the least restrictive alternative of the following alternative consistent with the security and protection to the public***:

I. Treatment and services in a receiving facility within the state developmental services delivery system ***or the residential settings specified in RSA 135-E:2***;

II. Treatment and services within the state developmental services delivery system ***pursuant to RSA 171-A:4*** other than in-patient treatment; or

III. Treatment and services in the secure psychiatric unit if the court determines that the programs and placements enumerated in paragraph I or II do not provide sufficient security and protection to the public.

69 Appropriation. The sum of \$1 for operations and administration and the sum of \$1 for capital expenditures for the fiscal year ending June 30, 2002 and the sum of \$1 for operations and administration and the sum of \$1 for capital expenditures for the fiscal year ending June 30, 2003 are hereby appropriated to the department of health and human services for the purposes of sections 58-68. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

70 Findings. The general court finds that:

I. New Hampshire needs to adopt a more sufficient and reliable tax structure to fund the state's duty to underwrite the cost of constitutionally adequate education for the public school students of this state consistent with part II, articles 5 and 83 of the New Hampshire constitution.

II. In conjunction with adopting a broad based personal income tax to help fund an adequate education, it is wise to repeal or reduce other less equitable or desirable taxes and return certain other revenues to the general fund from the education trust fund to cover the cost of such other repeals or reductions of taxes.

III. It is to the benefit of this state to:

(a) Revise and improve the formula for funding an adequate education;

(b) Provide targeted aid, above and beyond adequacy funding, to property poor communities to help them achieve excellence in education without excessive local school tax burdens through a tax effort cap program; and

(c) Implement a circuit breaker on the total property tax burden on homesteads so that citizens of modest means do not pay an unreasonable and excessive portion of their income in total property taxes.

IV. In addition to funding an adequate education, it is appropriate and in the public interest to expand the use of the education trust fund to include funding for a local school property tax effort cap program.

V. A uniform standard exemption of income from the education income tax for all taxpayers and dependents is a just, reasonable, and proportionate means to assure that each taxpayer has the ability to earn a minimal subsistence level of income before being subject to the burden of income taxation, and that single heads of households are an appropriate class of people for whom an additional modest exemption from the education income tax is just and reasonable so that they can reasonably provide a minimal level of support for their dependents before being subject to the burden of income taxation.

VI. To promote industry, frugality, and a positive work ethic, a modest exemption from the education income tax on income earned by dependents is just and reasonable.

VII. The general good, benefit and welfare of the state is advanced by promoting home ownership and that an exemption of the first \$150,000 of equalized value of primary residences (homesteads) from the state education property tax is reasonable. The education income tax is being enacted to supplement, and in part replace, the state property tax as a proportionate and reasonable form of taxation. It is therefore reasonable that residents who are now required to pay a personal income tax to the state of New Hampshire be allowed a nonrefundable credit against such state income tax liability equal to the amount of the state education property tax levied on their homestead in excess of the exempt portion of homestead value.

VIII. It is reasonable to exempt only the first \$150,000 of equalized value of homestead property from the statewide education property tax as that amount is slightly more than the current average selling price of a home and as such represents a reasonable price or value within which residents can obtain a basic home. Residents owning homesteads with value in excess of the basic exempt amount may reduce their state education income tax liability by the amount of any state education property taxes on their homestead so that they pay one or the other tax, but not both.

IX. It is reasonable and just that renters, who do not directly pay property taxes, be allowed a renter's credit against their education income tax liability that approximates the statewide education property tax paid by the owner of the rental dwelling unit.

X. With regard to the repeal of RSA 86:6 on July 1, 2001, it is the intent of the legislature that the estates of persons dying after June 30, 2001 not be subject to the tax or reporting requirements of RSA 86.

XI. With regard to the repeal of RSA 77-E:2 on January 1, 2002 and the remainder of RSA 77-E on December 31, 2002, it is the intent of the legislature that the business enterprise tax not be imposed on taxable periods ending after December 31, 2001 and that reporting and filing requirements for such periods cease.

71 New Chapters; Education Income Tax; State Education Property Tax; Property Tax Abatement Program. Amend RSA by inserting after chapter 76 the following new chapters:

CHAPTER 76-A

EDUCATION INCOME TAX

76-A:1 Definitions. In this chapter:

I. "Consumer price index" means the consumer price index for all urban consumers, U.S. city average, published by the United States Department of Labor.

II. "Department" means the department of revenue administration.

III. "Education trust fund" means the education trust fund established in RSA 198:39.

IV. "Individual" means a natural person.

V. "New Hampshire modified gross income" means New Hampshire modified gross income as determined in RSA 76-A:3.

VI. "New Hampshire taxable income" means New Hampshire taxable income as determined in RSA 76-A:3.

VII. "Nonresident individual" means an individual who receives wages, self-employment income, or unearned income for the taxable year from sources in this state, who maintains his or her domicile outside the state.

VIII.(a) "Resident fiduciary" means:

(1) The executor or administrator of the estate of a decedent who at death was domiciled in this state;

(2) The trustee of a trust created by will of a decedent who at death was domiciled in this state;

(3) The trustee of a trust created by, or consisting of property of, a person domiciled in this state;

(4) The trustee of a trust the property of which includes a business organization as defined in RSA 77-A:1, with business activity in New Hampshire as defined in RSA 77-A:1; or

(5) The trustee of a trust that has at least one beneficiary who is a resident individual, where, in the case of an individual, the trustee of the trust is a resident of New Hampshire or, in the case of a corporation or other business entity, has a place of business in New Hampshire.

(b) "Resident fiduciary" shall not include the trustee of any trust which is taxable as a corporation under the United States Internal Revenue Code, a trust to the extent it is considered to be a grantor trust pursuant to sections 671-679 of the United States Internal Revenue Code, and the trustee of a tax-qualified retirement plan under section 401(a) of the United States Internal Revenue Code.

IX. "Resident individual" means:

(a) An individual domiciled in the state; or

(b) An individual who maintains a permanent place of abode within the state and spends more than 183 days of the taxable year within the state.

X. "Taxable year" means the calendar or fiscal year or portion thereof which the taxpayer uses for federal income tax purposes under the United States Internal Revenue Code.

XI. "Taxpayer" means any individual or fiduciary subject to the provisions of this chapter.

XII. "Unearned income" means any income which is not wage or self-employment income, including but not limited to capital gains, allocations of income from S corporations, partnerships, limited liability companies or other similar entities, dividends, interests, rents, and royalties.

XIII. "United States Internal Revenue Code" means the United States Internal Revenue Code of 1986 as amended. The forms, procedures, and regulations of the United States Internal Revenue Service may be used by the commissioner of revenue administration in formulating rules for adoption under RSA 541-A. This definition shall be operative unless and until a specific statutory exception to its adoption is provided in this chapter, or until the application of one of its provisions is held to violate the New Hampshire constitution.

76-A:2 Imposition of Tax. A tax is imposed upon every resident and nonresident individual and upon every resident fiduciary at the rate of 3.0 percent of New Hampshire taxable income as determined in RSA 76-A:3.

76-A:3 New Hampshire Taxable Income.

I. "New Hampshire taxable income" means, for any taxable year:

(a) In the case of a resident or nonresident individual, the individual's New Hampshire modified gross income, as defined in paragraph II of this section, less the following:

(1) An exemption of \$11,000 for the taxpayer and an additional exemption of \$11,000 for the taxpayer's spouse if a joint return is made, provided that the taxpayer or spouse is not claimed as a dependent on another taxpayer's federal income tax return or New Hampshire income tax return; and

(2) An additional exemption of \$3,000 for each dependent to which the taxpayer is entitled for federal tax purposes under the United States Internal Revenue Code, provided that the dependent is not claimed as a dependent on another person's federal income tax return or New Hampshire income tax return.

(3) A person who is claimed as a dependent under subparagraph (2) and who has earned income from wages, self-employment income, or farm income which is taxable under this chapter, shall be entitled to a separate exemption of \$3,000 of such earned income on that person's New Hampshire income tax return; and

(4) An additional exemption of \$3,000 for a taxpayer entitled to a head of household status for federal tax purposes under the United States Internal Revenue Code.

(b)(1) In the case of a resident fiduciary, the amount shown as total taxable income on the fiduciary's United States fiduciary income tax return:

(A) Increased by:

(i) Any interest or dividend income on obligations or securities of another state of the United States; and

(ii) Any interest or dividend income on obligations or securities of any authority, commission, or instrumentality of the United States to the extent exempted from the federal income tax; and

(B) Decreased by interest on, and dividends on securities attributable to the interest on, the direct obligations of the United States government.

(2) For a resident fiduciary with at least one beneficiary that is not either a resident individual or another resident fiduciary, the amount of income derived by application of subparagraph (1) shall be multiplied by a fraction, the numerator of which is income properly accumulated for the benefit of resident individuals or resident fiduciaries and the denominator of which is all income property accumulated.

(c) The amount of the exemptions allowed under this paragraph shall be in place for the first year of the tax only. The commissioner of revenue administration shall increase the exemption amounts allowed in each succeeding year by an amount which equals the percentage increase in the consumer price index for a recent prior annual period established by rule by the commissioner, and rounded to the nearest \$10.

II. "New Hampshire modified gross income" means, for any taxable year, the amount of the taxpayer's adjusted gross income for federal income tax purposes under the United States Internal Revenue Code:

(a) Decreased by the following amounts, if included in the taxpayer's adjusted gross income for federal tax purposes:

(1) Interest on, and dividends on securities attributable to interest on, the direct obligations of the United States government;

(2) Interest and dividend income received from funds invested in the college tuition savings plan under RSA 195-H if used in accordance with RSA 195-H;

(3) The amount of income otherwise taxable under this chapter which is also taxed as business profits under RSA 77-A;

(4) The amount of capital gains income directly derived from sales of timber subject to taxation under RSA 79;

(5) The amount of any social security income that is included the taxpayers' adjusted gross income for federal income tax purposes;

(6) The amount of income attributable to pension or retirement income that the taxpayer receives in lieu of social security income (due to employment where the employer was obligated to contribute to a pension plan in lieu of social security contributions), which amount when combined with any social security income shall not exceed the maximum potential regular social security benefit per beneficiary for that year that might have otherwise been available to such taxpayer, all as determined by rules adopted by the commissioner; and

(7) The amount of annuities, as defined in 45 U.S.C. §231(p), including Tier I and Tier II railroad retirement benefits, and supplemental annuities, as described in 45 U.S.C. §231a(b), the taxation of which by states is prohibited under 45 U.S.C. §231m; and

(8) The amount of income attributable to pension payments where the taxpayer's contributions to the pension fund were previously subject to federal personal income taxation, as determined by rules adopted by the commissioner.

(b) Increased by:

(1) Any interest or dividend income on obligations or securities of any authority, commission, or instrumentality of the United States to the extent exempted from the federal income tax; and

(2) Any interest or dividend income on obligations or securities of another state of the United States.

76-A:4 Tax; When Due. Subject to the provisions of this chapter concerning the withholding of tax and estimated tax declarations, the tax

imposed by this chapter shall be deemed to be assessed and due and payable on the fifteenth day of the fourth month following the close of the taxpayer's taxable year.

76-A:5 Credits. The following credits are allowed against the tax due under this chapter:

I. Taxes withheld pursuant to the provisions of this chapter.

II. Estimated tax payments made pursuant to this chapter.

III. An annual renter's credit of \$300 on a dwelling unit subject to RSA 76-B rented by the taxpayer as his or her primary residence prorated for each full month of residence or alternatively, a renter's credit, likewise prorated monthly which is annually equal to the full equalized value of the rented dwelling unit which may be determined by dividing the local assessed value of the rented dwelling unit by the municipality's equalization ratio determined according to RSA 21-J:9-a multiplied by the rate of taxation in RSA 76-B:2 for the concurrent tax year, provided the taxpayer presents competent evidence of such value of the dwelling unit. Taxpayers claiming the alternative renter's credit shall bear the burden of proving the claimed value of the rented dwelling unit by a preponderance of the evidence. Such alternative credit claims shall be on forms prescribed by the commissioner. Taxpayers who reside in residential communities, group homes, nursing homes, manufactured housing or mobile home parks, or other facilities which are neither conventional homeowner or tenant situations may be allowed to claim a renter's credit in an amount approximately equal to the state education property tax indirectly paid by the taxpayer through rent, charges or fees for care, pursuant to rules adopted by the commissioner. Persons who have claimed a homestead exemption pursuant to RSA 76-B:4 may claim a renter's credit during the same year only if the exempt homestead is bought or sold during the tax year, in which case the renter's credit may be claimed for the period rent is paid before or after the date of the purchase or sale of the exempt homestead, as the case may be; or in the situation where the taxpayer owns and resides in a manufactured housing dwelling unit and rents the underlying lot or land, in which case a limited or prorated renter's credit for the state education property tax on the home lot may be allowed pursuant to rules adopted by the commissioner. In no case shall the renter's credit exceed the tax due under this chapter after applying any credit claimed under paragraph IV of this section.

IV. In the case of a resident individual, a credit calculated by:

(a) Calculating the wages, self-employment income, and unearned income of the individual earned or derived from sources in another state and subject to income tax or a tax measured by income in that state plus active military pay earned while stationed out-of-state, whether subject to another state's income tax or not;

(b) Reducing the amount calculated in subparagraph (a) by the portion of the taxpayer's claimed exemptions which bears the same relationship to the taxpayer's total claimed exemptions, as the amount calculated in subparagraph (a) bears to the taxpayer's New Hampshire modified gross income; and

(c) Multiplying the amount calculated in subparagraph (a), as reduced in subparagraph (b), by the rate of tax provided in RSA 76-A:2.

V. In the case of a nonresident individual, a credit calculated by:

(a) Reducing the taxpayer's New Hampshire modified gross income by the amount of wages and self-employment income earned by the taxpayer in New Hampshire and the amount of unearned income from New Hampshire sources;

(b) Reducing the amount calculated in subparagraph (a) by the portion of the taxpayer's claimed exemptions which bears the same relationship to the taxpayer's total claimed exemptions, as the amount calculated in subparagraph (a) bears to the taxpayer's New Hampshire modified gross income; and

(c) Multiplying the amount calculated in subparagraph (a), as reduced in subparagraph (b), by the rate of tax provided in RSA 76-A:2.

VI. A credit equal to the state education property tax paid by the taxpayer on his or her homestead under RSA 76-B during the taxable year. In no case shall this credit exceed the tax due under this chapter after applying any credits claimed under paragraphs III and IV of this bill.

Returns

76-A:6 Returns.

I. Every resident individual and nonresident individual having New Hampshire modified gross income greater than the exemption amounts provided in RSA 76-A:3, I and every resident fiduciary shall make a return to the department of revenue administration under such rules and in such form or manner as the commissioner may prescribe, on or before the due date of the tax as provided in RSA 76-A:4.

II. A husband and wife who are both residents or who both earn wages or self-employment income from sources within New Hampshire shall file a joint return for any taxable year for which such a joint return is filed for United States income tax purposes.

III. Whenever any return shows that overpayment allowable to the taxpayer exceeds the amount of tax due, the department shall certify the amount of overpayment to the state treasurer for refund from the education trust fund created by RSA 198:39 or shall allow the taxpayer a credit against taxes due for a subsequent year, to the extent of the overpayment, at the taxpayer's option.

76-A:7 Information Returns. Each individual, partnership, limited liability partnership corporation, limited liability corporation, proprietorship, joint stock company, association, insurance company, business trust, real estate trust, or other form of organization, organized for gain or profit, being a resident or having a place of business in this state or being a nonresident having income derived from sources subject to tax under this chapter, in whatever capacity acting, including lessors or mortgagors of personal property, fiduciaries, employers, and all officers and employees of the state or of any political subdivision of the state, having the control, receipt, custody, disposal, or payment of salaries, wages, rentals, or other compensation or income subject to the provisions of this chapter paid or payable during any year to any taxpayer subject to a tax under this chapter shall on such date or dates as the department shall from time to time designate, make complete return thereof to the department, in such form as the department may prescribe.

Withholding of Tax

76-A:8 Who Must Withhold. Every employer as defined by section 3401(d) of the United States Internal Revenue Code of 1986, as amended, employing any person within this state shall deduct and withhold upon wages paid to said employee, a tax equal to 3.3 percent of such wages less claimed exemptions, subject, however, to the provisions of RSA 76-A:11.

79-A:9 Time for Payment of Withheld Taxes and Filing Withheld Taxes Returns.

I. Every employer required to deduct and withhold any tax under RSA 76-A:8 shall make a quarterly return thereof to the department on

or before the fifteenth day of the first calendar month following the calendar quarter for which the return is made. However, a return may be filed on or before the last day of the first calendar month following such quarter if timely deposits have been made in full payment of such taxes due for the quarter.

II. Every employer shall pay over to the department, or to a depository designated by the department, the taxes so required to be deducted and withheld at the same time that such employer is required, under federal income tax law and regulations, to pay over federal taxes that are required to be deducted and withheld from wages to employees.

III. The department may, if such action is necessary in any emergency where collection of the tax may be in jeopardy, require such employer to make such return and pay such tax at any time, or from time to time.

76-A:10 Employer's Liability.

I. Each employer required to deduct and withhold tax under this chapter shall be liable for such tax. In the event an employer fails to withhold and pay over to the department any amount required to be withheld under RSA 76-A:8, the department shall assess such amount against the employer.

II. The amount of tax required to be deducted and withheld and paid over to the department under this chapter, when so deducted and withheld, shall be held to be a special fund in trust for the state. No employee or other person shall have any right of action against the employer in respect to any moneys deducted and withheld from wages and paid over to the department in compliance or in intended compliance with this chapter.

76-A:11 Use of Withholding Tables. At the election of the employer, the employer may deduct and withhold a tax determined on the basis of tables to be prepared and furnished by the department, which tax shall be substantially equivalent to the tax provided in RSA 76-A:8 and which shall be in lieu of the tax required in such section.

Estimated Tax Declarations

76-A:12 Filing of Declarations.

I. On the fifteenth day of the fourth month of the current taxable year every resident individual, nonresident individual, and resident fiduciary, except as provided in paragraph II, shall furnish the department with an estimate of such portion of such person's New Hampshire taxable income for the current taxable year as will not be subject to the withholding provisions of this chapter.

II. The provisions of paragraph I are not applicable to resident individuals and nonresident individuals who reasonably anticipate receiving less than \$11,000 of New Hampshire taxable income which will not be subject to withholding during the current taxable year, or to taxpayers receiving their income from farming as defined by the United State Internal Revenue Code of 1986, as amended. The provisions of paragraph I are not applicable to resident fiduciaries who reasonably anticipate having a tax obligation under this chapter of less than \$400.

76-A:13 Payment of Estimated Tax. Each taxpayer required to file an estimated tax declaration shall include with the declaration of estimated income, payment of not less than 25 percent of the tax due thereon. Thereafter, on the fifteenth day of the sixth and ninth months of the taxable year, the taxpayer shall pay not less than 25 percent of the tax due upon said estimated income or any revised estimate thereof. The fourth installment of estimated tax shall be paid on the fifteenth day of the first month following the close of the taxable year for which the estimate was made.

Miscellaneous Provisions

76-A:14 Extension of Time for Returns. For good cause, the department may extend the time within which a taxpayer is required to file a return or declaration and if such return or declaration is filed during the period of extension no penalty or late payment charge may be imposed for failure to file the return at the time required by this chapter, but the taxpayer shall be liable for interest and late payment charges as prescribed in RSA 21-J:28 and RSA 21-J:33. Failure to file the return during the period of the extension shall void the extension.

76-A:15 Administration.

I. This chapter shall be administered and enforced by the commissioner of revenue administration. The commissioner shall adopt rules, under RSA 541-A, necessary to insure the proper administration of this chapter which shall be consistent with the provisions of RSA 21-J:13.

II. The commissioner shall appoint such additional technical, clerical, and other personnel as the commissioner shall deem necessary to carry out the provisions of this chapter.

III. The department of revenue administration shall collect the taxes, interest, and penalties imposed under this chapter and RSA 21-J and shall pay them to the state treasurer less the administrative and enforcement costs of this chapter. The state treasurer shall deposit the remaining amount in the education trust fund established in RSA 198:39.

IV. The commissioner may institute actions in the name of the state to recover any tax, interest on tax, or the penalties imposed by this chapter and RSA 21-J, as part of the commissioner's authority to administer this chapter and to administer and enforce the tax laws of this state generally under RSA 21-J.

V. In the collection of taxes imposed by this chapter, the department may use all of the powers granted to tax collectors under RSA 80 for the collection of taxes, and it has all of the duties imposed upon the tax collectors by RSA 80 including the optional tax sale procedure under RSA 80:58-86. The following shall also apply:

(a) The provisions of RSA 80:26 apply to the sale of land for the payment of taxes due under this chapter, and the state treasurer is authorized to purchase the land for the state.

(b) If the state purchases the land, the state treasurer shall certify the purchase to the governor and the governor shall draw a warrant for the purchase price out of any money in the treasury not otherwise appropriated.

VI. The commissioner shall have the authority to subpoena witnesses, records, and documents, as needed, and to administer oaths to those testifying at hearings. The department and the taxpayer may take the depositions of witnesses residing within and without the state pertaining to a matter under this chapter, in the same way as depositions are taken in civil actions in the superior court.

76-A:16 Fees. Fees of witnesses shall be the same as those allowed to witnesses in the superior court. In the case of witnesses summoned by the commissioner, it shall be considered as an expense of administration of this chapter.

76-A:17 Notice. Any notice required by this chapter to be given by the department to a taxpayer shall be made by mail to the last known address of the taxpayer and in the case of hearings shall be given at least 10 days before the date thereof.

76-A:18 Preference. The taxes and interest imposed by this chapter have preference in any distribution of the assets of the taxpayer, whether in insolvency or otherwise.

76-A:19 Dissolutions, Withdrawals, and Statements of Good Standing.

I.(a) No employer organized under any law of this state may transfer property to its shareholders pursuant to RSA 293-A:14.05(a) or to its members and managers pursuant to RSA 304-C:58 until all taxes required to be withheld by the employer under this chapter, and any interest and penalties that related thereto, have been fully paid and a certificate of dissolution shall have been obtained from the commissioner of revenue administration that no returns, tax required to be withheld, tax interest, or penalties for taxes administered by the department are due and unpaid.

(b) In order to transfer property to its shareholders pursuant to RSA 293-A:14.05(a) or its members or managers pursuant to RSA 304-C:58, an employer shall submit a written request containing the complete corporate or limited liability company name and identification number and accompanied by a non-refundable fee of \$30 to the commissioner of revenue administration. This fee shall be deposited into the general fund. If, after reviewing the employer's records, the commissioner determines that no returns, tax required to be withheld, interest, or penalties for taxes administered by the department are due and unpaid, the commissioner shall prepare a certificate in accordance with subparagraph (a).

II. In order to obtain a statement for withdrawal, in accordance with RSA 293-A:15.20(b)(6) or RSA 304-C:68, an employer shall submit a written request containing the complete employer name and identification number and accompanied by a non-refundable fee of \$30 to the commissioner of revenue administration. This fee shall be deposited into the general fund. If, after reviewing the employer's records, the commissioner determines that no returns, tax required to be withheld, interest, or penalties for taxes administered by the department are due and unpaid, the commissioner shall prepare a statement for withdrawal for the purposes required under RSA 293-A:15.20(b)(6) or RSA 304-C:68.

III. In order to obtain a statement that it is in good standing with the department of revenue administration, an employer shall submit a written request containing the complete employer name and identification number and accompanied by a non-refundable fee of \$30 to the commissioner of revenue administration. This fee shall be deposited into the general fund. If, after reviewing the employer's records, the commissioner determines that no returns, tax required to be withheld, interest, or penalties for taxes administered by the department are due and unpaid, the commissioner shall prepare a statement of good standing.

76-A:20 Liens for Tax.

I. If any employer required to deduct and withhold a tax under this chapter neglects or refuses to pay the same after demand, the unpaid amount, including any late payment charge and interest together with any costs that may accrue in addition thereto, shall be a lien in favor of the state upon all property and rights to property, whether real or personal, belonging to such employer. Such liens shall arise at the time assessment and demand is made by the department and shall continue until the liability for the full amount of the lien is satisfied or becomes unenforceable. Such lien against personal property shall be valid as against any subsequent mortgagee, pledgee, purchaser, or judgment creditor when notice of such lien and the sum due has been placed on record by the department with the secretary of state and in the office of the town clerk where the taxpayer resides. Such lien against real property shall be valid as against any subsequent mortgagee, pledgee, purchaser, or judgment creditor when notice of such lien and the sum due has been placed on

record by the department with the register of deeds for the county in which the property subject to the lien is situated. In the case of any prior mortgage on real or personal property so written as to secure a present debt plus future advances by the mortgagee to the mortgagor, the lien herein provided, when notice thereof has been properly recorded, shall be subject to such prior mortgage unless the department also notifies the mortgagee in writing of the recording of such lien, in which case any indebtedness thereafter created from mortgagor to mortgagee shall be junior to the lien herein provided for.

II. The lien created by paragraph I shall be released upon satisfaction of the amount of the lien or upon a finding by the commissioner that the lien has become unenforceable, or if there is furnished to the department a bond with surety approved by the department in a penal sum sufficient to equal the amount of the lien, said bond to be conditioned upon the payment of the amount of the lien upon a final determination or adjudication of the employer's liability therefor.

III. The lien created by paragraph I may be foreclosed in the case of real estate agreeably with the provisions of law relating to foreclosure of mortgages on real estate, and in the case of personal property agreeably with the provisions of law relating to the foreclosure of security interests in personal property.

IV. To secure payment of the taxes, fees, charges, and interest imposed by this chapter and RSA 21-J, the department may avail itself of any other provision of law relating to liens for taxes.

76-A:21 Additional Returns. When the commissioner has reason to believe that a taxpayer has failed to file a return or to include any part of New Hampshire modified gross income in a filed return, the commissioner may require the taxpayer to file a return or a supplementary return showing such additional information as the commissioner prescribes. Upon the receipt of the supplementary return, or if none is received, within the time set by the commissioner, the commissioner may find and assess the amount due upon the information that is available. The making of such additional return does not relieve the taxpayer of any penalty for failure to make a correct original return or relieve the taxpayer from liability for interest imposed under RSA 21-J:28 or any other additional charges imposed by the commissioner. This section shall not be construed to modify or extend the statute of limitations provided in RSA 21-J:29.

76-A:22 Corrections. Each taxpayer shall report to the commissioner any change or correction in the amount of the taxpayer's New Hampshire modified gross income or exemptions, such as may result from determinations by the United States Internal Revenue Service, with respect to any previous year for which the taxpayer has made a return under this chapter. Such a report shall be made not later than 6 months after the taxpayer becomes aware of such change or correction, including receipt of notice from the United States Internal Revenue Service that a change in the taxpayer's federal adjusted gross income has finally been determined. Notwithstanding any other provision of law, a taxpayer reporting a correction pursuant to this section shall be given notice by the department of any adjustment to the tax due with respect to such correction within 6 months of the filing of the report.

76-A:23 Taxpayer Records.

I. Every taxpayer shall:

(a) Keep such records as may be necessary to determine the amount of the taxpayer's liability under this chapter;

(b) Preserve such records for the period of 3 years or until any litigation or prosecution hereunder is finally determined;

(c) Make such records available for inspection by the commissioner or authorized agents, upon demand, at reasonable times.

II. Whoever violates the provisions of this section shall be subject to the penalties imposed under RSA 21-J:39.

76-A:24 Severability. If any provision or provisions of this chapter, is or are declared unconstitutional or inoperative by a final judgment, order, or decree of the Supreme Court of the United States or of the supreme court of New Hampshire, the remaining provisions of said chapter shall not be affected thereby.

CHAPTER 76-B

STATE EDUCATION PROPERTY TAX

76-B:1 Definitions. In this chapter:

I. "Assessing official" means the assessing authority of any town, city, or unincorporated place.

II. "Commissioner" means the commissioner of the department of revenue administration.

III. "Department" means the department of revenue administration.

IV. "Dwelling" means the house or habitation for a natural person or persons consisting of a structure that provides shelter from the elements and contains at minimum a space for preparation and consumption of food and for repose on a daily basis.

V. "Education trust fund" means the education trust fund established in RSA 198:39.

VI. "Municipality" means a city, town, or unincorporated place.

VII. "Homestead" or "homestead property" means the dwelling owned by a claimant or in the case of a multi-unit dwelling, the portion of the dwelling, which is used as the claimant's principal place of residence and the claimant's domicile for purposes of RSA 654:1. "Homestead" shall not include land and buildings taxed under RSA 79-A, 79-B, or 79-C or land and buildings or the portion of land and buildings rented or used for commercial or industrial purposes. In this paragraph the term "owned by a claimant" includes a vendee in possession under a land contract, one or more joint tenants or tenants in common, and a trustee of a grantor trust pursuant to sections 671-679 of the U.S. Internal Revenue Code.

VIII. "Tax" or "taxes" means the state education property tax imposed pursuant to RSA 76-B:2.

IX. "Taxable real estate" means property subject to tax under RSA 72, except property subject to tax under RSA 82, RSA 83-F, homestead property, and dormitories and dining facilities of not for profit educational institutions otherwise subject to local property taxation under RSA 72:23, IV.

X. "Tax collector" means the appointed or elected collector of taxes for a municipality.

XI. "Taxpayer" means any person subject to tax under RSA 72 and RSA 73 owning taxable real estate.

XII. "Tax year" means the twelve month period beginning April 1 and ending March 31 of the succeeding calendar year.

76-B:2 State Education Property Tax Imposed. An annual state education property tax at the uniform rate of \$3.50 on each \$1,000 of equal full value taxable real estate is hereby imposed.

76-B:3 The commissioner shall annually equalize the rate of taxation established in RSA 76-B:2 for each municipality by dividing such rate by the municipality's equalization ratio determined in a manner consistent with RSA 21-J:9-a, except that for municipalities which have undergone a total revaluation of taxable property to current full value within the

prior year and for municipalities that have a system for annually maintaining local valuations within 1.5 percent of current full value according to standards adopted by the commissioner, the commissioner shall use the rate set in RSA 76-B:2 as the equalized rate.

76-B:4 Commissioner's Warrant.

I. The commissioner shall annually calculate the tax to be raised by each municipality by multiplying each municipality's equalized rate, determined pursuant to RSA 76-B:3, by the local assessed value of all taxable real estate in the municipality.

II. The commissioner shall issue a warrant under the commissioner's hand and official seal for the amount computed in paragraph I to the selectmen or assessing officials of each municipality at the same time as tax rates are set under RSA 21-J:35 directing them to assess such sum and pay such sum to the state treasurer for deposit in the education trust fund in RSA 198:39 as prescribed in RSA 76-B:12.

III. The commissioner shall report the total amounts assessed to each municipality to the governor, speaker of the house of representatives, president of the senate, state treasurer, and department of education on or before November 30 of each year.

76-B:5 Homestead Exemptions.

I. The first \$150,000 of equalized full value of homesteads of qualifying taxpayers are exempt from the tax due under this chapter.

II. A qualifying taxpayer is an individual who:

(a) Is subject to the education income tax as a resident individual under RSA 76-A, whether required to file or not under RSA 76-A:6, or has been granted a local property tax exemption under RSA 72:39-a.

(b) On April 1 owns a homestead or interest in a homestead subject to the state education property tax; and

(c) Files a claim certifying under the pains and penalties of perjury that such taxpayer qualifies under subparagraph (a) and (b) with the selectmen or local assessing official on or before July 31 of the tax year for which the claim is made. Claims filed after July 31 each year shall not be considered timely for the current year, but shall be considered filed for the following tax year. The selectmen or local assessing official may waive the filing of a claim and list the homestead exemption for a taxpayer who has been granted a local property tax exemption under RSA 72:39-a and who is reasonably believed to currently qualify for that exemption.

III. Upon receipt of a claim for a homestead exemption under RSA 76-B:5, the selectmen or assessing officials shall review the claim and shall grant or deny the claim in writing by September 1 following receipt of the claim. Failure of the selectmen or assessing officials to respond shall constitute acceptance of the claim. Accepted claims shall continue from year to year without necessity for refile unless there is a change in ownership or use of the property, and except as provided for in subparagraph V(d). Accepted claims may at any time be revoked for any tax year or portion thereof following the occurrence of one or more of the following events:

(a) The claimant fails to file a return as required under RSA 76-B:6 within one year following the close of the tax year for which the exemption is claimed; or

(b) The claimant is no longer qualified for the local property tax exemption under RSA 72:39-a; or

(c) The claimant is no longer qualified under the definition of homestead in RSA 76-B:1, VII due to a change in ownership or use.

IV. Claims shall be made on forms prescribed by the commissioner and provided to each municipality.

V. The following shall apply to the determination of the amount of property value exempted relative to a homestead which is part of a single tax parcel upon which is located other dwelling units not owned or occupied by the taxpayer or significant non-residential use of the property:

(a) If the tax parcel includes property used for business or other nonresidential use, the exempt homestead amount shall include in addition to the actual homestead the lesser of 1,000 square feet of floor area of such non-residential use property or \$25,000 of equalized value, except that family owned and operated farms which are not owned by a business entity or held in the name of a non-natural person shall be eligible for the full homestead exemption on all property not assessed under RSA 79-A, 79-B, or 79-C.

(b) If the tax parcel includes other dwellings or dwelling units, the value of the homestead exemption relative to the claimed homestead shall be determined by the assessing official as follows:

(1) Divide the value of the tax parcel by the number of dwelling units; or

(2) If the square footage of each dwelling unit is known, multiply the value of the tax parcel by a fraction consisting of the square footage of the claimed homestead divided by the total square footage of all dwelling units in the parcel; or

(c) In lieu of the methods of determining the amount of homestead exemption in subparagraph (a) or (b), a taxpayer may present competent evidence of a greater proportion of exempt value to the assessing officials. In such instance the taxpayer bears the burden of proving the claimed exemption by the preponderance of the evidence.

(d) The procedure, or exclusion of value resulting from the procedure in subparagraph (b) shall be waived to the extent it pertains to a single additional dwelling unit on the homestead property that is occupied by a direct lineal ascendant or descendant, sibling, aunt, uncle, niece or nephew, by blood, marriage, or law, of the qualifying taxpayer who does not pay rent, other than for utilities, as annually certified by the claimant

(e) In no case shall the total homestead exemption exceed a total equalized full value of \$150,000.

VI. If a taxpayer purchases a homestead after April 1 for which no homestead exemption was claimed by the previous owner, the taxpayer may apply to the department for a refund of state education property tax previously paid on the homestead, but for which no application was made. The amount of such refund shall be apportioned according to the number of days in the tax year the taxpayer owned and occupied the homestead. Claims by taxpayers purchasing homestead property shall be filed with the inventory of property transfer required to be filed with the municipality pursuant to RSA 74:18. The selectmen or assessing officials shall, within 30 days of filing of the referral claim, accept or deny it and, if accepted, notify the department. The department shall certify the amount of such refund to the state treasurer for payment from the education trust fund created by RSA 198:39.

VII. Manufactured housing as defined in RSA 674:31 qualifying as homestead property and sited on land not owned by the claimant shall be eligible for the homestead exemption based on the value of such manufactured housing without the land. Such claimant may also be eligible for

a reduced renter's credit against their education income tax based on their rental of the lot or land on which the manufactured housing is located pursuant to RSA 76-A:5 III.

76-B:6 Time of Assessment and Payment. Except as provided in this chapter with respect to utility property, the tax shall be deemed assessed on April 1 in each year and is payable at the same time or times as the local property tax assessed by the municipality.

76-B:7 Collection. The assessing officials for each municipality shall make a list of all taxes by them assessed against property under their hands and seals to the tax collector, directing the tax collector to collect the state education property taxes along with other property taxes. It shall be listed as a separate line on the municipal property tax bill. Upon application by the assessing officials, the commissioner for good cause may extend the time for delivery of the state education property tax warrant.

76-B:8 Remedies for Collection. The state education property tax may be collected by all of the means and methods provided by law for the collection of property taxes.

76-B:9 Interest and Charges for Nonpayment. Nonpayment of the tax shall incur the same charges and interest as are imposed by law for nonpayment of local property taxes. Such charges and interest shall be payable to the municipality.

76-B:10 Abatement; Reimbursement of Abatements. The tax may be abated in the same manner as provided by law for abatement of local property taxes. Municipalities shall be reimbursed for the amount of such abatements on an annual basis, or at some more frequent interval at the discretion of the commissioner. Such reimbursement shall be payable by the state treasurer from the education trust fund created by RSA 198:39 upon certification of the amount of reimbursement by the commissioner to the treasurer.

76-B:11 Liability of Cities and Towns; Reimbursement of Uncollectables. Each municipality shall be liable to the state for all taxes lawfully assessed in such municipality. Taxes assessed but never collected, after collection procedures under RSA 80, including tax sale, are completed, shall be subject to reimbursement to the municipality by the state treasurer from the education trust fund created by RSA 198:39, upon certification of the amount of reimbursement by the commissioner to the treasurer.

76-B:12 Payment to State.

I. Each municipality shall cause its tax collector to certify such information as the state treasurer shall require, and shall cause its treasurer to pay over to the state treasurer, amounts assessed to the municipality under RSA 76-B:4 as follows: 40 percent of the tax assessed to the municipality in the prior tax year on or before July 31 and 30 percent of the actual balance of the tax assessed for the current tax year on or before December 31 and March 31; or in such other amounts and on other dates as may be prescribed by the commissioner in the event that the municipality bills only annually for property taxes or due to other extenuating circumstances.

II. Notwithstanding the provisions of paragraph I, the first tax year payment to be made by July 31, 2002 shall be as estimated by the commissioner.

76-B:13 Computation for Costs. A municipality may retain for its unrestricted use 2 ½ percent of the amount of tax assessed by it as compensation for the costs of collecting such state taxes, administering homestead claims and assessments, appraising and valuing taxable real estate in

compliance with state standards, and otherwise complying with the provisions of this chapter, RSA 75, RSA 76, RSA 76-A, and RSA 76-C. Such amount shall not be included in the amount payable by the municipality to the state treasurer under RSA 76-B:12. In addition municipalities may keep any interest earned on state taxes that are collected but not due and remitted to the state, as additional compensation for the costs of collection and administration of the state education property tax.

76-B:14 Extents. The state treasurer may also issue an extent for the amounts of all taxes not remitted by any municipality as provided in this chapter.

76-B:15 Local Property Taxes for Expense of Education Beyond Adequacy. Municipalities are hereby authorized to assess and collect property taxes locally, under general provisions of law, to meet budgeted expenses of education not funded through adequate education grants, other distributions from the education trust fund under RSA 198:39, or moneys raised from other sources.

76-B:16 Appeals of Homestead Exemptions.

I. Whenever the selectmen or assessing officials refuse to grant a taxpayer a homestead exemption, or grant an exemption less than the amount claimed by the taxpayer, or the taxpayer is aggrieved by a determination by the assessing official under this chapter, the taxpayer may appeal in writing, on or before March 1 following the date of notice of tax under RSA 72:1-d, to the board of tax and land appeals.

II. When a taxpayer appeals the denial of a claim to the board of tax and land appeals, the board may reverse or affirm, wholly or partly, or may modify the decision brought up for review when there is an error of law or when the board finds the selectmen's or assessing official's action to be arbitrary or unreasonable.

CHAPTER 76-C

PROPERTY TAX ABATEMENT PROGRAM

76-C:1 Purpose; Property Tax Abatement Program. The purpose of the property tax abatement program is to aid in preserving New Hampshire's tradition of home ownership by abating excessive and unreasonable property tax burdens.

76-C:2 Definitions. In this subdivision:

I. "Homestead" means "homestead" as defined and limited for purposes of the homestead exemption in RSA 76-B:5.

II. "Household" includes all persons living with taxpayer in the same dwelling unit that has qualified for a homestead exemption. A person not related by blood or marriage to the taxpayer and who is either a bona fide renter of a room within a dwelling unit/homestead or a bona fide employee providing personal care to a member of the household and who is not related to the person for whom the care is provided shall not be included in the household, provided that if a renter, his or her rent is accounted for in a statement of household income (through a Form 1040 Schedule E or equivalent form approved by commissioner of revenue administration). A household member who files separately from the taxpayer and who only resides in the taxpayer's home for part of the year may pro rate his or her annual income based on the number of months (rounded up to a whole number of months) that the member resided in the household.

III. "Household income" means the sum of the personal incomes of all household members. Personal income is the federal adjusted gross income (as determined by Internal Revenue Code) increased by tax-exempt interest (Form 1040, line 8b), the amount of net capital losses (Form 1040, line 13, Schedule D loss), the amount of other losses (from sales of business

property, Form 1040, line 14, Form 4797), the amount of business losses (Form 1040, line 12, Schedule C), the amount of losses from rental real estate, royalties, partnerships, S corporations, estates, trusts, REMICS, etc. (Form 1040, line 17, Schedule E losses), the amount of nontaxable pensions and annuities (Form 1040, line 16a-16b), and the amount of nontaxable social security benefits (Form 1040 lines 20a-20b). Federal Internal Revenue Service form and line numbers are for reference in defining the meaning of terms. If federal form and line numbers change subsequent to the effective date of this paragraph, the commissioner of revenue administration may establish comparable revised defining references by rules, adopted pursuant to RSA 541-A.

IV. "Qualifying taxpayer" means a taxpayer whose total property taxes on the taxpayer's homestead exceeds 8 percent of household income for a given year and who has an eligibility percentage of greater than zero percent.

76-C:3 Applications.

I. The commissioner of revenue administration shall provide municipalities with notices of the availability of and instructions for claiming property tax abatements under this subdivision, to be mailed with property tax bills beginning in November 2002 and with all property tax bills for each billing thereafter.

II. The commissioner of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to the forms for applications for property tax abatements and statements of household income.

III. Applications for abatement may be filed any time during a given calendar year based on the prior year's personal income and property taxes, including local, county, and state property taxes, assessed on the homestead. Applications should be filed before April 30 of each year. Those applications filed between May 1 and December 31 will be accepted as late and may be delayed in payment or denied if funds are not available.

IV. An application for property tax abatement and a statement of household income shall be submitted and signed, as true to the best knowledge and belief of the applicants under penalties of perjury, by all adult members of the household who contribute income to the household. Copies of all federal and state personal income tax returns shall be filed with the application. An applicant who is not required to file federal or state personal income tax returns due to low income, shall complete and sign these forms if requested to do so by the commissioner of revenue administration.

76-C:4 Qualifying Taxpayers.

I. Each taxpayer who submits a complete application for abatement shall be assigned an eligibility percentage based on household income. The eligibility percentage shall be the lesser of 100 percent or a ratio equal to (twice the household exemptions minus household income) divided by household exemptions, where household exemptions equal the total amount of exemptions that household members qualify for under RSA 76-A:3, I(a).

II. Each qualifying taxpayer's abatement shall equal their eligibility percentage times their maximum excess property tax burden. The maximum excess property tax burden is the entire amount of property taxes on the taxpayer's homestead in excess of the circuit breaker limit for the year. By July 31 of each year the commissioner shall determine the circuit breaker limit for the current year's applications (based on prior year's income and property taxes) by establishing it as the lowest percentage, rounded to the nearest 1/10 percentage point, where all

payments of abatements due on approved applications received by April 30 will be less than available dedicated and appropriated funds on hand as of June 30, but not less than 8 percent.

76-C:5 Payments of Approved Abatements.

I. By September 30 of each year, the commissioner of revenue administration shall pay abatements due on approved applications that were received prior to May 1 of that year. Abatements due on approved applications that were received on or after May 1 may be paid at the convenience of the department of revenue administration as funds are available during the remainder of that fiscal year or rejected if funds are not available.

II. The department of revenue administration shall make abatement payments either jointly to the taxpayer and the tax assessor of the taxpayer's homestead municipality, or if so directed on the application, directly to the municipality of the taxpayer's homestead on the taxpayer's account, so the abatement may be used as a payment of property taxes due.

III. Abatements not deposited within one year of issuance may be canceled and forfeited back to the property tax abatement program fund.

IV. If the department determines that an abatement was overpaid due to subsequent audit, amended return, or error correction, the taxpayer shall return the overpayment and the amount may be withheld from future abatements or the amount of overpayment due plus interest shall accrue as a lien against the taxpayer's homestead, to be paid upon sale of the real estate.

V. The property tax abatement program fund is established within the office of the state treasurer. This fund shall be nonlapsing and shall be for the sole purpose of making payments on approved abatement applications under this section. Moneys from a portion of real estate transfer tax revenues shall be deposited in this fund, in accordance with RSA 78-B:13, II.

72 Reference to Interest and Dividend Tax Deleted; Education Income Tax Added. Amend RSA 72:34, II to read as follows:

II. For those exemptions having income or asset limitations, the assessing officials may request true copies of any of the following, as needed to verify eligibility. Any documents submitted shall be considered confidential, handled so as to protect the privacy of the applicant, and returned to the applicant at the time a decision is made on the application. The documents are:

- (a) Federal income tax form; ~~and~~
- (b) ~~State interest and dividends tax form; and~~
- (~~c~~) Property tax inventory form filed in any other town; **and**
- (c) **Education income tax form.**

RSA 359-C shall not apply to the documents requested for verification under this section.

73 Adjustment to Business Profits Tax; Reference Changed. Amend RSA 77-A:4, I to read as follows:

I. In the case of a business organization which is subject to taxation under RSA [77] **76-A**, a deduction of such amount of gross business profits as is attributable to income which is taxable or is specifically exempted from taxation under RSA [77] **76-A**.

74 Real Estate Transfer Tax; Distribution of Funds. RSA 78-B:13 is repealed and reenacted to read as follows:

78-B:13 Distribution of Funds.

I. The commissioner shall determine the amount of revenue produced by \$.10 per \$100 for each fiscal year based upon prior year experience and shall certify such amounts to the state treasurer by October 1 of that year.

II. The state treasurer shall deposit the amount of revenue produced by \$.10 per \$100 as determined by the commissioner into the property tax abatement program fund established under RSA 76-C:5, V.

75 Reference Deleted. Amend RSA 87:1, I to read as follows:

I. ~~[In addition to the taxes imposed by RSA 86]~~ An estate tax is hereby imposed upon the transfer of the estate of every decedent leaving an estate which is subject to an estate tax under the provisions of the United States Internal Revenue Code of 1986, as amended, and who has property within this state.

76 New Chapter; Early Literacy and Reading Improvement. Amend RSA by inserting after chapter 193-F the following new chapter:

CHAPTER 193-G

EARLY LITERACY AND READING IMPROVEMENT

193-G:1 Purpose. The general court finds that in order to implement New Hampshire's policy of providing all pupils with the opportunity to acquire an adequate public elementary and secondary education, it is essential that by the end of grade 3 virtually all children shall demonstrate that they have developed the interest and ability to read with fluency and understanding materials appropriate for third grade pupils.

193-G-2 Early Literacy and Reading Improvement Fund. There is hereby established an early literacy and reading improvement fund in the department of education. This fund shall be used for the purpose of providing instruction and to provide early literacy and reading improvement assistance to school districts to help students in kindergarten through grade 3 to read and write at grade level by the end of grade 3; to provide, develop, and evaluate outcome-proven programs and courses; and to provide technical assistance and professional development activities through grants, contracts with consultants, and employment of individuals to fill authorized, program-related positions. The administration of the early literacy and reading improvement program shall involve the following:

I. Establishing forms and procedures for districts to use for the development and submission of early literacy and reading improvement grant requests, including:

(a) A detailed plan and budget, with the opportunity to request up to 3 years of financial assistance primary school professional development; and the further opportunity to apply for additional assistance based on demonstrated need.

(b) An assurance that grant funds will be used only to supplement and not supplant on-going local efforts.

(c) A description, if applicable, of how grant activities were planned in consultation with, and will be implemented in coordination with the goals of the initiative.

(d) A delineation of the geographic area to be served by the project.

II. Providing assistance to districts in the development of grant requests.

III. Establishing an equitable grant review process that:

(a) Includes an evaluation of each proposal's adequacy, educational appropriateness, and cost effectiveness, and the extent to which additional revenues are required to implement the proposed plan and activities.

(b) Gives priority to districts with lower-performing schools in reading and which are proposing reasonable efforts to address early literacy needs and/or improve reading performance.

IV. Reviewing grant requests with recommendations for approval, including level of funding and, to the extent possible, balanced geographic distribution.

V. Distributing grant payments to school districts in accordance with an established payment schedule specified in the district's grant approval notification.

VI. Monitoring the implementation of funded plans and activities.

VII. Evaluating the educational impact of the early literacy and reading improvement program on reading skill and comprehension in students in kindergarten through grade 3.

VIII. The state board shall, pursuant to RSA 541-A, and not later than July 1, 2002, adopt rules relative to the administration of the early literacy and reading improvement program established in this section.

77 Cooperative School Districts; Certification of District Taxes; Adequate Education Grants. Amend RSA 195:14, I (b) to read as follows:

(b) The commissioner of revenue administration shall examine such certificates and delete any appropriations which appear not made in accordance with the law, and adjust any sum, in accordance with RSA 21-J:35, which may be used as a setoff against the amount appropriated when it appears to the commissioner of revenue administration such adjustment is in the best public interest. ***The commissioner of the department of revenue administration shall apply the total amount of all adequate education grants received pursuant to RSA 198:42 as a set-off against the amount appropriated.***

78 Cooperative School Districts; Certification of District Taxes Amended. Amend RSA 195:14, I(c) to read as follows:

(c) The commissioner of revenue administration shall certify to the state department of education the total amount ~~[to be apportioned among the pre-existing school districts. Such total shall include the adequate education cost for the district under RSA 198:38, XII, and the amount above the cost of an adequate education to be assessed and collected as local educational taxes]~~ ***of taxes to be raised for the support of the cooperative school district.***

79 Cooperative School Districts; Certification of District Taxes; Determination of Proportional Share Amended. RSA 195:14, I (d) is repealed and reenacted to read as follows:

(d) The state department of education shall determine the proportional share of said taxes to be borne by each preexisting school district and notify the commissioner of revenue administration of its determination.

80 Cooperative School Districts; Educational Adequacy Grant Computation Amended. Amend RSA 195:15 to read as follows:

195:15 State Aid. The state aid to which a cooperative elementary and/or secondary district shall be entitled shall be the total of those shares of the aid to which the pupils attending the cooperative district would have entitled the pre-existing districts, had they remained in the pre-existing districts. ~~[For the purposes of crediting the cooperative district's adequate education cost to the pre-existing districts, each such pre-existing district shall have its adequate education cost under RSA 198:38, XII credited against its share of the cooperative school district budget. However,]~~ Cooperative school districts formed by 2 or more pre-existing districts whose boundaries approximate those of a single township in which they are located shall be treated as a single school district for the purposes of this section.

81 Cooperative School Districts; Formation Procedures; Adequate Education Grant Apportionment Amended. Amend RSA 195:18, IX to read as follows:

IX. The organization meeting of a cooperative school district shall be called to order by the chairperson of the cooperative school district

planning board, or by the clerk-treasurer thereof, who shall serve as temporary chairperson for the first order of business which shall be the election of a moderator and of a temporary clerk, by ballot, who shall be qualified voters of the district. From and after the issuance of the certificate of formation by the board to the date of operating responsibility of the cooperative school district, such district shall have all the authority and powers of a regular school district for the purposes of incurring indebtedness, for the construction of school facilities and for such other functions as are necessary to obtain proper facilities for a complete program of education. When necessary in such interim, the school board of the cooperative school district is authorized to prepare a budget and call a special meeting of the voters of the district, which meeting shall have the same authority as an annual meeting, for the purpose of adopting the budget, making necessary appropriations, and borrowing money. Whenever the organization meeting is held on or before April 20 in any calendar year, no annual meeting need be held in such calendar year. Sums of money raised and appropriated at the organization meeting or any interim meeting prior to the first annual meeting shall be forthwith certified to the commissioner of revenue administration and the state department of education upon blanks prescribed and provided by the commissioner of revenue administration for the purpose, together with a certificate of estimated revenues, so far as known, and such other information as the commissioner of revenue administration may require. The commissioner of revenue administration shall examine such certificates and delete any appropriations which appear not made in accordance with the law, and adjust any sum which may be used as a setoff against the amount appropriated when it appears to the commissioner such adjustment is in the best public interest. *The commissioner of the department of revenue administration shall apply the total amount of all adequate education grants received pursuant to RSA 198:42 as a setoff against the amount appropriated.* The commissioner of revenue administration shall certify to the state department of education the total amount of taxes to be raised for said cooperative school district and the state department of education shall determine the proportional share of said taxes to be borne by each preexisting school district and notify the commissioner of revenue administration of its determination. Upon certification by the commissioner of revenue administration the selectmen of each town shall seasonably assess the taxes as provided by law. The selectmen shall pay over to the treasurer of the cooperative district such portion of the sums so raised as may reasonably be required according to a schedule of payments needed for the year as prepared by the treasurer and approved by the cooperative school board, but no such payment shall be greater in percentage to the total sum to be raised by one local district than that of any other local district comprising such cooperative school district.

82 School Money; Definitions Amended. Amend RSA 198:38, X and XI to read as follows:

X. "Average daily membership in residence" and "resident pupils" mean the average daily membership in residence as defined in RSA 189:1-d, IV except that no *preschool or* kindergarten pupil shall count as more than 1/2 day attendance per calendar day.

XI. "Transportation costs" means the costs of transporting pupils to and from school and other school activities *less any local transportation revenues* reported by school districts on the [MS-25] DOE-25 form.

83 Education Trust Fund. RSA 198:39 is repealed and reenacted to read as follows:

198:39 Education Trust Fund Created and Invested.

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to fund:

(a) Adequate education grants to municipalities' school districts pursuant to RSA 198:42 and RSA 198:42-a.

(b) The early literacy and reading improvement fund established in RSA 193-G:2.

(c) Costs to implement improved assessment, accountability and performance standards for public schools, including technical assistance, instructional improvement and local school improvement grants.

(d) Special education programs including catastrophic aid.

(e) Local education tax effort caps pursuant to RSA 198:40-a.

(f) Kindergarten construction aid pursuant to RSA 198:15-r.

(g) Other public school building aid programs.

(h) The necessary costs of administration of the education trust fund and taxes dedicated to it including refunds due taxpayers for overpayment of taxes pursuant to 76-A:6, III, or due municipalities for reimbursement of abatements or uncollectable tax amounts pursuant to RSA 76-B:10-11.

II. The state treasurer shall deposit into this fund immediately upon receipt:

(a) Funds certified to the state treasurer by the commissioner of revenue administration pursuant to RSA 77-A:20-a, relative to business profits taxes.

(b) Funds certified to the state treasurer by the commissioner of revenue administration pursuant to RSA 77-E:14, relative to business enterprise tax.

(c) Funds collected and paid over to the state treasurer by the commissioner of revenue administration pursuant to RSA 78-A:26, III relative to the tax on motor vehicle rentals.

(d) Funds collected and paid over to the state treasurer by the department of revenue administration pursuant to RSA 78:32, relative to tobacco taxes.

(e) Funds certified to the state treasurer by the commissioner of revenue administration pursuant to RSA 78-B:13, relative to real estate transfer taxes.

(f) Funds collected and paid over to the state treasurer by the department of revenue administration pursuant to RSA 83-F:7, I, relative to the utility property tax.

(g) The full amount of excess education property tax payments from the department of revenue administration pursuant to RSA 198:46.

(h) All moneys due the fund in accordance with RSA 284:21-j, relative to sweepstakes.

(i) Tobacco settlement funds in the amount of \$40,000,000 annually.

(j) The net revenue from the education income tax from the department of revenue administration pursuant to RSA 76-A:15, after deducting the necessary costs of collection and administration including taxpayer refunds under RSA 76-A:6, III.

(k) Revenue from the state education property tax under RSA 76-B.

(l) Any other moneys appropriated from the general fund.

III. The education trust fund shall be nonlapsing, except as provided in paragraph V. The state treasurer shall invest that part of the fund which is not needed for immediate distribution in short-term interest-bearing investments. The income from these investments shall be returned to the fund.

IV. The state treasurer shall maintain a separate accounting within the education trust fund for all moneys received from any state run lottery and all the interest received on such moneys and ensure that all such moneys are used exclusively for the school districts of the state.

V. At the end of each fiscal year the state treasurer shall account for any surplus funds in the education trust fund, exclusive of unexpended lottery funds which shall not lapse and shall carry over as a balance to fund future state aid to education. Surplus funds, excluding lottery funds, shall be divided as follows:

(a) One fifth shall carry forward as general surplus toward future appropriations from the fund; and

(b) Four fifths shall lapse into a dedicated account for local education tax effort cap grants pursuant to RSA 198:40-a.

84 Education Trust Fund; July 1, 2002. RSA 198:39, II is repealed and reenacted to read as follows:

II. The state treasurer shall deposit into this fund immediately upon receipt:

(a) Funds collected and paid over to the state treasurer by the department of revenue administration pursuant to RSA 83-F:7, I, relative to the utility property tax.

(b) All moneys due the fund in accordance with RSA 284:21-j, relative to sweepstakes.

(c) The net revenue from the education income tax from the department of revenue administration pursuant to RSA 76-A:15, after deducting the necessary costs of collection and administration including taxpayer refunds under RSA 76-A:6, III.

(d) Revenue from the state education property tax under RSA 76-B.

(e) Any other moneys appropriated from the general fund.

85 School Money; Determination of Per Pupil Adequate Education Cost; Reference Amended. Amend RSA 198:40, I and II to read as follows:

I. For the biennium beginning July 1, 1999, and *for the first year of every biennium thereafter*, the cost per pupil shall be established using the following formula:

(a) The department of education shall calculate the base expenditure per pupil for each school district that operates an elementary school by subtracting from the total expenditures at the elementary school level, tuition to other school districts or approved educational programs, capital costs and debt service on such costs, special education costs, food service costs, transportation costs, adult/continuing education and community services costs, and federal revenues not otherwise deducted. For each school district, this amount shall be divided by the average daily membership in attendance at the elementary school level to attain the base expenditure per pupil.

(b) The adequate education grant amount shall be calculated as follows:

(1) The department of education shall identify those school districts where ~~[40 to 60 percent of the elementary pupils enrolled in the grades tested on the day testing began, achieved a scaled score, in the statewide educational improvement and assessment program administered pursuant to RSA 193-C, in all areas tested, equivalent to performance at the basic level or above],~~ *for each of the 3 previous years, a minimum of 11 pupils were assessed in each subject area of the statewide assessment program administered pursuant to RSA 193-C to pupils in the third and sixth grades. For each grade and year, the department shall determine the average percentage of pupils*

performing at the basic level or above. The average shall be based on the number of pupils enrolled on the test date. A basic level or above percentage for each district shall be computed using the average of each grade and year. Districts where the 3-year average performance at the basic level or above is between 50 percent and 70 percent shall be selected.

(2) From the school districts ~~identified~~ *selected* in subparagraph I(b)(1) of this section, the department of education shall then identify those school districts that have the lowest base expenditure per pupil as calculated pursuant to subparagraph I(a) and which represent, as nearly as possible, 50 percent of the average daily membership in attendance at the elementary level of the school districts identified in subparagraph I(b)(1) of this section.

(3) The department of education shall calculate ~~the~~ *an* average base cost per pupil of an adequate education at the elementary school level by multiplying the base expenditure per pupil of each school district identified in subparagraph I(b)(2) of this section by the average daily membership in attendance at each of the selected school districts, and add the results across all districts selected. This sum shall then be divided by the total average daily membership in attendance at the elementary school level in all of the selected school districts and the result shall be multiplied by .9025.

II. ~~The~~ *For the fiscal year beginning July 1, 2002 and each fiscal year thereafter*, weighted average daily membership in residence for each municipality shall be calculated by combining the elementary average daily membership in residence with the weighted high school average daily membership in residence, the average daily membership in residence resulting from educationally disabled children, and the ~~additional~~ *weighted* average daily membership in residence ~~resulting from elementary pupils eligible to receive a free or reduced-price meal~~ *calculated in accordance with RSA 198:38, VII(d)*. The statewide weighted average daily membership in residence of pupils shall be calculated by combining the weighted average daily membership in residence of each municipality in the state.

86 New Paragraph; School Money; Determination of Per Pupil Adequacy Grants. Amend RSA 198:40 by inserting after paragraph III the following new paragraph:

IV. Beginning July 1, 2004, and in the second fiscal year of each biennium thereafter, the average base cost per pupil shall be increased by multiplying the average base cost per pupil in the first fiscal year of the current biennium by one plus $\frac{1}{2}$ of a fraction whose numerator is a number equal to the difference between the average base cost per pupil in the first fiscal year of the current biennium and the average base cost per pupil of the first fiscal year of the immediately preceding biennium, and whose denominator is the average base cost per pupil of the first fiscal year in the immediately preceding biennium.

87 New Sections; Local Education Tax Effort Cap Program. Amend RSA 198 by inserting after section 40 the following new section:

198:40-a Local Education Tax Effort Cap Grant Program.

I. In conjunction with issuing local school tax warrants beginning in 2002, the commissioner shall calculate local education tax effort cap grants by computing a local education tax effort ratio for each municipality in the state by first computing for each municipality the equalized property value per pupil and then dividing that by the average equalized property value per pupil for all municipalities in the state that have an average daily membership in residence of at least 5.

II. The equalized property value per pupil is the equalized assessed value of real property in each municipality (the sum of modified local assessed value plus the department of revenue administration's inventory adjustment including utility property but excluding any capitalized railroad tax, revenue sharing payments or payments in lieu of taxes) divided by the latest available average daily membership in residence for the municipality.

III. The sum of equalized assessed value for all municipalities with an average daily membership in residence of at least 5, divided by the sum of average daily membership in residence for those communities is the state average.

IV. The commissioner of revenue administration shall determine the tax effort cap grant for each municipality by allocating a portion of available dedicated funds to the municipality with the smallest tax effort ratio toward the local school property tax amount to be raised, such that the effective tax effort ratio for that year is raised to that of the municipality with the next smallest ratio. Then another portion of available funds shall be allocated to the municipalities with the smallest effective tax effort ratio to raise them to the level of the municipality with the next smallest ratio, and so on until the available funds are exhausted.

V. Once all available funds for local education tax effort cap grants are allocated, then the commissioner shall calculate the local school property tax rate by using the grants as an offset against the amount to be raised. The grants shall be paid to the municipality for transfer to and use by their school districts from the dedicated account for local education tax effort cap grants established within the education trust fund under RSA 198:39, V.

88 Education; School Money; Excess Education Property Tax Payment; Maintenance of Local Control. Amend RSA 198:48 to read as follows:

198:48 Maintenance of Local Control. Distributions under RSA 198:42 depend only on weighted average daily membership in residence and the per pupil adequacy cost amounts as determined in this subdivision and are independent of how the [municipalities] *school districts* decide to spend the distributions or other funds they may raise for education. Notwithstanding any other provision of law, nothing in this subdivision is intended in any way to limit or control how school districts operate or spend their budgets, *except that adequate education grants must be expended for educational purposes. Adequate education grants and local education tax effort cap grants shall not be considered unanticipated funds under RSA 198:20-b. In determining the local school property tax rate, the commissioner of revenue administration shall apply the total amount of adequate education grants and local education tax effort cap grants received by school districts as a setoff against the amount appropriated in the officially approved budget.*

89 New Subparagraph; Property Tax Abatement Program. Amend RSA 6:12, I by inserting after subparagraph (dddd) the following new subparagraph:

(eeee) Moneys received for the property tax abatement program, in accordance with RSA 78-B:13, II, which shall be deposited in the property tax abatement fund established in RSA 76-C:5, V.

90 Initial Funding; Bonds Authorized. To provide initial funding for start-up costs including consultants, facilities, equipment and computer purchases, and other administrative and enforcement costs under RSA 76-A, RSA 76-B and RSA 76-C, in excess of funds appropriated, the state treasurer is hereby authorized to borrow upon the credit of the state not

exceeding an amount certified by the commissioner of revenue administration and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made from the education trust fund established in RSA 198:39. The bonds shall be 5-year bonds.

91 Appropriations.

I. The sum of \$10,000,000 for the fiscal year ending June 30, 2002 is hereby appropriated to the department of revenue administration to fund the costs necessary to implement RSA 76-A and RSA 76-B including measures necessary to ensure that the state education property tax is applied and administered in a constitutional manner and may include reasonable costs reimbursed to municipalities for the cost of implementing RSA 76-B. This appropriation shall be non-lapsing. The governor is authorized to draw a warrant for said sum out of any money in the treasury, including the education trust fund, not otherwise appropriated.

II. The sum of \$2,000,000 for the fiscal year ending June 30, 2002 and \$2,000,000 for the fiscal year ending June 30, 2003 is hereby appropriated to the department of education for the early literacy and reading improvement fund established under RSA 193-G:3. The governor is authorized to draw a warrant for said sums out of any money in the treasury, including the education trust fund, not otherwise appropriated.

92 First Taxable Year of Income Tax. The first taxable period under RSA 76-A, as inserted by section 71 of this act, begins January 1, 2002, and ends December 31, 2002. Persons liable for a tax during the first taxable period and who do not report the payment of federal income taxes on a calendar year basis are entitled to such proportion of the exemptions allowed in RSA 76-A as the period bears to their taxable year. The determination of the tax shall be made under rules adopted by the commissioner of revenue administration under RSA 541-A, consistent with the general purposes and provisions of RSA 76-A. Persons required to make information returns for the first taxable period shall make them on a proportional basis in such form as the commissioner requires. For such first taxable period under RSA 76-A, all penalties, but not interest, shall be waived for underpayment of estimated taxes and insufficient withholding for calendar year 2002.

93 Returns for Certain Taxes. All persons who are liable for a tax under RSA 77 as of December 31, 2001, who thereafter are no longer liable for a tax under RSA 77 because of the passage of this act shall make a return of such taxes due the commissioner of revenue administration in such manner and on such forms as the commissioner shall prescribe in rules adopted under RSA 541-A. The administrative provisions of RSA 77 shall remain in effect to permit the collection of taxes upon income taxable under RSA 77 which is received by persons subject to taxation under that chapter through December 31, 2001, and to permit the distribution of that revenue. Persons who are liable for a tax under RSA 77 who do not report the payment of federal income taxes on a calendar year basis are entitled to such proportion of the exemptions allowed in RSA 77 as the reporting period bears to their taxable year.

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

95 Prospective Repeal Date of Education Property Tax Changed; Repeals of Adequate Education Grants Determination Deleted. 1999, 338:21 is repealed and reenacted to read as follows:

338:21 Repeal. RSA 76:3, relative to the education property tax is repealed.

96 Effective Dates of Repeal of Education Property Tax and Hardship Relief Provisions. Amend 1999, 338:25, I and II to read as follows:

I. Section 21 of this act shall take effect [~~January 2, 2003~~] **March 31, 2002**.

II. Section 22 of this act shall take effect July 1, [~~2003~~] **2002**.

97 Repeals; Effective July 1, 2001. The following are repealed:

I. RSA 86:6, relative to taxable property and the rate of the legacies and succession tax.

II. RSA 198:48-a, VII, relative to aid for new alternative kindergarten programs.

III. 2000, 289:2, relative to aid for new kindergarten aid programs.

98 Repeals; Effective January 1, 2002. The following are repealed:

I. RSA 76:8, relative to the commissioner's warrant.

II. RSA 76:9, relative to the commissioner's report.

III. RSA 77, relative to taxation of incomes.

IV. RSA 77-A:20-a, relative to the distribution of business profits tax revenues.

V. RSA 77-B, relative to the commuter income tax.

VI. RSA 77-E:2, relative to the imposition of the business enterprise tax.

VII. RSA 261:52-a, relative to notice that the interest and dividends tax may be due.

VIII. RSA 391:3, relative to the taxation of common trust funds under RSA 77.

99 Repeals; Effective April 1, 2002. The following are repealed:

I. RSA 198:39, I(b), relative to excess education property tax payments in the education trust fund.

II. RSA 198:46, I-III, relative to excess education property tax payments.

III. RSA 198:47, relative to forms for reporting and remitting excess education property tax.

100 Repeals; Effective July 1, 2002. The following are repealed:

I. RSA 78:32, relative to distribution of tobacco tax revenues.

II. 1999, 281:4, relative to apportioning the costs of an adequate education within a cooperative school district.

III. RSA 281:12, relative to the definition of state aid for educational adequacy.

101 Repeal; Effective December 31, 2002. RSA 77-E, relative to the business enterprise tax, is repealed.

102 Effective Date.

I. Sections 8, 9, 30, 34, 40-49 and 53 of this act shall take effect 60 days after its passage.

II. Sections 22-23, 26-29, 37, and 54 of this act shall take effect upon its passage.

III. Sections 50-52 of this act shall take effect as provided in section 54.

IV. Section 15 of this act shall take effect June 30, 2001.

V. Sections 10, 71-73, 90, and 98 of this act shall take effect January 1, 2002.

VI. Section 99 of this act shall take effect April 1, 2002

VII. Sections 84 and 100 of this act shall take effect July 1, 2002.

VIII. Section 101 of this act shall take effect December 31, 2002.

IX. Section 65 of this act shall take effect July 1, 2004.

VIII. The remainder of this act shall take effect July 1, 2001.

2001-1663s

AMENDED ANALYSIS

I. Extends the temporary rate of the communications services tax.

II. Establishes a travel and tourism development fund.

III. Provides for the costs of administration of the retirement system to be a charge upon retirement system funds.

IV. Provides for the method of funding payments for certain group I members of the New Hampshire retirement system.

V. Establishes an administrative fund for the land and community heritage investment authority and adds certain powers and duties of the authority.

VI. Provides that the initial funding mechanism and appropriation for the telecommunications planning and development initiative shall not lapse until June 30, 2003.

VII. Permits the commissioner of the department of health and human services to fill authorized unfunded positions.

VIII. Provides for an amnesty period on payment of penalties and interest on unpaid taxes owed to the state.

IX. Establishes the division of community services within the department of revenue administration and enables certain purchases and positions relating to assessing enforcement.

X. Provides specific time lines and abatement and appeal procedures for betterment assessments.

XI. Sets forth a formula for distributing new kindergarten adequacy payments to pupils enrolled in new public kindergarten programs or an approved alternative kindergarten program.

XII. Establishes a committee to study the development of a new budget system; extends the lapse date of an appropriation to the department of administrative services; and makes the appropriation available to the study committee.

XIII. Suspends the provisions of law relating to the revenue stabilization account for the biennium ending June 30, 2001, and provides for a transfer of funds from the general fund operating surplus in the event of an education trust fund budget deficit at the close of the fiscal biennium ending June 30, 2001.

XIV. Changes the date monthly payments are due from the counties to the state for certain services from 30 days to 45 days of notice such payments are due.

XV. Enables additional revenues to be made available for certain health and human services programs.

XVI. Makes an appropriation to the postsecondary education commission for administration of the granite state scholars program.

XVII. Requires approval by the fiscal committee of the general court and the governor and council prior to submission to the public utilities commission of plans for the administration of system benefits charge funds which are in the custody of the treasurer pursuant to a request of the public utilities commission.

XVIII. Grants laid-off state employees certain rights with regard to rehiring.

XIX. Requires the department of health and human services to reimburse municipal and private emergency medical ambulance transport

providers for transporting medicaid patients at the same transport and mileage rate as the federal Health Care Financing Authority pays for transportation of Medicare patients.

XX. Authorizes a longevity payment for the deputy commissioner of the department of health and human services.

XXI. Authorizes the commissioner of the department of health and human services to establish certain unclassified positions as necessary for the biennium ending June 30, 2003.

XXII. Establishes a revolving fund to be used for capital improvements for the parking facilities at Hampton Beach.

XXIII. Requires valuations of taxable property every 5 years, and certification of municipal assessments by the commissioner of revenue administration of compliance with state assessing standards.

XXIV. Makes a \$1 appropriation to the department of agriculture, markets, and food for the purpose of distribution to agricultural fairs.

XXV. Clarifies the definition of mental retardation for the purposes of involuntary admission; establishes a commission to review possible sites for the provision of specialized treatment for certain individuals; requires the department of health and human services to establish the specialized treatment program, subject to available appropriations; and makes an appropriation of \$1 for this purpose.

XXVI. Establishes a flat rate education income tax.

XXVII. Repeals the education property tax under RSA 76:3 and establishes a new state education property tax.

XXVIII. Establishes a local education tax effort cap grant program and a program for abatement of excessive property taxes.

XXIX. Repeals the interest and dividends tax, and the legacies and successions tax, and the business enterprise tax, and reduces the rate of the business profits tax and the real estate transfer tax.

XXX. Changes certain sources of funding of the education trust fund. Provides that the department of revenue administration shall credit all adequate education grant payments to the cooperative school district as a whole for the purpose of determining the amount of taxes to be raised to support the cooperative school district.

XXXI. Modifies the formula for calculating the portion of the adequate education grant based on free and reduced-price lunches.

XXXII. Implements an early literacy and reading improvement program and an associated fund within the department of education.

SENATOR BELOW: What this amendment does is it replaces all after the enacting clause of HB 375 as amended by the Senate. It adopts all the provisions of HB 375 except for those five areas where there are already amendments offered. Mainly, it takes out the increase in the business enterprise tax. It takes out the increase in the communications services Tax. It takes out the lapse surplus in tobacco money, and it takes out the phase-in of the repeal of the estate and legacy tax. What it offers instead is an immediate repeal of the legacy and succession tax as of July 1. It offers a complete repeal of the business enterprise tax as of January 1, 2002 or end of this year. It offers a complete...wait a second. It offers a major reduction in the state property tax. It offers a personal income tax as the primary basis for funding the states obligation for education. What it does with the property tax is it cuts the rate starting next year, from \$6.50 to \$3.50. It exempts the first \$150,000 value on equalized value on every home in the state, as a homestead exemption, from the statewide property tax, so that every home worth \$150,000 or less would pay no state property tax. In homes that have value in excess of that would pay

at the \$3.50 rate, but the owner of that home, if they have a New Hampshire personal income tax liability, could take a credit against that income tax liability equal to up to the full amount of their state property tax. So even somebody in a \$1 million home or let us say \$1,050,000, who would be paying \$3,500 in state property tax on the \$1 million value in excess of \$150,000. If they had that much income tax liability, you could offset that. So people would either pay one or the other. The New Hampshire state income personal income tax or the state property tax, but not both. The reason that it is structured in that way is so that we...commuters still make a contribution...if somebody works in Massachusetts and lives in a half million dollar home, they will get a break from this. They will get a brief break equal to \$6.60 times the first \$150,000 of value or \$990 or so. But they will also pay the state property tax on their value in excess of the \$150,000 and if they don't have a New Hampshire income tax liability, then they will pay both, because they are paying their income tax to another state. The personal income tax that is proposed here, it is of course a broad base tax. It is a tax on really the source of all of our wealth or really much of our wealth and much of the basis for paying all taxes, which is personal income. The reason that we proposed to do that is because of the close correlation between education and income. Our constitution references that, in the clause about the encouragement of literature and knowledge and education, it ties it very directly to our economic prosperity. In this day and age of information and knowledge, we know that high levels of education are essential to our future prosperity. It is through the acquisition of knowledge and skills and learning, an ability that we increase our productivity. We increase our wealth, not just in the material sense, but in the cultural and spiritual sense of stronger communities, of a more civil and educated society. So it simply goes with the proposition that it makes sense to reinvest a part of that income to support education for future generations and to ensure our future prosperity. The way that it does that is, specifically, it is a simple flat rate income tax. It works off of the federal adjusted gross income. There are a few adjustments for issues like commuter issues or such that we have to adjust taxes and bonds, but basically you take your federal adjusted gross income and every person has a standard exemption of \$11,000 per adult and \$22,000 per couple and \$3,000 for a dependent. Then everyone pays the same flat rate on income in excess of that. Three percent of taxable income after the standard exemptions. What that will fund, it allows to return enough of the revenues to the general fund to offset the loss of the Business Enterprise Tax, the loss of the Legacy and Succession Tax, the 70 or 80 percent reduction in our revenue from the state property tax, as well as the complete repeal of the current 5 percent interest and dividends tax. So those who pay the interest and dividends tax would certainly pay, potentially, under the personal income tax, but at a lower rate, 3 percent instead of 5 percent, and at a substantially larger standard exemptions. The basis for the standard exemptions is in New Hampshire constitutional law. It has been a concept that has been developed in a series of Supreme Court opinions, and is simply the notion that every person should have some basis subsistence level of income before they start to pay the income tax...\$11,000 is just barely full time minimum wage, at the current minimum wage, 52 weeks, 40 hours a week, comes to just under, I think, \$11,000. So every person, rich and poor, gets that standard exemption...\$3,000 for a dependent is just a portion of the cost to support a dependent, I think I heard on a radio news cast yesterday that a new study estimated that a child born this year will cost, in today's dollars, an average of \$9,000 a year for a family to raise and support. So it recognizes

that family value of providing some basic subsistence exemption for a child. So in essence, this is a tax on disposable income, above and beyond bare minimum subsistence income. You know that I could go on at some length, but I probably won't because I probably know how the votes are going to go on this. I would be happy to respond to any questions. It is a long document which has received much work. It actually originates from bills that go back to the early 70's. It has been through a series of public hearings in the House. A similar version of this passed the House last year, and a similar version, at least with regard to the income tax, passed the Senate two years ago as well. I would be happy to respond to any questions. I would simply conclude with the observation that the income tax is a proven, tested, accepted way of paying for public services for government, not just in most of the other states in this country, but in most of the nations of the world. Particularly the most prosperous nations where they have been able to invest in education and keep up with that. If you think about what causes the growth in education spending, the biggest two factors are population growth and growth in wage and salaries, compensation costs. Those are exactly the same two things that drive growth and personal income. I guess that I should say one more thing. The rate may sound low to those who have been following this discussion. This is modeled on HB 479, I think that is the number, that was introduced in the House this year. That version of it proposed a somewhat higher rate, I believe 3.3 percent instead of 3 percent and a somewhat higher property tax rate. The things that have changed since then is that this is funding a lower overall number. We have the budget that is being funded, is less than what we assumed at that time. Certain costs like the Land and Community Heritage Tourism Promotion, the accountability, early literacy programs that we, at that time, were anticipating funding above and beyond the governor's proposed budget, had either been reduced, eliminated or folded into the budget or into other education funding adequacy numbers. So in that sense, we are funding less out of this. We are not funding the reduction of the business profits tax and the real estate transfer tax that were in the House version in HB 479...and the tax basis has grown since our original estimates. The property tax base is a higher estimated base .03 and personal income has also grown much faster than we had previously assumed in income assumptions. I will stop at that point.

SENATOR PRESCOTT: Senator Below, as I was walking my district in the campaign, going from house to house, the question often came up about an income tax. I live near the seacoast, also near the border of Massachusetts. They said that they want to have an income tax in New Hampshire because they work in Massachusetts. Am I right in telling them that an income tax in New Hampshire, if they work in Massachusetts, would not benefit New Hampshire at all?

SENATOR BELOW: No, because what is happening now is that our neighboring states get to double dip. I live on the border of Vermont. Vermont gets to tax our residents who work in Vermont **TAPE CHANGE** New Hampshire, and guess what? Every day, thousands and thousands and thousands of Vermonters come across the border to work at the Dartmouth Hitchcock Medical Center, at Dartmouth College, at TempKin Split Ball Bearing, at numerous employers in the Upper Valley, thousands of Vermonters come in every day. If we have a New Hampshire income tax, we will get the income tax, we will get the first cut. They will pay a little to Vermont because the rate is higher. So what will happen is that you pay the higher of the two rates. This would be the lowest effective personal income tax rate in the nation of the states with a personal income

tax. So what happens is we do get at the 3.3 percent rate, we have estimated on the order of \$100 million from two sources, out-of-state commuters who commute into the state and also from reduced federal offsets from the treasury. Because property taxes and personal income tax are deductible on a persons...if they can itemize on their federal return it reduces their federal income tax liability. And because of how the burdenships, the best estimate using a microsimulation model, the only one that is publicly available, like the one that the U.S. Congress and the U.S. Treasury Department use, indicates that we have captured under the order of \$30-\$60 million, depending on the rate and such from the federal treasury. We capture under \$50-\$70 million from out-of-state commuters. Those combined, somewhere in the order of maybe \$80-\$120 million. I wish that I could be more precise, that was part of the reason to have our own tax policy analysis system, so that we could accurately analyze this, which should be available shortly. We will see if these estimates are right or not. That we capture, is essentially the hole that we are trying to fill, on the order of \$100 million a year, we capture and find money. Money that is now flowing to Montpelier, Augusta, Boston and Washington, D.C. What happens to our residents who commute to Massachusetts?

SENATOR PRESCOTT: That is my question.

SENATOR BELOW: They get a little bit of a break.

SENATOR PRESCOTT: Thank you.

SENATOR BELOW: Just like all the New Hampshire residents get a break from essentially eliminating the property tax, the state property tax on the home.

SENATOR FERNALD: Define adequate education, determine its cost, and find the money. We all know the hardest part is finding the money. We have had a debate about setting the number, but whether we are talking about \$793 million or \$896 million or some other number, we are still talking about a lot of money. We need to have broad based taxes in place to pay for it. But when we talk about tax policy, we shouldn't get lost in the numbers and the percents and all of the rest of it. We should talk about people. That is what I talk about when I talk about taxes. One person that I want to tell you about is Bertha Hardy. She lived in my neighborhood when I was a kid. I shoveled her driveway. Later I became a lawyer, and I became her lawyer and did her tax returns. She was housebound by illness so I went to her house to do her tax returns. We had a routine. She laid everything out on the table and she sat down next to me and we looked at her interest and dividends statements, that was what she was living on. Her husband was dead, he never had a pension, so they had saved and she was living off of the savings, so we would look at her income and her interest and dividends statements, we looked at her charitable deductions, we looked at her real estate taxes. Her real estate taxes on an income of a little over \$20,000 is \$2,500 – over 10 percent of her income for property tax. Because she was living on interest and dividends, she was paying interest and dividends tax of \$300-\$400 a year. But the high point of the process for her was the notebook where she kept track of her charitable deductions. She took great pride that she was giving money away to people who needed it. She did not have a lot to give away. She didn't give anybody a lot of money, she gave little bits. Ten dollars and twenty dollars and thirty dollars at a time, to a whole bunch of places and it made her feel good. This is how she, a housebound woman, reached out to the rest of the world. One year I went to do her

taxes and it was different. She greeted me at the door with that notebook and she was obviously upset. This is what she said, "I had to cut the pledge to the church last year. I didn't want to, but one of the bonds that my husband bought for our retirement, was in a company that went bankrupt and the bond became worthless, my income went down, and my property taxes went up again." She made a point of telling me about that right off the bat, because she knew that I would remember what she had given to the church in all of the previous years and deducted. She did not want me to think less of her for having to make that tough choice. I know that some of you have heard this story before, so I apologize for the repetition, but I decided that I was going to tell this story today, first for those who haven't heard it and secondly because Bertha Hardy died last week. So she hasn't lived long enough to see fair taxes in New Hampshire. But that doesn't mean that we can't learn from this story, because she is not unique. There are tens of thousands of people in New Hampshire who are suffering and struggling with too high property taxes. If it is not the church that they have to give up, it is their heat or their medicine or their food, and it isn't right. It isn't fair. We should be ashamed. I think that it is appropriate that I mentioned her donation to the church in that story, because the people who founded this state were religious people. When they came here, they built churches and they formed religious communities. When they decided how they were going to support their religious communities, they looked in the Bible. What they found, was, that the members of the community should contribute based on their income. Tithing. When they then turned to creating a state community, they took that same principle with them. If you look at the tax law that was in place when New Hampshire became a state, it says, "there shall be an equitable rule that every person shall be compelled to pay in proportion to his income." That principle should apply to the funding of education. What the Supreme Court was saying in the Claremont case, is that for purposes of providing an adequate education for the children of New Hampshire, we are one community. We are all obligated to pay our fair share to that community obligation. That is not happening now. It is typical for people like Bertha Hardy to pay over 10 percent of their income in school taxes, and the higher one's income goes, the lower that percentage goes. It is not unusual for millionaires in this state to pay less than one percent of their income to support the same schools. That is inconsistent with our principles and our history in this state. We need to raise that \$800 or \$900 million. The question is, how are we going to do it? Are we going to keep a system that is unfair or can we find a different model? So I went looking for a different model. This is going to get Senator D'Allesandro's attention. I found Delaware. New Hampshire has the highest property taxes in the country. Delaware is 47th in property taxes. A typical home, \$100,000 house in New Hampshire is paying \$2,500 maybe even \$3,000 in property taxes. A typical \$100,000 house in Delaware is paying less than \$1,000. New Hampshire has no sales tax. Delaware has no sales tax. New Hampshire has a 5 percent income tax on interest and dividends, so people like Bertha Hardy pay it. Delaware has an income tax that is between 2.2 percent and 5.9 percent. I will mention that New Hampshire cannot have a graduated income tax under our constitution. So any income tax that we talk about is going to be a flat rate. State aide to education in Delaware is 66 percent of the total. Under Senator Gordon's plan, we are talking about in the neighborhood of 48 percent. I said that this would get Senator D'Allesandro's attention. When I say to look at

the state of Delaware as a model, I am thinking of Delaware without the slots. This plan that we are talking about now, can change the way that we tax in New Hampshire and make it fairer for the people of New Hampshire. It means that people like Bertha Hardy...she would save \$1,000 on her property tax. She would save \$300 and no longer have to pay that interest and dividends tax and she wouldn't pay any income tax because her social security would not be taxed, and the remainder of her income was less than \$11,000...within the exemption for a single person. So personally, Bertha Hardy would see a \$1,300 tax cut through this plan. For those who didn't catch it one month and a half ago, the AARP endorsed this plan for education funding because they understand how put upon the elderly are in New Hampshire now, under our current tax system. What a benefit this plan would be. I know that change is always difficult and I know that there are a lot of concerns people have about this change. One concern is economics. What is this going to do to the economic stability of the state? What is it going to do to the health of our economy? There are 41 states with income taxes, with general income taxes. Tennessee also has a limited one like ours. You look at those 41 states, their economies have been doing fabulously in recent years. Their economies are healthy. They are laboratories. That is the great thing about a federal system. One state can try some new idea and if it doesn't work, the other 49 know it. Well, we have 41 states that have income taxes and their unemployment rates have been low, their growth has been strong and many of them had stronger growth than New Hampshire. When we are talking about economics, as Senator Below pointed out, we are trying to fill about a \$100 million hole. This plan brings in \$100 million from out-of-state to New Hampshire. We have filled the hole without increasing taxes on the state of New Hampshire. That is the beauty of this plan. Now I know that some of you may be thinking, well Senator Gordon's plan is going to cut the statewide property tax, so someone like Bertha Hardy will benefit from this plan. The sad truth is that she wouldn't. People like her would not. Senator Gordon's plan cuts distributions, it cuts the adequacy figure by \$103 million, which means that local property tax has to make up that \$103 million. In Peterborough where Bertha Hardy lived, that would mean a \$2.11 increase in local property tax. So the \$2 decrease in the state property tax is completely offset. But it gets worse than that because there has been about a 20 percent appreciate in property values in New Hampshire over the last two years. When the statewide property tax rate has worked through the equalization, \$4.60 per thousand next year is not the same as \$4.60 last year. In fact, \$4.60 per thousand last year, works out to almost \$5.50 next year. So effectively, there is about a \$1 increase in the statewide property tax coming through because of inflation on top of the increase in the local tax that will result under Senator Gordon's plan. Which means that even in a town like Milford in my district, where according to our calculations, the local property tax increase would only be 80 cents on the rate in Milford, and a \$2 drop on the state rate. You think, great, Milford is ahead by \$1.20. Once you figure in the appreciation in Milford, which has been faster than Peterborough, they are not going to be ahead either. The Bertha Hardy's of Milford are going to be struggling just as hard under the Gordon plan as they are now. I, like Senator Below, do not have any illusions about what the vote on this tax plan is going to be today, but I also don't have any illusions about the permanency of Senator Gordon's plan, as much as I like his approach. I think that the end result is not going to stand up to constitutional scrutiny, and that

is assuming it stands up to scrutiny through that wall. This discussion is not over. We have not had the opportunity to have a hearing in the Senate on this. And so today is sort of our public hearing. I know that everybody in this room, Republican and Democrat, has felt that tension, the partisan tensions of recent weeks. But I also know that everybody in this room, Republican and Democrat, shares the values that have made this state great. We all believe in public education. We all believe in fairness. I actually want to stop there for a second because I think that even for those of us who were born in New Hampshire, for those who weren't, we have all made a choice to live here. If you were born here, sure you can move away, which I did, and I came back. Others have chosen to move here. The great thing to me about New Hampshire is the people and the values that we hold. I lived in Massachusetts for four years, and if you told someone a story about Massachusetts, something that happened that didn't seem right, people say, "oh that is the way that it is, and that is politics," or "whatever". In New Hampshire, you tell someone about something that seems wrong or crooked and people say, "that is not fair and we have to do something about it." We have a whole different attitude here and it is wonderful. Because we share these values, I make a plea to you that in the coming weeks, as this topic is going to continue to be on our minds, is there a way, a bipartisan way, that we can do away with a system that we all know is unfair, meet an educational obligation that we know that is there, and do it in a way that maintains local control, maintains the frugality of our government and helps the average people of New Hampshire. I believe that this plan does that. I understand that in the spirit of compromise that there are many things that we could discuss and change, and I am ready to have that conversation. It being in the middle of June, I think that it is time for us to have that conversation. Thank you very much.

SENATOR MCCARLEY: Senator Below, I have just one question because I was out of the room briefly. Just one specific question that I was asked last year was, what does this income tax do to my social security benefits? So I was wondering if I could get you to clarify that for me because I haven't had a chance to go through the bill?

SENATOR BELOW: Sure. There is a complete exemption of all social security benefits. Currently, under federal tax law, most social security is not counted in AGI for most people; however, for some higher income people, some social security is counted in AGI. They take that out of AGI before they figure their New Hampshire exemption. So somebody could have \$10,000 in social security income, an elderly single person \$11,000 in other income, interest and dividend income say, and pay zero New Hampshire income tax. Whereas they would now be paying the interest and dividends tax.

SENATOR MCCARLEY: Thank you.

SENATOR GATSAS: Senator Fernald, you had six floor amendments, five of which we voted on. Four out of those five, you have voted to increase the BET. Four out of those five you voted to increase the communications tax. Four out of those five you voted to decrease the legacy and succession tax in a four year phase out. Now you are talking about an income tax. Are you saying that you are in favor of raising all of those taxes and an income tax?

SENATOR FERNALD: I think that you have misread the amendments that we have just voted on. We had an amendment to do away with the

increase in the BET. That is all that it did. The next one was to immediately repeal...the third one was to repeal the legacy and succession tax and it did not do any of those other things that you said. We had an amendment that would do away with the communications tax and it did not do any of the other things that you said and so on.

SENATOR GATSAS: Senator Fernald, I believe that if you turn to the floor amendment 1626, I believe that this is the one that talks about repealing the legacy and succession tax.

SENATOR FERNALD: I believe that 1626 is the tobacco fund.

SENATOR GATSAS: Okay, let's go to another one. You picked one of the other three.

SENATOR FERNALD: If you are looking for the legacy and succession, it is 1627, I believe.

SENATOR GATSAS: 1627. Thank you for your help. If you go to number 9, "Increases the rate of the business enterprise tax from half of one percent to one percent of the taxable enterprise value tax base and provides that all revenue received from the business enterprise tax shall be deposited in the education trust fund."

SENATOR FERNALD: Are you looking at the amended analysis?

SENATOR GATSAS: Yes.

SENATOR FERNALD: I think that what you will find is that they did not find the amended analysis for each amendment. It is simply an amended analysis for the entire bill. This was a vote on the amendment itself. So there is no BET reference in the amendment one way or the other.

SENATOR GATSAS: Okay.

SENATOR GORDON: Senator Below, on this particular proposal, from what I understand, it continues the statewide property tax?

SENATOR BELOW: Yes. Well it actually repeals the current one and institutes a new one that is a little bit different, but yes.

SENATOR GORDON: When Senator Fernald was speaking, he indicated that there are 41 states that currently have income taxes. Do you know how many of those 41 currently have statewide property tax in addition to the income tax?

SENATOR BELOW: The only two that I know of for sure, are Kansas and Vermont. There may be more. I think that if there are, it is relatively few. Most states do not have both.

SENATOR GORDON: Thank you.

SENATOR PRESCOTT: I rise in opposition to an income tax. I do not want to try a new tax scheme on New Hampshire's citizens. I believe that it was referenced by Senator Fernald, that the constitution prohibits a graduated income tax. This income tax proposal has special deductions. I consider that to make a graduated income tax, therefore, it is unconstitutional. That may only be one of the reasons why I would vote against an income tax, especially this income tax. We have helped education by \$100 million. If what Senator Fernald is saying is that we want to increase aid to those towns and those schools that need it, we have done it. House Bill 375, by its passage, will fund that need and that is what I will be voting for. Thank you, Mr. President.

SENATOR FLANDERS: I will only take a minute. I just wanted to convey to you an observation that I have made in my few months here. If my dad was here today, he would say you've got the cart before the horse. We have to know what the formula is before we fund it. If any of you have children, and they came home and said "Mom and Dad" I want to buy a car, give me \$75,000. Everybody here would say, why don't you go out and find a car that is adequate for your needs and come back and maybe we will help you pay for it. That is what we should be doing. Now I have listened to the arguments here today and some of them are very interesting arguments and some of them I agree with, but I don't think that we should be going after the people in New Hampshire saying pay an income tax, pay this tax, pay that tax, until we can say, "hey, we are funding education in New Hampshire this way and this is how we are going to pay for it." I just think that you have everything backwards. I am not going to vote for an income tax until you can tell me where it is going to go. I heard figures, that it might be \$900 million, it might be \$800 million. Let's find out how we are going to fund it. Let's get behind Senator Gordon's bill. Let's pass it, let's defeat it, let's get another one. But let's find out how we are going to fund education. Thank you very much.

SENATOR BELOW: Senator Flanders, would you believe that I would be happy to join you in tabling HB 375 until we have that answer resolved? I think that we are rushing here at this point with major decisions. Would you believe that I personally think that it might be prudent to slow down and take our time to get the revenue question right?

SENATOR FLANDERS: Thank you.

SENATOR HOLLINGWORTH: I think that I have told this body many times that I come from the community that had the first public school in New Hampshire for boys and girls. I went to that school and I have told you that before, and that my children went to that school, and my grandchildren now go to that school. I happened to be going through my desk just before I came upstairs and I picked up this "Lessons to be learned from New Hampshire." It was done by Doug Hall in 1998. I just thought that there was a couple of remarks here that I think are important to reflect on. He makes a quote here: "Those who cannot remember the past are condemned to repeat it." That is what I would like you to think about. The original perceived purpose of education was one to transmit civic and moral ideas and practices. As stated in the preamble of the 17th and 18th century law, education was perceived as a community good, not an individual good. In contrast, most current decisions speak in terms of advancing the economic well-being of the individual through employability and access to higher education. The benefit the individual presumably will receive from an education, presents an emphasis different from the older concept of improvement in community, function or success of democracy itself. I think that is pretty interesting words. Early in this century, New Hampshire went through two major attempts to reform and equalize educational opportunities. One in 1919 and another in 1947. Both provisions attempted, resulted in the passage of major legislation and generally increased state aid to school districts. Both reforms set forth an expectation, mind you, that state aid will ultimately support 50 percent of the cost of public education. Both reforms placed a collar around local property taxes for school. Imagine, in 1919 and 1947, they were doing what we are doing here today. The efforts towards a equalization in 1919 and 1947 began to fail within two to four years of enactment. This happened for

the same reason, in both cases. Subsequent state government appropriations were inadequate to maintain the commitment that it made. This was also true of the minor 1985 reform that had set a target of state foundation aid, mind you, back in 1985. They set a foundation aid at 8 percent of the total need for the state to fund education funding. Unwilling to appropriate funds to support the initiative of the reformed legislation, subsequent legislatures devised methods to distribute less aid to districts in amounts the districts would otherwise be entitled to receive in the reform laws. Isn't that amazing? History really is strange isn't it? There is only one thing that keeps pace with inflation. That is income. Our highest costs to education is teachers costs. As a businesswoman and the businessmen in this group, you all know that. We...the reason that we are having this battle here today is because the cost of public education on property taxes became unbearable. We need to fund education because it is a community good. It is for our...is education less important today than it was to our forefathers? Do we need our children less educated? Do they need to know more today? You know the answer to that. Obviously. They can't have just a high school education anymore. The only way that they are going to get to college is to take and have a quality education. That is what we are debating today. The burden has to be changed. It has to be distributed equally over the whole community – the community of this state, so that we are funding an adequate education for every child and a fair taxation for every taxpayer in this state. That is what this debate is all about. There is nothing...we can go on...we can do this patch, patch, patch...I envision this tire that...it was ten years ago, 1991, the first Claremont suit. Imagine, 10 years ago. Our forefathers...when was the first school? It was in 1642. The first law for education of our children. We still are fighting and struggling to do what we should have done a long time ago. We know what the answer is. All of us know what the answer is. To fund an adequate education, we all have to share in the cost equally and proportionately. It is not a new idea.

SENATOR BOYCE: I will be very brief. We have heard a lot of talk about this being a fair tax. Now I am not sure exactly what a fair tax is, but I want to ask the rhetorical question. If it is fair that two families living in apartments next door to each other in, say, Dover: One is a family of we will say an unmarried mother with two kids, making a modest income. Her neighbors, a couple with two kids, making the same exact income. They are both renting the same apartment, in the same place. It could be that one of the couple is working at the exact same position as the neighbor. In this scenario, the couple will pay...the numbers won't matter, but they will pay an income tax, which they are not now paying, so their taxes would go up. I am not sure if that is fair; however, their neighbor, the single parent with two kids, would pay two-thirds more in tax than the couple living next door. I ask if that is fair? Thank you.

SENATOR FERNALD: There were a couple of things said about the details of this plan so I wanted **TAPE CHANGE** is not a common tax in this country, let us put it that way. One obvious question would be, why don't you have a plan with an income tax and no statewide property tax at all? There are two reasons for that. The first reason goes back to one of Senator Prescott's earlier questions about the people who live in-state and work out-of-state. If we repeal the statewide property tax all together, then the people that commute out-of-state will continue to pay income tax out-of-state and they won't pay anything towards the cost of an adequate education in New Hampshire. With a statewide property

tax, with the \$150,000 Homestead exemption that we have here, if your house is worth more than \$150,000 you pay the statewide property tax. If you're living in New Hampshire and working in New Hampshire, you get \$150,000 exempted. Let's say that you are in a \$300,000 house. You pay a statewide property tax on the other \$150,000 worth of value, but the tax that you pay is a dollar for dollar credit on your income tax. So you either pay one tax or the other. But if you are a commuter, you get that first \$150,000 off, like everybody else, but the remaining \$150,000, you pay a statewide property tax and then you can't take it as a credit against your income tax because you are not paying any income tax to New Hampshire, you work in Massachusetts and you are paying them. So if we do just an income tax, it gives more of a tax break to the commuters, than this plan. Now we could do a statewide property tax with no Homestead exemption at all, but then that would mean that people like Bertha Hardy wouldn't get any property tax cut because she doesn't have any income that can be taxed either. She has so little income in New Hampshire that she wouldn't pay any income tax. So we sit at \$150,000, which is about the medium price of a home. It is about a \$1,000 tax cut. It is \$990 for every homeowner who has a house worth that much or more. Now there was also a question about the standard deductions in this tax bill and whether they are constitutional. The Supreme Court has been through this issue before. New Hampshire has been thinking about an income tax for 70 years and in the 30's, a number of requests for opinions were sent to the Supreme Court on that particular subject matter. Can we have personal exemptions? How big can they be? The court said that standard exemptions are constitutional and that they should be roughly equivalent to a subsistence level of living. Falling right on our debate from yesterday, if someone works at minimum wage, full-time, for a full year, it is just about \$11,000, which is what we put down for the state of exemption for a single person. Senator Flanders wants to know the price? We do know the price. We have a formula in law, we have a definition of adequacy in law. The obligation is \$896 million. Next year \$881 million, and \$896 in the second year. Even under Senator Gordon's plan, the number next year is \$881 million. So we know the price, let's fund it. We know exactly what it does for our school districts. They have already passed budgets based on that number. There is no mystery here. There was also a question about aid to schools. If we want to get aid to schools, well the Gordon plan does that. Why don't we just give money to the schools that need it? Schools don't pay taxes. Towns don't pay taxes. People like Bertha Hardy pay taxes. You do a targeted plan and that is where you put most of your money, then the elderly and retired people in Amherst and Bedford and Dublin and wherever you want to pick, that are not considered needy towns, they don't get any relief, and they need it. This system is not fair to them. Finally, a single mother with two kids, living in an apartment, would have to make over \$30,000 before she would pay any income tax. So I appreciate Senator Boyce's concern for that single mother with two kids, but most renters don't make \$30,000. Very few people who are renting will ever pay any income tax under this plan. The few that do, are people who are probably trying to save money to buy a house. When we lower the property taxes on a house by \$1,000, that house just became affordable to them, because the level of property taxes determines how big a mortgage you can afford and whether you can actually get a house at all. This plan will lower property taxes and make housing more affordable, and will get more people out of apartments and into their own home and enjoy the American dream.

SENATOR GORDON: I support an income based solution for education funding. I voted for an income tax in the last session. But I couldn't vote in the last session for an income tax that also included a statewide property tax. I feel very strongly that that is the wrong approach. I understand the rationale for it. It makes some sense in terms to trap those individuals who live in New Hampshire and work over the border. It also places some continuing burden on businesses and second homeowners for the statewide property tax. I have seen what has happened with other taxes in similar circumstances. For a perfect example, the business enterprise tax. The business enterprise tax, just as all of you have spoken about today...I was in the House when it was adopted and I voted against the business enterprise tax. In fact, I don't think that I have ever talked to anyone that has ever voted for it, I don't know how it got passed. The business enterprise tax was passed and as you remember, we were provided with assurances that at one-quarter percent, it would never be raised unless there was a two-thirds majority. That was put in place with statute, and then of course, it was raised. It was raised just last year in this body. We decided to double the business enterprise tax and do away with that little piece of statutory law that said that you needed a two-thirds majority to do that. The fact is that the needs of government will never lessen. The needs of government will always continue to grow. If in fact you do have two taxes in place, and in fact, two broad based taxes, such as the income tax and the statewide property tax...I know the pressure that we will experience. What that does is it is going to provide this legislature with the opportunity not to raise just one tax, but with the opportunity to raise two taxes when we do that. We will be having this debate, and I would suspect that if we were to adopt these two taxes, it wouldn't take very long, maybe a biennium or two before we would be sitting here talking about the need perhaps, to raise that statewide property tax another dollar. By the way, it is only on businesses, it is not on homeowners, and by the way, it is a pretty stout tax because it really isn't effecting directly those people who vote, it is for the most part, affecting businesses and second homeowners, and it makes it very easy for us to raise. It is a tax and it would be a tax, directed more particularly at businesses in this state. So while I commend the idea of having an income based plan, regardless of whose adequacy formula it might support, I can't support a plan that basically sets in place, item for item, two broad based taxes in the state.

SENATOR MCCARLEY: I will be fairly brief. In the last session, and I would respectfully disagree with Senator Flanders, I think that we have put in place, moving forward, an education funding plan that starts to speak to providing an adequate education for all of our children. I think that we knew two years ago, that the funding piece, quite frankly, wasn't there. We grappled with votes on an income tax and many of us ended up voting for an income tax. Although I am one of those who stays away from the fairness argument per se, because I can tell you that I can describe situations for which the BET is the most unfair thing imaginable. Senator Boyce just provided an observation. Senator Fernald did the same. That is an argument that we can all do. I think clearly, there is a fairness piece associated with your income, which is why I can certainly support it. Have I been able to support other taxes, because I think that they can also be fair and provide a solution. Yes, I have been prepared to do so. The reason that I am standing today, is for two reasons. I am going to be supporting this bill. I do support the idea, frankly, of having a very low statewide property tax in it as well. Fundamentally, I am

concerned that this year, as...and all due respect to Senator Gordon, this year as we begin to approach the issues about dollars that we needed to find, we started talking about lowering our commitment to public education. Now, we tried to cover that up by saying, yes, we are going to lower the statewide property taxes. But I think that Senator Below has done a pretty good job of saying, 'folks, at the end of the day, that is not what is happening locally.' So when I say that, I think I am very nervous going forward if we don't have a funding stream. But secondly, and I am now going to go a little bit to Senator Fernald's approach. During my election last fall, I had a commercial run on all of the cable television stations, you know, the CNN's and all of those things when they cut in for local commercials...in which an older woman said, one minute, "I don't know how many times a day, Caroline McCarley is taking away my social security." That was the entire ad. "Caroline McCarley is taking away my social security." Now that was not true. That was absolutely not true. But unfortunately, we were not willing to be really honest last fall, with the implications of an income tax. Just like it, but we weren't honest. My fear is, we are still not willing to be honest about it. I look at those two pieces and I say to myself, I am going to vote for this. Thank you.

SENATOR BELOW: Just real quickly. There are two things that I forgot to mention that are important features to this bill, and I just want those who are voting for or against it to be aware of them. One is a circuit breaker. This bill includes a mechanism to limit low income or eligible income households. The total property taxes that they pay as a percent of their income. It is a mechanism so that those who qualify, their property taxes, local, county, they wouldn't have a state tax in this circumstance, but their local, county and local school tax would be limited to eight, ten or twelve percent of their income. It is a little variable depending on the availability of funds and the number of applications. But the point is, until we know exactly what it costs, it sets into place a property tax circuit breaker. The other feature is a tax effort cap for the local school property tax. It would take the surplus that might be available from the Education Trust Fund, surplus from the growth of the income tax, and makes it available to limit the tax effort of local school districts to raise additional dollars beyond what they are funded with, with state dollars for adequacy. In other words, if a community...some of our property poor communities have to tax at two or three or four times, the average state effort. The average state effort may be \$2.60 a thousand to raise a thousand per pupil. Some communities might have to take the \$5 per thousand to raise another \$1,000 per pupil. It would lower their tax effort towards the state average, based on the availability of funds. It attempts to achieve a similar thing to what Senator Gordon did with his supplemental aid program. So I just wanted you to be aware of that. My final comment is on the question of fairness. It is a difficult one in crafting an income tax or any tax for that matter. But I would simply observe for instance, the case of that single parent verses a couple in an apartment or a homeownership, I think that we have tried to achieve as much equality as possible. I guess that I would like to go through the examples, but I won't. But if anybody is interested, I think that it tries to treat each person in each circumstance as fairly as we can. It certainly is something that we will continue to work on, but we have to ask ourselves, how fair a property tax is that ends up being 10, 15, 20 or more percent of peoples income in the twilight of their life when they are retired, their income is declining, yet their property value keeps going up and their tax burden keeps going up. Thank you.

Question is on the adoption of the floor amendment.

A roll call was requested by Senator Wheeler.

Seconded by Senator Fernald.

The following Senators voted Yes: Below, McCarley, Disnard, Fernald, Pignatelli, Larsen, Wheeler, Hollingworth, Cohen.

The following Senators voted No: Burns, Gordon, Johnson, Boyce, Flanders, Roberge, Eaton, O'Hearn, Francoeur, Gatsas, Barnes, O'Neil, Prescott, D'Allesandro, Klemm.

Yeas: 9 - Nays: 15

Floor amendment failed.

Senator Below offered a floor amendment.

Sen. Below, Dist. 5

Sen. Hollingworth, Dist. 23

Sen. Cohen, Dist. 24

2001-1671s

03/09

Floor Amendment to HB 375

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

AN ACT relative to state fees, funds, revenues, expenditures, establishing a flat rate education income tax, and relative to other sources of funding for education.

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

1 Rate of Tax for Biennium Ending June 30, 2003; Intrastate and Interstate Communications Services Tax. Notwithstanding RSA 82-A:3 and RSA 82-A:4, for the period beginning July 1, 2001 and ending June 30, 2003, the rate of tax shall be 5.5 percent on the gross charge for communications services purchased at retail from a retailer.

2 Prospective Repeal Date Extended for Exemption of Wooden Poles Under RSA 72:8-b. Amend 1998, 304:6, I as amended by 1999, 163:7 to read as follows:

I. Section 5 of this act shall take effect July 1, [~~2001~~] **2003**.

3 New Section; Department of Resources and Economic Development; Travel and Tourism Development; Travel and Tourism Development Fund. Amend RSA 12-A by inserting after section 43 the following new section:

12-A:43-a Travel and Tourism Development Fund.

I. There is hereby established in the office of the state treasurer a fund to be known as the travel and tourism development fund. Any appropriations received shall be deposited in the fund. Moneys in the fund and any interest earned on the fund shall be used for the purpose of promoting and developing appropriate travel and tourism initiatives through the division of travel and tourism development and shall not be used for any other purpose. The director of travel and tourism development shall oversee expenditures from the fund. The moneys in the fund shall be non-lapsing and shall be continually appropriated to the department of resources and economic development.

II. The commissioner of resources and economic development shall prepare an annual report to be presented no later than December 1 of each year to the president of the senate, the speaker of the house of representatives, and the governor and council, and filed with the state library. The report shall detail the specific activities supported by, and expenditures from, the fund during the past year.

4 New Subparagraph; Travel and Tourism Development Fund. Amend RSA 6:12, I by inserting after subparagraph (ddd) the following new subparagraph:

(eee) Moneys received for deposit in the travel and tourism development fund established by RSA 12-A:43-a, I.

5 Retirement System; Definition of Employee. Amend RSA 100-A:1, V to read as follows:

V. "Employee" shall mean any regular classified or unclassified officer or employee of the state or any department, commission, institution or agency of the state government by which an employee is paid through the office of the state treasurer, or employees of the general court who work on a full-time basis and are eligible for other state benefits, but whose salary is calculated on a per diem basis or any employee *of the retirement system* or of any of the groups authorized to participate ~~[in the retirement system]~~ under this chapter but excluding any person who is a teacher, permanent policeman, or permanent fireman as defined in this section, or who is a member or attache of the general court or member of the executive council.

6 Retirement System; Administrative Cost Assessment. RSA 100-A:14, XIII is repealed and reenacted to read as follows:

XIII. Administrative Cost Assessment. Other provisions of law notwithstanding, the cost of administration of the retirement system as provided in this section shall be a charge upon the funds of the retirement system. The amount of administrative expense recorded monthly by the department of administrative service, division of accounting services, shall be paid to the state treasurer by the board of trustees. The board shall biennially review the administrative expenses for the previous biennium and shall submit in a budget for legislative appropriation, those amounts that the board, in its reasonable discretion, may deem necessary for the efficient operation of the system. Administrative balances accrued prior to June 30, 2001 shall be retained by the retirement system and expended for ongoing operations.

7 Retirement System; Management of Funds. Amend RSA 100-A:15, IV to read as follows:

IV. The board of trustees is authorized to engage the services of legal counsel for special investment, federal, and tax matters and ~~[with the approval of the attorney general,]~~ to engage outside counsel for other matters. The payment for services provided in this paragraph shall be a charge upon the funds of the New Hampshire retirement system.

8 New Hampshire Retirement System; Payment by Retirement System-Group I; Amend RSA 100-A:52-a to read as follows:

100-A:52-a Payment by Retirement System; Group I ~~[Teachers and Political Subdivision Employees]~~.

I. The New Hampshire retirement system shall pay the cost for permanent group hospitalization, hospital medical care, surgical care, and other medical and surgical benefits, in the employer-sponsored plan provided for active employees of a retiree's former employer, subject to the provisions of this section, for the following persons:

(a) Any person, who has at least 20 years of creditable service as a group I member if age 60 or older, or at least 30 years of creditable service as a group I member if age 55-59, retired on or before July 1, 2004 as a group I ~~[teacher member or political subdivision employee]~~ member of the New Hampshire retirement system on service or ordinary disability retirement, provided that such person shall be entitled to re-

tirement on the basis of group I creditable service, or any person retired on or before July 1, 2004, as a group I member whose service retirement benefit is based upon the provisions of RSA 100-A:19-c and who has a minimum of 20 years of creditable service as a group I member.

(b) Any person who has completed no less than 20 years of group I creditable service, but who for reasons other than retirement or death ceased to be a group I [~~teacher member or political subdivision employee~~] member prior to attaining the age of 60, and who, as of July 1, 2004, receives a vested deferred retirement allowance and who subsequently attains the age of 60.

(c) Any person who has completed no less than 20 years of group I creditable service and who retired as a group I [~~teacher member or political subdivision employee~~] member prior to age 60, and who subsequently attains the age of 60, or any person who has completed no less than 30 years of group I creditable service and who retired as a group I [~~teacher member or political subdivision employee~~] member prior to age 55, and who subsequently attains the age of 55.

(d) The surviving spouse of a deceased retired group I [~~teacher member or political subdivision employee~~] member who met the qualifications of subparagraphs (a), (b) or (c), or of a deceased member who died while in service as a group I [~~teacher member or political subdivision employee~~] member, provided that such surviving spouse was covered as the member's spouse in the employer-sponsored plan before the member's death and is entitled to a monthly allowance under RSA 100-A:8, 100-A:9, or 100-A:13.

(e) Any certifiably dependent child with a disability living in the household and being cared for by the qualified retired member, the member's spouse, or the qualified surviving spouse.

(f) The surviving spouse and children of a deceased [~~teacher or~~] group I [~~political subdivision employee~~] member who dies as the natural and proximate result of injuries suffered while in the performance of duty, provided that:

(1) Any such child shall be qualified under this subparagraph only if under 18 years of age, or under 23 years of age if attending school on a full-time basis; and

(2) Such surviving spouse shall cease to be qualified upon the remarriage of the surviving spouse; and

(3) No surviving spouse or child shall be qualified or continue to be qualified under this subparagraph while receiving or eligible to receive medical insurance or health care benefits from any employer's sponsored plan.

(g) Any group I [~~teacher member or political subdivision employee~~] member retired on or before July 1, 2004 on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty.

(h) The spouse of a qualified retiree.

I-a. Notwithstanding the provision of RSA 100-A:4, III-b, for the purpose of calculating creditable service for eligibility for medical benefits payment under paragraph I, each full year of job-sharing service of a teacher in a job-sharing position shall be calculated at 1/2[;] of one year of such service credit.

II. However, for the fiscal year beginning July 1, 2000, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not entitled to medicare benefits, and on account of each person qualified under para-

graph I who is entitled to medicare benefits, shall be the same as the amount provided in RSA 100-A:52, II for group II retirees. As of July 1, 2000 and on each July 1 thereafter, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 8 percent, compounded on previous increases.

III. In the case of group I members retired from employment by political subdivisions of the state, the amount payable by the retirement system on account of qualified persons shall be paid over to the employer, insurer, or health care administrator and used to pay for all or part of the medical benefits provided through the former employer for qualified persons. If the cost of the premium for any eligible person under paragraph I shall exceed the maximum under paragraph II, and the employer does not elect to pay the excess cost, the excess cost shall be paid by the retiree or qualified surviving spouse and may be deducted from retirement benefits as provided in RSA 100-A:51. The employer may require, as a condition for coverage, that the retiree or surviving spouse apply for deduction of such excess cost from retirement benefits as provided in RSA 100-A:51.

III-a. As of January 1, 2002, in the case of group I members retired from state employment before July 1, 1991, and their beneficiaries who are eligible for coverage under this subdivision and also under the provisions of RSA 21-I:26-36, the amount payable by the retirement system on account of such persons shall be paid over to the state and used to pay for all or part of the medical benefits provided under RSA 21-I:26-36 for such persons, and the balance shall be paid by the state as provided in RSA 21-I:26-36.

III-b. As of January 1, 2002, in the case of group I members retired from state employment on or after July 1, 1991, and their beneficiaries who are eligible for coverage under this subdivision and also under the provisions of RSA 21-I:26-36, the amount payable by the retirement system on account of such persons shall be paid over to the state and used to pay for all or part of the medical benefits provided under RSA 21-I:26-36 for such persons, and the state shall pay its portion as provided in RSA 21-I:26-36. If the cost of the premium for any retired group I member and spouse, surviving spouse, or any other person entitled to benefits under paragraph I shall exceed the maximum under paragraph II, and the state does not elect to pay the excess cost above the amount to be paid under RSA 21-I:26-36, the excess cost shall be paid by the retiree or qualified surviving spouse and may be deducted from retirement benefits as provided in RSA 100-A:51. The state may require, as a condition for coverage, that the retiree or surviving spouse apply for deduction of such excess cost from retirement benefits as provided in RSA 100-A:51.

IV. There shall be no age limit to participate in the employer sponsored medical and health plan provided in paragraph I, and there shall be no physical examination or health statement required for such coverage, provided, however, that if an eligible retired group I [~~teacher member or political subdivision employee~~] member of the retirement system fails to apply for such coverage within the time required by the insurance contract, the insurer may require satisfactory evidence of insurability as a condition for becoming insured.

V. Any group I teacher member retired before January 1, 2000, or other eligible person under paragraph I, who would have been eligible for medical benefits under this section if this section had been in effect on the member's date of retirement, shall have the option of rejoining the medical or health plan sponsored by the retired member's former

employer and of receiving benefits under this section, provided that such eligible person shall apply to the employer for such benefits before January 1, 2002. Upon receipt of such application, the former employer shall enroll such retiree or other eligible person in the employer's plan in the same manner and subject to the same conditions as enrollment of a new employee but without any benefit-waiting period which may be applicable to new employees of that employer. Neither an employer nor an employer's group plan or insurer shall be liable for any claims incurred prior to the date of enrollment under this paragraph.

VI. Any group I political subdivision employee member retired before January 1, 2001, or other eligible person under paragraph I, who would have been eligible for medical benefits under this section if this section had been in effect on the member's date of retirement, shall have the option of rejoining the medical or health plan sponsored by the retired member's former employer and of receiving benefits under this section, provided that such eligible person shall apply to the employer for such benefits before January 1, 2003. Upon receipt of such application, the former employer shall enroll such retiree or other eligible person in the employer's plan in the same manner and subject to the same conditions as enrollment of a new employee but without any benefit-waiting period which may be applicable to new employees of that employer. Neither an employer nor an employer's group plan or insurer shall be liable for any claims incurred prior to the date of enrollment under this paragraph.

VII. The retirement system shall notify all group I teacher and political subdivision employee retirees and surviving spouse beneficiaries, who are currently drawing monthly allowances from the retirement system, of their possible right to rejoin and active-employee medical insurance or health plan and to receive benefits under this section.

VIII. Any person who is eligible to receive group insurance or other medical benefits under the provisions of this section, but who does not need and who declines such benefits because they would be duplicative of coverage under any employer-sponsored plan, shall nevertheless continue to be eligible and, upon ceasing to be eligible for the other coverage, shall be permitted to receive the benefits allowable under this section without any waiting period.

9 New Section; New Hampshire Retirement System; Method of Financing; Group I State Employees. Amend RSA 100-A by inserting after section 53-c the following new section:

100-A:53-d Method of Financing; Group I State Employees.

I. The benefits provided under RSA 100-A:52-a shall be provided by a 401(h) subtrust of the New Hampshire retirement system. The 401(h) subtrust shall be funded by allocating 25 percent of future group I state employer contributions made for group I state employees in accordance with RSA 100-A:16 to the subtrust until such time as the benefits are fully funded. Thereafter, the subtrust shall receive only that portion of each year's contribution as is necessary to keep the benefits fully funded.

II. All contributions made to the retirement system to provide medical benefits under RSA 100-A:52-a shall be maintained in a separate account, the 401(h) subtrust. All funds and accumulated interest shall not be used for or diverted to any purpose other than to provide said medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set forth in this chapter may be used or diverted to provide medical benefits under RSA 100-A:52-a. The funds, if any, providing medical benefits under RSA 100-A:52-a may be invested pursuant to the provisions of RSA 100-A:15.

10 New Paragraph; New Hampshire Retirement System; Medical Benefits; Application. Amend RSA 100-A:55 by inserting after paragraph I-b the following new paragraph:

I-c. It is the intent of the legislature that future group I state employee members eligible after July 1, 2004 shall be included under the provisions of RSA 100-A:52-a only if the total cost of such inclusion can be terminally funded from the special account established in RSA 100-A:16, II (h).

11 Defense and Indemnification. Amend RSA 99-D:2 to read as follows:

99-D:2 Defense and Indemnification. If any claim is made or any civil action is commenced against a present or former officer, trustee, official, or employee of the state or any agency thereof, including members of the New Hampshire national guard and any justice of the district, municipal, probate, superior, or supreme court, or the clerks or bail commissioners thereof, or any harbor master appointed by the New Hampshire port authority, or officials and employees of the New Hampshire housing finance authority, or directors, officers, and employees of the Pease development authority, *or directors, officers, and employees of the land and community heritage investment authority* seeking equitable relief or claiming damages for the negligent or wrongful acts and the officer, trustee, official, or employee requests the state to provide representation for him *or her*, and the attorney general, or, in the case of a claim or civil action commenced against the attorney general, the governor and council, determines that the acts complained of were committed by the officer, trustee, official, or employee while acting within the scope of official duty for the state and that such acts were not wanton or reckless, the attorney general shall represent and defend such person with respect to such claim or throughout such action, or shall retain outside counsel to represent or defend such person, and the state shall defray all costs of such representation or defense, to be paid from funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold harmless such person from any costs, damages, awards, judgments, or settlements arising from the claim or suit. The attorney general or governor and council shall not be required to consider the request of such person that representation be provided for him *or her* unless within 7 days of the time such person is served with any summons, complaint, process, notice, demand, or pleading ~~he~~ *the person* shall deliver the original or a copy thereof to the attorney general or, in the case of an action against the attorney general, to the governor and council. As a condition to the continued representation by the attorney general and to the obligation of the state to indemnify and hold harmless, such officer, trustee, official, or employee shall cooperate with the attorney general in the defense of such claim or civil action. No property either real or personal of the state of New Hampshire shall be subject to attachment or execution to secure payment of or to satisfy any obligations of the state created under this chapter. Upon the entry of final judgment in any action brought under this chapter, the governor shall draw ~~his~~ *a* warrant for said payment out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated. The attorney general shall have the authority to settle any claim brought under this chapter by compromise and the amount of any such settlement shall be paid as if the amount were awarded as a judgment under this chapter. Indemnification by the state under this section shall be for the actual amount of costs, damages, awards, judgments, or settle-

ments personally incurred by any such officer, trustee, official, or employee, and the state shall not pay any amounts for which payment is the obligation of any insurance carrier or company under a policy or policies of insurance or any other third party under a similar obligation.

12 New Subparagraphs; Additional Powers and Duties. Amend RSA 227-M:5, VIII by inserting after subparagraph (c) the following new subparagraphs:

(d) Employ or retain as independent contractors architects, engineers, attorneys, accountants, and other advisors and employees, consultants, and agents as may be necessary in its judgment without regard to any personnel or civil service law of the state to prescribe their duties and qualifications and to fix and pay their compensation if any.

(e) Appoint qualified individuals to serve as unpaid volunteers under such terms and conditions as it deems necessary. Said volunteers or advisors may be paid a stipend and/or reimbursed for any incidental expenses determined by the authority to be necessary and incurred while performing the business of the authority.

13 New Section; Administrative Fund Established. Amend RSA 227-M by inserting after section 7 the following new section:

227-M:7-a Administrative Fund.

I. There is established in the office of the state treasurer a fund to be known as the land and community heritage investment program administrative fund into which the state treasurer shall credit any revenue generated pursuant to RSA 261:97-b, I-a. For the biennium ending June 30, 2003 there shall also be deposited, on a monthly basis, interest income generated on appropriations made to the land and community heritage investment program trust fund pursuant to RSA 227-M:7. If the revenues generated to the administrative fund from these two sources for said biennium do not total \$335,000 during each year of the biennium, then, on or after the first day of the last month of the fiscal year, the treasurer shall be authorized to credit the administrative fund from the principal of the trust fund, not to exceed this total.

II. All sums so credited shall be appropriated to the authority for the following purposes:

(a) To pay the costs of administering and operating the authority, including, but not limited to, all wages, salaries, benefits, and other expenses authorized by the board or the executive director. The authority may enter into a contract or agreement for provision of services to withhold on a monthly basis all payroll and benefit costs for employees.

(b) In general for the payment of all expenses incident to the management and operation of the authority as are consistent with its statutory purpose and as the board or the executive director thereof may from time to time determine.

III. This fund shall constitute a continuing appropriation for the benefit of the authority. Any amount remaining to the credit of the authority at the close of any fiscal year, and any interest accrued, shall be nonlapsing and shall be carried over and credited to the fund for the succeeding year.

14 New Section; Land and Community Heritage Investment Program; Authority Employees. Amend RSA 227-M by inserting after section 6 the following new section:

227-M:6-a Status of Employees.

I. The authority may hire, fix and pay compensation, prescribe duties and qualifications, and establish personnel policies without regard to any personnel or civil service law or personnel or civil service rule of the state. The employees of the authority shall not be classified employees of the state within the meaning of RSA 21-I:49. Any individual employed by the authority shall be deemed an employee at will and shall serve at the pleasure of the authority.

II. Notwithstanding the provisions of paragraph I, any individual employed by the authority whose employment calls for 30 hours or more work in a normal calendar week, and whose position is anticipated to have a duration of 6 months or more, shall be entitled to elect to receive such health, dental, life insurance, deferred compensation, and retirement benefits as are afforded to classified employees of the state provided, however, that the election is made in writing within 30 days of the start of employment. Upon election by such individual, the authority shall pay from its revenues the state's share of such benefits. Any remaining costs of health, dental, life insurance, deferred compensation, and retirement benefits which an individual elects to receive pursuant to this section, shall be withheld from such individual's salary as a payroll deduction. Written notice of the availability of these benefit options shall be provided to each individual upon employment by the authority.

15 New Paragraph; Department of Resources and Economic Development; Telecommunications Planning and Development Initiative; Initial Funding; Appropriation Nonlapsing. Amend 2000, 298:5 by inserting after paragraph IV the following new paragraph:

V. The initial funding mechanism and the appropriation made pursuant to this section shall not lapse until June 30, 2003.

16 Authority to Fill Unfunded Positions; Department of Health and Human Services. Notwithstanding any other provision of law, the commissioner of the department of health and human services may fill any authorized unfunded positions during the biennium ending June 30, 2003, provided that the total expenditures shall not exceed the amount appropriated for personal services, permanent and personal services, unclassified.

17 Tax Amnesty. Notwithstanding the provisions of any other law, with respect to taxes administered by the department of revenue administration, an amnesty from the assessment or payment of all penalties and interest greater than 7 percent shall apply with respect to unpaid taxes reported and paid in full during the period from December 1, 2001, through and including February 15, 2002, regardless of whether previously assessed. This amnesty shall only apply to taxes due but unpaid on or before February 15, 2002.

18 New Subparagraph; Purchase of Supplies; Exemptions; Assessing Enforcement Contractors. Amend RSA 21-I:18, I by inserting after subparagraph (l) the following new subparagraph:

(m) Purchases of services from private contractors by the department of revenue administration with respect to the establishment of assessing enforcement procedures.

19 New Section; Department of Revenue Administration; Division of Community Services Established. Amend RSA 21-J by inserting after section 10 the following new section:

21-J:10-a Division of Community Services. There is established within the department the division of community services, under the super-

vision of an unclassified director of community services who shall be responsible for providing technical support and assistance to municipalities.

20 Compensation of State Officers; Salaries Established; Director of Community Services. Amend RSA 94:1-a, I by inserting in group M the following:

Director, Community Services

21 Authority to Establish Positions; Department of Revenue Administration. Notwithstanding any other provision of law, the commissioner of the department of revenue administration is authorized to establish positions necessary to implement assessing enforcement procedures.

22 Betterment Assessments; Liens Created. Amend RSA 231:30 to read as follows:

231:30 Liens For Assessments. All assessments made under the provisions of RSA 231:29 shall create a lien upon the lands on account of which they are made, which shall continue following the assessment until fully discharged in accordance with the terms set by each governing board or in compliance with any court judgment. Such assessments shall be subject to interest and such other charges as are applicable to the collection of delinquent taxes. ~~[The landowner shall have the same right of appeal and follow the same procedures as are applicable to the assessment of taxes.]~~

23 Betterment Assessments; Abatement and Appeal. RSA 231:32 is repealed and reenacted to read as follows:

231:32 Abatement and Appeal of Betterment Assessments.

I. Any person aggrieved by a betterment assessment made pursuant to RSA 231:29 may, within 2 months of the notice of tax date and not afterwards, apply in writing to the selectmen or assessors for an abatement of the betterment assessment.

II. Upon receipt of an application under paragraph I, the selectmen or assessors shall review the application and shall grant or deny the application in writing within 6 months after the notice of tax date.

III.(a) If the selectmen or assessors neglect or refuse to abate the betterment assessment, any person aggrieved may either:

(1) Appeal in writing to the board of tax and land appeals, upon payment of a \$65 filing fee; or

(2) Petition the superior court in the county where the property is located.

(b) The appeal to either the board of tax and land appeals or superior court shall be filed within 8 months of the notice of tax date and not afterwards.

IV. For purposes of this section, "notice of tax date" means the date the taxing jurisdiction mails the betterment assessment tax bill.

V. Each betterment assessment tax bill shall require a separate abatement request and appeal.

24 New Section; Adequacy Funds for New Kindergarten Programs. Amend RSA 198 by inserting after section 42 the following new section:

198:42-a Adequacy Funds for New Kindergarten Programs. A school district that implements a new public kindergarten program on July 1, 1999 or thereafter, shall receive annually, beginning in fiscal year 2002, a kindergarten adequacy payment from the education trust fund established in RSA 198:39 to be calculated as follows:

I. Payments for each eligible kindergarten pupil shall be made at the rate of $\frac{1}{2}$ the average base cost per pupil of an adequate education at the elementary level as determined under RSA 198:40 for the fiscal year

ending June 30, 2002. Payments for each eligible kindergarten pupil shall be made at the rate of \$1,650 for the fiscal year ending June 30, 2003, and shall increase by 3 percent in each fiscal year thereafter.

II. The number of eligible pupils shall be the number of kindergarten pupils who reside in the district and who, on October 1 of each school year, are enrolled in an approved public kindergarten operated by the district, or are enrolled under a tuition agreement in an approved public kindergarten operated by another district, or are enrolled in an approved alternative kindergarten program operated under RSA 198:48-a.

III. The annual new kindergarten adequacy payment shall be calculated by multiplying the amount established in paragraph I by the number of pupils determined in accordance with paragraph II.

IV. The annual new kindergarten adequacy payment calculated under paragraph III shall be distributed to eligible districts on or before January 1 of each school year.

V. Notwithstanding RSA 198:39, for the fiscal year beginning July 1, 2001, and every fiscal year thereafter, a sum sufficient to distribute annual new kindergarten adequacy payments in accordance with this section shall be appropriated from the education trust fund to the department of education. For each fiscal year, the governor is authorized to draw a warrant for said sum from any moneys available in the education trust fund.

VI. When enrollments in a new public kindergarten program are included in the school district's average daily membership in residence for the purpose of determining adequate education costs and distributing adequate education grants under RSA 198:40 through 198:42, the school district shall not be eligible to receive a new kindergarten adequacy payment calculated under this section.

25 Repeal. The following are repealed:

I. RSA 198:48-a, VII, relative to certain pupils enrolled in an approved alternative kindergarten program.

II. 1999, 65:9, I, as amended by 2000, 289:2, relative to per pupil reimbursements for new public kindergarten programs.

26 Lapse Date Extended to June 30, 2003. The appropriation made to the department of administrative services, division of plant and property management, bureau of general services in 1999, 226:1, II, A, 8 for executive/legislative budget system is hereby extended to June 30, 2003.

27 Committee to Study the Development of a New Budget System.

I. There is established a committee to study the development of a new budget system.

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

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

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

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall study the development of a new budget system. The committee shall coordinate its activities with the department of administrative services and the legislative budget assistant.

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

V. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2002.

28 Budget System Appropriation; Availability. The department of administrative services shall make the appropriation made to the department of administrative services, division of plant and property management, bureau of general services in 1999, 226:1, II, A, 8 for executive/legislative budget available to the committee to study the development of a new budget system established by this act.

29 Education Trust Fund Budget Deficit; Transfer of Funds. In the event of an education trust fund budget deficit at the close of the fiscal biennium ending June 30, 2001 as determined by the official audit performed pursuant to RSA 21-I:8, I(h), the comptroller shall notify the fiscal committee and the governor of such deficit and request that sufficient funds, to the extent available, be transferred from the general fund operating surplus to eliminate such deficit.

30 County Reimbursements. Amend RSA 170-G:5-a to read as follows:

170-G:5-a County Reimbursement. County payments due under RSA 169-B:40, 169-C:27, and 169-D:29 shall be paid to the department of health and human services on a monthly basis within ~~[30]~~ 45 days' notice of the amount due to the state. Delinquent payments due under these chapters, with interest at the rate of 12 percent per annum, may be recovered by action in a court of competent jurisdiction against the political subdivision liable therefor or may, at the request of the state agency, be deducted from any other moneys payable to such subdivision by any department or agency of the state.

31 Additional Revenues; Department of Health and Human Services. Notwithstanding any provision of the law to the contrary, the legislative fiscal committee and the governor and council may authorize the commissioner of the department of health and human services to accept and expend additional revenues, in excess of or in addition to the budgeted amounts, from any source, which become available to the department. Such additional revenues shall be available to the department of health and human services to supplement funds in the following programs and services: direct care provider wage increases across all department programs, community and public health and elderly and adult services provider payments, tobacco use prevention funds, and any other such program or service that requires deficit reduction or for which revenue has been specifically obtained. If any direct care provider wage increases the department may effect during the biennium pursuant to this section results in a net increase in expenditures to a county government, and that net increase is not offset with proportionate share payments in excess of budgeted amounts, the department of health and human services shall make a payment to any such county government for each year of the biennium in the amount necessary to eliminate any such loss.

32 Repeal. 1999, 225:45, relative to reports of productivity gains from investments in information technology, is repealed.

33 Postsecondary Education Commission; Granite State Scholars; Appropriations for Fiscal Years 2002 and 2003.

I. Notwithstanding any provision of RSA 188-D to the contrary, the postsecondary education commission shall expend funds appropriated for fiscal years 2002 and 2003 to PAU 06, 01, 01, 95 either for scholarships to students qualifying for granite state scholar designation or to match gifts and contributions to participating institutions for purposes of the granite state scholars program.

II. To the extent the postsecondary education commission elects to expend the appropriations for scholarships, the commission shall award scholarships directly to students qualifying for granite state scholar designation under RSA 188-D:39, I. The commission shall adopt rules under RSA 188-D:8-a, III for awarding the scholarships.

III. To the extent the postsecondary education commission elects to expend the appropriations to match gifts and contributions to participating institutions for purposes of the granite state scholars program, the commission shall, notwithstanding RSA 188-D:41, provide a match of up to 100 percent of each gift and contribution. In addition, a participating institution shall, in the year following the receipt of the state match, disburse as scholarships to granite state scholars an amount equal to ½ of the state match received by the institution.

34 Maintenance of Funds Collected Pursuant to Electric Utility Restructuring Orders; Plans for Administration. Amend RSA 6:12-b to read as follows:

6:12-b Maintenance of Funds Collected Pursuant to Electric Utility Restructuring Orders. On request of the public utilities commission, the state treasurer shall maintain custody over funds collected by order of the public utilities commission consisting of only that portion of the system benefits charge directly attributable to programs for low income customers as described in RSA 374-F:4, VIII(c). All funds received by the state treasurer pursuant to this section shall be kept separate from any other funds and shall be administered in accordance with terms and conditions established by the public utilities commission. ***Plans for the administration of such funds shall be approved by the fiscal committee of the general court and the governor and council prior to submission to the public utilities commission.***

35 Rehiring; Laid-Off State Employees. The provisions of 1990, 261:1, as amended by 1991, 4:10 and 355:103, relative to rehiring of laid-off state employees, shall apply to any person laid-off between July 1, 2001, and June 30, 2003, as a result of any state law, regardless of the funding source for the person's position. The head of each department or agency shall submit the names and classification of individuals laid-off from July 1, 2001, to June 30, 2003, to the director of the division of personnel within 10 days of the layoff.

36 Emergency Medical Transport Services. The department of health and human services shall reimburse municipal and private emergency medical ambulance transport providers in the class 90 account of PAU 05, 01, 07, 06, 03, as inserted by HB 1-A of the 2001 legislative session, for the emergency and non-emergency transportation of New Hampshire Medicaid patients at the same transport and mileage rate as the Federal Health Care Financing Authority pays for the emergency and non-emergency transportation of Medicare patients.

37 Longevity Payment Authorized; Department of Health and Human Services. Notwithstanding any provision of law to the contrary, payment is hereby authorized in the amount of \$3,000 for longevity to position 9U201, deputy commissioner, department of health and human services for the years 1994 through 1999. Funding for the longevity payment shall be from appropriations made to the department of health and human services in the 2000-2001 operating budget for positions which are not filled.

38 Commissioner of Health and Human Services; Authority to Establish Positions. For the biennium ending June 30, 2003, the commissioner of health and human services may exercise the authority granted by RSA 126-A:9, II(a) as necessary to support and carry out the purposes of any

laws enacted to transfer the youth development center and the youth services center to the department of health and human services and to establish a juvenile justice services unit within the department.

39 Operation of Beach Parking Facilities; Hampton Beach Capital Improvement Fund. Amend RSA 216:3 to read as follows:

216:3 Operation of Beach Parking Facilities.

I. The department of resources and economic development shall operate, maintain, and manage the parking facilities at Hampton Beach, and shall be authorized to charge for the use of the parking facilities by meters or fees, including parking violation fines, whichever is determined most practical.

II. The state treasurer shall establish a special nonlapsing fund, which shall only lapse pursuant to paragraph III, for the revenues from ~~[this source which shall be expended to retire 50]~~ ***the parking facilities at Hampton Beach. Fifty percent of the payments for principal and interest of bonds and notes that are issued for the project of replacing the steel seawall with a concrete seawall in the Hampton Beach area shall be paid from this fund. If the revenues from the parking facilities at Hampton Beach exceed \$1,000,000 for the fiscal year, all revenues in excess of \$1,000,000 shall be transferred prior to the close of the fiscal year from this fund to the Hampton Beach capital improvement fund established in paragraph IV.***

III. The balance of any funds in this special nonlapsing fund shall be lapsed at the close of each fiscal year to the state park fund.

IV.(a) There is established a nonlapsing revolving fund to be known as the Hampton Beach capital improvement fund in the department of resources and economic development. The revolving fund shall be used for capital improvements for the parking facilities at Hampton Beach.

(b) The commissioner of resources and economic development shall submit a report detailing the activities of the revolving fund annually to the governor and council and the fiscal committee within 60 days of the close of each fiscal year.

40 New Paragraphs; Board of Tax and Land Appeals; Authority; Duties. Amend RSA 71-B:5 by inserting after paragraph III the following new paragraphs:

IV. To hear and determine all matters relating to orders for reassessment properly brought pursuant to RSA 71-B:16.

V. To hear and determine petitions filed by the commissioner of revenue administration pursuant to RSA 21-J:11-a, II(b). The board shall give such petitions priority for scheduling hearings and for final rulings. In addition to the standards utilized by the commissioner of revenue administration in the certification of assessments pursuant to RSA 21-J:11-a, the board shall consider the criteria in a RSA 71-B:16-a. The board's decision on such petitions shall be final, subject to appeal to the supreme court. Any appeal shall be filed with the clerk of the supreme court within 20 days after the date the decision is issued. The supreme court shall give any appeal it hears under this section priority in the court calendar.

41 Appraisal of Taxable Property; How Appraised. RSA 75:1 is repealed and reenacted to read as follows:

75:1 How Appraised. The selectmen shall appraise open space land pursuant to RSA 79-A:5, open space land with conservation restrictions pursuant to RSA 79-B:3, land with discretionary easements pursuant to RSA 79-C:7, residences on commercial or industrial zoned land pursuant to RSA 75:11, earth and excavations pursuant to RSA 72-B, and all other

taxable property at its market value. Market value means the property's full and true value as the same would be appraised in payment of a just debt due from a solvent debtor. The selectmen shall receive and consider all evidence that may be submitted to them relative to the value of property, the value of which cannot be determined by personal examination.

42 Appraisal of Taxable Property; Oath. Amend RSA 75:7 to read as follows:

75:7 Oath. The selectmen and assessors shall take and subscribe upon the copies or original inventories and assessments of both resident and nonresident taxes, furnished by them to the town clerks in their respective towns, to be recorded in the clerk's records, the following oath, which may be subscribed before any justice of the peace or notary public: We, the selectmen and assessors of _____, ~~[do solemnly swear that in making the inventory for the purpose of assessing the foregoing taxes we appraised all taxable property at its full value, and as we would appraise the same in payment of a just debt due from a solvent debtor. So help us God]~~ ***certify under the penalty of perjury that in making the inventory for the purpose of assessing the foregoing taxes, all taxable property was valued in accordance with RSA 75:8, to the best of our knowledge and belief.***

43 Annual Revised Inventory. RSA 75:8 is repealed and reenacted to read as follows:

75:8 Revised Inventory.

I. Annually, and in accordance with state assessing standards, the assessors and selectmen shall adjust assessments to reflect changes so that all assessments are reasonably proportional within that municipality. All adjusted assessments shall be included in the inventory of that municipality and shall be sworn to in accordance with RSA 75:7.

II. Assessors and selectmen shall consider adjusting assessments for any properties that:

- (a) They know or believe have had a material physical change;
- (b) Changed in ownership;
- (c) Have undergone zoning changes;
- (d) Have undergone changes to exemptions, credits or abatements;
- (e) Have undergone subdivision, boundary line adjustments, or mergers; or
- (f) Have undergone other changes affecting value.

44 New Section; Appraisal of Taxable Property; Five-Year Valuation. Amend RSA 75 by inserting after section 8 the following new section:

75:8-a Five-Year Valuation. At least as often as every fifth year, beginning with the first year the commissioner of the department of revenue administration certifies a municipality's assessments pursuant to RSA 21-J:3, XXVI, the assessors and/or selectmen shall value all real estate within the municipality so that the assessments are valued in accordance with RSA 75:1.

45 New Paragraph; Department of Revenue Administration; Duties of Commissioner. Amend RSA 21-J:3 by inserting after section XXV the following new paragraph:

XXVI. Review each municipality's assessments once within every 5 years and certify the assessments of the municipality if such assessments are valued in accordance with RSA 75:1. In carrying out the duty to certify the assessments of property, the commissioner shall follow the procedures set forth in RSA 21-J:11-a.

46 New Sections; Department of Revenue Administration. Amend RSA 21-J by inserting after section 11 the following new sections:

21-J:11-a Certification of Assessments.

I. The commissioner shall certify that the assessments of a municipality comply with the provisions of RSA 75:1 when the commissioner determines that:

(a) Level of assessments and uniformity of assessments are within acceptable ranges as prescribed by state assessing standards by considering, where appropriate, an assessment-to-sales-ratio study conducted by the department for the municipality;

(b) Assessment practices substantially comply with applicable statutes and rules;

(c) Exemption, credit, and abatement procedures substantially comply with applicable statutes and rules;

(d) Assessments are based on reasonably accurate data; and

(e) Assessments of various types of properties are reasonably proportional to other types of properties within the municipality.

II. If the commissioner does not certify that the assessments of a municipality comply with RSA 75:1, the commissioner shall order in writing those corrective actions, including the time for completion, deemed necessary to assess the municipality's property in accordance with RSA 75:1; and:

(a) If the governing body of the municipality agrees with the commissioner's determination, the municipality shall complete the corrective actions within the time prescribed by the commissioner.

(b) If the governing body of the municipality does not agree with the commissioner's determination not to certify its assessments, with the corrective actions ordered, or the time allowed for completion, the commissioner shall petition the board of tax and land appeals to order that the municipality's property is not assessed in accordance with RSA 75:1 and to order such corrective action necessary to ensure that the municipality's assessment are in accordance with RSA 75:1.

III. The commissioner shall adopt rules under RSA 541-A relative to acceptable ranges of level of assessments and uniformity of assessments, procedures for review of assessment practices, and procedures and forms for the commissioner's certification of assessments. Rules adopted by the commissioner under this paragraph shall remain effective until the assessing standards board adopts rules under RSA 21-J:14-b, II.

IV. Within 60 days of the certification of a municipality's assessments, the commissioner shall reimburse the municipality on a per parcel basis to defray assessing expenses associated with certification according to the following formula: \$10 per parcel for the first 1,000 parcels, \$8 per parcel for the next 5,000 parcels, and \$5 per parcel for all remaining parcels.

21-J:11-b Implementation of Certification.

I. The commissioner of revenue administration shall adopt a schedule so that each city, town, and unincorporated place has its assessments reviewed within 5 years of April 1, 2002, and shall notify each city, town, and unincorporated place, within 60 days of passage of this act, of the property tax year for which their initial certification review shall occur.

II. The department shall offer training and technical assistance to municipal officials to assist in complying with the provisions of RSA 75:8, RSA 75:8-a, and RSA 21-J:11-a.

III. The commissioner of revenue administration shall report in its annual report, the number of communities assisted and the types of assistance and training provided pursuant to RSA 21-J:10, RSA 21-J:11, and RSA 21-J:11-b, II.

47 Setting of Tax Rates by Commissioner. Amend RSA 21-J:35, I to read as follows:

I. The commissioner of revenue administration shall compute and establish the tax rate of each town, city, or unincorporated place. *Any decision by the commissioner not to certify the assessments of a municipality pursuant to RSA 21-J:11-a shall not delay or otherwise affect the setting of the tax rate for that municipality.*

48 Real Estate. Amend RSA 73:10 to read as follows:

73:10 Real Estate. Real and personal property shall be taxed to the person claiming the same, or to the person who is in the possession and actual occupancy thereof, if such person will consent to be taxed for the same; but such real estate shall be taxed in the town in which it is situated. *Any decision by the commissioner not to certify the assessments of a municipality pursuant to RSA 21-J:11-a shall not affect the obligation of the taxpayer to pay property taxes otherwise lawfully assessed.*

49 Powers of Collector. Amend RSA 80:4 to read as follows:

80:4 Powers of Collector. Every collector, in the collection of taxes committed to him and in the service of his warrant, shall have the powers vested in constables in the service of civil process, which shall continue until all the taxes in his list are collected. *Any decision by the commissioner not to certify the assessments of a municipality pursuant to RSA 21-J:11-a shall not affect the authority of the tax collector to issue tax bills and to exercise all powers contained in this chapter for the collection of taxes.*

50 Petition for Order of Reassessment; SB 193 Provision Amended. Amend RSA 21-J:9-b to read as follows:

21-J:9-b Petition for Order of Reassessment. The commissioner, in petitioning for an order of reassessment pursuant to RSA 21-J:3, XXV, may consider any information that indicates that property in a city, town, or unincorporated place is valued disproportionately to other property within that municipality in determining whether to petition the board of tax and land appeals to issue an order for reassessment. Additionally, the commissioner shall petition the board of tax and land appeals to issue an order for reassessment of property if the following criteria are met:

I. The commissioner's most recent annual sales-assessment ratio study indicates that the coefficient of dispersion exceeds 20 employing a 95-percent level of confidence, provided however that if the sample size for a sales-assessment ratio study is less than 30, the commissioner may use a level of confidence as low as 70 percent;

II. The municipality has not ~~conducted a full revaluation within 6 years~~ *complied with the provisions of RSA 75:8-a*; and

~~[III. A municipality has not contracted for a full revaluation of the property within such municipality to be effective no later than the tax year following such determination.]~~

51 Certification Required; SB 193 Provision Amended. Amend RSA 21-J:14-f, I to read as follows:

I. Every person, whether working individually, for a firm or corporation, or as a municipal ~~[or department of revenue administration]~~ employee, making appraisals of a municipality for tax assessment purposes, except elected officials making appraisals pursuant to RSA 75:1, shall be certified by the department. *Department of revenue employees shall be certified at the level appropriate to their duties.* The commissioner shall adopt rules, pursuant to RSA 541-A, relative to qualifications for certification, standards for continuing education, and standards for revocation or suspension of certification. Rules adopted by the commissioner under this paragraph shall remain effective until the assessing standards board adopts rules under RSA 21-J:14-b, I(c).

52 Property Taxes; What Taxes Assessed; Expenses of Reassessment; SB 193 Provision Amended. Amend RSA 76:5 to read as follows:

76:5 What Taxes Assessed. The selectmen shall seasonably assess all state and county taxes for which they have the warrants of the commissioner of revenue administration and county treasurers respectively; all taxes duly voted in their towns; and all school and village district taxes authorized by law or by vote of any school or village district duly certified to them; and all sums required to be assessed by RSA 33 and *RSA 21-J:9-c. Any decision by the commissioner not to certify the assessments of a municipality pursuant to RSA 21-J:11-a shall not affect the authority of the selectmen to assess taxes.*

53 Initial Assessment Review Schedule. The commissioner of revenue administration shall adopt a schedule so that each city, town, and unincorporated place has its assessments reviewed within 5 years and shall notify each municipality, within 60 days of passage of this act, of the property tax year for which their initial certification review shall occur. The department shall offer training and technical assistance to municipal officials to assist in complying with the provisions of RSA 21-J:11-a, as inserted by this act.

54 Contingency. If SB 193 of the 2001 legislative session becomes law, then section 50 of this act shall take effect at 12:01 a.m. on the effective date of section 17 of SB 193. If SB 193 of the 2001 legislative session becomes law, then section 51 of this act shall take effect at 12:01 on the effective date of section 2 of SB 193. If SB 193 of the 2001 legislative session becomes law, then section 52 of this act shall take effect at 12:01 a.m. on the effective date of section 18 of SB 193. If SB 193 does not become law, then sections 50-52 of this act shall not take effect.

55 Purpose. Since the agricultural fairs of New Hampshire contribute greatly to the economic, cultural, and social well-being of the state, it is important that the state assist the fairs to assure their continued viability.

56 Appropriation. The sum of \$1 is hereby appropriated to the department of agriculture, markets, and food for each year of the biennium ending June 30, 2003, for purposes of making distributions to agricultural fairs as provided in RSA 425:19-a – 19-f. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

57 Distribution Formula. The commissioner of agriculture, markets, and food shall distribute sums appropriated under section 56 of this act to agricultural fairs qualified under RSA 425:19-b according to the following formula: To each fair for capital improvements, \$10,000; to each fair for marketing and promotional activities, \$8,000; and to each fair a pro rata share based upon premiums paid and qualified under RSA 425:19-b of the remaining sums appropriated under section 66 of this act.

58 Statement of Purpose. The general court recognizes that a small number of individuals with complex diagnostic presentations such as individuals who have significant cognitive limitations as well as affective or thought disorders, severe emotional disturbances and significant functional limitations engage in behavior that potentially endangers their communities. Intervention, treatment, and supervision are effective means of assisting such individuals while providing for the safety of the public. Extended periods of treatment may be required in order for such individuals to benefit from therapeutic programs due to their learning difficulties. The general court intends to provide these individuals with appropriate treatment so that they may gain the skills needed to live safely in a community setting.

59 Definition of Mental Retardation Clarified. Amend RSA 171-B:2, IV to read as follows:

IV. The person has mental retardation, *as defined in the most current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association*; and

60 New Subparagraph; Responsibility of Guardian. Amend RSA 464-A:25, I by inserting after subparagraph (g) the following new subparagraph:

(h) The guardian of any ward who has a history of engaging in behavior which substantially endangers others shall consider the security and protection of the community while ensuring that the ward receives appropriate care, treatment, and supervision.

61 Commission Established. There is established a commission to review and approve proposed locations for the provision of residential treatment to individuals with complex and significant disabilities who have engaged in behavior which endangers the community and who require intensive therapeutic interventions and close supervision.

62 Membership and Compensation.

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

(a) One member of the senate, appointed by the president of the senate.

(b) One member of the house of representatives, appointed by the speaker of the house.

(c) The attorney general.

(d) Two public members, appointed by the governor.

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

63 Duties.

I. The commission shall receive recommendations from the department of health and human services of proposed program sites. The commission shall review the programs, services, and security provisions for each prospective program site, shall consult with representatives of the community in which a proposed program site is located, and shall give due consideration to local concerns. The commission shall conduct a public hearing in those communities where such a proposed site would be located. The department of health and human services shall make a presentation at each public hearing regarding the proposed program, including the number of individuals to be served and the staffing and security provisions incorporated into the proposed program.

II. Following consideration of the public input and information provided by the department of health and human services about the proposed programs, the commission shall approve at least 5 sites equitably distributed across the state to meet the needs of the state's population in rural as well as densely populated communities. A site shall be approved only if it is:

(a) Out of visual range of any existing child care programs, playgrounds and other locations where children gather;

(b) Within a 30 minute drive of a general hospital; and

(c) In reasonable proximity of the community's emergency services such as police, fire, and medical response.

III. Following approval by the commission, or after 4 months from the submission of a proposed site by the department if the commission fails to approve or deny a proposed site, the department shall be authorized to establish a program at the proposed site, provided, that the program conforms to local building and fire codes applicable to single family residences.

64 Chairperson; Support.

I. The chairperson of the commission shall be the attorney general. The first meeting of the commission shall be called by the attorney general. The first meeting shall be held within 45 days of the effective date of this section.

II. The department of health and human services shall provide any administrative support the commission deems necessary.

65 Repeal. Sections 61-64, relative to a commission to review certain proposed sites, is repealed.

66 New Chapter; Specialized Treatment Program. Amend RSA by inserting after chapter 135-D the following new chapter:

CHAPTER 135-E

SPECIALIZED TREATMENT PROGRAM

135-E:1 Definitions. In this chapter:

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

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

135-E:2 Specialized Treatment Program.

I. The department shall establish, subject to available appropriations, a specialized therapeutic program including secure residential care and community-based after-care treatment which is designed to meet the needs of individuals with significant cognitive limitations as well as affective or thought disorders, severe emotional disturbances, and significant functional limitations who engage in behavior that potentially endangers their community. Such programs shall be utilized when less restrictive alternatives do not provide adequate safety and security to the community.

II. One component of the program shall be designed specifically to meet the needs of young adults with serious emotional disturbance or significant learning disabilities who have been in placement through the department under RSA 169-B or RSA 169-C and who continue to need intensive treatment in order to receive the support and supervision they require until they achieve the full benefit of the treatment that has been initiated during their minority. A young adult who meets admission criteria for the program shall be admitted on a voluntary basis, or by consent of his or her guardian.

III. The department may, if necessary, request the appointment of a guardian as provided in RSA 464-A for an individual who may be legally incapacitated and who is determined to need a specialized treatment program established pursuant to this chapter.

IV. Individuals receiving treatment from a specialized treatment program established pursuant to this chapter shall have all the rights guaranteed by RSA 171-A to persons with developmental disabilities, except to the extent necessary for safety or security.

V. A comprehensive clinical assessment shall occur prior to any admission, discharge, or transfer from the program.

135-E:3 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

I. Admission and discharge criteria for the program.

II. Program requirements.

III. The rights of individuals receiving treatment.

IV. Periodic review of each individual's treatment to determine if the individual is served in the least restrictive setting consistent with the safety and security of the community.

V. Quality assurance processes and criteria for the program.

VI. Any other matter necessary to the administration of this chapter.

67 Rights Guaranteed. Amend RSA 171-A:29 to read as follows:

171-A:29 Rights Guaranteed. All rights guaranteed by RSA 171-A to persons with developmental disabilities shall be retained by persons involuntarily admitted under RSA 171-B except [~~where safety or security mandates restriction of such rights~~] **to the extent necessary for safety or security**. Any restriction of rights under this section may be appealed to the commissioner pursuant to rules adopted by the commissioner under RSA 171-A:3.

68 Order of the Court. Amend RSA 171-B:12 to read as follows:

171-B:12 Order of Court. If, after the hearing, the court finds by clear and convincing evidence that the person meets the standard set forth in RSA 171-B:2, the court shall order the person to submit to **the least restrictive alternative of the following alternative consistent with the security and protection to the public**:

I. Treatment and services in a receiving facility within the state developmental services delivery system **or the residential settings specified in RSA 135-E:2**;

II. Treatment and services within the state developmental services delivery system **pursuant to RSA 171-A:4** other than in-patient treatment; or

III. Treatment and services in the secure psychiatric unit if the court determines that the programs and placements enumerated in paragraph I or II do not provide sufficient security and protection to the public.

69 Appropriation. The sum of \$1 for operations and administration and the sum of \$1 for capital expenditures for the fiscal year ending June 30, 2002 and the sum of \$1 for operations and administration and the sum of \$1 for capital expenditures for the fiscal year ending June 30, 2003 are hereby appropriated to the department of health and human services for the purposes of sections 58-68. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

70 Findings. The general court finds that:

I. New Hampshire needs to adopt a more sufficient and reliable tax structure to fund the state's duty to underwrite the cost of constitutionally adequate education for the public school students of this state consistent with part II, articles 5 and 83 of the New Hampshire constitution.

II. In conjunction with adopting a broad based personal income tax to help fund an adequate education, it is wise to repeal or reduce other less equitable or desirable taxes and return certain other revenues to the general fund from the education trust fund to cover the cost of such other repeals or reductions of taxes.

III. It is to the benefit of this state to:

(a) Provide targeted aid, above and beyond adequacy funding, to property poor communities to help them achieve excellence in education without excessive local school tax burdens through a tax effort cap program; and

(b) Implement a circuit breaker on the total property tax burden on homesteads so that citizens of modest means do not pay an unreasonable and excessive portion of their income in total property taxes.

IV. In addition to funding an adequate education, it is appropriate and in the public interest to expand the use of the education trust fund to include funding for a local school property tax effort cap program.

V. A uniform standard exemption of income from the education income tax for all taxpayers and dependents is a just, reasonable, and proportionate means to assure that each taxpayer has the ability to earn a minimal subsistence level of income before being subject to the burden of income taxation, and that single heads of households are an appropriate class of people for whom an additional modest exemption from the education income tax is just and reasonable so that they can reasonably provide a minimal level of support for their dependents before being subject to the burden of income taxation.

VI. To promote industry, frugality, and a positive work ethic, a modest exemption from the education income tax on income earned by dependents is just and reasonable.

VII. With regard to the repeal of RSA 86:6 on July 1, 2001, it is the intent of the legislature that the estates of persons dying after June 30, 2001 not be subject to the tax or reporting requirements of RSA 86.

VIII. With regard to the repeal of RSA 77-E:2 on January 1, 2002 and the remainder of RSA 77-E on December 31, 2002, it is the intent of the legislature that the business enterprise tax not be imposed on taxable periods ending after December 31, 2001 and that reporting and filing requirements for such periods cease.

71 New Chapters; Education Income Tax; Property Tax Abatement Program. Amend RSA by inserting after chapter 76 the following new chapters:

CHAPTER 76-A

EDUCATION INCOME TAX

76-A:1 Definitions. In this chapter:

I. "Consumer price index" means the consumer price index for all urban consumers, U.S. city average, published by the United States Department of Labor.

II. "Department" means the department of revenue administration.

III. "Education trust fund" means the education trust fund established in RSA 198:39.

IV. "Individual" means a natural person.

V. "New Hampshire modified gross income" means New Hampshire modified gross income as determined in RSA 76-A:3.

VI. "New Hampshire taxable income" means New Hampshire taxable income as determined in RSA 76-A:3.

VII. "Nonresident individual" means an individual who receives wages, self-employment income, or unearned income for the taxable year from sources in this state, who maintains his or her domicile outside the state.

VIII.(a) "Resident fiduciary" means:

(1) The executor or administrator of the estate of a decedent who at death was domiciled in this state;

(2) The trustee of a trust created by will of a decedent who at death was domiciled in this state;

(3) The trustee of a trust created by, or consisting of property of, a person domiciled in this state;

(4) The trustee of a trust the property of which includes a business organization as defined in RSA 77-A:1, with business activity in New Hampshire as defined in RSA 77-A:1; or

(5) The trustee of a trust that has at least one beneficiary who is a resident individual, where, in the case of an individual, the trustee of the trust is a resident of New Hampshire or, in the case of a corporation or other business entity, has a place of business in New Hampshire.

(b) "Resident fiduciary" shall not include the trustee of any trust which is taxable as a corporation under the United States Internal Revenue Code, a trust to the extent it is considered to be a grantor trust pursuant to sections 671-679 of the United States Internal Revenue Code, and the trustee of a tax-qualified retirement plan under section 401(a) of the United States Internal Revenue Code.

IX. "Resident individual" means:

(a) An individual domiciled in the state; or

(b) An individual who maintains a permanent place of abode within the state and spends more than 183 days of the taxable year within the state.

X. "Taxable year" means the calendar or fiscal year or portion thereof which the taxpayer uses for federal income tax purposes under the United States Internal Revenue Code.

XI. "Taxpayer" means any individual or fiduciary subject to the provisions of this chapter.

XII. "Unearned income" means any income which is not wage or self-employment income, including but not limited to capital gains, allocations of income from S corporations, partnerships, limited liability companies or other similar entities, dividends, interests, rents, and royalties.

XIII. "United States Internal Revenue Code" means the United States Internal Revenue Code of 1986 as amended. The forms, procedures, and regulations of the United States Internal Revenue Service may be used by the commissioner of revenue administration in formulating rules for adoption under RSA 541-A. This definition shall be operative unless and until a specific statutory exception to its adoption is provided in this chapter, or until the application of one of its provisions is held to violate the New Hampshire constitution.

76-A:2 Imposition of Tax. A tax is imposed upon every resident and nonresident individual and upon every resident fiduciary at the rate of 3.6 percent of New Hampshire taxable income as determined in RSA 76-A:3.

76-A:3 New Hampshire Taxable Income.

I. "New Hampshire taxable income" means, for any taxable year:

(a) In the case of a resident or nonresident individual, the individual's New Hampshire modified gross income, as defined in paragraph II of this section, less the following:

(1) An exemption of \$11,000 for the taxpayer and an additional exemption of \$11,000 for the taxpayer's spouse if a joint return is made, provided that the taxpayer or spouse is not claimed as a dependent on another taxpayer's federal income tax return or New Hampshire income tax return; and

(2) An additional exemption of \$3,000 for each dependent to which the taxpayer is entitled for federal tax purposes under the United States Internal Revenue Code, provided that the dependent is not claimed as a dependent on another person's federal income tax return or New Hampshire income tax return.

(3) A person who is claimed as a dependent under subparagraph (2) and who has earned income from wages, self-employment income, or farm income which is taxable under this chapter, shall be entitled to a separate exemption of \$3,000 of such earned income on that person's New Hampshire income tax return; and

(4) An additional exemption of \$3,000 for a taxpayer entitled to a head of household status for federal tax purposes under the United States Internal Revenue Code.

(b)(1) In the case of a resident fiduciary, the amount shown as total taxable income on the fiduciary's United States fiduciary income tax return:

(A) Increased by:

(i) Any interest or dividend income on obligations or securities of another state of the United States; and

(ii) Any interest or dividend income on obligations or securities of any authority, commission, or instrumentality of the United States to the extent exempted from the federal income tax; and

(B) Decreased by interest on, and dividends on securities attributable to the interest on, the direct obligations of the United States government.

(2) For a resident fiduciary with at least one beneficiary that is not either a resident individual or another resident fiduciary, the amount of income derived by application of subparagraph (1) shall be multiplied by a fraction, the numerator of which is income properly accumulated for the benefit of resident individuals or resident fiduciaries and the denominator of which is all income property accumulated.

(c) The amount of the exemptions allowed under this paragraph shall be in place for the first year of the tax only. The commissioner of revenue administration shall increase the exemption amounts allowed in each succeeding year by an amount which equals the percentage increase in the consumer price index for a recent prior annual period established by rule by the commissioner, and rounded to the nearest \$10.

II. "New Hampshire modified gross income" means, for any taxable year, the amount of the taxpayer's adjusted gross income for federal income tax purposes under the United States Internal Revenue Code:

(a) Decreased by the following amounts, if included in the taxpayer's adjusted gross income for federal tax purposes:

(1) Interest on, and dividends on securities attributable to interest on, the direct obligations of the United States government;

(2) Interest and dividend income received from funds invested in the college tuition savings plan under RSA 195-H if used in accordance with RSA 195-H;

(3) The amount of income otherwise taxable under this chapter which is also taxed as business profits under RSA 77-A;

(4) The amount of capital gains income directly derived from sales of timber subject to taxation under RSA 79;

(5) The amount of any social security income that is included the taxpayers' adjusted gross income for federal income tax purposes;

(6) The amount of income attributable to pension or retirement income that the taxpayer receives in lieu of social security income (due to employment where the employer was obligated to contribute to a pension plan in lieu of social security contributions), which amount when combined with any social security income shall not exceed the maximum potential regular social security benefit per beneficiary for that year that might have otherwise been available to such taxpayer, all as determined by rules adopted by the commissioner; and

(7) The amount of annuities, as defined in 45 U.S.C. §231(p), including Tier I and Tier II railroad retirement benefits, and supplemental annuities, as described in 45 U.S.C. §231a(b), the taxation of which by states is prohibited under 45 U.S.C. §231m; and

(8) The amount of income attributable to pension payments where the taxpayer's contributions to the pension fund were previously subject to federal personal income taxation, as determined by rules adopted by the commissioner.

(b) Increased by:

(1) Any interest or dividend income on obligations or securities of any authority, commission, or instrumentality of the United States to the extent exempted from the federal income tax; and

(2) Any interest or dividend income on obligations or securities of another state of the United States.

76-A:4 Tax; When Due. Subject to the provisions of this chapter concerning the withholding of tax and estimated tax declarations, the tax imposed by this chapter shall be deemed to be assessed and due and payable on the fifteenth day of the fourth month following the close of the taxpayer's taxable year.

76-A:5 Credits. The following credits are allowed against the tax due under this chapter:

I. Taxes withheld pursuant to the provisions of this chapter.

II. Estimated tax payments made pursuant to this chapter.

III. An annual renter's credit of \$300 on a dwelling unit rented by the taxpayer as his or her primary residence prorated for each full month of residence. In no case shall the renter's credit exceed the tax due under this chapter after applying any credit claimed under paragraph IV of this section.

IV. In the case of a resident individual, a credit calculated by:

(a) Calculating the wages, self-employment income, and unearned income of the individual earned or derived from sources in another state and subject to income tax or a tax measured by income in that state plus active military pay earned while stationed out-of-state, whether subject to another state's income tax or not;

(b) Reducing the amount calculated in subparagraph (a) by the portion of the taxpayer's claimed exemptions which bears the same relationship to the taxpayer's total claimed exemptions, as the amount calculated in subparagraph (a) bears to the taxpayer's New Hampshire modified gross income; and

(c) Multiplying the amount calculated in subparagraph (a), as reduced in subparagraph (b), by the rate of tax provided in RSA 76-A:2.

Returns

76-A:6 Returns.

I. Every resident individual and nonresident individual having New Hampshire modified gross income greater than the exemption amounts provided in RSA 76-A:3, I and every resident fiduciary shall make a return to the department of revenue administration under such rules and in such form or manner as the commissioner may prescribe, on or before the due date of the tax as provided in RSA 76-A:4.

II. A husband and wife who are both residents or who both earn wages or self-employment income from sources within New Hampshire shall file a joint return for any taxable year for which such a joint return is filed for United States income tax purposes.

III. Whenever any return shows that overpayment allowable to the taxpayer exceeds the amount of tax due, the department shall certify the amount of overpayment to the state treasurer for refund from the education trust fund created by RSA 198:39 or shall allow the taxpayer a credit against taxes due for a subsequent year, to the extent of the overpayment, at the taxpayer's option.

76-A:7 Information Returns. Each individual, partnership, limited liability partnership corporation, limited liability corporation, proprietorship, joint stock company, association, insurance company, business trust, real estate trust, or other form of organization, organized for gain or profit,

being a resident or having a place of business in this state or being a nonresident having income derived from sources subject to tax under this chapter, in whatever capacity acting, including lessors or mortgagors of personal property, fiduciaries, employers, and all officers and employees of the state or of any political subdivision of the state, having the control, receipt, custody, disposal, or payment of salaries, wages, rentals, or other compensation or income subject to the provisions of this chapter paid or payable during any year to any taxpayer subject to a tax under this chapter shall on such date or dates as the department shall from time to time designate, make complete return thereof to the department, in such form as the department may prescribe.

Withholding of Tax

76-A:8 Who Must Withhold. Every employer as defined by section 3401(d) of the United States Internal Revenue Code of 1986, as amended, employing any person within this state shall deduct and withhold upon wages paid to said employee, a tax equal to 3.3 percent of such wages less claimed exemptions, subject, however, to the provisions of RSA 76-A:11.

76-A:9 Time for Payment of Withheld Taxes and Filing Withheld Taxes Returns.

I. Every employer required to deduct and withhold any tax under RSA 76-A:8 shall make a quarterly return thereof to the department on or before the fifteenth day of the first calendar month following the calendar quarter for which the return is made. However, a return may be filed on or before the last day of the first calendar month following such quarter if timely deposits have been made in full payment of such taxes due for the quarter.

II. Every employer shall pay over to the department, or to a depository designated by the department, the taxes so required to be deducted and withheld at the same time that such employer is required, under federal income tax law and regulations, to pay over federal taxes that are required to be deducted and withheld from wages to employees.

III. The department may, if such action is necessary in any emergency where collection of the tax may be in jeopardy, require such employer to make such return and pay such tax at any time, or from time to time.

76-A:10 Employer's Liability.

I. Each employer required to deduct and withhold tax under this chapter shall be liable for such tax. In the event an employer fails to withhold and pay over to the department any amount required to be withheld under RSA 76-A:8, the department shall assess such amount against the employer.

II. The amount of tax required to be deducted and withheld and paid over to the department under this chapter, when so deducted and withheld, shall be held to be a special fund in trust for the state. No employee or other person shall have any right of action against the employer in respect to any moneys deducted and withheld from wages and paid over to the department in compliance or in intended compliance with this chapter.

76-A:11 Use of Withholding Tables. At the election of the employer, the employer may deduct and withhold a tax determined on the basis of tables to be prepared and furnished by the department, which tax shall be substantially equivalent to the tax provided in RSA 76-A:8 and which shall be in lieu of the tax required in such section.

Estimated Tax Declarations

76-A:12 Filing of Declarations.

I. On the fifteenth day of the fourth month of the current taxable year every resident individual, nonresident individual, and resident fiduciary, except as provided in paragraph II, shall furnish the department

with an estimate of such portion of such person's New Hampshire taxable income for the current taxable year as will not be subject to the withholding provisions of this chapter.

II. The provisions of paragraph I are not applicable to resident individuals and nonresident individuals who reasonably anticipate receiving less than \$11,000 of New Hampshire taxable income which will not be subject to withholding during the current taxable year, or to taxpayers receiving their income from farming as defined by the United States Internal Revenue Code of 1986, as amended. The provisions of paragraph I are not applicable to resident fiduciaries who reasonably anticipate having a tax obligation under this chapter of less than \$400.

76-A:13 Payment of Estimated Tax. Each taxpayer required to file an estimated tax declaration shall include with the declaration of estimated income, payment of not less than 25 percent of the tax due thereon. Thereafter, on the fifteenth day of the sixth and ninth months of the taxable year, the taxpayer shall pay not less than 25 percent of the tax due upon said estimated income or any revised estimate thereof. The fourth installment of estimated tax shall be paid on the fifteenth day of the first month following the close of the taxable year for which the estimate was made.

Miscellaneous Provisions

76-A:14 Extension of Time for Returns. For good cause, the department may extend the time within which a taxpayer is required to file a return or declaration and if such return or declaration is filed during the period of extension no penalty or late payment charge may be imposed for failure to file the return at the time required by this chapter, but the taxpayer shall be liable for interest and late payment charges as prescribed in RSA 21-J:28 and RSA 21-J:33. Failure to file the return during the period of the extension shall void the extension.

76-A:15 Administration.

I. This chapter shall be administered and enforced by the commissioner of revenue administration. The commissioner shall adopt rules, under RSA 541-A, necessary to insure the proper administration of this chapter which shall be consistent with the provisions of RSA 21-J:13.

II. The commissioner shall appoint such additional technical, clerical, and other personnel as the commissioner shall deem necessary to carry out the provisions of this chapter.

III. The department of revenue administration shall collect the taxes, interest, and penalties imposed under this chapter and RSA 21-J and shall pay them to the state treasurer less the administrative and enforcement costs of this chapter. The state treasurer shall deposit the remaining amount in the education trust fund established in RSA 198:39.

IV. The commissioner may institute actions in the name of the state to recover any tax, interest on tax, or the penalties imposed by this chapter and RSA 21-J, as part of the commissioner's authority to administer this chapter and to administer and enforce the tax laws of this state generally under RSA 21-J.

V. In the collection of taxes imposed by this chapter, the department may use all of the powers granted to tax collectors under RSA 80 for the collection of taxes, and it has all of the duties imposed upon the tax collectors by RSA 80 including the optional tax sale procedure under RSA 80:58-86. The following shall also apply:

(a) The provisions of RSA 80:26 apply to the sale of land for the payment of taxes due under this chapter, and the state treasurer is authorized to purchase the land for the state.

(b) If the state purchases the land, the state treasurer shall certify the purchase to the governor and the governor shall draw a warrant for the purchase price out of any money in the treasury not otherwise appropriated.

VI. The commissioner shall have the authority to subpoena witnesses, records, and documents, as needed, and to administer oaths to those testifying at hearings. The department and the taxpayer may take the depositions of witnesses residing within and without the state pertaining to a matter under this chapter, in the same way as depositions are taken in civil actions in the superior court.

76-A:16 Fees. Fees of witnesses shall be the same as those allowed to witnesses in the superior court. In the case of witnesses summoned by the commissioner, it shall be considered as an expense of administration of this chapter.

76-A:17 Notice. Any notice required by this chapter to be given by the department to a taxpayer shall be made by mail to the last known address of the taxpayer and in the case of hearings shall be given at least 10 days before the date thereof.

76-A:18 Preference. The taxes and interest imposed by this chapter have preference in any distribution of the assets of the taxpayer, whether in insolvency or otherwise.

76-A:19 Dissolutions, Withdrawals, and Statements of Good Standing.

I.(a) No employer organized under any law of this state may transfer property to its shareholders pursuant to RSA 293-A:14.05(a) or to its members and managers pursuant to RSA 304-C:58 until all taxes required to be withheld by the employer under this chapter, and any interest and penalties that related thereto, have been fully paid and a certificate of dissolution shall have been obtained from the commissioner of revenue administration that no returns, tax required to be withheld, tax interest, or penalties for taxes administered by the department are due and unpaid.

(b) In order to transfer property to its shareholders pursuant to RSA 293-A:14.05(a) or its members or managers pursuant to RSA 304-C:58, an employer shall submit a written request containing the complete corporate or limited liability company name and identification number and accompanied by a non-refundable fee of \$30 to the commissioner of revenue administration. This fee shall be deposited into the general fund. If, after reviewing the employer's records, the commissioner determines that no returns, tax required to be withheld, interest, or penalties for taxes administered by the department are due and unpaid, the commissioner shall prepare a certificate in accordance with subparagraph (a).

II. In order to obtain a statement for withdrawal, in accordance with RSA 293-A:15.20(b)(6) or RSA 304-C:68, an employer shall submit a written request containing the complete employer name and identification number and accompanied by a non-refundable fee of \$30 to the commissioner of revenue administration. This fee shall be deposited into the general fund. If, after reviewing the employer's records, the commissioner determines that no returns, tax required to be withheld, interest, or penalties for taxes administered by the department are due and unpaid, the commissioner shall prepare a statement for withdrawal for the purposes required under RSA 293-A:15.20(b)(6) or RSA 304-C:68.

III. In order to obtain a statement that it is in good standing with the department of revenue administration, an employer shall submit a written request containing the complete employer name and identification number and accompanied by a non-refundable fee of \$30 to the commis-

sioner of revenue administration. This fee shall be deposited into the general fund. If, after reviewing the employer's records, the commissioner determines that no returns, tax required to be withheld, interest, or penalties for taxes administered by the department are due and unpaid, the commissioner shall prepare a statement of good standing.

76-A:20 Liens for Tax.

I. If any employer required to deduct and withhold a tax under this chapter neglects or refuses to pay the same after demand, the unpaid amount, including any late payment charge and interest together with any costs that may accrue in addition thereto, shall be a lien in favor of the state upon all property and rights to property, whether real or personal, belonging to such employer. Such liens shall arise at the time assessment and demand is made by the department and shall continue until the liability for the full amount of the lien is satisfied or becomes unenforceable. Such lien against personal property shall be valid as against any subsequent mortgagee, pledgee, purchaser, or judgment creditor when notice of such lien and the sum due has been placed on record by the department with the secretary of state and in the office of the town clerk where the taxpayer resides. Such lien against real property shall be valid as against any subsequent mortgagee, pledgee, purchaser, or judgment creditor when notice of such lien and the sum due has been placed on record by the department with the register of deeds for the county in which the property subject to the lien is situated. In the case of any prior mortgage on real or personal property so written as to secure a present debt plus future advances by the mortgagee to the mortgagor, the lien herein provided, when notice thereof has been properly recorded, shall be subject to such prior mortgage unless the department also notifies the mortgagee in writing of the recording of such lien, in which case any indebtedness thereafter created from mortgagor to mortgagee shall be junior to the lien herein provided for.

II. The lien created by paragraph I shall be released upon satisfaction of the amount of the lien or upon a finding by the commissioner that the lien has become unenforceable, or if there is furnished to the department a bond with surety approved by the department in a penal sum sufficient to equal the amount of the lien, said bond to be conditioned upon the payment of the amount of the lien upon a final determination or adjudication of the employer's liability therefor.

III. The lien created by paragraph I may be foreclosed in the case of real estate agreeably with the provisions of law relating to foreclosure of mortgages on real estate, and in the case of personal property agreeably with the provisions of law relating to the foreclosure of security interests in personal property.

IV. To secure payment of the taxes, fees, charges, and interest imposed by this chapter and RSA 21-J, the department may avail itself of any other provision of law relating to liens for taxes.

76-A:21 Additional Returns. When the commissioner has reason to believe that a taxpayer has failed to file a return or to include any part of New Hampshire modified gross income in a filed return, the commissioner may require the taxpayer to file a return or a supplementary return showing such additional information as the commissioner prescribes. Upon the receipt of the supplementary return, or if none is received, within the time set by the commissioner, the commissioner may find and assess the amount due upon the information that is available. The making of such additional return does not relieve the taxpayer of any penalty for failure to make a

correct original return or relieve the taxpayer from liability for interest imposed under RSA 21-J:28 or any other additional charges imposed by the commissioner. This section shall not be construed to modify or extend the statute of limitations provided in RSA 21-J:29.

76-A:22 Corrections. Each taxpayer shall report to the commissioner any change or correction in the amount of the taxpayer's New Hampshire modified gross income or exemptions, such as may result from determinations by the United States Internal Revenue Service, with respect to any previous year for which the taxpayer has made a return under this chapter. Such a report shall be made not later than 6 months after the taxpayer becomes aware of such change or correction, including receipt of notice from the United States Internal Revenue Service that a change in the taxpayer's federal adjusted gross income has finally been determined. Notwithstanding any other provision of law, a taxpayer reporting a correction pursuant to this section shall be given notice by the department of any adjustment to the tax due with respect to such correction within 6 months of the filing of the report.

76-A:23 Taxpayer Records.

I. Every taxpayer shall:

(a) Keep such records as may be necessary to determine the amount of the taxpayer's liability under this chapter;

(b) Preserve such records for the period of 3 years or until any litigation or prosecution hereunder is finally determined;

(c) Make such records available for inspection by the commissioner or authorized agents, upon demand, at reasonable times.

II. Whoever violates the provisions of this section shall be subject to the penalties imposed under RSA 21-J:39.

76-A:24 Severability. If any provision or provisions of this chapter, is or are declared unconstitutional or inoperative by a final judgment, order, or decree of the Supreme Court of the United States or of the supreme court of New Hampshire, the remaining provisions of said chapter shall not be affected thereby.

CHAPTER 76-B

PROPERTY TAX ABATEMENT PROGRAM

76-B:1 Purpose; Property Tax Abatement Program. The purpose of the property tax abatement program is to aid in preserving New Hampshire's tradition of home ownership by abating excessive and unreasonable property tax burdens.

76-B:2 Definitions. In this subdivision:

I. "Homestead" means "homestead" as defined and limited for purposes of the homestead exemption in RSA 76-B:5.

II. "Household" includes all persons living with taxpayer in the same dwelling unit that has qualified for a homestead exemption. A person not related by blood or marriage to the taxpayer and who is either a bona fide renter of a room within a dwelling unit/homestead or a bona fide employee providing personal care to a member of the household and who is not related to the person for whom the care is provided shall not be included in the household, provided that if a renter, his or her rent is accounted for in a statement of household income (through a Form 1040 Schedule E or equivalent form approved by commissioner of revenue administration). A household member who files separately from the taxpayer and who only resides in the taxpayer's home for part of the year may pro rate his or her annual income based on the number of months (rounded up to a whole number of months) that the member resided in the household.

III. "Household income" means the sum of the personal incomes of all household members. Personal income is the federal adjusted gross income (as determined by Internal Revenue Code) increased by tax-exempt interest (Form 1040, line 8b), the amount of net capital losses (Form 1040, line 13, Schedule D loss), the amount of other losses (from sales of business property, Form 1040, line 14, Form 4797), the amount of business losses (Form 1040, line 12, Schedule C), the amount of losses from rental real estate, royalties, partnerships, S corporations, estates, trusts, REMICS, etc. (Form 1040, line 17, Schedule E losses), the amount of nontaxable pensions and annuities (Form 1040, line 16a-16b), and the amount of nontaxable social security benefits (Form 1040 lines 20a-20b). Federal Internal Revenue Service form and line numbers are for reference in defining the meaning of terms. If federal form and line numbers change subsequent to the effective date of this paragraph, the commissioner of revenue administration may establish comparable revised defining references by rules, adopted pursuant to RSA 541-A.

IV. "Qualifying taxpayer" means a taxpayer whose total property taxes on the taxpayer's homestead exceeds 8 percent of household income for a given year and who has an eligibility percentage of greater than zero percent.

76-B:3 Applications.

I. The commissioner of revenue administration shall provide municipalities with notices of the availability of and instructions for claiming property tax abatements under this subdivision, to be mailed with property tax bills beginning in November 2002 and with all property tax bills for each billing thereafter.

II. The commissioner of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to the forms for applications for property tax abatements and statements of household income.

III. Applications for abatement may be filed any time during a given calendar year based on the prior year's personal income and property taxes, including local, county, and state property taxes, assessed on the homestead. Applications should be filed before April 30 of each year. Those applications filed between May 1 and December 31 will be accepted as late and may be delayed in payment or denied if funds are not available.

IV. An application for property tax abatement and a statement of household income shall be submitted and signed, as true to the best knowledge and belief of the applicants under penalties of perjury, by all adult members of the household who contribute income to the household. Copies of all federal and state personal income tax returns shall be filed with the application. An applicant who is not required to file federal or state personal income tax returns due to low income, shall complete and sign these forms if requested to do so by the commissioner of revenue administration.

76-B:4 Qualifying Taxpayers.

I. Each taxpayer who submits a complete application for abatement shall be assigned an eligibility percentage based on household income. The eligibility percentage shall be the lesser of 100 percent or a ratio equal to (twice the household exemptions minus household income) divided by household exemptions, where household exemptions equal the total amount of exemptions that household members qualify for under RSA 76-A:3, I(a).

II. Each qualifying taxpayer's abatement shall equal their eligibility percentage times their maximum excess property tax burden. The

maximum excess property tax burden is the entire amount of property taxes on the taxpayer's homestead in excess of the circuit breaker limit for the year. By July 31 of each year the commissioner shall determine the circuit breaker limit for the current year's applications (based on prior year's income and property taxes) by establishing it as the lowest percentage, rounded to the nearest 1/10 percentage point, where all payments of abatements due on approved applications received by April 30 will be less than available dedicated and appropriated funds on hand as of June 30, but not less than 8 percent.

76-B:5 Payments of Approved Abatements.

I. By September 30 of each year, the commissioner of revenue administration shall pay abatements due on approved applications that were received prior to May 1 of that year. Abatements due on approved applications that were received on or after May 1 may be paid at the convenience of the department of revenue administration as funds are available during the remainder of that fiscal year or rejected if funds are not available.

II. The department of revenue administration shall make abatement payments either jointly to the taxpayer and the tax assessor of the taxpayer's homestead municipality, or if so directed on the application, directly to the municipality of the taxpayer's homestead on the taxpayer's account, so the abatement may be used as a payment of property taxes due.

III. Abatements not deposited within one year of issuance may be canceled and forfeited back to the property tax abatement program fund.

IV. If the department determines that an abatement was overpaid due to subsequent audit, amended return, or error correction, the taxpayer shall return the overpayment and the amount may be withheld from future abatements or the amount of overpayment due plus interest shall accrue as a lien against the taxpayer's homestead, to be paid upon sale of the real estate.

V. The property tax abatement program fund is established within the office of the state treasurer. This fund shall be nonlapsing and shall be for the sole purpose of making payments on approved abatement applications under this section. Moneys from a portion of real estate transfer tax revenues shall be deposited in this fund, in accordance with RSA 78-B:13, II.

72 Reference to Interest and Dividend Tax Deleted; Education Income Tax Added. Amend RSA 72:34, II to read as follows:

II. For those exemptions having income or asset limitations, the assessing officials may request true copies of any of the following, as needed to verify eligibility. Any documents submitted shall be considered confidential, handled so as to protect the privacy of the applicant, and returned to the applicant at the time a decision is made on the application. The documents are:

- (a) Federal income tax form; ~~and~~
- (b) ~~[State interest and dividends tax form; and~~
- (e) Property tax inventory form filed in any other town; *and*
- (c) *Education income tax form.*

RSA 359-C shall not apply to the documents requested for verification under this section.

73 Adjustment to Business Profits Tax; Reference Changed. Amend RSA 77-A:4, I to read as follows:

I. In the case of a business organization which is subject to taxation under RSA [77] 76-A, a deduction of such amount of gross business profits as is attributable to income which is taxable or is specifically exempted from taxation under RSA [77] 76-A.

74 Real Estate Transfer Tax; Distribution of Funds. RSA 78-B:13 is repealed and reenacted to read as follows:

78-B:13 Distribution of Funds.

I. The commissioner shall determine the amount of revenue produced by \$.10 per \$100 for each fiscal year based upon prior year experience and shall certify such amounts to the state treasurer by October 1 of that year.

II. The state treasurer shall deposit the amount of revenue produced by \$.10 per \$100 as determined by the commissioner into the property tax abatement program fund established under RSA 76-B:5, V.

75 Reference Deleted. Amend RSA 87:1, I to read as follows:

I. ~~(In addition to the taxes imposed by RSA 86)~~ An estate tax is hereby imposed upon the transfer of the estate of every decedent leaving an estate which is subject to an estate tax under the provisions of the United States Internal Revenue Code of 1986, as amended, and who has property within this state.

76 Cooperative School Districts; Certification of District Taxes; Adequate Education Grants. Amend RSA 195:14, I (b) to read as follows:

(b) The commissioner of revenue administration shall examine such certificates and delete any appropriations which appear not made in accordance with the law, and adjust any sum, in accordance with RSA 21-J:35, which may be used as a setoff against the amount appropriated when it appears to the commissioner of revenue administration such adjustment is in the best public interest. ***The commissioner of the department of revenue administration shall apply the total amount of all adequate education grants received pursuant to RSA 198:42 as a set-off against the amount appropriated.***

77 Cooperative School Districts; Certification of District Taxes Amended. Amend RSA 195:14, I(c) to read as follows:

(c) The commissioner of revenue administration shall certify to the state department of education the total amount ~~[to be apportioned among the pre-existing school districts. Such total shall include the adequate education cost for the district under RSA 198:38, XII, and the amount above the cost of an adequate education to be assessed and collected as local educational taxes]~~ ***of taxes to be raised for the support of the cooperative school district.***

78 Cooperative School Districts; Certification of District Taxes; Determination of Proportional Share Amended. RSA 195:14, I (d) is repealed and reenacted to read as follows:

(d) The state department of education shall determine the proportional share of said taxes to be borne by each preexisting school district and notify the commissioner of revenue administration of its determination.

79 Cooperative School Districts; Educational Adequacy Grant Computation Amended. Amend RSA 195:15 to read as follows:

195:15 State Aid. The state aid to which a cooperative elementary and/or secondary district shall be entitled shall be the total of those shares of the aid to which the pupils attending the cooperative district would have entitled the pre-existing districts, had they remained in the pre-existing districts. ~~[For the purposes of crediting the cooperative district's adequate education cost to the pre-existing districts, each such pre-existing district shall have its adequate education cost under RSA 198:38, XII credited against its share of the cooperative school district budget. However,]~~ Cooperative school districts formed by 2 or more pre-existing districts whose boundaries approximate those of a single township in which they are located shall be treated as a single school district for the purposes of this section.

80 Cooperative School Districts; Formation Procedures; Adequate Education Grant Apportionment Amended. Amend RSA 195:18, IX to read as follows:

IX. The organization meeting of a cooperative school district shall be called to order by the chairperson of the cooperative school district planning board, or by the clerk-treasurer thereof, who shall serve as temporary chairperson for the first order of business which shall be the election of a moderator and of a temporary clerk, by ballot, who shall be qualified voters of the district. From and after the issuance of the certificate of formation by the board to the date of operating responsibility of the cooperative school district, such district shall have all the authority and powers of a regular school district for the purposes of incurring indebtedness, for the construction of school facilities and for such other functions as are necessary to obtain proper facilities for a complete program of education. When necessary in such interim, the school board of the cooperative school district is authorized to prepare a budget and call a special meeting of the voters of the district, which meeting shall have the same authority as an annual meeting, for the purpose of adopting the budget, making necessary appropriations, and borrowing money. Whenever the organization meeting is held on or before April 20 in any calendar year, no annual meeting need be held in such calendar year. Sums of money raised and appropriated at the organization meeting or any interim meeting prior to the first annual meeting shall be forthwith certified to the commissioner of revenue administration and the state department of education upon blanks prescribed and provided by the commissioner of revenue administration for the purpose, together with a certificate of estimated revenues, so far as known, and such other information as the commissioner of revenue administration may require. The commissioner of revenue administration shall examine such certificates and delete any appropriations which appear not made in accordance with the law, and adjust any sum which may be used as a setoff against the amount appropriated when it appears to the commissioner such adjustment is in the best public interest. ***The commissioner of the department of revenue administration shall apply the total amount of all adequate education grants received pursuant to RSA 198:42 as a setoff against the amount appropriated.*** The commissioner of revenue administration shall certify to the state department of education the total amount of taxes to be raised for said cooperative school district and the state department of education shall determine the proportional share of said taxes to be borne by each preexisting school district and notify the commissioner of revenue administration of its determination. Upon certification by the commissioner of revenue administration the selectmen of each town shall seasonably assess the taxes as provided by law. The selectmen shall pay over to the treasurer of the cooperative district such portion of the sums so raised as may reasonably be required according to a schedule of payments needed for the year as prepared by the treasurer and approved by the cooperative school board, but no such payment shall be greater in percentage to the total sum to be raised by one local district than that of any other local district comprising such cooperative school district.

81 Education Trust Fund. RSA 198:39 is repealed and reenacted to read as follows:

198:39 Education Trust Fund Created and Invested.

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to fund:

(a) Adequate education grants to municipalities' school districts pursuant to RSA 198:42 and RSA 198:42-a.

(b) Costs to implement improved assessment, accountability and performance standards for public schools, including technical assistance, instructional improvement and local school improvement grants.

(c) Special education programs.

(d) Local education tax effort caps pursuant to RSA 198:40-a.

(e) Kindergarten construction aid pursuant to RSA 198:15-r.

(f) Other public school building aid programs.

(g) The necessary costs of administration of the education trust fund and taxes dedicated to it including refunds due taxpayers for overpayment of taxes pursuant to 76-A:6, III.

II. The state treasurer shall deposit into this fund immediately upon receipt:

(a) Funds certified to the state treasurer by the commissioner of revenue administration pursuant to RSA 77-A:20-a, relative to business profits taxes.

(b) Funds certified to the state treasurer by the commissioner of revenue administration pursuant to RSA 77-E:14, relative to business enterprise tax.

(c) Funds collected and paid over to the state treasurer by the commissioner of revenue administration pursuant to RSA 78-A:26, III relative to the tax on motor vehicle rentals.

(d) Funds collected and paid over to the state treasurer by the department of revenue administration pursuant to RSA 78:32, relative to tobacco taxes.

(e) Funds certified to the state treasurer by the commissioner of revenue administration pursuant to RSA 78-B:13, relative to real estate transfer taxes.

(f) Funds collected and paid over to the state treasurer by the department of revenue administration pursuant to RSA 83-F:7, I, relative to the utility property tax.

(g) The full amount of excess education property tax payments from the department of revenue administration pursuant to RSA 198:46.

(h) All moneys due the fund in accordance with RSA 284:21-j, relative to sweepstakes.

(i) Tobacco settlement funds in the amount of \$40,000,000 annually.

(j) The net revenue from the education income tax from the department of revenue administration pursuant to RSA 76-A:15, after deducting the necessary costs of collection and administration including taxpayer refunds under RSA 76-A:6, III.

(k) Any other moneys appropriated from the general fund.

III. The education trust fund shall be nonlapsing, except as provided in paragraph V. The state treasurer shall invest that part of the fund which is not needed for immediate distribution in short-term interest-bearing investments. The income from these investments shall be returned to the fund.

IV. The state treasurer shall maintain a separate accounting within the education trust fund for all moneys received from any state run lottery and all the interest received on such moneys and ensure that all such moneys are used exclusively for the school districts of the state.

V. At the end of each fiscal year the state treasurer shall account for any surplus funds in the education trust fund, exclusive of unexpended lottery funds which shall not lapse and shall carry over as a balance to fund future state aid to education. Surplus funds, excluding lottery funds, shall be divided as follows:

(a) One fifth shall carry forward as general surplus toward future appropriations from the fund; and

(b) Four fifths shall lapse into a dedicated account for local education tax effort cap grants pursuant to RSA 198:40-a.

82 Education Trust Fund; July 1, 2002. RSA 198:39, II is repealed and reenacted to read as follows:

II. The state treasurer shall deposit into this fund immediately upon receipt:

(a) Funds collected and paid over to the state treasurer by the department of revenue administration pursuant to RSA 83-F:7, I, relative to the utility property tax.

(b) All moneys due the fund in accordance with RSA 284:21-j, relative to sweepstakes.

(c) The net revenue from the education income tax from the department of revenue administration pursuant to RSA 76-A:15, after deducting the necessary costs of collection and administration including taxpayer refunds under RSA 76-A:6, III.

(d) Any other moneys appropriated from the general fund.

83 New Sections; Local Education Tax Effort Cap Program. Amend RSA 198 by inserting after section 40 the following new section:

198:40-a Local Education Tax Effort Cap Grant Program.

I. In conjunction with issuing local school tax warrants beginning in 2002, the commissioner shall calculate local education tax effort cap grants by computing a local education tax effort ratio for each municipality in the state by first computing for each municipality the equalized property value per pupil and then dividing that by the average equalized property value per pupil for all municipalities in the state that have an average daily membership in residence of at least 5.

II. The equalized property value per pupil is the equalized assessed value of real property in each municipality (the sum of modified local assessed value plus the department of revenue administration's inventory adjustment including utility property but excluding any capitalized railroad tax, revenue sharing payments or payments in lieu of taxes) divided by the latest available average daily membership in residence for the municipality.

III. The sum of equalized assessed value for all municipalities with an average daily membership in residence of at least 5, divided by the sum of average daily membership in residence for those communities is the state average.

IV. The commissioner of revenue administration shall determine the tax effort cap grant for each municipality by allocating a portion of available dedicated funds to the municipality with the smallest tax effort ratio toward the local school property tax amount to be raised, such that the effective tax effort ratio for that year is raised to that of the municipality with the next smallest ratio. Then another portion of available funds shall be allocated to the municipalities with the smallest effective tax effort ratio to raise them to the level of the municipality with the next smallest ratio, and so on until the available funds are exhausted.

V. Once all available funds for local education tax effort cap grants are allocated, then the commissioner shall calculate the local school property tax rate by using the grants as an offset against the amount to be raised. The grants shall be paid to the municipality for transfer to and use by their school districts from the dedicated account for local education tax effort cap grants established within the education trust fund under RSA 198:39, V.

84 Education; School Money; Excess Education Property Tax Payment; Maintenance of Local Control. Amend RSA 198:48 to read as follows:

198:48 Maintenance of Local Control. Distributions under RSA 198:42 depend only on weighted average daily membership in residence and the per pupil adequacy cost amounts as determined in this subdivision and are independent of how the [municipalities] *school districts* decide to spend the distributions or other funds they may raise for education. Notwithstanding any other provision of law, nothing in this subdivision is intended in any way to limit or control how school districts operate or spend their budgets, *except that adequate education grants must be expended for educational purposes. Adequate education grants and local education tax effort cap grants shall not be considered unanticipated funds under RSA 198:20-b. In determining the local school property tax rate, the commissioner of revenue administration shall apply the total amount of adequate education grants and local education tax effort cap grants received by school districts as a setoff against the amount appropriated in the officially approved budget.*

85 New Subparagraph; Property Tax Abatement Program. Amend RSA 6:12, I by inserting after subparagraph (dddd) the following new subparagraph:

(eeee) Moneys received for the property tax abatement program, in accordance with RSA 78-B:13, II, which shall be deposited in the property tax abatement fund established in RSA 76-C:5, V.

86 Initial Funding; Bonds Authorized. To provide initial funding for start-up costs including consultants, facilities, equipment and computer purchases, and other administrative and enforcement costs under RSA 76-A and RSA 76-B, in excess of funds appropriated, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding an amount certified by the commissioner of revenue administration and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made from the education trust fund established in RSA 198:39. The bonds shall be 5-year bonds.

87 Appropriations. The sum of \$10,000,000 for the fiscal year ending June 30, 2002 is hereby appropriated to the department of revenue administration to fund the costs necessary to implement RSA 76-A and RSA 76-B. This appropriation shall be non-lapsing. The governor is authorized to draw a warrant for said sum out of any money in the treasury, including the education trust fund, not otherwise appropriated.

88 First Taxable Year of Income Tax. The first taxable period under RSA 76-A, as inserted by section 71 of this act, begins January 1, 2002, and ends December 31, 2002. Persons liable for a tax during the first taxable period and who do not report the payment of federal income taxes on a calendar year basis are entitled to such proportion of the exemptions allowed in RSA 76-A as the period bears to their taxable year. The determination of the tax shall be made under rules adopted by the commissioner of revenue administration under RSA 541-A, consistent with the general purposes and provisions of RSA 76-A. Persons required to make information returns for the first taxable period shall make them on a proportional basis in such form as the commissioner requires. For such first taxable period under RSA 76-A, all penalties, but not interest, shall be waived for underpayment of estimated taxes and insufficient withholding for calendar year 2002.

89 Returns for Certain Taxes. All persons who are liable for a tax under RSA 77 as of December 31, 2001, who thereafter are no longer liable for a tax under RSA 77 because of the passage of this act shall make a return of such taxes due the commissioner of revenue administration in such manner and on such forms as the commissioner shall prescribe in rules adopted under RSA 541-A. The administrative provisions of RSA 77 shall remain in effect to permit the collection of taxes upon income taxable under RSA 77 which is received by persons subject to taxation under that chapter through December 31, 2001, and to permit the distribution of that revenue. Persons who are liable for a tax under RSA 77 who do not report the payment of federal income taxes on a calendar year basis are entitled to such proportion of the exemptions allowed in RSA 77 as the reporting period bears to their taxable year.

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

91 Prospective Repeal Date of Education Property Tax Changed; Repeals of Adequate Education Grants Determination Deleted. 1999, 338:21 is repealed and reenacted to read as follows:

338:21 Repeal. RSA 76:3, relative to the education property tax is repealed.

92 Effective Dates of Repeal of Education Property Tax and Hardship Relief Provisions. Amend 1999, 338:25, I and II to read as follows:

I. Section 21 of this act shall take effect [~~January 2, 2003~~] **March 31, 2002**.

II. Section 22 of this act shall take effect July 1, [~~2003~~] **2002**.

93 Repeals; Effective July 1, 2001. The following are repealed:

I. RSA 86:6, relative to taxable property and the rate of the legacies and succession tax.

II. RSA 198:48-a, VII, relative to aid for new alternative kindergarten programs.

III. 2000, 289:2, relative to aid for new kindergarten aid programs.

94 Repeals; Effective January 1, 2002. The following are repealed:

I. RSA 76:8, relative to the commissioner's warrant.

II. RSA 76:9, relative to the commissioner's report.

III. RSA 77, relative to taxation of incomes.

IV. RSA 77-A:20-a, relative to the distribution of business profits tax revenues.

V. RSA 77-B, relative to the commuter income tax.

VI. RSA 77-E:2, relative to the imposition of the business enterprise tax.

VII. RSA 261:52-a, relative to notice that the interest and dividends tax may be due.

VIII. RSA 391:3, relative to the taxation of common trust funds under RSA 77.

95 Repeals; Effective April 1, 2002. The following are repealed:

I. RSA 198:39, I(b), relative to excess education property tax payments in the education trust fund.

II. RSA 198:46, I-III, relative to excess education property tax payments.

III. RSA 198:47, relative to forms for reporting and remitting excess education property tax.

96 Repeals; Effective July 1, 2002. The following are repealed:

I. RSA 78:32, relative to distribution of tobacco tax revenues.

II. 1999, 281:4, relative to apportioning the costs of an adequate education within a cooperative school district.

III. RSA 281:12, relative to the definition of state aid for educational adequacy.

97 Repeal; Effective December 31, 2002. RSA 77-E, relative to the business enterprise tax, is repealed.

98 Effective Date.

I. Sections 8, 9, 30, 34, 40-49 and 53 of this act shall take effect 60 days after its passage.

II. Sections 22-23, 26-29, 37, and 54 of this act shall take effect upon its passage.

III. Sections 50-52 of this act shall take effect as provided in section 54.

IV. Section 15 of this act shall take effect June 30, 2001.

V. Sections 10, 71-73, 86, and 94 of this act shall take effect January 1, 2002.

VI. Section 95 of this act shall take effect April 1, 2002

VII. Sections 82 and 96 of this act shall take effect July 1, 2002.

VIII. Section 97 of this act shall take effect December 31, 2002.

IX. Section 65 of this act shall take effect July 1, 2004.

X. The remainder of this act shall take effect July 1, 2001.

2001-1671s

AMENDED ANALYSIS

I. Extends the temporary rate of the communications services tax.

II. Establishes a travel and tourism development fund.

III. Provides for the costs of administration of the retirement system to be a charge upon retirement system funds.

IV. Provides for the method of funding payments for certain group I members of the New Hampshire retirement system.

V. Establishes an administrative fund for the land and community heritage investment authority and adds certain powers and duties of the authority.

VI. Provides that the initial funding mechanism and appropriation for the telecommunications planning and development initiative shall not lapse until June 30, 2003.

VII. Permits the commissioner of the department of health and human services to fill authorized unfunded positions.

VIII. Provides for an amnesty period on payment of penalties and interest on unpaid taxes owed to the state.

IX. Establishes the division of community services within the department of revenue administration and enables certain purchases and positions relating to assessing enforcement.

X. Provides specific time lines and abatement and appeal procedures for betterment assessments.

XI. Sets forth a formula for distributing new kindergarten adequacy payments to pupils enrolled in new public kindergarten programs or an approved alternative kindergarten program.

XII. Establishes a committee to study the development of a new budget system; extends the lapse date of an appropriation to the department of administrative services; and makes the appropriation available to the study committee.

XIII. Suspends the provisions of law relating to the revenue stabilization account for the biennium ending June 30, 2001, and provides for a transfer of funds from the general fund operating surplus in the event of an education trust fund budget deficit at the close of the fiscal biennium ending June 30, 2001.

XIV. Changes the date monthly payments are due from the counties to the state for certain services from 30 days to 45 days of notice such payments are due.

XV. Enables additional revenues to be made available for certain health and human services programs.

XVI. Makes an appropriation to the postsecondary education commission for administration of the granite state scholars program.

XVII. Requires approval by the fiscal committee of the general court and the governor and council prior to submission to the public utilities commission of plans for the administration of system benefits charge funds which are in the custody of the treasurer pursuant to a request of the public utilities commission.

XVIII. Grants laid-off state employees certain rights with regard to re-hiring.

XIX. Requires the department of health and human services to reimburse municipal and private emergency medical ambulance transport providers for transporting medicaid patients at the same transport and mileage rate as the federal Health Care Financing Authority pays for transportation of Medicare patients.

XX. Authorizes a longevity payment for the deputy commissioner of the department of health and human services.

XXI. Authorizes the commissioner of the department of health and human services to establish certain unclassified positions as necessary for the biennium ending June 30, 2003.

XXII. Establishes a revolving fund to be used for capital improvements for the parking facilities at Hampton Beach.

XXIII. Requires valuations of taxable property every 5 years, and certification of municipal assessments by the commissioner of revenue administration of compliance with state assessing standards.

XXIV. Makes a \$1 appropriation to the department of agriculture, markets, and food for the purpose of distribution to agricultural fairs.

XXV. Clarifies the definition of mental retardation for the purposes of involuntary admission; establishes a commission to review possible sites for the provision of specialized treatment for certain individuals; requires the department of health and human services to establish the specialized treatment program, subject to available appropriations; and makes an appropriation of \$1 for this purpose.

XXVI. Establishes a flat rate education income tax.

XXVII. Repeals the education property tax under RSA 76:3.

XXVIII. Establishes a local education tax effort cap grant program and a program for abatement of excessive property taxes.

XXIX. Repeals the interest and dividends tax, and the legacies and successions tax, and the business enterprise tax, and reduces the rate of the business profits tax and the real estate transfer tax.

XXX. Changes certain sources of funding of the education trust fund. Provides that the department of revenue administration shall credit all adequate education grant payments to the cooperative school district as a whole for the purpose of determining the amount of taxes to be raised to support the cooperative school district.

SENATOR BELOW: This is similar to the previous amendment, but different in a couple of ways. This is amendment 1671. It is offered by myself, Senator Hollingworth and Senator Cohen. It completely repeals the state property tax as of January of next year. This would be the last year for the state property tax. It does that by raising the rate of the

personal income tax from 3.0 percent to 3.6 percent to replace the revenue that would come from the state property tax. Sometimes a question has been raised, "would an income tax reduce my property tax if we had that?" In this case, there would be no question but that it would reduce property taxes across the state, in fact, it would eliminate the state property tax. That alone is a reduction of over \$500 million compared to current law. The only other significant difference between this floor amendment and the previous version is that it drops out...this version does not include in it, an earlier literacy program. The language which was identical to Senator Gordon's... virtually identical to Senator Gordon's in the previous amendment, it is not in here because that is addressed in his bill at this time. So that is basically it. This repeals the state property tax in its entirety. The only exception to that is the utility property tax is there, it is not much money one way or the other, but the general personal state property tax is gone.

SENATOR LARSEN: I just wondered if this amendment also includes the renters credit and if you could explain that if you are a renter, that the credit that is applied to renters?

SENATOR BELOW: It does, as did the previous version. The idea would be that a homeowner would directly experience their property tax reduction. If you live in a \$100,000 it is a \$660 savings, roughly speaking, compared to current law. The renters credit is to reflect that it is unexpected that the landlord would necessary pass that through, so it is a \$300 renters credit, which is equivalent to the state property tax at \$660 on something, on a \$50,000 value unit. It is a nonrefundable credit, meaning only if there is an income tax liability could a person use that credit against their liability so that they would receive the same kind of savings that a homeowner would receive.

SENATOR GORDON: I just want assurances on this that there is nothing in here that is inconsistent with the adequacy plan that was passed by the Senate last week?

SENATOR BELOW: That is true. It is neutral as to the distribution formula and doesn't change what was passed, one way or the other.

SENATOR GORDON: What would be the income tax rate...effective rate?

SENATOR BELOW: The nominal rate, and I am going to distinguish because it is the nominal rate or the marginal rate, which is 3.6 percent. I say that because with the standard exemptions, the effective rate, which is, that term is usually used, reflects the actual tax as a percent of income. For the average taxpayer, that would be about 2.4 percent...would be the effective rate. The actual rate is 3.6.

SENATOR GORDON: And does this continue to repeal the business enterprise tax, the legacy and succession tax?

SENATOR BELOW: Yes it does. It completely repeals the business enterprise tax to zero as of the end of this year. It completely repeals the legacy and succession tax as of the end of this month.

SENATOR GORDON: All of the revenues that would be generated by the income tax, would they be earmarked for education exclusively?

SENATOR BELOW: All of the revenue from the income tax would be dedicated to the Education Trust Fund and that combined with the Sweepstakes revenue and any appropriations from the General Fund would be the source of funding for an adequate education. So in that

sense, in terms of your point about real money, this provides, the entire amount of adequacy is real money, non property tax dollars, real state aid that does really offset property taxes for businesses and homeowners alike.

SENATOR FERNALD: Two years ago we went through this as well. We voted on the Hager/Below/Fernald Plan and that didn't make it. We voted on a plan very similar to this. I ended up voting for both of them. I prefer the Hager/Below/Fernald Plan, I think that it is better than this plan with an income tax only and no statewide property tax. What you can see is that you have to go up a .6 percent on the rate to compensate for the revenue that you lose on the statewide property tax. I think that there is a good reason...in the other way, to tax the second homes, because as I said, education is a community obligation. Everyone in the community should contribute. People that live in second homes here part of the year, they're part of our community too, and they should contribute. But this plan that we are voting on now is far preferable to what we are doing right now in this state, relying almost entirely on the property tax. If you consider a family of four with a \$50,000 income, and they live in a \$160,000 house...under this plan, their property taxes are going to go down by about \$1,100. They are only going to pay income tax on \$32,000 of income because a family of four gets \$28,000 off. The tax that they are going to pay on \$32,000 is \$1,152. So they pretty much break even under this plan. Any of these families that make less than \$50,000 are going to come out ahead. That is particularly true for a single parent homeowner and our retired homeowners. They come out far ahead. People who own homes that are less expensive than that and if they have incomes that are a lot higher than \$50,000, then they will pay more. I have done the math on myself under this plan. I will pay more under this plan than I do now. But I would much rather pay my fair share for education than continue with a system that puts people like Bertha Hardy between two sides of a vise and squeezes them every year. When I say squeeze, you have to think about the economic reality here. Our school costs are going up 4 and 5 percent a year, and yet, if you are retired on social security, your income is maybe going up 2 or 3 percent a year. Which means that every year, you are losing 2 percent of ground, and it is year after year after year. When you are retired for 20 years and you are 85 years old, and you are still in your home, and you have seen your taxes, in effect, go up 30 percent more than your income, you really start to feel it. Thank you.

Question is on the adoption of the floor amendment.

A roll call was requested by Senator Pignatelli.

Seconded by Senator Larsen.

The following Senators voted Yes: Gordon, Below, McCarley, Disnard, Fernald, Pignatelli, Larsen, Wheeler, Hollingworth, Cohen.

The following Senators voted No: Burns, Johnson, Boyce, Flanders, Roberge, Eaton, O'Hearn, Francoeur, Gatsas, Barnes, O'Neil, Prescott, D'Allesandro, Klemm.

Yeas: 10 - Nays: 14

Floor amendment failed.

Question is on ordering to third reading.

SENATOR EATON: Today we have sat here and we have listened to our colleagues give speeches about what is good and what is bad for New Hampshire. The truth is, we all have our own ideas of what is good and what is bad. But regardless of our personal preferences, we need to be realistic about what we can accomplish together, keeping in mind that our constituents must come first. Our goal from the beginning of this session has been to find a sustainable revenue source that meets the needs of our state government without over taxing and over burdening our citizens. We must provide the working families and small business owners with vital state property tax relief. The Finance Committee has worked diligently in a bipartisan way to adopt a budget that provides for many important services such as additional targeted education aid to needy communities, funding the Land and Community Heritage Investment Program, special education costs, immunization for our children, scholarships for our college bound students at the state universities and colleges, and temporary assistance for needy families. Is every request funded to the extent that we would like? No. Is every important priority the citizens of this state realistically expect addressed in the actions that we are undertaking today? Yes. We have reached a point in this session where we all need to be thinking less about the next election and rise above the lure of political gamesmanship. This body has worked hard to debate the issues and have **TAPE CHANGE** arguments forward. Now we need to put an end to the partisanship and work together as leaders that we all are. Just like the hundreds of local boards of selectmen and school boards across the state do every night. We need to understand what is possible and make it happen. We were elected to make tough decisions and put our constituents best interest above our own. This is the kind of leadership voters expect from the elected officials and this is what I intend to do for the constituents of my district. We need a realistic, reliable and sustainable source of revenues and HB 375 is that. It is easy to criticize one plan or another, but much more difficult to develop a sound plan that garners enough support for passage. Winston Churchill once said about our system of democracy, "That it is not perfect, but it is better than all of the rest." It is true that this plan, much like our democracy, is not perfect, but it is the best that we can do under the time constraints that we face and with the limited resources that we have available at this time. I ask each and every one of you here today, if not this, then what? An income tax? A sales tax? The reality is that neither are possible. The other chamber has spoken to those proposals loud and clear, defeating both by large margins. Will you then propose areas to cut in the budget? Do you know of an area in the budget that will reduce the need for additional revenues? We have made a bipartisan effort to look long and hard and have only come up with a few minimal cuts. Each one of us has our own idea what the perfect solution is to the problem that we face. Of course we all think that our own is the best. But what we want is not important. What is important is that we provide for the working families and taxpayers of this state. With the adoption of the Senate Finance Committee's budget and its funding sources, we will provide the resources necessary to equip our students and teachers with the tools that they need to achieve the best education possible. This is the only reasonable solution that can be passed, and that can work at this time. I know that this body wants and needs to present a creditable solution that the House and the Governor can both work with.

I feel strongly that Senate Finance Plan is that solution. I hope that you will all join with me in voting for this bill and doing what is right for what we represent. Thank you.

SENATOR FERNALD: Senator Eaton, are you aware that the Gordon Plan, in conjunction with HB 375, will result in a property tax increase in Keene?

SENATOR EATON: I am not aware of that because the figures that I have seen does not show that. It will give an increase in the education plan, yes, there will be a slight property tax increase.

SENATOR FERNALD: In addition, it will increase the taxes on every business in Keene?

SENATOR EATON: That is the tough choice that we had to make.

SENATOR HOLLINGWORTH: I think that Senator Eaton is right. We did do some very good things in the budget. I think that the budget...I am not asking a question... but it is the funding that I think, that we are all stating concerns about. You said that it is the best that we can do if not what... I guess that I think that is a good question. Because your preface said that it is going to result in cutting the budget and that is not acceptable, is exactly what is going to happen if you use the revenues that are being projected. I hate to keep going back to that but we put \$62 million that came out of nowhere, with no valid reason for it to be there. I have to go back to the 2001 economic outlook, the New Hampshire economy. This was just done in May 21. Here are a couple of things that I need to say. It says, "With the exception of tourism industry, retailers say that sales in the first quarter were flat or down from a year ago." This was as of May 21. More than one half of manufacturing responded, indicated that recent sales or orders are down or flat compared to a year earlier. The residential market remains healthy, but that is because of lack of inventory. It shows the down, decrease in power sales in New Hampshire manufacturers...and this is power increases while we are having the highest power in New England, although we hope that our cuts...with our redistricting or 10 percent have made some difference, we are still having manufacturers facing high energy costs. Bankruptcy filings also increased in March and April. Bankruptcy filings could raise by 25 percent in the year 2001. On the radio today, I heard that there is a marketing increase of failures in home mortgages if you were listening to the radio this morning. There is the story about the Cisco Systems. As of April...it was July...they were almost at plus 21 percent. As of April 1, they are minus 30 percent. I would like to draw your attention because they are on this list of 28 businesses in New Hampshire since January 21, April 21...29 businesses, there has been a loss of 3,503 jobs. If in fact we...and then there is a labor force announcing additions as well, which I think is impressive, but, if we are wrong, it means that we are going to take and have to cut the budget. With the estimates that you have projected here, there is no doubt in mind that that is precisely what will happen and in fact, what I fear is that we will again find ourselves doing what our forefathers said not to do, and what we have done in the past...what history has proven that we have done...what we did is cut adequacy because we do not have a sustainable source of revenue. That is not going to satisfy the bond market I am sure. We will find our lower bond rating and we will find that the businesses cannot keep pace with what we are expecting them to do. What is important here is the education of children. Our constitutional requirement to educate every single one of our children and a fair taxation for

the public. That is what we have to remember when we debate this. In conclusion, this is from the state budget assumptions from 2001: "States will be lowering their economic forecast. Conclusion, many state legislatures are still working on their budgets for fiscal year 2002, even as predictions for the economy in the coming year are heading down. Budget officials must decide how much to adjust revenue forecasts to announce for the new economic realities. If they adjust unexpected, revenues downward when lawmakers may have to sacrifice tax cuts." Imagine, other states were giving tax cuts and spending issues they have been able to give to their constituents. We have never been able to do that because we have never been able to have enough money in the bank. "If the economy gets worse or is worse in particular states", which they predict New Hampshire is one, "then significant spending costs on every tax increase may become, and increased taxes may become necessary, something lawmakers very much like to avoid." Apparently they haven't heard about New Hampshire, we like to increase taxes.

A roll call was requested by Senator Fernald.

Seconded by Senator Pignatelli.

The following Senators voted Yes: Burns, Gordon, Johnson, Boyce, Flanders, Roberge, Eaton, O'Hearn, Francoeur, Gatsas, Barnes, Prescott, Klemm.

The following Senators voted No: Below, McCarley, Disnard, Fernald, Pignatelli, Larsen, O'Neil, D'Allesandro, Wheeler, Hollingworth, Cohen.

Yeas: 13 - Nays: 11

Adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Barnes moved to have **HB 339**, prohibiting the taking of deer by baiting, taken off the table.

Adopted.

HB 339, prohibiting the taking of deer by baiting.

SENATOR BARNES: Yesterday, I am the fellow that messed this up. I didn't realize that there had been some promises made to Senator Disnard. I want to apologize to my good friend Senator Disnard. He has been a friend of mine for a long time and when he promises something or somebody promises something to him, that is good as gold as far as I am concerned. That is why I want to take this off the table and apologize to the Senator, that I messed it up for him yesterday. I take full responsibility. I also, Senator Disnard, if there is a roll call vote or whatever on this, I am going to have to vote the other way. Thank you very much.

Question is on the adoption of the committee amendment (1484).

SENATOR ROBERGE: I chose not speak right at this time.

SENATOR DISNARD: I will not to speak, but just ask...I hope that my fellow Senators will vote no so that a motion can be made for inexpedient to legislate. I do not wish to speak further.

SENATOR FERNALD: Every year we seem to get one bill that really releases the floodgates of mail. At least for me, this is the bill this year.

So I did a little research on deer baiting and I don't seem to have any problem attracting them to my property, but no one seems to ever bag one on my property, but anyhow...I am going to tell you what I think that I know...and Senator Disnard whom I consider to be an expert on these sort of things, I hope that he will correct me if I have it wrong. But I believe that the current state of law and regulation in New Hampshire is that you can bait deer on your own property without a permit. If you want to bait deer on somebody else's property, you have to get their permission. That is the permit. You get permission from the landowner and then you send a copy into the state. That is the way that it works now. Now if we pass this bill with the amendment, you will still be able to bait deer on your own property, and I don't think that you need any permit, otherwise, if you want to bait deer, you either have to get a special permit from the state for scientific and some other purposes, or you have to have a walking disability or a cross bow permit. The other thing that I think that I know is that if you are hunting deer, there are a whole bunch of restrictions on what you can't do, you can't hunt with a dog, you can't use a salt lick, and you can't hunt with a group bigger than six and attempt to drive deer towards people who are waiting. So we have in our law, restrictions of the ways that you can hunt deer. Even though you can't bait deer with salt, you can bait them with apples. That just seems to be the way things are now. I went through all of this to explain to you because I guess that I don't see a whole heck of a lot of difference between where we are now and where we are with the amendment, except that it will be harder for you to bait deer on somebody else's property, but it makes no difference if you want to bait deer on your own property. I guess that I just don't quite see the point here. It would seem to me that we bait deer or we don't.

Question is on the adoption of the committee amendment.

Division vote is requested.

Yeas: 10 - Nays: 14

Amendment failed.

Question is on the motion of ought to pass.

Motion failed.

Senator Disnard moved inexpedient to legislate.

Adopted.

HB 339 is inexpedient to legislate.

Recess.

Out of Recess.

SUSPENSION OF THE RULES

Senator Francoeur moved that the Rules of the Senate be so far suspended as to allow all bills ordered to third reading, be by this resolution, read a third time, and that all titles be the same as adopted, and that they be passed at the present time.

Adopted by the necessary 2/3 vote.

Third Reading and Final Passage

HB 375, relative to sources of funding an adequate education.

Recess.

Out of Recess.**COMMITTEE REPORTS**

HB 202, relative to the legislative ethics committee. Internal Affairs Committee. Vote 5-0. Ought to pass, Senator Boyce for the committee.

SENATOR BOYCE: House Bill 202 was a request by the Legislative Ethics Committee. It makes several changes to the current ethics law concerning membership and procedures. It attempts to balance protection of a member's privacy and the public's right to know. House Bill 202 makes current ethics laws better by protecting the privacy of a member when an ethics complaint is unfounded and by enhancing the public's right to know when a complaint has merit. The committee recommends ought to pass on HB 202. Thank you.

Adopted.**Ordered to third reading.****MOTION TO TAKE OFF THE TABLE**

Senator Wheeler moved to have **HB 304-FN**, relative to insurance coverage for prostate cancer testing, taken off the table.

Motion failed.

HB 707, establishing a committee to study the usage of 211 as a uniform community service information and referral number. Internal Affairs Committee. Vote 3-1. Ought to pass with amendment, Senator Boyce for the committee.

2001-1583s
03/04

Amendment to HB 707

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

6 Public Utilities Commission Action. The public utilities commission shall not proceed with any steps toward implementation of 211 service, nor impose any tax, fee, surcharge, or any other source of revenue directed towards 211 service until legislation enabling such action has passed.

SENATOR BOYCE: This bill was intended to put in place a study committee to study the possible bringing forth of a 211 information number, community information. The committee voted to amend...the bill establishes a committee to determine if and how the state should proceed with 211. There are still a number of unresolved issues to study, including whether we need a statewide system or whether we should continue with private plans, the system is already in place, who would run the statewide system, how much would it cost and who would pay for it? The committee feels that it would be premature to move ahead with 211 until we can answer these questions. We ask for your vote on ought to pass on HB 707 with the committee amendment so that the committee can go ahead and do its work. Thank you.

Amendment adopted.

Senator Gordon offered a floor amendment.

2001-1652s
03/01

Floor Amendment to HB 707

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

AN ACT establishing a 211 commission.

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

1 New Subdivision; 211 Commission. Amend RSA 21-I by inserting after section 72 the following new subdivision:

211 Commission

21-I:73 211 Commission Established.

I. There is hereby established a 211 commission to oversee the design, development, and operation in New Hampshire of the 211 service code for community information and referral services.

II.(a) The commission shall consist of 11 members as follows:

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

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

(3) Five members appointed by the governor:

(A) One member representing the office of the consumer advocate.

(B) One member representing the enhanced 911 system.

(C) One member representing the state committee on aging.

(D) One member representing disability services in New Hampshire.

(E) One member representing children's services in New Hampshire.

(b) The terms of the members of the senate and the house of representatives shall be coterminous with their terms in office. Members of the commission appointed by the governor shall initially be appointed for terms of one, 2, and 3 years; thereafter members shall be appointed to serve 3-year terms. In the event of a vacancy, a replacement shall be appointed for the remaining term. No member shall serve beyond the time the member ceases to hold the office, employment, or membership which qualified him or her for appointment to the commission.

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

III. Members shall annually elect from among themselves a person to serve as commission chairperson and another to serve as commission vice-chairperson. The chairperson shall hold no fewer than 4 regular meetings a year at such times and places as the chairman shall fix, either on the chairman's own motion or upon written request of any 4 members.

IV. The commission shall be an administratively attached agency, under RSA 21-G:10, to the office of the commissioner of administrative services.

21-I:74 Duties of the 211 Commission. The 211 commission shall:

I. In conjunction with the public utilities commission, oversee the design, development, and operation of a statewide 211 information service. The commission shall assure that such service includes, at a minimum:

(a) Year-round, 24-hour, live response.

(b) Information and referral specialists who are trained and meet national standards for information and referral call processing.

(c) 211 service available toll-free to all residents of the state.

(d) Immediate access to a comprehensive statewide database of service providers.

(e) Accommodation for citizens with special needs including, but not limited to, physical disabilities, language restrictions, TTY requirements, and specialized care.

(f) Ability to incorporate local information and referral services that meet the minimum performance standards established in this paragraph.

(g) Cooperative working relationships with 911 emergency services and governmental agencies such as the department of health and human services.

II. Review data, findings, testimony, and reports from the public utilities commission regarding 211 service models and costs.

III. Develop a proposed annual budget and identify potential funding sources to support 211 service.

IV. Ensure that 211 services are operated in accordance with any national standards for community information and referral services adopted by the Alliance of Information and Referral Systems.

V. Oversee the collection of statistics on the use of 211 services.

VI. Designate one or more community information and referral entities to serve as answering points for the 211 service.

VII. Establish criteria for performance and service quality of the entities involved in the provision of 211 services.

2 Report by 211 Commission. The 211 commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before December 14, 2001.

3 Petition for 211 Services. The public utilities commission is hereby authorized to proceed with the procedural schedule for review of the petition for 211 services and to provide the 211 commission with objective and factual findings, testimony, cost determinations, and comparison data on or before September 14, 2001.

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

2001-1652s

AMENDED ANALYSIS

This bill establishes a 211 commission to oversee the design, development, and operation in New Hampshire of the 211 service code for community information and referral services.

SENATOR GORDON: For those of you who are not familiar with the 211 services, 211 service is a service which was recently authorized by the federal government. **TAPE CHANGE**

SENATOR O'NEIL: Senator Gordon, is...and I don't want to put words in your mouth, this is just taking the idea of studying and bringing some more players into it other than just legislators?

SENATOR GORDON: It creates a 211 commission and the commission shall report its findings and recommendations for proposed legislation to the Speaker of the House of Representatives, the Senate of the President and the Clerk of the Senate, and the House Clerk by December 14, 2001.

SENATOR O'NEIL: So they have no power to take any action, they report back to the legislature?

SENATOR GORDON: That is correct.

SENATOR O'NEIL: Thank you very much.

SENATOR WHEELER: I rise in support of this amendment. I think this is a very important initiative. I am not sure why we would want to delay study on it. I am not sure why we would want to stop the PUC from

studying it and I don't understand why we wouldn't want to adopt this commission so that we can figure out the best way for us to move forward for a service that would greatly benefit the people of our state. Thank you.

SENATOR BOYCE: The committee amendment would allow the PUC to continue to study this. The committee would also be studying this. The PUC would be gathering information. What the committee amendment does is put on hold the PUC from actually implementing this. From what we were told in committee, the PUC would be able to implement this without legislation, without a commission, without any other action, if we did nothing. That is why the committee decided to put forth the amendment, so that we can tell them to stop and do not proceed until we look at it further. One of our concerns is that this will...we know that there will be a cost to this. The cost will show up on your telephone bill. This will be a new tax on your telephone bill. We want to make sure that that is really what we want to do before we do it. We don't want the PUC simply going ahead and doing it. That is why the committee recommended in their amendment, that the PUC stop and wait for legislative action.

SENATOR FLANDERS: We put a lot of time in this in our committee. One of our concerns was price and costs. I think that this is a good compromise between a study committee...and we have some people on there who know...other than legislators, that can put input in. I think this is a good compromise. We were told by Senator Gordon that nothing can be done, nothing can be put in place. The report, when it comes back, would have costs and how it is going to be charged, and we will have to vote on that. So I urge that this be supported. Thank you.

SENATOR O'NEIL: Senator Gordon, I just want to follow up on Senator Boyce's statement. Is it your understanding...I support what you have here, but is it also...are you suggesting that the PUC can continue and implement this if they so choose?

SENATOR GORDON: The only thing that this commission is authorized to do is develop a proposed annual budget and identify potential funding sources to support 211 services. It does not give them the authority to go forward. If I could add, the PUC has the authority to do that now if they wanted to. The PUC does not want to and has made it clear that they do not want to go forward with any funding mechanism absent authority from the legislature.

SENATOR O'NEIL: Thank you, Senator Gordon.

Floor Amendment adopted.

Question is on the motion of ordering to third reading.

A roll call was requested by Senator Boyce.

Seconded by Senator McCarley.

The following Senators voted Yes: Burns, Gordon, Johnson, Below, McCarley, Flanders, Disnard, Eaton, Fernald, O'Hearn, Pignatelli, Larsen, Gatsas, Barnes, O'Neil, Prescott, D'Allesandro, Wheeler, Klemm, Hollingworth, Cohen.

The following Senators voted No: Boyce, Roberge, Francoeur.

Yeas: 21 - Nays: 3

Adopted.

Ordered to third reading.

MOTION OF RECONSIDERATION

Senator McCarley having voted with the prevailing side, moved reconsideration on **HB 177-FN**, relative to the purchase of a wheelchair van for the veterans' home in Tilton and making an appropriation therefor, whereby we ordered it to third reading.

SENATOR MCCARLEY: I am requesting reconsideration at this time on HB 177 which is the bill, which we spent a great deal of time discussing, dealing with providing up to \$50,000 of an appropriation to allow the Veterans' Home to purchase their van. Now we have an agreement in this Senate complete, totally supportive. We sent it to Finance and it came back; however, in having it leave here, it is being interpreted by the House Finance Committee, that indeed the wording that they have heard about, means that they are going to ask for a concurrence because they believe that our Veterans still have to go out and beg for money first, based on the way that this is worded. I am, therefore, suggesting to offer a floor amendment that says...well, that is the purpose of the reconsideration motion.

Adopted.

HB 177-FN, relative to the purchase of a wheelchair van for the veterans' home in Tilton and making an appropriation therefor.

Senator McCarley offered a floor amendment.

2001-1669s

06/09

Floor Amendment to HB 177-FN-A

Amend the bill by replacing section 1 with the following:

1 Appropriation; Department of Administrative Services; Wheelchair Van for Veterans' Home. The sum of up to \$50,000 is hereby appropriated for the fiscal year ending June 30, 2001 to the department of administrative services, for the purpose of purchasing a wheelchair van for the veterans' home in the town of Tilton. This appropriation shall not lapse until June 30, 2002. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2001-1669s

AMENDED ANALYSIS

This bill appropriates funds for the purchase of a wheelchair van for the veterans' home in Tilton.

SENATOR MCCARLEY: Thank you. As I was saying, there seems to be a little bit of a disagreement and a notion that we should somehow or another continue to ask our veterans to borrow their money. I see that we have a visitor on the floor. Should I continue Senator Barnes? So I am asking that we pass this floor amendment, which will simply delete the issue of having to get dollar for dollar matches. It says that we are appropriating up to \$50,000 for the purposes of purchasing a van, money appropriated out of the fiscal year ending in 2001. I am asking for your support on that. Thank you.

SENATOR D'ALLESANDRO: I rise to support the amendment. I think that it was clear in our discussion that day, that what we wanted to do as a Senate, was to provide the \$50,000 for that van. That we didn't want

to restrict the people at the Tilton Home in any way from adding value to what is left to their life. That seemed to be the sentiment of this group, and if it was misinterpreted in the House, then this clarifies that. I think that it is an excellent point. It was our commitment to do that. Thank you, Mr. President.

SENATOR BARNES: The House is going to take this if we pass this amendment, and there will be no Committee of Conference on it. They will concur on it and the Veterans will have their van real soon.

Floor Amendment adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Johnson moved to have **HB 543**, establishing the division of ports and harbors within the Pease development authority and transferring all functions, powers, and duties of the New Hampshire state port authority, taken off the table.

Adopted.

HB 543, establishing the division of ports and harbors within the Pease development authority and transferring all functions, powers, and duties of the New Hampshire state port authority.

SENATOR JOHNSON: Just to refresh your memory, this bill merges the Port Authority into the Pease Development Authority. The bill was introduced by a majority of the committee established to study the organization and operation of the Port Authority by HB 1559. Although the bill was introduced after a recent audit raised questions about the operations of the Port Authority, the idea of merging the Port Authority into a larger department or agency originated more than 15 years ago. In 1985 the Sunset report recommended transferring the responsibilities of the Port Authority to other agencies. In 1991 the study committee chaired by Senator Cohen indicated that the Pease Development Authority and the Port Authority had similar missions, and suggested that efficiencies might be achieved through a merger. In 1992 another study committee considered a criteria to be applied to such a merger. So in meeting with the Governors office on this bill, along with Representative Terie Norelli, Judy Reardon, Senator Cohen, Bill Bartlett, Lynn Hinchee and myself, we have recommended an amendment which will be presented by Senator Cohen, which I wholeheartedly support. I ask you to vote the bill ought to pass and Senator Cohen is prepared to bring a motion forward. Thank you, Mr. President.

SENATOR HOLLINGWORTH: I was a cosponsor of the original piece of legislation that set up a study committee for Pease and I would like to explain why. I had in the legislature when...excuse me, I said Pease and I meant the Port Authority. I had been in the legislature when Pease was being organized and it was very contentious between the towns of Portsmouth and Newington and the base. I was appointed to serve on this commission to try to bring people together. There had been several groups prior to that and each time it had ended in a deadlock and was not a very happy situation. I served with Senator Cohen on that. We were very fortunate and had a great deal of success because we had the interested parties at the table. We had a representative for Portsmouth, somebody from Newington, and somebody from Pease. What my attempt was in putting the original bill in dealing with the port was to do the same thing because I felt that if we could get everybody at the table, we

could try and build consensus and we could come out of that with something that would satisfy the town of Portsmouth, Newington of course is not involved in it now...in the port part...and Pease seems to be working well and I thought that would require the same kind of oversight. Representative Leber did a great deal of work in changing the study into an actual turnover where Pease had oversight over the port. Many of my constituents who are in the harbors, who are harbor masters and who use the harbor for their industry and their livelihood were concerned because they wanted to make sure that things were not going to change drastically and that they were going to be represented. So it was with some trepidation that when I saw the bill, I was concerned. I have since...since my fears have been somewhat set aside, because I understand that there has been some negotiation going on, and that Senator Cohen has communicated to those interested parties and it seems that everyone is now ready to agree that this may be something to move forward. I would only caution that if we find that two years from now, that there are problems, that we will promise ourselves to revisit that and make sure that we address some of the concerns.

Question is on the committee report of ought to pass.

Adopted.

Senator Cohen offered a floor amendment.

Sen. Johnson, Dist. 3

Sen. Cohen, Dist. 24

2001-1659s

03/10

Floor Amendment to HB 543-FN

Amend RSA 12-G:32 as inserted by section 6 of the bill by replacing it with the following:

12-G:32 Operating Budget. The authority shall comply with the requirements of RSA 9:1 through 9:9, relative to the budget. The authority shall include in its biennial estimate of the expenditure requirements of the division of ports and harbors a separate line item titled "Reimbursement to Pease Development Authority for Services" and request a reasonable estimated amount to cover such costs as necessary.

Amend RSA 12-G:43, II as inserted by section 6 of the bill by replacing it with the following:

II. The governor and council shall appoint a director of the division of ports and harbors who shall be qualified by education and experience and who shall hold office for a term of 5 years. Whenever an appointment of the director of the division is to be made, the board may make recommendations to the governor and submit such recommendations to the governor for the governor's consideration; however, the governor shall not be bound by such recommendations. The governor and council shall have authority to remove the director of the division as provided in RSA 4:1. The director of the division shall be the administrative officer of the division and shall have general and active supervision and direction over the day-to-day business and affairs of the division and its employees, subject, however, to the direction and control of the board and the executive director. The division director shall perform all such other duties as from time to time may be assigned by the board or the executive director. The division director shall also be the secretary of the division of ports and harbors advisory council, shall keep a record of the

proceedings of the council, and shall be the custodian of all books, documents, and papers filed with the division or the ports and harbors advisory council. The division director shall have the power to cause copies to be made of all minutes and other records and documents of the council and to give certificates under the seal of the authority to the effect that such copies are true copies, and all persons dealing with the division or authority may rely upon such certificates. In addition to the classified employees of the division, the division director, with the concurrence of the executive director, may employ such assistants and clerical and administrative staff as are within the limits of funds available for that purpose. The salary of the division director shall be established by the board.

Amend RSA 12-G:44, III-IV as inserted by section 6 of the bill by replacing it with the following:

III. The council shall consult with and advise the division director with respect to the policy, programs, and goals of the division, the operation of the port, the selection of harbor masters and assistant harbor masters, and the procurement of services of a port terminal operating firm. In order to accomplish said purposes, the council shall meet with the division director no less frequently than quarterly, or at the call of the chairman or 3 council members. All potential conflicts of interest shall be adequately disclosed. The council shall file annually a report of its deliberations and recommendations with the board and the executive director. The authority, by 5 affirmative votes, may override any action of the council.

IV. The division director shall present all rules proposed to be implemented by the authority under RSA 12-G:42, VIII to the council for consideration prior to filing a notice of proposed rule under RSA 541-A:6. The council shall present any objections to the proposed rule to the division director and to the board in writing within 15 days of submission to the council by the division director. The authority may adopt a rule to which the council has objected only upon 5 affirmative votes of the authority and after presenting a written reply to the council detailing the reasons for adopting the rule over the objections of the council.

V. The council may propose rules to the authority for adoption under RSA 12-G:42, VIII. The authority shall adopt rules proposed by the council unless, within 15 days of their proposal, the authority, by 5 affirmative votes, objects to the adoption of such rules and presents a written reply to the council detailing the reasons for objection.

Amend RSA 12-G as inserted by section 6 of the bill by inserting after section 12-G:53 the following new subdivision:

Division of Ports and Harbors Revolving Loan Fund Committee

12-G:54 Division of Ports and Harbors Revolving Loan Fund Committee. There is hereby established the division of ports and harbors revolving loan fund committee. The committee shall assist the division of ports and harbors in administering loan funds. The committee shall review applications for loan funding to determine whether they meet the minimum eligibility requirements and comply with applicable federal and state laws. The committee shall make recommendations to the division of ports and harbors for each application. Members of the committee shall be appointed by the governor.

Amend the bill by replacing paragraph III of section 18 with the following:

III. The director of the port authority on the effective date of this act shall serve as the initial director of the division of ports and harbors pursuant to RSA 12-G:43, II.

Amend the bill by replacing section 20 with the following:

20 Division of Public Works; Support and Services to Division of Ports and Harbors. Notwithstanding any provision of law to the contrary, the department of transportation, division of public works shall provide support and services at no cost to the Pease development authority, division of ports and harbors as it provided to the New Hampshire state port authority.

21 Appropriation; Division of Ports and Harbors. The sum of \$10,000 for the fiscal year ending June 30, 2002 and the sum of \$10,000 for the fiscal year ending June 30, 2003 are hereby appropriated to the Pease development authority, division of ports and harbors for the purpose of reimbursement of services provided to the division. These appropriations are in addition to any other funds appropriated to the Pease development authority, division of ports and harbors. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

22 Effective Date. This act shall take effect July 1, 2001.

2001-1659s

AMENDED ANALYSIS

This bill establishes the division of ports and harbors within the Pease development authority under the supervision of the director of ports and harbors, and transfers all functions, powers, and duties of the New Hampshire state port authority to the newly-established division. This bill also appropriates \$20,000 to the division of ports and harbors.

SENATOR COHEN: I certainly have had concerns about this issue. I think that we all recognize that the Port of New Hampshire is the Port of New Hampshire. This is a state asset, that is there to benefit not only Portsmouth and surrounding towns, but the entire state of New Hampshire. The fact that the Port is located in my district, nobody wants a more productive port more than this Senator. It has been frustrating, the difficulties that have happened at the Port. There has been a lack of business. There are lots of different reasons for that. The operator luckily has changed, but there is still more that we can do. In the 1991 study that Senator Johnson referred to, we looked at, at the time, what efficiencies may be achieved. I have questioned for years as to whether efficiencies would in fact be achieved by affiliation with the Pease Development Authority. I believe that the amendment that you are looking at now, addresses many of my previous concerns and objections. For example, what had been the Port Authority now becomes the Port Council. They set the policy. They tell the director what to do. The council actions can only be overridden by five of the seven votes on the Pease Development Authority. So the council also retains the ability to market it. They just recently got an appropriation to do some marketing, which they have never had before. There is a very skilled person there in marketing, who I believe will continue to move ahead, now that the appropriation has been made. This enables them to use outside attorneys if they so chose, to find somebody who has maritime law skills. One of the significant advantages of this bill is that with this affiliation, the port can now use the legal assistance of the Pease Development Authority. To be perfectly honest, one of the problems has been a lack of ability to sign contracts in a quick, expeditious manner. This affiliation is the only way that the Pease Development Authority attorneys could be brought in and be useful to the Port Authority to help them close the deals, to

get more business at the port, which is after all, our goal. The director still has authority over the harbormaster. The Department of Transportation has authority over dredging that affects many different areas. That remains unchanged. That was one of our concerns. There is money in this bill to help the legal resources to help close the deals. As Senator Hollingworth said, we can look at this in a couple of years. I am hopeful that the proof will be if there is more business at the port. We will look at this in a very short period of time to see if Portsmouth is benefiting and if the state is benefiting and if there is more business at the port. I believe that after a long time of considering this affiliation, with this amendment, this is the time to do it. I would urge my colleagues to vote ought to pass as amended. Thank you.

SENATOR DISNARD: Senator Cohen, on page three, line six, it seems to indicate that it is open-ended, that the Department of Public Works could be obligated by our council to do anything and there is no cost cap. Is that true? There is no cap on that cost that Public Works can be forced to do?

SENATOR COHEN: Well you are right, there is no cap here written in the bill. I believe that is as it currently stands.

SENATOR DISNARD: I thought that it said amend the bill by replacing with the following?

SENATOR COHEN: You are right.

Recess.

Out of Recess.

SENATOR COHEN: This is currently policy right now. This is clarifying that Public Works is able to assist all public agencies including the Pease Development Authority. So this just clarifies what has been current practice for quite some time.

SENATOR DISNARD: As long as you are not replacing the bill with the following...

SENATOR COHEN: I am not replacing the bill. It is just clarifying the language. The bill is clarifying language that is currently policy of the state.

SENATOR DISNARD: That is what it says here.

SENATOR JOHNSON: I just want to make a quick comment. I just want to say that Senator Cohen had a lot of input relative to this floor amendment and I want to thank him for his bipartisan support. Thank you, Burt.

Floor Amendment adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Prescott moved to have **HB 385**, changing the name, membership and duties of the office of volunteerism, off the table.

Adopted.

HB 385, changing the name, membership and duties of the office of volunteerism.

Question is on the committee report of ought to pass.

Adopted.

Senator Prescott offered a floor amendment.

2001-1350s
05/10

Floor Amendment to HB 385

Amend RSA 19-H:5 as inserted by section 1 of the bill by replacing it with the following:

19-H:5 Cooperation. Volunteer NH may cooperate with any state or federal agency or any private organization in conducting studies, programs, and joint efforts in the areas of service and volunteerism.

Amend RSA 19-H:9 as inserted by section 1 of the bill by replacing it with the following:

19-H:9 Limitation on Service. No volunteer whose service or activities are promoted, coordinated, or assisted by Volunteer NH shall be used in the enforcement of any law, or in any civil or criminal investigation.

Recess.

Out of Recess.

SENATOR PRESCOTT: I rise to offer a floor amendment to HB 385. This floor amendment to HB 385 is eliminating the Volunteer New Hampshire volunteers from being able to participate in investigations. That is the gist of the amendment. I request that the Senate adopt this floor amendment. Thank you Mr. President.

Floor Amendment adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Larsen moved to have **HB 258**, establishing a task force to conduct an ongoing study of the feasibility of re-establishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon northern passenger rail service line, taken off the table.

Adopted.

HB 258, establishing a task force to conduct an ongoing study of the feasibility of re-establishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon northern passenger rail service line.

SENATOR LARSEN: Mr. President, HB 258 establishes a task force to study the Lawrence, Massachusetts to Manchester rail service line and the Concord to Lebanon northern passenger rail service line. From my discussions with people here on the floor, the basis for this bill is to actually study the reestablishment of some rail passenger lines. I think that the best way to do that is to establish this task force and see if we can't get increased rail passengers into New Hampshire. I didn't hear why there was any great reason why this was sitting on the table, and I thought that we had to bring it off and consider it. I understand that there is a floor amendment, but I hope that people will pass the basis for this bill at least, and will listen to the floor amendment as well.

Question is on committee report of ought to pass.

Adopted.

Senator Flanders offered a floor amendment.

2001-1352s
06/09

Floor Amendment to HB 258

Amend the bill by replacing section 5 with the following:

5 Report. The task force shall issue a report of its progress and findings to the speaker of the house of representatives, the senate president, and the governor and council, on December 1, 2001, every 6 months thereafter, and upon its termination.

SENATOR FLANDERS: When we presented this, there was a date that was wrong. You will note on the original bill that it said that the report to the Governor and Council was December 1, 2000. The amendment takes it to 2001. Also, on line seven of the original bill, we thought that it was a mistake when it said "principals and 2000, 7". That is the new rule book 2000, chapter 7 as referenced to this railroad. I ask for your passage of this amendment please.

Floor Amendment adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Roberge moved to have **SB 29**, relative to amending warrant articles by political subdivisions that have adopted the official ballot referendum form of meeting, taken off the table.

Adopted.

SB 29, relative to amending warrant articles by political subdivisions that have adopted the official ballot referendum form of meeting.

Senator Roberge moved to rerefer.

Adopted.

SB 29 is rereferred to the Public Affairs Committee.

TAKEN OFF THE TABLE

Senator Francoeur moved to have **SB 32**, exempting dumbwaiters from the elevator law, taken off the table.

Adopted.

SB 32, exempting dumbwaiters from the elevator law.

Senator Francoeur moved to rerefer.

Adopted.

SB 32 is rereferred to the Executive Departments and Administration Committee.

TAKEN OFF THE TABLE

Senator Eaton moved to have **HB 141**, relative to regulation of junk yards, taken off the table.

Adopted.

HB 141, relative to regulation of junk yards.

Senator Eaton moved to rerefer.

Adopted.

HB 141 is rereferred to the Environment Committee.

TAKEN OFF THE TABLE

Senator Gordon moved to have **HB 196**, relative to the penalty for failure to license a dog or renew a dog license, taken off the table.

Adopted.

HB 196, relative to the penalty for failure to license a dog or renew a dog license.

Question is on the adoption of the committee amendment (1139).

SENATOR MCCARLEY: Senator Gordon would you mind just briefly refreshing my mind as to what this bill does?

SENATOR GORDON: There is a current law having to do with registering dogs. Everybody, as you know, is required...or your community can require you to license dogs. I think that all communities require the licensing of dogs. If you fail to license your dog in a timely manner, under the current law, you are subject to the forfeiture of \$25. So if you don't license your dog on time, the community can then charge you a fee of \$25 for failing to license.

SENATOR MCCARLEY: You don't lose your dog, though?

SENATOR GORDON: You don't lose your dog. You don't forfeit the dog, you forfeit the \$25. Then they give you notice to pay the \$25. If you don't pay the \$25 and you just ignore the town, currently, the town then has to take you to court on a civil suit to go to court on a civil basis to require you to make the payment. Of course what is happening in many cases is, you are required to give payment and the judge says pay the \$25. So after you have taken them to court, you don't end up with anymore than the \$25 for the guy failing to pay in the first place. So what this does is, this allows your town to...if you **TAPE CHANGE** dog and then you are given notice that you are supposed to pay the \$25, and you are given the period of time...I think that it is 30 days to pay the \$25, and you don't pay the \$25, you can be given a violation and you can be cited for a violation with a fine of up to \$100 for failing to license. That is what the bill does.

SENATOR MCCARLEY: Thank you, Senator Gordon.

SENATOR DISNARD: Senator Gordon, Doesn't the amendment change that to \$50?

SENATOR GORDON: I don't know the answer to that. But if you say that it does, then I accept it.

SENATOR BOYCE: Senator Gordon, I just want to be real clear. If my dog, which I don't have, dies and the town sends me a notice to remind me to relicense my dog, and I tell them that ...I look at my letter and I say, "my dog is dead and I threw my letter away." Then the town sends me a thing that says that we are going to fine you \$30 for not having licensed your dog. And I tell them that my dog is still dead and I throw the letter away, so then I can get a violation for having a dead dog and not licensing it. Is that true?

SENATOR GORDON: No. The issue is that what will happen is, you won't register your dog because your dog is dead. So then you get a notice because they have reason to believe that you have a dog, because you have licensed it all along, and they say to you, "you failed to license your dog, you owe us \$25." That is the forfeiture fee. Then you write back to the town or call the town office building and tell them that your dog is

dead. They will write it down and forget about the \$25 fee. Now if you just want to ignore that, the police chief may give you a citation. Now that citation doesn't automatically fine you to pay money, what that does is say, it is a citation that you failed to register your dog, you have got to go to court. Now if you call up the police chief and say that your dog is dead, I don't think that you get the citation. But if you didn't register your dog and then you go to court, the worse case scenario, and then you explain to the judge that your dog is dead, you don't pay the money. But my sense is that if you were to make the one call to the town instead of throwing the paper in the trash, you are not going to have a problem.

SENATOR BOYCE: If I have a car that I have registered for many years, and I decide this year to never put it on the road again, in fact, I take it and sell it to a scrap yard. I get the notice that my registration is about to run out. I say that I don't have the car anymore and then I throw it away. I don't get a fine for that. I don't get a citation. I don't have to go to court right? So because my car died, I don't get fined, I don't have to go to court and I don't get all of these letters. But if my dog dies I have to go to court?

SENATOR GORDON: That is what I am trying to tell you. I don't see how, if your dog died, that you would end up going to court. Because what is happening is that the police chief is going to come and see you and give you a summons. Not the police chief necessarily in your town, but the police chief of my town is... is going to come to you and give you a summons that says that you have failed to register your dog. You would say to him, chief, I don't have a dog. In which case, he is not going to give you a summons. So I don't see it as a problem.

SENATOR BOYCE: I want to say that I think that this is silly and I will vote against it.

SENATOR LARSEN: I stand before you as an owner of a dog that is deceased, who received a notice to reregister my deceased dog. I have been busy. I did not... I threw that piece of paper in the trash because I knew that the dog was dead. I figured that I didn't reregister the dog that they would know that I didn't have a dog. Now I am hearing that the police chief is going to be at my door. I think that the police chief has something better to do than to come to my house tracking me down for not registering my dead dog. I think that we have ... our police chiefs and our courts are busy enough and we don't need to busy them with this kind of busy work. I don't think that the issue is serious enough. I haven't heard from any town clerks that I represent that this is a burning issue for them. I think that we ought to leave this bill on the table and let dead dogs lie dead.

SENATOR ROBERGE: On page 274 of the Journal, it lists "a fine not to exceed \$50." Actually that happened to me. My dog was dead. I called the clerk told them that dog was dead and she said, "that is too bad, I am sorry" and that was the end of the subject.

SENATOR WHEELER: The city clerks actually do want this bill. It is a sensible bill. I have had a dog die, too, and nobody comes to my door. Nobody will come to your door and say that you have to license your dead dog. I know that it is hot and I know that it is late, but these are not sensible arguments.

SENATOR FERNALD: I really didn't understand Senator Boyce's concern. If I got a notice from somebody that I do business with and they said "you owe me \$50." And I know that I have already paid it, I wouldn't

just throw it in the trash, I would call them, tell them that I had already paid it. And they would say, "oh, thank you very much, we made a mistake." So this idea that people with dead dogs are going to be hauled into court is just kind of silly, because all we are going to do is tell the town that the dog is dead and we are not going to pay the fine. The current law is basically \$25, so all that we are really doing is increasing the fine to \$50. It is just to put some teeth into the requirement to license your dog.

Amendment adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Prescott moved to have **HB 758**, relative to the sale of gasoline containing ethers, taken off the table.

Adopted.

HB 758, relative to the sale of gasoline containing ethers.

Question is on the committee report of ought to pass.

Adopted.

Senator Prescott offered a floor amendment.

2001-1672s

08/04

Floor Amendment to HB 758

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

AN ACT relative to the sale of gasoline containing ethers and establishing a gasoline remediation and elimination of ethers fund.

Amend the bill by replacing all after section 6 with the following:

7 Oil Discharge and Disposal Cleanup Fund; Purpose. Amend RSA 146-D:1 to read as follows:

146-D:1 Purpose. The general court finds that gasoline and diesel fuel, due to their extreme fluidity and suspected carcinogenic qualities, comprise a sufficiently distinct class of property which represents a potential serious health and safety problem to the citizens of New Hampshire. In particular, gasoline and diesel fuel present a potential threat to the quality of New Hampshire's groundwater and environment because of the speed with which these products are able to flow into, and contaminate, valuable groundwater supplies. The purpose of this chapter is to establish financial responsibility for the cleanup of oil discharge and disposal, and to establish a fund to be used in addressing the costs incurred by the owners of underground storage facilities and bulk storage facilities for the cleanup of oil discharge and disposal, to protect groundwater, and for reimbursement for third party damages. ***An additional purpose is to provide a funding source for cleanup and reimbursement for discharges of gasoline ethers pursuant to RSA 146-G.*** The fund established under this chapter shall be in addition to the oil pollution control fund established pursuant to RSA 146-A:11-a, ***and the gasoline remediation and elimination of ethers fund established under RSA 146-G.***

8 New Paragraphs; Definitions. Amend RSA 146-D:2 by inserting after paragraph VII the following new paragraphs:

VIII. "Gasoline" means all products commonly or commercially known or sold as gasoline, including casinghead and absorption of natural gaso-

line, regardless of their classification or uses, and any liquid prepared, advertised, offered for sale, or sold for use as or commonly and commercially used as a fuel in internal combustion engines, which when subjected to distillation in accordance with the standard method of test for distillation of gasoline, naphtha, kerosene, and similar petroleum products (ASTM Designation D-86) show not less than 10 percent distilled (recovered) below 347 degrees Fahrenheit (175 degrees Centigrade) and not less than 95 percent distilled (recovered) below 464 degrees Fahrenheit (240 degrees Centigrade); provided that the term gasoline shall not include commercial solvents or naphthas which distill by ASTM method D-86 not more than 9 percent at 176 degrees Fahrenheit and which have a distillation range of 150 degrees Fahrenheit or less, or liquefied gases which would not exist as liquid at a temperature of 60 degrees Fahrenheit and a pressure of 14.7 pounds per square inch absolute.

IX. "Diesel fuel" means a liquid hydrocarbon fuel used in internal combustion high speed engines that operate with a diesel thermodynamic cycle.

9 Fund Established. RSA 146-D:3, VI is repealed and reenacted to read as follows:

VI. The fee collected on motor fuels shall be deposited in the oil discharge and disposal cleanup fund, except as provided in subparagraph (b), and divided as follows:

(a) For each gallon of diesel fuel for which a fee is assessed, \$.014 shall be placed in an account for reimbursement of owners of eligible underground storage facilities and \$.001 shall be placed in an account to be used for reimbursement of owners of eligible bulk storage facilities.

(b) For each gallon of gasoline for which a fee is assessed, \$.0115 shall be placed in the underground storage facilities account, \$.001 shall be placed in the bulk storage facilities account and \$.0025 shall be placed in the gasoline remediation and elimination of ethers fund established under RSA 146-G.

(c) For all fees assessed on gasoline during the period from January 1, 2001 to July 1, 2001 and deposited in the account for reimbursement of owners of eligible underground storage facilities, 18 percent of those fees shall be transferred to gasoline remediation and elimination of ethers fund established under RSA 146-G.

10 New Chapter; Gasoline Remediation and Elimination of Ethers Fund. Amend RSA by inserting after chapter 146-F the following new chapter:

CHAPTER 146-G

GASOLINE REMEDIATION AND ELIMINATION OF ETHERS FUND

146-G:1 Purpose.

I. The general court finds that ethers contained in gasoline, due to their extreme fluidity, recalcitrance to natural degradation, low taste and odor thresholds, and probable carcinogenic qualities, comprise a sufficiently distinct class of property which represent a particular, present, and rapidly escalating threat to the quality of all the water of the state and, thereby, to our citizens. The general court also finds that potentially serious health, safety, and environmental problems are evidenced due to the speed with which ethers are able to flow into, contaminate, and accumulate in invaluable groundwater supplies. In addition, the cost of cleanup of gasoline ethers in groundwater and surface water is a significant economic burden for which economic assistance may otherwise not be available.

II. The purpose of this chapter is to provide procedures that will expedite the cleanup of gasoline ether spillage, mitigate the adverse affects of gasoline ether discharges, encourage preventive measures, impose a fee upon importers of neat gasoline ethers into the state and establish a fund for the remediation of groundwater and surface water contaminated by gasoline ethers. The fund may also be used to provide financial reimbursement to owners of public and private water supplies for the treatment and removal of gasoline ethers and associated contaminants when present with those ethers from those supplies. The fund established under this chapter shall be in addition to the oil pollution control fund established pursuant to RSA 146-A:11-a and is separate from the oil discharge and disposal cleanup fund established pursuant to RSA 146-D:3.

146-G:2 Definitions. In this chapter:

I. "Board" means the oil fund disbursement board established under RSA 146-D:4.

II. "Discharge" or "spillage" means the release or addition of any gasoline containing ethers to land, groundwater, or surface water.

III. "Distributor" means any person, wherever resident or located, who imports or causes to be imported neat gasoline ethers, as defined in this section, into the state; provided, however, that bringing gasoline into the state in the fuel supply tank attached to the engine of a vehicle or aircraft shall not be considered importing. "Distributor" does not mean a spill cleanup organization or other person acting to contain, remove, clean up, restore, or take other remedial or corrective action or measures with regard to the spillage or discharge of gasoline or neat gasoline ethers, or threatened spillage or discharge of gasoline or neat gasoline ethers.

IV. "Ethers" means organic compounds formed by the treatment of an alcohol with a dehydrating agent resulting in 2 organic radicals joined by an oxygen atom.

V. "Facility" means a location, including structures or land, at which gasoline is subjected to treatment, storage, processing, refining, pumping, transfer, or collection.

VI. "Gasoline" means all products commonly or commercially known or sold as gasoline, including casinghead and absorption of natural gasoline, regardless of their classification or uses, and any liquid prepared, advertised, offered for sale, or sold for use as or commonly and commercially used as a fuel in internal combustion engines, which when subjected to distillation in accordance with the standard method of test for distillation of gasoline, naphtha, kerosene, and similar petroleum products (ASTM Designation D-86) show not less than 10 percent distilled (recovered) below 347 degrees Fahrenheit (175 degrees Centigrade) and not less than 95 percent distilled (recovered) below 464 degrees Fahrenheit (240 degrees Centigrade); provided that the term gasoline shall not include commercial solvents or naphthas which distill by ASTM method D-86 not more than 9 percent at 176 degrees Fahrenheit and which have a distillation range of 150 degrees Fahrenheit or less, or liquefied gases which would not exist as liquid at a temperature of 60 degrees Fahrenheit and a pressure of 14.7 pounds per square inch absolute.

VII. "Gasoline ethers" means any ether added to gasoline and its by-products, including, but not limited to, methyl tertiary butyl ether (MtBE), tertiary amyl methyl ether (TAME), di-isopropyl ether (DIPE), and ethyl tertiary butyl ether (EtBE). "Gasoline ethers" shall not include prepackaged goods intended for retail consumer use including, but not limited to, starting fluid and octane booster.

VIII. "Gasoline remediation and elimination of ethers fund" means the fund established pursuant to RSA 146-G:4.

IX. "Gasoline terminal facility" means any facility of any kind and its related appurtenances located within the boundaries of this state that is used or capable of being used for pumping, handling, transferring, processing, refining, or storing gasoline.

X. "Groundwater" means subsurface water that occurs beneath the water table in soils and geologic formations.

XI. "Neat gasoline ethers" mean ethers intended for blending with gasoline prior to sale to the public which are imported into the state with little or no admixtures or dilution. Neat gasoline ethers shall contain a minimum of 92.1 percent by volume ether, including its impurities.

XII. "Removal costs" means the costs of containment, removal, cleanup, restoration, and remedial or corrective action or measures that are incurred after a spillage or discharge of gasoline has occurred or, in any case in which there is a threat of a spillage or discharge of gasoline, the cost to prevent, minimize, or mitigate gasoline pollution from such an incident.

XIII. "Surface water" means streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, watercourses, and other bodies of water, natural or artificial.

146-G:3 Recovery by State. Recovery of costs of containment cleanup, removal, or corrective measures expended under this chapter shall be in accordance with RSA 146-A:9.

146-G:4 Fund Established.

I. There is hereby established the gasoline remediation and elimination of ethers fund which shall be administered by the board. This nonlapsing, revolving fund shall be used to pay the costs to implement the provisions of this chapter which include, but are not limited to, the salaries and expenses of personnel, as approved by the fiscal committee, to the extent that such salaries and expenses are incurred in implementing the provisions of this chapter, testing and monitoring activities, and other costs of treatment or removal or corrective measures deemed necessary by the board as a result of an actual or potential discharge of gasoline ethers into or onto the surface water or groundwater of the state. Moneys from the fund shall be used to mitigate the adverse affects of gasoline ether discharges including, but not limited to, provision of emergency water supplies to persons affected by such pollution, and, where necessary as determined by the board, the establishment of an acceptable source of potable water to injured parties. Not more than \$150,000 shall be allocated annually for research programs dedicated to the development and improvement of preventive and cleanup measures concerning such gasoline ether discharges. Income derived from the fund shall only be used for those administrative costs needed to implement this chapter.

II. Moneys in the fund not currently needed to meet the obligations of the board under this chapter shall be deposited with the state treasurer to the credit of the fund and shall be invested as provided by law. Interest received on such investment shall also be credited to the fund. If the fund's balance becomes greater than \$2,500,000, the transfer of moneys into the fund as established in RSA 146-D:3 shall be discontinued and only re-established when the fund's balance is below \$1,000,000. Those fees normally transferred to the gasoline remediation and elimination of ethers fund shall accumulate instead in the account for reimbursement of owners of eligible underground storage facilities under RSA 146-D:3, VI.

III. All moneys paid to the state to reimburse costs paid out of the gasoline remediation and elimination of ethers fund by any person strictly liable to the state under RSA 146-A:3-a shall be placed in the gasoline remediation and elimination of ethers fund.

146-G:5 Competitive Bidding Required.

I. Except as provided in paragraph II, the commissioner of environmental services shall enter into the competitive bidding process for any project undertaken by the department of environmental services under the authority of this chapter with an estimated cost of \$10,000 or more. The commissioner may enter the competitive bidding process for any such project with an estimated cost of less than \$10,000.

II. When procuring professional services from engineers, architects, and surveyors associated with the investigation or cleanup of contamination from gasoline ethers, the commissioner of environmental services shall procure those services in accordance with the procedures contained in RSA 21-I:22.

146-G:6 Corrective Measures Authorized. Corrective measures authorized by this chapter shall include but not be limited to:

I. Provision of interim water supplies to residents whose water supplies have been contaminated due to the presence of gasoline ethers above standards set by the board or a condition related to gasoline ethers determined to be hazardous by the office of community and public health and the state forensic toxicologist. This may include the supply of bottled water and the installation and operation of water supply treatment systems, approved or provided by the board.

II. The establishment of an acceptable source of potable water to injured parties, where necessary, as determined by the board. This may include but not be limited to a proportioned share of the costs of construction of the extension of public water mains and appurtenances, the installation of replacement water supply wells and appurtenances, or the installation of water treatment processes for new or existing water supplies. The extent of reimbursement shall be determined based upon criteria established by rules adopted by the board. Such rules shall consider the overall need for the capital investment to address contamination or threatened contamination of water supplies by gasoline ethers. Operation and maintenance costs or annual user fees for new or upgraded public water supply main extensions or treatment processes shall not be eligible expenses under this paragraph.

146-G:7 License Required; Fee.

I. Any distributor who imports or causes to be imported neat gasoline ethers into the state shall be licensed by the department of safety under this chapter. The annual fee for the license shall be \$0.10 per gallon of neat gasoline ethers imported into this state for the purpose of being mixed or blended with gasoline prior to sale to the public. The fee shall be paid monthly by such person to the department of safety and deposited by the department of safety into the gasoline remediation and elimination of ethers fund. Imposition of the fee shall be based on the records of the person and certified as accurate to the department of safety.

II. Every distributor who imports or causes to be imported neat gasoline ethers into the state shall file a monthly report for the preceding month and shall include all fees due for that reporting period with the department of safety on or before the twentieth day of the following calendar month. Failure to file by the required date or to enclose fees due shall result in the assessment of a 10 percent penalty to be added to the amount of fees due for that month. If no fees are due, a penalty of \$10 per day shall be assessed. Such penalty shall immediately accrue and thereafter the

overdue fees and the penalty shall bear interest at the rate established by the Internal Revenue Service effective on the first business day of the calendar year. To this rate shall be added 2 percent. In determining the monthly rate, that figure shall be rounded off to the nearest quarter percent. The board may waive all or any portion of penalties or interest for good cause. Such cause and incident shall be recorded in the records of the gasoline remediation and elimination of ethers fund.

III. No distributor licensed under this section shall import neat gasoline ethers into this state without paying the fee required by this section.

IV. Unless otherwise provided, any distributor who violates any provision of this section shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

146-G:8 Administrative Costs. Notwithstanding any other provision of law, if the expenditure of additional funds is necessary for the costs of administration of the collection process established in RSA 146-D:3 and RSA 146-G:7 for funding the gasoline remediation and elimination of ethers fund, the commissioner of safety, with the prior approval of the governor and council, may draw upon the gasoline remediation and elimination of ethers fund for such purposes.

146-G:9 Reporting by the Oil Disbursement Board. The board shall file annual reports of the status of the gasoline remediation and elimination of ethers fund no later than October 1, to the speaker of the house, the president of the senate and the state library. The first such report shall be submitted no later than October 1, 2002. The board shall also file interim reports on the activities of the gasoline remediation and elimination of ethers fund, including expenditures and reimbursements, and enforcement and remediation activities under RSA 146-G, by October 1, 2005 and by October 1, 2008 to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the house and senate committees having jurisdiction over water quality policy, the governor, and the state library. The board shall file a final report on the activities of the fund and enforcement and remediation activities by October 1, 2009 to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the house and senate committees having jurisdiction over water quality policy, the governor, and the state library.

146-G:10 Review and Report. Upon issuance of the interim report by the board required by RSA 146-G:9, the members of house and senate committees having jurisdiction over water quality policy shall constitute a joint committee for purposes of reviewing the effectiveness of the program implemented by this chapter. The joint committee shall review the effectiveness of the program implemented by this act, and shall report the joint committee's findings and recommendations to the full senate and house.

146-G:11 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, relative to the allocation of funds from the gasoline remediation and elimination of ethers fund authorized under this chapter. Construction costs due to contamination from gasoline ethers incurred by operators of public water supplies between May 4, 2000 and the effective date of board rules shall be considered for compensation on a case-by-case basis.

11 New Paragraph; Application of Receipts. Amend RSA 6:12, I by inserting after paragraph (dddd) the following new paragraph:

(eeee) Moneys deposited in the gasoline remediation and elimination of ethers fund established in RSA 146-G:4.

12 Commissioner of Safety; Rulemaking Authority. Amend RSA 21-P:14, V (q) to read as follows:

(q) Procedures for the inspection and verification of oil import records pursuant to RSA 146-A:11-b, RSA 146-D:3, RSA 146-E:3, [and] RSA 146-F:3, **and RSA 146-G:7** after consultation with the department of environmental services and the oil fund disbursement board, and pursuant to RSA 147-B:12 after consultation with the department of environmental services.

13 Commissioner of Safety; Rulemaking Authority; 2003 Version. RSA 21-P:14, V(q) is repealed and reenacted to read as follows:

(q) Procedures for the inspection and verification of oil import records pursuant to RSA 146-A:11-b, RSA 146-D:3, RSA 146-E:3, and RSA 146-G:7 after consultation with the department of environmental services and the oil fund disbursement board, and pursuant to RSA 147-B:12 after consultation with the department of environmental services.

14 Commissioner of Safety; Rulemaking Authority; 2009 Version. RSA 21-P:14, V(q) is repealed and reenacted to read as follows:

(q) Procedures for the inspection and verification of oil import records pursuant to RSA 146-A:11-b, RSA 146-D:3, and RSA 146-E:3 after consultation with the department of environmental services and the oil fund disbursement board, and pursuant to RSA 147-B:12 after consultation with the department of environmental services.

15 Determination and Payment of Road Toll. Amend RSA 260:38, IV to read as follows:

IV. The department of safety shall be responsible for licensing and the collection of the fee established under RSA 146-A:11-b, RSA 146-D:3, RSA 146-E:3, [and] RSA 146-F:3, **and RSA 146-G:7** and transfer of such fees into the appropriate designated funds under rules adopted by the commissioner pursuant to RSA 541-A, after consultation with the department of environmental services and the oil fund disbursement board. The department of safety shall be responsible for the collection of the fee established under RSA 147-B:12 and transfer of such fee into the hazardous waste cleanup fund under rules adopted by the commissioner pursuant to RSA 541-A, after consultation with the department of environmental services.

16 Determination and Payment of Road Toll; 2003 Version. RSA 260:38, IV is repealed and reenacted to read as follows:

IV. The department of safety shall be responsible for licensing and the collection of the fee established under RSA 146-A:11-b, RSA 146-D:3, RSA 146-E:3, and RSA 146-G:7 and transfer of such fees into the appropriate designated funds under rules adopted by the commissioner pursuant to RSA 541-A, after consultation with the department of environmental services and the oil fund disbursement board. The department of safety shall be responsible for the collection of the fee established under RSA 147-B:12 and transfer of such fee into the hazardous waste cleanup fund under rules adopted by the commissioner pursuant to RSA 541-A, after consultation with the department of environmental services.

17 Determination and Payment of Road Toll; 2009 Version. RSA 260:38, IV is repealed and reenacted to read as follows:

IV. The department of safety shall be responsible for licensing and the collection of the fee established under RSA 146-A:11-b, RSA 146-D:3, and RSA 146-E:3 and transfer of such fees into the appropriate designated funds under rules adopted by the commissioner pursuant to RSA 541-A, after consultation with the department of environmental services and the oil fund disbursement board. The department of safety shall be

responsible for the collection of the fee established under RSA 147-B:12 and transfer of such fee into the hazardous waste cleanup fund under rules adopted by the commissioner pursuant to RSA 541-A, after consultation with the department of environmental services.

18 Date Changed. Amend 1993, 294:1 as amended by 1995, 247:9 to read as follows:

294:1 Funds Transferred to Oil Pollution Control Fund. The oil discharge and disposal cleanup fund established in RSA 146-D:3, I shall lapse on [~~January 1, 2005~~] **July 1, 2010**. Any moneys remaining in the fund at that time shall be transferred to the oil pollution control fund established in RSA 146-A:11-a.

19 Effective Date of Repeal Changed. Amend 1988, 271:11, I as amended by 1993, 294:14 and 1995, 247:10 to read as follows:

I. Paragraphs VIII and IX of section 9 of this act shall take effect [~~January 1, 2005~~] **July 1, 2010**.

20 Repeal.

I. RSA 146-G, excluding RSA 146-G:9, relative to the gasoline remediation and elimination of ethers fund, is repealed.

II. RSA 146-G:9, relative to reporting on the gasoline remediation and elimination of ethers fund, is repealed.

21 Funds Transferred to Oil Pollution Control Fund. The gasoline remediation and elimination of ethers fund established in RSA 146-G:4, I shall lapse on July 1, 2009. Any moneys remaining in the fund at that time shall be transferred to the oil discharge and disposal cleanup fund account for underground storage facilities, established in RSA 146-D:3, VI.

22 Effective Date.

I. Paragraph I of section 20 this act shall take effect July 1, 2009.

II. Paragraph II of section 20 of this act shall take effect October 1, 2009.

III. Sections 14 and 17 of this act shall take effect at 12:01 a.m. on July 1, 2009.

IV. Sections 13 and 16 of this act shall take effect at 12:01 a.m. on July 1, 2003.

V. Sections 1-6 of this act shall take effect upon its passage.

VI. The remainder of this act shall take effect July 1, 2001.

2001-1672s

AMENDED ANALYSIS

This bill authorizes the state to opt out of the federal reformulated gasoline program no later than January 1, 2004, and requires the department of environmental services to prepare and submit to the U.S. Environmental Protection Agency all documentation necessary to accomplish this task.

This bill also establishes a gasoline remediation and elimination of ethers fund and a fee on the importation into this state of gasoline ethers and gasoline containing ethers.

SENATOR PRESCOTT: I would like to defer to Senator Johnson.

SENATOR JOHNSON: I rise in support to the amendment to HB 758. The increasing reports of MTBE manifesting itself in surface and groundwater in New Hampshire and particularly in the areas with a large number of private wells, has lead me to hear from many of my constituents. This amendment will clarify HB 758 with language similar to what the Senate passed on May 9 in a nonpartisan voice vote. This legislation has bipartisan support and it is my intent to not only promote cleaner water

supplies and discourage future contamination, but also to take care of the communities that already have problems. This amendment will help our neighbors who currently have contamination problems. I don't believe that they should wait until 2004 for help. I believe that this bill is a step in the right direction toward taking care of our constituents. In conclusion, I anticipate that communities will continue to look to us as lawmakers for help in the coming months. This is an issue that has grave environmental impact, so much so, that the Governor has officially petitioned the U.S. Environmental Protection Agency to help the state protect our groundwater. I ask you to support this bill as amended and help us all move forward in the interest of the public's health. Thank you Mr. President.

SENATOR WHEELER: I believe that this amendment is the contents of a bill that Senator Klemm and I sponsored for remediation efforts for MTBE. I firmly believe that we should do the remediation efforts and have the fund. I supported it when the amendment was in the Senate...when it passed over to the House, I suggested to the House Finance Committee that perhaps they should retain this as some sort of leverage to try to get us finally to step up to the plate and say that we have to stop MTBE from coming into our state. There is a real concern that we are going to be spending a lot of money in remediation, but not stopping what is coming in, so it is going to be wasted...well it won't be a wasted effort, but, we won't be able to solve the problem. However, I can see that we are not going to ban it completely this year, this is the best that we are going to get. So I urge the Senate to go ahead with passing this amendment.

SENATOR FERNALD: Senator Johnson, I noticed in reading the bill that an ether is "two organic radicals joined by oxygen". Can I voted for this even if I am not a radical?

SENATOR JOHNSON: Yes. I suggest that you vote for it.

SENATOR FERNALD: Thank you.

Floor Amendment adopted.

Ordered to third reading.

MOTION TO TAKE OFF THE TABLE

Senator D'Allesandro moved to have **HB 304-FN**, relative to insurance coverage for prostate cancer testing, taken off the table.

A roll call was requested by Senator Wheeler.

Seconded by Senator Hollingworth.

The following Senators voted Yes: Below, McCarley, Disnard, Fernald, Pignatelli, Larsen, O'Neil, D'Allesandro, Wheeler, Hollingworth.

The following Senators voted No: Burns, Gordon, Johnson, Boyce, Flanders, Roberge, Eaton, O'Hearn, Francoeur, Gatsas, Barnes, Prescott, Klemm.

Yeas: 10 - Nays: 13

Motion failed.

Senator Cohen voted yes on HB 304.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 118, relative to individual health insurance coverage.

And the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hunt, Martha Fuller Clark, Herman, Francoeur.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 119, relative to small group health insurance coverage.

And the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hunt, Martha Fuller Clark, Herman, Francoeur.

HB 738, establishing a commission to assess the operating efficiency of state government. Internal Affairs Committee. Vote 3-2. Ought to pass, Senator Roberge for the committee.

SENATOR ROBERGE: This bill came to the floor last week but was rereferred due to concerns by some Senators about a few sections of the bill. The committee amended the bill in two places. First, we defined the membership of the commission so that five members are appointed by the Speaker of the House and five members are appointed by the President of the Senate. Second, we removed the reference to "local governments" on page three, line three. Unfortunately, the amendment did not make it into the calendar. When we discovered the mistake we had a floor amendment drafted. I must ask you to vote ought to pass so that we can offer a floor amendment, which Senator Flanders will be offering if this is voted ought to pass.

Question is on the motion of ought to pass.

A division vote was requested.

Yeas: 13 - Nays: 10

Adopted.

Senator Flanders offered a floor amendment.

2001-1639s

05/09

Floor Amendment to HB 738

Amend the bill by replacing paragraph I of section 2 with the following:
2 Membership and Acceptance of Gifts.

I. The commission shall consist of 10 representatives of the private sector business community, 5 of whom shall be appointed by the speaker of the house of representatives and 5 of whom shall be appointed by the senate president. The commission may contract with a professional consulting firm with expertise in the business management industry to achieve the commission's goals and objectives.

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

III. The commission shall have full power and authority to require from the several state departments, agencies, and officials of the state such information and assistance as it may deem necessary.

SENATOR FLANDERS: As you recall, this bill was referred back to Internal Affairs and we did an executive session on this bill as the result of

the remarks that were made at the hearing. We had done a lengthy debate on the floor. We have put a limit of ten people, five to be appointed by the President and five by the Speaker. One of the concerns was the number of people. The Second portion of our amendment deals with page three, line two. We had a big problem over that, the political subdivisions of the state. We had removed that portion because it was not acceptable. I ask for your support to pass this amendment as written. Thank you.

SENATOR D'ALLESANDRO: This was a bad bill a week ago and it is still a bad bill. We don't need this bill. If indeed we want to investigate, we can do that anytime that we want. We have called upon commissions to do things like this. We have seen what has happened. A Governor usually does this at the beginning of a term. Governor Gallen did it. Governor Peterson did it. Governor Merrill did it. Governor Shaheen did it. All of this has been done. It has been done repeatedly and many times it has produced fine results. I don't know why we have to, at this stage of the game, talk about setting up a commission to investigate the government. To me, again, it was a bad situation then and it is a bad situation now. It doesn't require further rhetoric. Thank you, Mr. President.

SENATOR FERNALD: Senator Flanders, if we are going to study construction of state government and look for efficiencies, doesn't it make sense that we open it up to anybody who has some knowledge or experience? Why are we limiting it to the business sector?

SENATOR FLANDERS: The comments that we heard last time were that we had to put a limitation on it. So we put a limitation on it, and now you are complaining that we put a limitation on it. I don't know. I am sorry. I don't understand your question.

SENATOR FERNALD: The question is, right from the start, because that is limited, the people on the commission to the business community?

SENATOR FLANDERS: I did not hear that argument and it was not brought up at our executive session, so evidently, it was not a problem a week ago. I didn't hear that argument.

SENATOR FERNALD: I asked the same question a week ago on the floor and said, "why don't we make it open so that retired legislators, retired department heads, people with experience could actually...experience with the government itself...be part of this process.

SENATOR FLANDERS: The amendment changes it to ten people, five from the Speaker and five from the President, and that is what the amendment says.

SENATOR FERNALD: Ten representatives of private business sector community.

SENATOR FLANDERS: That is what it says.

SENATOR FERNALD: And my question to you is, why do you limit it to those people?

SENATOR FLANDERS: Because that is the way that we wrote the amendment.

SENATOR FERNALD: That is a heck of a reason.

SENATOR FLANDERS: I don't remember any problem with that a week ago. We took back the bill. We had five people there. We had no discussion of this, that I remember. My notes don't say anything about it.

SENATOR HOLLINGWORTH: I have a real problem with this bill because it really doesn't have any guidelines and it leaves it really open to...this commission to be able to do just about anything that they chose. You know, I have been around a while and I have seen Senators get...about any kind of information that they want. If they are in doubt about how an agency is working, they go to a commissioner and they request it. In fact, Senator Boyce, during the Finance Committee, had requested some information from Commissioner Shumway, which was quite lengthy and quite involved. Senator Boyce was able to get the kind of information that he needed and wanted. Now that is a Senator requesting it. But if we have all of our commissioners and all of our agencies answering and drawing all of this information which we have no idea what it is going to be, or how much it is going to be, how efficient is government going to be, which is supposedly the scheme that this is supposed to achieve? They want to know to promote efficiency. Well if you have them having all of these agencies running around getting...how many providers and what is their names and where they live...and this isn't even a government group that is doing that, I think that you are opening up a real can of worms. While I believe in public information, that is open and now achievable. This does not do that. All that this does is become a barrier and unnecessary work for the departments and agencies. I think that it is a very unnecessary piece of legislation.

SENATOR WHEELER: Just to set the record straight, I did raise the concern at the executive session and on the floor last week, of the fact that it was all people from business doing the investigation. I feel that it is saying implicitly, that democracy, our form of government, somehow ought to be run the way that a business is run. I actually remember having the conversation with our esteemed chair, because he said that before he got elected, he used to think that was true too, but he realized that democracy didn't work that way. If I am putting words into his mouth, I apologize. I certainly would be happy to have him correct the record, because I don't want anything to stand that is not correct, and my memory certainly can be faulty, but I know what I said. If you look in the bill itself, it's starting with reviewing the studies that were done in 1982, 1991-92, 1994, 1995-96. Now there is nothing that prevents any of us from looking at those studies, reviewing them ourselves and seeing what we would like to put forward for changes. We don't need to have ten people with the equivalent of subpoena power, all representing business, investigating all of us. Thank you.

SENATOR LARSEN: Senator Wheeler, did you discuss in committee, the option of adding a study to the operating efficiency of the state legislature?

SENATOR WHEELER: No we didn't, but that is a good idea, Senator Larsen.

SENATOR D'ALLESANDRO: I don't want to belabor a point, but this is the same group that didn't want civics taught in our schools, which talked about the duties and the responsibilities that people should have if they enter government. We are opposed to that, but we are for taking a group of business men and saying to those businessmen, you have subpoena power over state government. You can go in and ask anybody, anything that you want and they have to respond, but we won't say to ninth graders, in our public school system, that they have to take civics! We refused to do that! Boy that is great logic isn't it? Don't let anybody know anything, but let the business community come in and investigate everything! I will tell you something, I might have missed something in my K-12 years, but I didn't miss that one! Thank you, Mr. President.

SENATOR MCCARLEY: As I look at the floor amendment, it would appear that paragraph three of section three, has deleted the issue of political subdivisions, but one of the concerns that I have with this bill that I mentioned last week is that I just think that it is drafted terribly. So I am going to go back. Let's go back to page two of the bill, this has not been amended. It indicates that we are going to have a lot of structured interviews. Now again, I think that the idea that we are going to put our department heads through lengthy structured interviews, with ten different people, five different people or whatever, is a huge waste of time. But, having said that, we go on to say that in addition, "interviews should be conducted with various interested parties, including representatives of business groups, employee groups, local governments and others." Local governments being political subdivisions, if you will. We mention that again the next paragraph. I guess again, I think that what we have, unfortunately, and this does happen once in a blue moon, we just get a badly drafted piece of legislation, from whom purpose and intent is not clear and the usefulness is not clear, and yet, we semi think that we are doing a good thing. I would encourage you to vote no on this floor amendment.

SENATOR HOLLINGWORTH: I rise to speak briefly. It appears to me that section two of the bill, on page one, "The commission may accept any gifts, donations, grants from any public or private source, providing that such gifts, donations or grants will be used exclusively to advance the commissions purposes." This really gives me cause because we have ten businessmen, they could all be from the same group. They could put the money up to take and do the investigations, and how do we know whether that accountability is there for what they are doing? It may be somebody who may want to take and change state government so that we no longer have state employees, and that they think that we should contract all our work out to somebody else. They may be the ones that they want to have it contracted out to. I find this very strange.

Floor Amendment adopted.

Question is on the motion of ordering to third reading.

A roll call was requested by Senator Hollingworth.

Seconded by Senator Wheeler.

The following Senators voted Yes: Burns, Gordon, Johnson, Boyce, Flanders, Roberge, Eaton, O'Hearn, Francoeur, Gatsas, Barnes, Prescott, Klemm.

The following Senators voted No: Below, McCarley, Disnard, Fernald, Pignatelli, Larsen, O'Neil, D'Allesandro, Wheeler, Hollingworth, Cohen.

Yeas: 13 - Nays: 11

Adopted.

Ordered to third reading.

Recess.

Out of Recess.

CACR 5, relating to the rulemaking authority of the supreme court. Providing that supreme court may adopt rules that have the force and effect of law, and that the general court may regulate these matters by statute and may accept or reject any rule adopted by the supreme court,

and that in the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall supersede the rule. Judiciary Committee. Vote 4-0. Rereferred, Senator Fernald for the committee.

SENATOR FERNALD: This Constitutional Amendment would change the law concerning rulemaking by the court. Right now the court has the authority to make rules and that is the final word. This Constitutional Amendment would give the legislature the ability to pass court rules in place of court rules passed by the court. The committee recommendation at this point is rerefer. There are several reasons for that. The first reason, which should be obvious to everyone when I say it is, we are kind of preoccupied right now, with other big issues. This is another big issue and it seems like it is better to put it off until next year. The committee...the second reason is that the committee really has not had the time to go into this into any depth. We had about 50 bills and it pretty much took all of our time just to hear them and act on as many as we could. There just wasn't time to have a work session or an executive session when we could really hash through this thing. We think that it is appropriate for us to take this back for next year when we should have more time to reflect, perhaps to get some more testimony and then have a vote next year. If we adopt this Constitutional Amendment, it won't go on the ballot until November 2002, so putting it back into the committee for next January will not hold up the process, if in fact this is going to go before the voters. Thank you.

SENATOR BARNES: Senator Fernald, I appreciate your comments about the 50 bills and your workload, but would you believe that next year you are going to have probably just as big a workload? What I need from you, and from the chairman of that committee, is a promise that this will be right on top of the line in January, before you get bogged down with those other 50 bills and you tell us next May that you don't have time to do this. I need that commitment before I can vote for rereferral.

SENATOR FERNALD: I am sure that you have it from all in the committee. In fact, under the rules of the Senate, normal rules are that rereferred bills have to be reported out earlier than other bills, so we will be working according to the rules and working hard.

SENATOR BARNES: It looks like the chairman is standing up to speak. Thank you.

SENATOR GORDON: I just want to provide those assurances. This is a legitimate rereferral. It is not for any other purpose other than the fact that this is extremely important. This is about defining the balance of power in state government between the judicial branch of government and the legislative branch of government. It is not something to be taken lightly. We know in the House...we sent over a CACR and they have done exactly the same thing, because it got sent over late in the session, and they want to take time and look at it at the beginning of next session. I think that we should do exactly the same thing. We should take the time because it is so important. We are not going to lose anything by doing this because it can't go on the ballot until November 2002 in any event. I assure you that this will be given full attention and it will be addressed, and it will come out for you to vote on in January of next year.

SENATOR BARNES: Thank you.

Adopted.

CACR 5 is rereferred to the Judiciary Committee.

HB 215, relative to publication of status of cases before the supreme court. Judiciary Committee. Vote 5-0. Ought to pass with amendment, Senator Gordon for the committee.

2001-1584s
09/04

Amendment to HB 215

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

1 New Section; Supreme Court; Publication of Status of Cases. Amend RSA 490 by inserting after section 8 the following new section:
490:8-a Publication of the Status of Cases.

I. Beginning with notices of appeal filed on January 1, 2002, the supreme court shall make available to the public a record of cases pending before the court. The record shall be by calendar year, with the current year recording all cases filed with the court in that year. The record for prior years shall only document cases pending. Cases pending shall be those cases in which a decision has not been made as to accepting the notice of appeal or the accepted appeal has not been decided. The record shall be updated and printed quarterly and shall be available not later than 15 days after the end of each quarter. This report shall list the following data:

(a) Name and docket number.

(b) Date of acceptance or rejection of the notice of appeal and if the appeal was accepted or rejected.

(c) Date of oral argument.

(d) Date of decision.

II. At the end of each calendar year, all cases for which the notice of appeal was rejected and all cases decided shall be removed from the list.

2 Effective Date. This act shall take effect July 1, 2002.

SENATOR GORDON: House Bill 215 requires the Supreme Court to make available to the public, a list of the status of all cases pending before the court. Currently there is no regular publication of cases pending before the court. This would require the court to provide a status report of all cases pending no less than quarterly. At one point in time, within the last two years, there were 130 cases pending before the court at one time, with no indication of what their current status might be. The committee did indicate that there should be some period of time given to the court to put this into effect, in order to make sure that they have the sufficient equipment. As you know, in the Capital Budget we did appropriate over \$1 million worth of computer equipment for the courts, so they should be able to provide this service.

Amendment adopted.

Ordered to third reading.

HB 252, relative to rules promulgated by the supreme court. Judiciary Committee. Vote 4-0. Rereferred, Senator Fernald for the committee.

SENATOR FERNALD: This bill is actually a companion bill to CACR 5. Since it sort of travels along with it, and is dependent upon the passage of CACR 5, it seemed to make sense to rerefer it as well. That is the committee's recommendation. We urge your support to that recommendation.

Adopted.

HB 252 is rereferred to the Judiciary Committee.

HB 256, limiting the liability of law enforcement agencies and their employees for injuries caused by dogs used in law enforcement work. Judiciary Committee. Vote 5-0. Ought to pass with amendment, Senator Prescott for the committee.

2001-1589s
06/09

Amendment to HB 256

Amend RSA 508:18-a, I (a) as inserted by section 1 of the bill by replacing it with the following:

(a) The officer and the dog have completed training together and received certification from a nationally recognized organization required for police work or other law enforcement work;

SENATOR PRESCOTT: House Bill 256 was filed because of a court case in Massachusetts where a burglar was bitten by a police dog. The second bite was considered to be "excessive force." In order to qualify for limited liability under the provisions of HB 256, both the dog and police officer together, must be trained by one of the three certified, nationally recognized police dog training agencies in the country. Further, a police department using canines would have to have a written canine policy – and would have to follow the policy. The Judiciary Committee recommends that HB 256 be ought to pass as amended. Thank you.

SENATOR DISNARD: Senator Prescott, those departments that already use dogs, are they grandfathered?

SENATOR PRESCOTT: No. They will have to...it is a regular practice...that the canine is used with the officer. So I believe that they will have to have the certification and go by a written policy. So the policy will have to be written and it will go with the canine. Thank you, Senator Disnard.

SENATOR DISNARD: Thank you.

SENATOR D'ALLESANDRO: Senator Prescott, but a police department that already has a canine involvement and has had for a period of years, what would be their situation? Would they have to take all of what they have done and recertify it in order to qualify or would their existing rules and regulations be appropriate in terms of addressing this piece of legislation?

SENATOR PRESCOTT: I don't believe that there is any grandfather clause in this bill. The importance of the bill is that they do have training together, and that they are only doing their duty together.

SENATOR D'ALLESANDRO: So if we had a canine situation at the present time and they had their rules and regulations, they would not be applicable under this legislation, they would have to have it all re-done in order to fit?

SENATOR PRESCOTT: In order to have the limited liability under this provision, they can continue to do their work, however, they would not have the limited liability that this bill would afford.

SENATOR GORDON: I rise to address the questions that were asked by Senator D'Allesandro. There is a current law in effect, to allow police officers to use nondeadly force, and deadly force in certain circumstances. In doing so, if they do that appropriately, they have...they are not subject to prosecution. They are justified in their actions. That doesn't change. The question has been raised if the officer is authorized to use the force, but if the officer is using a dog, are they in fact justified in using a dog,

and there are strict liability provisions in regard to dog bites. So what this is intended to do is to make a clarification that just says that if in fact you have a trained officer and dog that have been trained together, and in a certified course, and that they are operating in circumstances where that police officer would be otherwise justified, that they will be immune from prosecution. It will not require people to go out and be recertified.

SENATOR O'NEIL: Senator Prescott, we were talking informally here. I was just asking where does it say in the law what those approved courses are certifications?

SENATOR PRESCOTT: Line eight and nine of the bill.

SENATOR O'NEIL: So any nationally recognized organization is satisfactory under this law?

SENATOR PRESCOTT: Yes it is.

SENATOR O'NEIL: Did any law enforcement agency testify, do you know?

SENATOR PRESCOTT: There was no testimony against the bill. There were only those in favor.

SENATOR O'NEIL: Thank you, Senator Prescott.

Amendment adopted.

Ordered to third reading.

HB 271, relative to criminal liability for the conduct of another. Judiciary Committee. Vote 5-0. Ought to pass, Senator Gordon for the committee.

SENATOR GORDON: House Bill 271 deals with what is traditionally called "accomplice liability." That is someone who aids or abets somebody in the commission of a crime. They can be prosecuted for being an accomplice. There is a model code, which is adopted through the states that define accomplice liability. That currently is in our law. But the courts in this state have interpreted it in a manner which is inconsistent with the way that it is interpreted in other states. What this would do is add language to the current statute that clarifies the intent and purpose of accomplice law so that it would be consistent with the model code as interpreted in other states. This bill was requested by the Attorney General's Office.

Adopted.

Ordered to third reading.

HB 277-L, clarifying the penalties for violations of statutes or ordinances where no penalty is specified. Judiciary Committee. Vote 5-0. Ought to pass with amendment, Senator Gordon for the committee.

2001-1595s

06/01

Amendment to HB 277-LOCAL

Amend the bill by replacing section 2 with the following:

2 Regulation of Hawkers, Peddlers, and Vendors; Enforcement of Ordinances and Regulations. Amend the introductory paragraph of RSA 31:102-a to read as follows:

31:102-a Hawkers, Peddlers and Vendors. The governing board of a city, town or village district may adopt, by ordinance or regulation, provisions for the licensure and regulation of itinerant vendors, hawkers, peddlers, traders, farmers, merchants, or other persons who sell, offer

to sell, or take orders for merchandise from temporary or transient sales locations within a town or who go from town to town or place to place within a town for such purposes. *Any person who violates any provision of such ordinance or regulation shall be guilty of a violation, and each continuing day of violation after notice shall constitute a separate offense.* A city, town, or village district shall be specifically prohibited, however, from licensing or regulating a candidate for public office in the process of obtaining signatures on nomination papers, who seeks to have [his] *the candidate's* name placed on the ballot for the state general election by submitting nomination papers under RSA 655:40. Provisions adopted under this section shall be in addition to any requirements imposed by the state under either RSA 320 or RSA 321 and may include, but shall not be limited to:

Amend the bill by replacing section 4 with the following:

4 New Section; Minimum Housing Standards; Enforcement of Minimum Standards. Amend RSA 48-A by inserting after section 14 the following new section:

48-A:15 Enforcement of Minimum Standards. In municipalities which have not established a public agency as described in RSA 48-A:3, a violation of the minimum standards set forth in RSA 48-A:14 shall be a violation, and each *continuing* day of violation *after notice* shall be a separate offense.

SENATOR GORDON: House Bill 277 establishes that a person who violates any requirement created by a statute or municipal regulation, enacted pursuant to enabling statute, where the statute neither specifies the penalty or offense classification, shall be deemed to be guilty of a violation. What we have done through our enabling statutes is given municipalities the authority to create certain offenses, but we haven't defined what those offenses would be. This basically says that if it undefined, otherwise, it would be considered a violation. We did provide an amendment, which I think is important, that limits communities with regard to subsequent violations. That is what the legislation provides... you can have a violation for every day that you do something. What our restrictive amendment says is that you can only have one violation unless you have notice. So once you have the notice of the one violation, if you continue to do it, you can have subsequent violations, but only after notice that you have done something wrong. We ask that you pass this with amendment.

Amendment adopted.

Ordered to third reading.

HB 315-FN, relative to the registration of criminal offenders. Judiciary Committee. Vote 4-0. Ought to pass with amendment, Senator Fernald for the committee.

2001-1587s

04/01

Amendment to HB 315-FN

Amend RSA 651-B:4, I (b) as inserted by section 1 of the bill by replacing it with the following:

(b) Any nonresident sexual offender or offender against children who enters this state for the purpose of employment, with or without compensation, or to attend any public or private educational institution for a period exceeding 14 consecutive days or for an aggregate period of time exceeding 30 days during any calen-

dar year is required to report to the local law enforcement agency having jurisdiction over the place of employment or school within 10 days of the nonresident offender entering the state for employment or schooling, and additionally within 10 days after any change of place of employment or schooling. In the event a nonresident offender required to register under this paragraph does not have a principal place of employment, the offender shall register with the department in Concord. Upon the nonresident offender's initial registration, the local law enforcement agency or the department shall notify the offender of the offender's duty to report under this chapter. The offender shall report the address of the offender's place of employment or schooling while in the state, the address where the offender resides out of state, and other information required by department rules adopted in accordance with RSA 651-B:8. Such report shall also be made annually within 30 days after each anniversary of the person's date of birth, and additionally within 10 days after any change of address or place of employment or schooling.

Amend the bill by replacing section 2 with the following:

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

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

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

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

2001-1587s

AMENDED ANALYSIS

This bill specifies procedures for reporting by criminal offenders who are employed in this state for a certain period of time or are attending any public or private educational institution in this state to register in New Hampshire as a criminal offender.

This bill is a request of a department of justice.

SENATOR FERNALD: This bill has to do with New Hampshire's version of Megan's Law. Megan's Law currently applies to people who live in-state. It does not apply to convicted sexual offenders who may be in-state because of employment or schooling on a temporary basis. So this bill is intended to plug that hole and to require those people to register, as well. The committee voted in favor of this and we ask for your support.

SENATOR BARNES: What does the amendment do, Senator?

SENATOR FERNALD: The amendment actually doesn't change the intent or the sense of the bill, but there were some wording problems. As it was originally worded, it said that anybody who is a convicted sexual offender and works in New Hampshire and anybody who goes to school in New Hampshire has to register. They really didn't mean that they wanted everybody that goes to school in New Hampshire to register under Megan's Law, just the people who are convicted felons who are going to school in New Hampshire. We had to clean up the language a little bit.

SENATOR BARNES: Thank you.

SENATOR FERNALD: You're welcome.

Amendment adopted.

Ordered to third reading.

HB 357, relative to periodic payments of judgments. Judiciary Committee. Vote 5-0.

Ought to pass with amendment, Senator Gordon for the committee.

2001-1594s

06/04

Amendment to HB 357

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

1 Periodic Payment of Judgments; Hearing Required. Amend RSA 524:6-a to read as follows:

524:6-a Periodic Payment of Judgments. Whenever judgment is rendered against any person in this state, the court in which the judgment is rendered shall either at the time of rendition of the judgment inquire of the defendant as to the defendant's ability to pay the judgment in full or, upon petition of the plaintiff after judgment, order the defendant to appear in court for such inquiry. The court may at either time order the defendant to make such periodic payments as the court in its discretion deems appropriate. If the court orders the defendant to make periodic payments at the time of rendition of judgment, the order shall not provide for payments to begin until after the appeal period has expired. Failure to make such periodic payments shall constitute civil contempt of court. The court may order the appropriate agencies to make an investigation and recommendation as to the defendant's ability to pay the judgment. The judgment may be enforced against any property of any kind of the debtor, except such property as is now exempt from attachment or execution. *Unless the parties otherwise agree, after an order for periodic payments has been issued by the court, no writ of execution shall be issued by the court without prior notice to the defendant.*

2 Effective Date. This act shall take effect January 1, 2002.

2001-1594s

AMENDED ANALYSIS

This bill requires that, unless the parties agree otherwise, notice be given to the defendant before a judge may issue a writ of execution in cases where an order for periodic payments has been issued against a judgment debtor.

SENATOR GORDON: House Bill 357 requires a hearing in order for a judge to change an order for periodic payments made against a judgment debtor, unless the parties otherwise agree or no objection is filed. This deals with a specific situation where somebody has agreed to make periodic payments, that is, that they owe somebody money and the court has ordered them to pay and they can't pay the full amount. So what happens at that point in time is that being unable to pay the full amount, the court orders them to pay periodic payments, to pay a certain amount over time. What happens is, the plaintiff in that case, is still able to go to the court and get what is called a writ of execution. A writ of execution allows a sheriff to go and sell that person's property. So what may happen is that an individual may go to court and enter into agreement to make periodic payments, and then have the plaintiff go and still get a writ of execution on their home. People didn't feel that that was fair. So what this bill will require with the amendment, is that if the court is going to issue a subsequent writ of execution, it has to be at the hearing, with the court order.

Amendment adopted.

Ordered to third reading.

HB 444, relative to mental health services and records. Judiciary Committee. Vote 5-0. Ought to pass with amendment, Senator Gordon for the committee.

2001-1586s

01/04

Amendment to HB 444

Amend the bill by replacing all after section 2 with the following:

3 Reference Change. Amend RSA 135:17-a, II to read as follows:

II. If the defendant is to undergo treatment to restore competency, he or she may be treated in the state mental health system or at the secure psychiatric unit [~~if the criteria set forth in RSA 135-C:27 are met~~] **only under an order for involuntary admission or involuntary emergency admission ordered by the district court or probate court having jurisdiction pursuant to RSA 135-C.** In all other cases, the accused shall, if otherwise qualified, be admitted to bail. The court may order bail supervision by the division of field services and impose such conditions, in addition to the appropriate course of treatment to restore competency, as the court deems necessary to ensure the appearance of the defendant for further proceedings in the case, and the safety of the defendant and the community.

4 Definition Clarified. Amend RSA 171-B:2, IV to read as follows:

IV. The person has mental retardation, **as defined in the most current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association;** and

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

2001-1586s**AMENDED ANALYSIS**

This bill provides certain procedural protections for individuals temporarily admitted by temporary revocation of conditional discharge or by an involuntary emergency admission when a longer period of admission is determined necessary and authorizes rulemaking regarding record retention.

SENATOR GORDON: This bill provides certain procedural protection for individuals temporarily admitted by temporary revocation of conditional discharge or by an involuntary emergency admission when a longer period of admission is determined necessary and authorizes rulemaking regarding record retention. This was requested by the Department of Health and Human Services. That doesn't tell you a lot but what it does do is say that there are certain circumstances where people are admitted, involuntarily admitted, because they may be in need of psychiatric care. What we would like to do is to be able to have the ability to allow them to go out on conditional discharges. Having gone out on a conditional discharge, be able to be, if in fact it proves unsuccessful under the conditional discharge or problems arise, to be able to have them recommitted easily. That would make it easier to reintroduce people in the community and make it a more effective process for the Department of Health and Human Services. They have requested this bill and we believe that it is appropriate.

Amendment adopted.

Ordered to third reading.

HB 446, relative to spousal and child support enforcement. Judiciary Committee. Vote 5-0. Ought to pass, Senator Fernald for the committee.

SENATOR FERNALD: This is a bill that was requested by the Department of Health and Human Services, the office of Child Support Enforcement. It is really a housekeeping bill. There are three sections to the bill. In the first section, a statutory reference is added. Child support orders can come under a divorce statute or under the domestic violence statute, so they have added the reference to the divorce statute. In the second section of the bill there was simply an incorrect reference and we corrected it, or the department did, and we are following along. In the third section of the bill, also, there was a change in reference. We have a relatively new statute called 546-B which has to do with interstate enforcement support orders, and this is really just housekeeping. The committee approved it unanimously. I am ready to answer Senator Barnes question.

SENATOR BARNES: Senator Fernald, what does this do? Is our law that we have now working to get these deadbeat dads and moms getting the money back and get the support to the families? Is this something that is going to make it better?

SENATOR FERNALD: Yes. This was requested by the Child Support and Enforcement Office.

SENATOR BARNES: How is it going to make it better? Are we going to catch more of those birds out there?

SENATOR FERNALD: It makes our child support enforcement law more consistent with the other laws that we have on the books. We have a child support enforcement law. We have a divorce law. We have a domes-

tic violence law. We have an interstate enforcement law. The problem was that we have been changing things along the way and we haven't made all of the reference changes that we should have made. As I mentioned, the second section of the bill is simply a mistake in the statute books and we are correcting it.

SENATOR BARNES: Enrolled Bills didn't catch it?

SENATOR FERNALD: I guess not. That committee was really slack at one point. But we have a good team now and we are going to catch them all.

SENATOR BARNES: That was a plug for our new Enrolled Bills chairman.

SENATOR FERNALD: And the first and third section of the bill are to put in references that are needed that are not there now, so that the child support enforcement office can do a better job.

SENATOR BARNES: As a lawyer, have you had dealings with these deadbeat folks?

SENATOR FERNALD: I have had plenty of dealings with deadbeats.

SENATOR BARNES: Well we are talking about deadbeat dads and moms.

SENATOR FERNALD: Oh, I have had some of those, too, but for the most part, if you are a lawyer, if someone is dealing with Health and Human Services to collect child support, they are not dealing with a lawyer because the child support enforcement office is helping them out, they don't have to pay. It is just a comment, not a criticism. Lawyers are usually involved in different parts of the problem, but not usually in that part.

SENATOR BARNES: You are happy with it?

SENATOR FERNALD: I am happy with it. I would appreciate your vote and your questions.

Adopted.

Ordered to third reading.

HB 466, relative to the selection of replacement justices for supreme court justices who are disqualified to hear cases. Judiciary Committee. Vote 4-1. Rereferred, Senator Pignatelli for the committee.

SENATOR PIGNATELLI: The intent of HB 466 is to make vacancy appointments at the Supreme Court as neutral as possible by having names drawn by lot. The pool of prospective justices would be from retired Supreme Court Justices and retired Superior Court Judges. However, the Judiciary Committee had some concerns with the bill, especially how "qualified to serve" would be defined. The committee further asked how can the constitution require that judges retire at age 70, yet they are presumed to be qualified to serve in this capacity. As the Judiciary Committee has already acted on legislation to establish a committee to look at how appellate cases are handled in this state, it was felt that some insight into this matter might also come forward. Because of the concerns with this bill, the Judiciary Committee recommends that HB 466 be rereferred to committee.

SENATOR BARNES: Senator Pignatelli, can you tell me who the one vote was...and can that one vote get up and tell us why they didn't go along with the committee?

SENATOR PIGNATELLI: Well, I was not that one vote. That one vote was Senator Roberge and you will have to ask her if she cares to speak on this bill.

SENATOR BARNES: Senator Roberge, can you tell me why you voted in opposition to this bill?

SENATOR ROBERGE: **TAPE INAUDIBLE**

SENATOR BARNES: So the only thing is that you wanted to pass it, you had no other problems with it?

SENATOR ROBERGE: Right.

SENATOR BARNES: Thank you.

Adopted.

HB 466 is rereferred to the Judiciary Committee.

HB 475, establishing a commission for the development of a statewide protocol for interviewing victims of sexual assault crimes. Judiciary Committee. Vote 5-0. Ought to pass with amendment, Senator Roberge for the committee.

2001-1588s

04/01

Amendment to HB 475

Amend subparagraph I (a) as inserted by section 2 of the bill by replacing it with the following:

(a) Two members of the house of representatives, one each from the children and family law and executive departments and administration committees, appointed by the speaker of the house.

Amend subparagraph I (n) as inserted by section 2 of the bill by replacing it with the following:

(n) One representative from the New Hampshire Coalition Against Domestic and Sexual Violence, appointed by the executive director of the New Hampshire Coalition Against Domestic and Sexual Violence.

Amend paragraph I as inserted by section 3 of the bill by replacing it with the following:

3 Duties. The duties of the commission shall be to:

I. Develop and design a standardized, statewide protocol and implementation plan for interviewing victims of sexual assault crimes, which at a minimum may include:

(a) Procedures for avoiding multiple interviews of the alleged victim.

(b) Procedures to ensure that the initial investigative interview and any subsequent interviews are conducted by a certified forensic interviewer.

(c) Procedures to ensure that the initial and any subsequent interviews be audiotaped and videotaped with due consideration of consent issues.

(d) A definition of "investigative interview" and guidelines for pre-investigative interviews.

(e) Procedures requiring law enforcement officials to conduct the interviews as soon after the allegation of sexual assault or sexual abuse as practical.

(f) Provisions for the creation of a review panel to conduct regular, ongoing reviews of the protocols and related matters.

SENATOR ROBERGE: House Bill 475 establishes a commission for the development of a statewide protocol for interviewing victims of sexual assault crime and is a request of the study committee relative to investigations, trials, convictions and sentencing sex offenders enacted by the laws of 1999, chapter 89 as amended in 2000, chapter 81. The commission would seek to establish guidelines for conducting interviews of victims of sexual assault crimes. Establishing these protocols and guidelines will increase credibility within the court system, and will provide better treatment of those involved in these difficult cases and will work better for all of the parties involved. The Judiciary committee recommends ought to pass as amended. Thank you.

Amendment adopted.

Ordered to third reading.

HB 495, relative to judicially appointed officials. Judiciary Committee. Vote 3-2. Rereferred, Senator Prescott for the committee.

SENATOR PRESCOTT: House Bill 495 sought to adopt a procedure for courts to follow in appointments of officials by the courts. The provisions of HB 495 were broad-sweeping and would have had a number of unintended consequences. One of these would have been to make the probate process extremely complicated – the opposite direction the probate court and the legislature has been working toward. Because of the problems in HB 495, the Judiciary Committee recommends that HB 495 be rereferred to committee. Thank you, Mr. President.

Adopted.

HB 495 is rereferred to the Judiciary Committee.

HB 509, establishing a statute of limitations on spousal support orders. Judiciary Committee. Vote 5-0. Ought to pass with amendment, Senator Roberge for the committee.

2001-1585s

05/09

Amendment to HB 509

Amend the bill by replacing section 2 with the following:

2 Divorce; Alimony; Statute of Limitations Added. Amend RSA 458:19, I to read as follows:

I. Upon motion of either party for alimony payments, the court shall make orders for the payment of alimony to the party in need of alimony, either temporary or permanent, for a definite or indefinite period of time, if [it] *the motion for alimony payments is made within 5 years of the decree of nullity or divorce and the court* finds that:

SENATOR ROBERGE: Currently there is no limitation on when a spouse could come back to court for alimony. When a couple divorces, the process takes into consideration all of the possessions and assets of the couple and awards them accordingly. After a divorce, there must be some time when people are ready to move on with their lives and say the marriage is over. The Judiciary Committee **TAPE CHANGE** amendment sets the limitation at 5-years during which a spouse may come to court and ask for alimony. House Bill 509 in no way impacts or affects child support or the continuation of alimony that has been awarded by the court. The Judiciary committee recommends that HB 509 be ought to pass as amended. Thank you.

Amendment adopted.

Ordered to third reading.

HB 588, relative to examination of persons called as jurors. Judiciary Committee. Vote 5-0. Ought to pass with amendment, Senator Gordon for the committee.

1002-1611s
08/09

Amendment to HB 588

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

AN ACT establishing a Merrimack county superior court jury selection pilot program.

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

1 Merrimack County Superior Court Jury Selection Pilot Program. There is established a pilot program regarding the examination of prospective jurors by judges and counsel. In addition to the provisions of RSA 500-A:12, the following provisions shall be incorporated into jury selection in Merrimack county superior court:

I. The court shall instruct the panel of prospective jurors prior to jury selection as to:

(a) The nature and purpose of the selection process.

(b) The nature of the case to be presented.

(c) The specific issues for resolution.

(d) A summary of the law to be used in their consideration of the evidence.

(e) Any controversial aspects of the trial likely to invoke bias.

II. Counsel for each party shall be allowed a reasonable amount of time to address the panel of prospective jurors for the purpose of explaining such party's claims, defenses, and concerns in sufficient detail to prompt jury reflection, probing, and subsequent disclosure of information, opinion, bias, or prejudices which might prevent a juror from attaining the requisite degree of neutrality required.

III. The trial judge shall examine the prospective jurors. Upon completion of the judge's initial examination, counsel for each party shall have the right to examine, by oral and direct questioning, any of the prospective jurors in order to enable counsel to intelligently exercise both peremptory challenges and challenges for cause. During any examination conducted by counsel for the parties, the trial judge shall permit liberal and probing examination calculated to discover bias or prejudice with regard to the circumstances of the particular case. The fact that a topic has been included in the judge's examination shall not preclude additional non-repetitive or non-duplicative questioning in the same area by counsel.

IV. The scope of the examination conducted by counsel shall be within reasonable limits prescribed by the trial judge's sound discretion. In exercising his or her sound discretion as to the form and subject matter of voir dire questions, the trial judge shall consider, among other criteria, any unique or complex elements, legal or factual, in the case and the individual responses or conduct of jurors which may evince attitudes inconsistent with suitability to serve as a fair and impartial juror in the particular case. Specific unreasonable or arbitrary time limits shall not be imposed. The trial judge shall permit counsel to conduct voir dire examination without requiring prior submission of the questions unless a particular counsel engages in improper questioning. For purposes of this section, an "improper question" is any question which, as its domi-

nant purpose, attempts to precondition the prospective jurors to a particular result, indoctrinate the jury, or question the prospective jurors concerning the pleadings or the applicable law. A court shall not arbitrarily or unreasonably refuse to submit reasonable written questionnaires, the contents of which are determined by the court in its sound discretion, when requested by counsel.

V. Each party shall have 5 preemptory challenges with which to remove prospective jurors.

VI. No later than December 1, 2003, the chief justice of the superior court shall report findings on this program to the president of the senate, the speaker of the house, the governor, and the state library. The report shall include a recommendation to terminate, continue, or expand the program.

2 Repeal. Section 1, establishing the Merrimack county superior court jury selection pilot program, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect December 31, 2003.

II. The remainder of this act shall take effect January 1, 2002.

2001-1611s

AMENDED ANALYSIS

This bill establishes a pilot program in Merrimack County Superior Court to change the procedure for the examination of prospective jurors.

SENATOR GORDON: This is one of the more interesting bills that we heard this year. House Bill 588 would allow a direct voir dire from attorneys in jury selection. Many of you may not realize it because you see it on TV, you often see attorneys questioning the jurors to see whether they are qualified. Most cases in the state of New Hampshire, that doesn't occur. All of the questions are asked by the judge. If you are an attorney, and you feel that there is a particular question that should be asked, you submit that to the judge, and if the judge feels that it is appropriate, then he or she will ask the juror those questions. The theory behind that is that you would not want the attorneys to be building rapport with the jurors through this process that might impact the case or bias the case in some particular way. On the other hand, attorneys feel that by having the opportunity to directly examine witnesses, they can eliminate more biases that witnesses might have and get a better idea of whether the jurors are suited to sit on the case. The bill, as it came to us, would have adopted this procedure of direct questioning by attorneys and to adopt that procedure statewide. The committee didn't feel that it would be appropriate to do that. The court also testified. There was only one party testifying against that and that was the court. The court testified in opposition because first, one of the reasons that I gave you in regard to injecting bias in the process or the possibility of doing that, but also because this would be cumbersome and extend the amount of time that it takes to select jurors, and it would be expensive to the courts. So in doing that, what we decided to do was to do a pilot and do it in Merrimack County for two years. To do it in Merrimack County because it would be convenient to the chief justice of the Superior Court, so that he would be available to see it. But to do it in Merrimack Country, a pilot for two years, to allow it to take place in the Superior Court here, to see if in fact it has the impact that the court says it is going to have, and then have the Chief Justice of the Superior Court make a report back as to the effect that it has had on the court system, positive or negative. The one other change that was made by the committee, was to change the

number of preemptory challenges. Each party in a case today, can automatically, regardless of cause, ask that three potential jurors be eliminated from the jury. At the suggestion of Senator Pignatelli, that was increased. In this particular case, for purposes of the pilot, from three to five preemptory challenges. We would ask you to support the committee and make this ought to pass with the amendment.

Amendment adopted.

Ordered to third reading.

HB 616, clarifying sessions to be held at the satellite district court in Durham. Judiciary Committee. Vote 3-2. Ought to pass, Senator Pignatelli for the committee.

SENATOR PIGNATELLI: House Bill 616 clarifies the current law that sessions are to be held at the satellite district court in Durham and states that cases arising from the towns of Durham, Lee and Madbury are to be heard in Durham. House Bill 616 was filed because of the consolidation of the district courts initiative and the prospective closing of the Durham District Court. The people from the towns of Durham, Lee and Madbury are not asking for anything new, just to maintain the status quo and be able to maintain their part-time district court in Durham. The courthouse is an integral part of the downtown. The night court is especially convenient for the police officers of the towns, many of whom work only part-time and are not available during the day to go to court. This court serves the communities well and the towns would like to see it continue. The Judiciary Committee recommends that HB 616 be ought to pass. Thank you.

SENATOR WHEELER: I don't want to belabor the issue, I just want to make sure that there is something in the Permanent Journal that indicates the importance of this issue for the towns of Durham, Lee and Madbury. That Durham is unique with 14,000 part-time residents. On any given day, the population of Durham is the same as the population of Dover. There is not good transportation from Durham, Lee and Madbury to Dover. Most of the people that we are talking about probably don't have their own cars or access to private transportation. We are truly just clarifying the current statute which does already say that the court shall hold sessions regularly at the principal court location and elsewhere in the district as justice may require. We are defining that more specifically in the statute saying that cases arising from the towns of Durham, Lee and Madbury shall be held regularly at a court facility in the town of Durham. We feel that is as justice requires. It won't cost any more money. It is the status quo. Our rent is \$61,000 for two years. It is made up for in fines. Any staff would have to exist also in Dover to take care of the population of Durham, Lee and Madbury. So thank you very much for your consideration of this.

SENATOR BARNES: Senator Pignatelli, can you tell me what the concerns were on this bill and what the two people who voted against it, what their concerns were?

SENATOR PIGNATELLI: Well I can tell you what I thought their concerns were by one person. That was an agreement some time ago that there would be a consolidation and things have changed since then.

SENATOR BARNES: Consolidation how?

SENATOR PIGNATELLI: The Dover and Durham court would be consolidated into one court.

SENATOR BARNES: That was the concerns of others?

SENATOR PIGNATELLI: Yes, but I don't want to really argue their part, because I am not in favor of their concerns. Even after hearing their concerns I was still able to support the bill along with Senator Prescott and one other member of the committee.

SENATOR BARNES: I was just wondering what their concerns were?

SENATOR PIGNATELLI: That was one of their concerns.

SENATOR BARNES: Thank you very much.

Adopted.

Ordered to third reading.

HB 622, relative to the time period for the executive council to confirm nominees to the supreme court. Judiciary Committee. Vote 5-0. Ought to pass, Senator Roberge for the committee.

SENATOR ROBERGE: House Bill 622 provides that a nominee for the NH Supreme Court shall not be confirmed within 60 days of such nomination and that two separate public hearings shall be required prior to the confirmation. House Bill 622 is a "stand alone" judicial reform bill. By allowing a waiting period between the time of nomination to the Supreme Court, by the Governor, and confirmation by the Executive Council, it prevents a "lame duck" governor from rushing judicial nominations through. House Bill 622 basically prevents the fast-tracking of judicial nominations and guarantees that the public will have time to make their opinions known to the members of the Executive Council. When these appointments are made for life, 60 days is not too long to wait for confirmation. The Judiciary Committee recommends that HB 622 be ought to pass. Thank you.

SENATOR D'ALLESANDRO: I would like to speak in opposition to this bill. I think that I come from a unique perspective. I am probably the only person in the chamber that served on the Executive Council. I spent six years there. At that time, instituted the process along with my colleagues, of public hearings. The first public hearings for nominees were held during the time that I spent on the Executive Council. We started it actually with the Public Utilities Commissioner by the Name of Michael Love. We had the first public hearing, really I think, in the history of the Executive Council. That process has been kept in terms of judicial nominees. I think that the real test is in the nominating process. When a person is nominated and the governor, by executive order, has created a nominating committee, those nominees are screened. Then they come before the council, that nomination is laid on the table and a public hearing is set. That public hearing is announced well in advance. The public hearing is set. After the public hearing, a confirmation process is in place. That confirmation process usually takes place within 30, sometimes 60 days, depending upon how the hearing is scheduled. It seems to me, one public hearing is enough. At a second public hearing, you would be reiterating the same facts that occurred at the first public hearing. I believe that the success of the process is again, in nominating qualified people through a screening process. Those names brought before the council. At that time the council establishes a public hearing, public input is taken at that hearing. Debate then takes place at the council and you can either confirm or reject the nominee. I will say this, I believe that, again, one of the few times that judicial nominees were rejected was when I was on the council. So the process has worked. It has worked

effectively. I think that what we have done to make that process better will prove to be a substantial improvement. I really don't think that we need this. We are well on our way to good nominations and a better process. I don't think that two hearings is really the way to go. Thank you Mr. President.

SENATOR FLANDERS: Senator Gordon, **TAPE INAUDIBLE** to pick judges to recommend to the governor. If that is in effect, do we need this? Isn't this kind of undoing what you are trying to do in the constitutional amendment?

SENATOR GORDON: I see them as two separate issues. The first issue deals just as Senator D'Allesandro mentioned, with the selection process. The governor has put in place a selection process through executive order. And a constitutional amendment that we enacted would put that into the constitution to have a process in place to make sure that we have the best qualified individuals selected as judges in the state, which I think is appropriate. What this does is to put in place two things. That is that once a person has been selected by...as you know that process then provides a list of candidates to the governor. Then the governor makes a selection of who she might want to have out of that list of candidates. What this does is it says that after she makes that selection, that there has to be a period of time that goes by before that person can be confirmed. In this case, 60 days. What that does is to give the public an opportunity to scrutinize the qualifications of the candidate and to make a determination as to whether or not they feel that that candidate is appropriate. The second thing that it does is to provide for two public hearings. I understand Senator D'Allesandro's concern. Actually up until two years ago there were no hearings at all on judges in the state, and in fact, we passed legislation requiring hearings two years ago. Since then they have been holding the hearings. There have been issues regarding the hearings, when they have been scheduled, how soon after the nomination, and how soon people have been confirmed. This is an attempt...in this particular piece of legislation, to address those particular concerns and those issues.

SENATOR BELOW: Mr. President, I guess I rise in opposition to this bill. I think that in concept, it sounds like a nice idea, but I think that it raises a question of infringing on the constitutional separation of powers. Part II, Article 46, states that "all judicial officers shall be nominated and appointed by the Governor and Council, and that every such nomination shall be made at least three days prior to such appointment and no appointment shall take place unless a majority of the council agree thereto." That is fairly specific in prescribing who has the authority to make nomination and appointments and setting some perimeters on that. Of course Part I, Article 37, the separation of powers says, "in the government of this state, the three essential powers thereof, to wit, the legislative, executive, and judicial, ought to be kept as separate from, and independent of each other, as the nature of a free government will admit, or as is consistent with the chain of connection that binds the whole fabric of the constitution in one indissoluble bond of union and amity." I think that in that sense, I am not sure this is appropriate for us to be so prescriptive in terms of how the governor and executive council do their work, and the timeframes in which they do that when the constitution already speaks to that. So I would urge defeat of this bill.

SUBSTITUTE MOTION

Senator Gordon moved to substitute rerefer for ought to pass.

SENATOR GORDON: I think that the issues that have been raised...we did know in the committee about the three day perimeter, but the three day is a minimum in the constitution. It doesn't prescribe a particular timeframe, but given the questions that have been raised, I don't think that the committee, and I am speaking without having talked to the other committee members, I don't think that we have a problem if we were to rerefer this and address it over the course of the summer and come back in January.

Adopted.

HB 622 is rereferred to the Judiciary Committee.

HB 699, relative to the rights of non-offending parents in the context of abuse and neglect cases. Judiciary Committee. Vote 5-0. Ought to pass, Senator Gordon for the committee.

SENATOR GORDON: House Bill 699 deals with the issue of non-offending parents. This comes as the result of a Supreme Court case. It, in effect, codifies the statute, the ruling in that particular case. The circumstance is this: That there may be an offending parent in a DCYF case or in an abuse or neglect case, and it would be either the father or the mother was determined to have abused or neglected a child. Then the question is, how do you deal with that? In certain circumstances, what has happened is, the child has been removed from the home, and in removing the child from the home, custody has been taken away from the parent who was not found guilty of abuse or neglect. What the court found in its recent ruling was that you cannot take the child away from a nonoffending parent without first giving that parent a hearing and having a reason for doing that. What this does is to codify that basic premise, which came out of the Supreme Court case, that you cannot take the child away from the nonoffending parent without first having a hearing.

Adopted.

Ordered to third reading.

HB 703, relative to durable powers of attorney. Judiciary Committee. Vote 4-0. Ought to pass with amendment, Senator Gordon for the committee.

2001-1590s
06/09

Amendment to HB 703

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

1 New Paragraphs; Prevention of Frauds and Perjuries; Powers of Attorney, Disability or Incompetence of Principal; Gifts; Durable Power of Attorney Document; Notification. Amend RSA 506:6 by inserting after paragraph IV the following new paragraphs:

V. An attorney in fact is not authorized to make gifts to the attorney in fact or to others unless the durable power of attorney explicitly authorizes such gifts.

VI. The following disclosure statement, signed by the principal, may accompany a durable power of attorney:

INFORMATION CONCERNING THE DURABLE POWER OF ATTORNEY

THIS IS AN IMPORTANT LEGAL DOCUMENT. BEFORE SIGNING THIS DOCUMENT YOU SHOULD KNOW THESE IMPORTANT FACTS:

Notice to the Principal: As the 'Principal,' you are using this Durable Power of Attorney to grant power to another person (called the 'Agent' or 'Attorney in Fact') to make decisions, including, but not limited to, decisions concerning your money, property, or both, and to use your money, property, or both on your behalf. If this written Durable Power of Attorney does not limit the powers that you give to your Agent, your Agent will have broad and sweeping powers to sell or otherwise dispose of your property, and to spend your money without advance notice to you or approval by you. Under this document, your agent will continue to have these powers after you become incapacitated, and unless otherwise indicated your Agent will have these powers before you become incapacitated. You have the right to retain this Power and not to release this Power until you instruct your attorney or any other person who may hold this Power of Attorney to so release it to your Agent pursuant to written instructions. You have the right to revoke or take back this Durable Power of Attorney at any time, so long as you are of sound mind. If there is anything about this Durable Power of Attorney that you do not understand, you should seek professional advice.

Principal

The language required by this paragraph shall not confer any powers to the agent that are not otherwise contained in the durable power of attorney.

VII. An agent, prior to acting in the capacity of agent, shall execute and affix to the power of attorney an acknowledgment in substantially the following form:

I, _____, have read the attached power of attorney and am the person identified as the Agent for the Principal. I hereby acknowledge that when I act as Agent or "attorney in fact," I am given power under this Durable Power of Attorney to make decisions about money, property, or both belonging to the Principal, and to spend the Principal's money, property, or both on the Principal's behalf, in accordance with the terms of this Durable Power of Attorney. This Durable Power of Attorney is valid only if the Principal is of sound mind when the Principal signs it. When acting in the capacity of Agent, I am under a duty (called a 'fiduciary duty') to observe the standards observed by a prudent person, which means the use of those powers that is reasonable in view of the interests of the Principal and in view of the way in which a person of ordinary judgment would act in carrying out that person's own affairs. If the exercise of my acts is called into question, the burden will be upon me to prove that I acted under the standards of a fiduciary. As the Agent, I am not entitled to use the money or property for my own benefit or to make gifts to myself or others unless the Durable Power of Attorney specifically gives me the authority to do so. As the Agent, my authority under this Durable Power of Attorney will end when the Principal dies and I will not have authority to manage or dispose of any property or administer the estate unless I am authorized to do so by a New Hampshire Probate Court. If I violate my fiduciary duty under this Durable Power of Attorney, I may be liable for

damages and may be subject to criminal prosecution. If there is anything about this Durable Power of Attorney, or my duties under it, that I do not understand, I understand that I should seek professional advice.

Agent

VIII. Nothing in paragraphs V-XI of this section shall render ineffective a durable power of attorney validly executed under New Hampshire law.

IX. A durable power of attorney validly executed under the laws of another state or foreign jurisdiction shall be deemed valid under New Hampshire law. Foreign powers of attorney shall be subject to the provisions of RSA 506:7.

X. The failure to meet the requirements of paragraph VI shall not impair the legal validity of an otherwise valid durable power of attorney.

2 Powers of Attorney; Limitations on the Agent. Amend RSA 506:7, IV to read as follows:

IV.(a) The court may hold hearings, make orders and decrees, and take other actions *that are* necessary or proper [~~to make~~] *in making* determinations on matters presented by a petition filed under paragraph III.

(b) When a gift or transfer made by an agent is challenged in a petition filed under paragraph III of this section, the gift or transfer shall be presumed to be lawful if the durable power of attorney is accompanied by the disclosure statement and acknowledgement drafted in accordance with RSA 506:6, VI and VII, and explicitly authorizes gifts or transfers. However, if the petitioner establishes that the agent made a transfer for less than adequate consideration, and the transfer is not explicitly authorized by a durable power of attorney drafted in accordance with RSA 506:6, VI and VII, the agent shall be required to prove by a preponderance of evidence that the transfer was authorized and was not a result of undue influence, fraud, or misrepresentation.

3 Effective Date. This act shall take effect January 1, 2002.

2001-1590s

AMENDED ANALYSIS

This bill specifies that a durable power of attorney does not authorize an attorney in fact to make gifts unless the durable power of attorney explicitly authorizes such gifts. This bill also enacts explanatory language that may be included in a durable power of attorney.

SENATOR GORDON: House Bill 703 deals with durable powers of attorney. Many of you, I suspect, are familiar with durable powers of attorneys. They are documents that you generally put into effect, where you, as an individual, appoint a person to act on your behalf in financial matters. In those particular circumstances, that agent can basically do with your property, what you can do with your property yourself. The concern that has been raised with regard to durable powers of attorney is that they can be abused. In certain circumstances, people may convert property belonging to the principal in a durable power of attorney, and put to their own use inappropriately. The bill came to the Senate and it required that certain disclosures be put into the durable powers of attorney themselves. There was concern about doing that in regard to what effect that it might have on prior powers of attorney, but also

what effect that it might have on powers of attorney in the future. So what we have done in our amendment is to make the disclosure statements optional, to be added to the powers of attorney. But if in fact you add those statements, they create certain presumptions, and the presumptions are that if you, as an agent, convert property and give it to yourself...take property and it comes into your possession, then you have to prove, as a result of that, that you have acted appropriately. That it was not an inappropriate transfer. We think that this is a good balance on a going forward basis. It also provides and makes it easier for Health and Human Services or for the Attorney General's Office to prosecute cases where people have abused powers of attorney. We think that it strikes a good balance on a going forward basis.

SENATOR FERNALD: Senator Gordon, I am rereading the amendment and I recall on VI which is towards the beginning of the amendment, we changed "shall" to "may"?

SENATOR GORDON: That is correct.

SENATOR FERNALD: Then on the bottom of that same page in the calendar, VII, we also have a "shall". Was that our intent to leave that as "shall" or was that supposed to be "may"?

SENATOR GORDON: I think that it should have been a "may".

SENATOR FERNALD: We may have meant to say "may"?

SENATOR GORDON: I think that we did intend to say "may". Yes, I believe that it should have been a "may". If someone wanted to put that on the table, we could amend that, Senator Fernald.

Senator Wheeler moved to have **HB 703**, relative to durable powers of attorney, laid on the table.

Adopted.

LAI D ON THE TABLE

HB 703, relative to durable powers of attorney.

HB 390, relative to the Live-Birth Infants Protection Act. Public Institutions, Health and Human Services Committee.

MINORITY REPORT: Ought to pass with amendment, Senator McCarley for the minority. Vote 2-3

MAJORITY REPORT: Ought to pass with amendment, Senator Boyce for the majority. Vote 3-2

2001-1606s

01/09

Amendment to HB 390

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

AN ACT relative to the Live-Birth Infants Protection Act.

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Live-Birth Infants Protection Act. Amend RSA 132 by inserting after section 21 the following new subdivision:

Live-Birth Infants Protection Act

132:22 This subdivision shall be known and may be cited as the Live-Birth Infants Protection Act.

132:23 Definition.

I. In this subdivision "live-birth" means the complete expulsion or extraction from its mother of a child, irrespective of the duration of the

pregnancy, who after such expulsion or extraction, breathes, or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached. Heartbeats are to be distinguished from transient cardiac contractions; respiration's are to be distinguished from fleeting respiratory efforts or gasps. The child shall receive appropriate comfort care.

II. The definition under paragraph I shall apply whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.

SENATOR MCCARLEY: I am actually going to defer and ask the Chair of the committee, Senator Wheeler, to speak to the ought to pass with amendment motion. Thank you.

SENATOR WHEELER: This is somewhat complicated because Senator McCarley and I had hoped to find a compromise where the entire committee could have been unanimous, and in that spirit, offered our amendment. But as that didn't turn out to be the case, and as the time has drawn on, we really feel that in the interest of having something passed that is worthwhile, that we would like to substitute the original version as it came from the House, and I am not certain how to do that. So rather than have support for the minority amendment as it is printed in the calendar, I would like support either for the bill as it came to us from the House or I have that as a floor amendment. I am asking you to defeat the minority amendment.

Amendment failed.

**2001-1605s
01/09**

Amendment to HB 390

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

AN ACT relative to the Live-Birth Infants Protection Act.

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Live-Birth Infants Protection Act. Amend RSA 132 by inserting after section 21 the following new subdivision:

Live-Birth Infants Protection Act

132:22 This subdivision shall be known and may be cited as the Live-Birth Infants Protection Act.

132:23 Definition.

I. In this subdivision "live-birth" means the complete expulsion or extraction from its mother of a child, irrespective of the duration of the pregnancy, who after such expulsion or extraction, breathes, or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached. The child shall receive appropriate comfort care.

II. The definition under paragraph I shall apply whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.

SENATOR BOYCE: The majority of the committee looked at the bill as it came from the House and the bill had, in the definition of "live birth" a phrase that we weren't really sure exactly what it meant, because it said that it was a product of human conception. We are not sure exactly whether that is the child or the placenta, and besides we know that that

is a child. I think that anybody who has had a newborn, knows that what leaves the mothers body is a child. So we simply changed that awkward phrase to "child" which I think that everyone understands. Then we added a short sentence at the end of that paragraph, which says that "the child shall receive appropriate comfort care." Simply meaning that once the child is born and is alive, that it should be treated as a live human being and given all of the comfort and care that you would normally give to any other newborn human being. That is all that this means. I would ask the Senate to defeat the minority amendment and then take up the majority amendment. Thank you.

SENATOR WHEELER: I want to describe a little bit to the Senate about the reason for the House passing the version that they did. The definition in the bill that came to us from the House, of live birth, is that which is found in the 1992 revision of the model state vitals statistics act and regulations, and it has been adopted by New Hampshire. Thirty-seven states and the District of Columbia, use this definition of live birth. It is a medically accurate definition. It is not expressing a particular position about abortion. It doesn't have any potential for unintended consequences as does the amendment presented by Senator Boyce. Obviously, if we are going to start defining a fetus as a child, irrespective of the duration of pregnancy, we are going to run into a lot of issues that we haven't perhaps anticipated yet, but could definitely cause problems in the future for those of us who are extremely interested in preserving the part of Roe v. Wade that keeps a women's reproductive decisions private. Therefore, I urge you to accept the definition of "live birth" as it passed the House. I do not feel...from my understanding, that the House is interested in compromising, therefore, I feel that if you would like to have a definition of "live birth" in our statutes, that this would be the appropriate one to choose. This is guaranteed of being signed into law. Some other version of it might meet a bad fate in a Committee of Conference.

TAPE INAUDIBLE

Question is on the majority amendment (1605).

A roll call was requested by Senator Barnes.

Seconded by Senator Boyce.

The following Senators voted Yes: Burns, Johnson, Boyce, Disnard, Roberge, O'Hearn, Francoeur, Barnes, O'Neil, Prescott, Klemm.

The following Senators voted No: Gordon, Below, McCarley, Flanders, Eaton, Fernald, Pignatelli, Larsen, Gatsas, D'Allesandro, Wheeler, Hollingworth, Cohen.

Yeas: 11 - Nays: 13

Amendment failed.

Senator McCarley moved ought to pass.

Question is on the motion of ought to pass.

A roll call was requested by Senator Barnes.

Seconded by Senator Pignatelli.

The following Senators voted Yes: Burns, Gordon, Boyce, Below, McCarley, Flanders, Eaton, Fernald, O'Hearn, Pignatelli, Larsen, Gatsas, D'Allesandro, Wheeler, Klemm, Hollingworth, Cohen.

The following Senators voted No: Johnson, Disnard, Roberge, Francoeur, Barnes, O'Neil, Prescott.

Yeas: 17 - Nays: 7

Adopted.

Ordered to third reading.

HB 652, relative to the penalties for reckless or negligent operation of a motor vehicle. Transportation Committee. Vote 4-0. Ought to pass, Senator Flanders for the committee.

TAPE INAUDIBLE

Adopted.

Ordered to third reading.

HB 669, requiring certain safety devices on freight locomotives. Transportation Committee. Vote 5-0. Rereferred, Senator O'Neil for the committee.

SENATOR O'NEIL: House Bill 669 sought to require certain safety devices known as "alerters" on freight locomotives. Passenger locomotives already require these alerters, also known as "dead man's switch." The device works by requiring that the locomotive engineer must activate the button at regular intervals. Should the locomotive engineer not respond within a certain amount of time, the device would signal the train to stop, thus preventing runaway trains. The proponents of this legislation feel it is a reasonably safety device used in many other states and in Canada and that they should be required in New Hampshire, too. The opponents feel that this should be addressed in federal law and does not belong in state law. The Transportation Committee unanimously recommends that HB 669 be rereferred to the committee. Thank you.

SENATOR BARNES: TAPE INAUDIBLE:

SENATOR O'NEIL: We did Senator Barnes.

SENATOR BARNES: What were their thoughts?

SENATOR O'NEIL: They feel very strongly that these devices should be installed.

SENATOR BARNES: Senator Eaton, we had a conversation with a Representative who was a locomotive engineer for about 30 years. We had that conversation out in the hall. You and I didn't realize that this was coming up here, because we both told him that we didn't know. Do you remember what his conversation was about this? Would you let the rest of the body know. I look at that man as a 30 year engineer.

SENATOR EATON: I think that it is a good idea to rerefer because the deadmans switch, he was saying that you can take and put a block in it and never have to worry about it. They have a new thing. A term that I have never heard, where you have to touch something every ten seconds or your train will start to shut down.

Adopted.

HB 669 is rereferred to the Transportation Committee.

Recess.

Out of Recess.

HB 2, relative to state fees, funds, revenues, and expenditures. Finance Committee. Ought to pass. Senator Barnes for the committee.

SENATOR BARNES: The committee brought this bill out ought to pass and I am going to ask the Senate to please vote against ought to pass. If you do that, I am going to offer the motion of inexpedient to legislate. We do not need HB 2.

Recess.

Out of Recess.

Motion failed.

Senator Barnes moved inexpedient to legislate.

Adopted.

HB 2 is inexpedient to legislate.

SB 138, relative to the instructional and operational costs of providing and adequate education. Finance Committee. Rerefer. Senator Barnes for the committee.

Recess.

Out of Recess.

SENATOR BARNES: The committee came out with a rerefer report. I would really appreciate it if at least 13 people shouted no on this rereferral so that I can put a substitute motion on it of inexpedient to legislate, after it is turned down. We do not need this bill. It was Senator Gordon's education bill. It ended up on 351 that got passed today.

Motion failed.

Senator Barnes moved inexpedient to legislate.

Adopted.

SB 138 is inexpedient to legislate.

SB 195, permitting the department of regional community-technical colleges to lease building space from the Pease development authority in exchange for a reduction in Pease development authority's debt owed to the state. Finance Committee. Ought to pass.

SENATOR BARNES: I hate to repeat myself, but once again, I am going to ask this fine group of Senators to turn down the ought to pass motion and if that happens, I will substitute the motion with inexpedient to legislate.

Motion failed.

Senator Barnes moved inexpedient to legislate.

SENATOR HOLLINGWORTH: Just so that the Senators know what is going on here, this is the Senate Bill that the contents of it is going to be included in an amendment that is coming forward. This bill is a Senate Bill and it is not something that we can send to the House, so there is no need to table it or to rerefer it.

SENATOR FRANCOEUR: If we vote to kill this bill, are we voting to kill the policy at the same time?

SENATOR HOLLINGWORTH: No. I don't believe so. You have already stated...the chair has stated that the content of the bill...it is late and my mouth isn't working...It is already in the amendment that you are proposing to bring to the Senate. Perhaps it would be better, maybe, if we put this on the table long enough for you to bring forth your other bill, and then we can vote on it so that there is no confusion.

Senator Barnes moved to have **SB 195**, permitting the department of regional community-technical colleges to lease building space from the Pease development authority in exchange for a reduction in Pease development authority's debt owed to the state, laid on the table.

Adopted.

LAID ON THE TABLE

SB 195, permitting the department of regional community-technical colleges to lease building space from the Pease development authority in exchange for a reduction in Pease development authority's debt owed to the state.

SB 198, expanding the authority of the sweepstakes commission to establish a 2-year pilot program for video lottery games at state liquor stores, and making an appropriation therefor. Ways and Means Committee.

Senator Gatsas moved to refer.

Senator O'Hearn moved to have **SB 198**, expanding the authority of the sweepstakes commission to establish a 2-year pilot program for video lottery games at state liquor stores, and making an appropriation therefor, laid on the table.

Adopted.

LAID ON THE TABLE

SB 198, expanding the authority of the sweepstakes commission to establish a 2-year pilot program for video lottery games at state liquor stores, and making an appropriation therefor.

HB 374, relative to surcharges on pay telephone use. Ways and Means Committee.

2001-1665s
03/10

Amendment to HB 374

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

AN ACT relative to surcharges on pay telephone use and taxes on communications services.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 6:

2 Imposition of Tax; Intrastate Communications Services; Rate Changed.
Amend RSA 82-A:3 to read as follows:

82-A:3 Imposition of Tax; Intrastate Communications Services. A tax is imposed upon intrastate communications services furnished to a person in this state and purchased at retail from a retailer by such person, at the rate of [3] 4 percent of the gross charge therefor. However, such tax is not imposed on any communications services to the extent a tax on such services may not, under the Constitution and statutes of the United States, be made the subject of taxation by the state.

3 Imposition of Tax; Interstate Communications Services; Rate Changed.
Amend RSA 82-A:4 to read as follows:

82-A:4 Imposition of Tax; Interstate Communications Services. A tax is imposed upon interstate communications services furnished to a person in this state and purchased at retail from a retailer by such person, at the rate of [3] 4 percent of the gross charge when such service is originated in this state and terminated outside this state or originated out-

side this state and terminated in this state. To prevent actual multi-state taxation of communications services that are subject to taxation under this section, any taxpayer, upon proof that that taxpayer has paid a tax in another state on such services, shall be allowed a credit against the tax imposed in this section to the extent of the amount of such tax properly due and paid in such other state. However, such tax is not imposed on communications services to the extent such services may not, under the Constitution and statutes of the United States, be made the subject of taxation by the state.

4 Rate of Tax for Biennium Ending June 30, 2003; Intrastate and Interstate Communications Services Tax. Notwithstanding RSA 82-A:3 and RSA 82-A:4, for the period beginning July 1, 2001 and ending June 30, 2003, the rate of tax shall be 6.5 percent on the gross charge for communications services purchased at retail from a retailer.

5 Prospective Repeal Date Extended for Exemption of Wooden Poles Under RSA 72:8-b. Amend 1998, 304:6, I as amended by 1999, 163:7 to read as follows:

I. Section 5 of this act shall take effect July 1, [~~2001~~] **2003**.

2001-1665s

AMENDED ANALYSIS

This bill:

I. Adds examining the assessment of surcharges on pay telephone use to the duties of the oversight committee on telecommunications.

II. Extends and increases the temporary rate of the communications services tax.

III. Increases the permanent rate of taxes on communications services from 3 percent of the gross charge to 4 percent of the gross charge.

Senator D'Allesandro moved ought to pass with amendment.

SENATOR D'ALLESANDRO: This is a bill relative to surcharges on pay telephone use. It is a simple piece of legislation. There really shouldn't be any problems.

SENATOR HOLLINGWORTH: I believe that the bill actually is a study. It isn't a surcharge on telephones. What it does is it studies the laws of telecommunications oversight study to study the high cost of telephones and to report back about the pay telephones that have no money or no revenues in it.

SENATOR D'ALLESANDRO: What the bill does is to examine the assessment of surcharges on pay telephone use.

Amendment adopted.

RECONSIDERATION

Senator D'Allesandro having voted with the prevailing side, moved reconsideration on **HB 374**, relative to surcharges on pay telephone use, whereby we adopted the committee amendment.

Adopted.

HB 374, relative to surcharges on pay telephone use.

Question is on the adoption of the committee amendment.

SENATOR D'ALLESANDRO: I ask my fellow colleagues to vote down the committee amendment on **HB 374**.

Amendment failed.

Question is on the motion of ought to pass.

Adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Fernald moved to have **HB 703**, relative to durable powers of attorney, taken off the table.

Adopted.

HB 703, relative to durable powers of attorney.

SENATOR FERNALD: I rise to offer a floor amendment. While it is being passed out I will explain. As Senators will recall, there was a mistake in the amendment as printed up in the calendar where it had the word "shall" instead of "may". This amendment changes it to "may" the way that it should be.

Senator Fernald offered a floor amendment.

2001-1676s

01/09

Floor Amendment to HB 703

Amend RSA 506:6, VII as inserted by section 1 of the bill by replacing it with the following:

VII. An agent, prior to acting in the capacity of agent, may execute and affix to the power of attorney an acknowledgment in substantially the following form:

I, _____, have read the attached power of attorney and am the person identified as the Agent for the Principal. I hereby acknowledge that when I act as Agent or "attorney in fact," I am given power under this Durable Power of Attorney to make decisions about money, property, or both belonging to the Principal, and to spend the Principal's money, property, or both on the Principal's behalf, in accordance with the terms of this Durable Power of Attorney. This Durable Power of Attorney is valid only if the Principal is of sound mind when the Principal signs it. When acting in the capacity of Agent, I am under a duty (called a 'fiduciary duty') to observe the standards observed by a prudent person, which means the use of those powers that is reasonable in view of the interests of the Principal and in view of the way in which a person of ordinary judgment would act in carrying out that person's own affairs. If the exercise of my acts is called into question, the burden will be upon me to prove that I acted under the standards of a fiduciary. As the Agent, I am not entitled to use the money or property for my own benefit or to make gifts to myself or others unless the Durable Power of Attorney specifically gives me the authority to do so. As the Agent, my authority under this Durable Power of Attorney will end when the Principal dies and I will not have authority to manage or dispose of any property or administer the estate unless I am authorized to do so by a New Hampshire Probate Court. If I violate my fiduciary duty under this Durable Power of Attorney, I may be liable for damages and may be subject to criminal prosecution. If there is anything about this Durable Power of Attorney, or my duties under it, that I do not understand, I understand that I should seek professional advice.

Agent

Floor Amendment adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Below moved to have **SB 171**, relative to the negotiation of cost items within the public employee collective bargaining process and relative to computation of leave for state police employees injured in the line of duty, taken off the table.

Adopted.

SB 171, relative to the negotiation of cost items within the public employee collective bargaining process and relative to computation of leave for state police employees injured in the line of duty.

Senator Below moved to rerefer.

SENATOR FLANDERS: This the one that we passed. When the House Bill came over we tabled this...because there was a House Bill that did all that is in this bill. We don't need it.

SENATOR BELOW: No, the House bill didn't deal with all of the issues in SB 171. That is why rerefering, I thought that those issues could be considered if they are not adequately taken care of in that other bill.

SENATOR FLANDERS: Okay. When it was presented, because I presented it...we tabled this because the House Bill when it came over, which I presented, last week, took care of all of the situations in this bill. This bill, in my opinion, should be killed.

SENATOR BELOW: That was the bill that was amended coming out of the Finance Committee, actually, just a day or two ago. Senate Bill 171 addresses a number of issues that were not addressed in that House Bill, and I think that they are important issues, relative to the state police employees. I think that those issues should be looked at in the context to how that other legislation is presented. There are other issues that haven't been discussed. They weren't discussed in that bill.

SENATOR FLANDERS: Mr. President and members of the Senate, this is a bill that...I am going by memory, because I didn't realize that you were going to do this today and I didn't bring my file on this bill. But at the time that I presented this on the floor, this was the time that we were talking about if we allowed this to happen then...again, I am going by memory...we were talking about 39 bargaining units in the state of New Hampshire. At the time, it was not believed by this body, in my opinion, that that was necessary. We were going to create a problem that we didn't need, that we should have. That is why it was tabled. Again, I urge you to kill this bill.

SENATOR MCCARLEY: I rise to speak very briefly. It is very late. Senator Below is simply asking to rerefer this bill to committee. I think that we should be able to see our way clear to do that this evening. Thank you.

SENATOR BARNES: Senator Below, you mentioned that there were several things and I only heard one. Could you give us the whole listing on it so that we can get a good idea of what is being discussed here?

SENATOR BELOW: Sure. I don't have my file on the bill either, but speaking from memory. The bill was never debated or discussed on the floor, when it came to the floor, it was put directly on the table without any discussion. One of the provisions in the bill would allow agents for bargaining groups to bargain separately. There is actually, as I understand

it, actually only two bargaining agents for the state. Within the State Employees Association, there are many subgroups, but basically there is the State Employees Association and the State Troopers Association. Right now, those as umbrella entities, in terms of having separate agents end up negotiating, essentially, separate contracts in terms with the state. The bill would have allowed them to do that separately. Right now the law requires that they both be at the table at all times when any matter is being discussed and that is something of a waste of time for the state troopers to be at the table when many issues of which are of no interest or no matter to them, are being discussed. I think that it is an unreasonable and undue burden. That is one of the substantive issues in the bill, that I think, to discuss and further consider. I think that the bill was ready to pass, but I realized that many members wanted to take some more time with it.

Adopted.

SB 171 is rereferred to the Executive Departments and Administration Committee.

RECONSIDERATION

Senator Gatsas, having voted on the prevailing side, moved reconsideration on **HB 196**, relative to the penalty for failure to license a dog or renew a dog license, whereby we ordered it to third reading.

Adopted.

HB 196, relative to the penalty for failure to license a dog or renew a dog license.

Senator Gatsas moved to have **HB 196**, relative to the penalty for failure to license a dog or renew a dog license, laid on the table.

SENATOR HOLLINGWORTH: Senator Gatsas, I presume that this is being kept as a vehicle perhaps, but I am questioning whether in fact, it can be because a fee is not...or a fine...

SENATOR GATSAS: I don't understand your question.

Adopted.

LAIID ON THE TABLE

HB 196, relative to the penalty for failure to license a dog or renew a dog license.

HB 170, repealing the legacies and succession tax. Ways and Means Committee. Ought to pass with amendment. Senator Eaton for the committee.

2001-1664s

03/04

Amendment to HB 170-FN-A

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

1 Rate of the Legacies and Succession Tax. Amend RSA 86:6, I to read as follows:

I.(a) All property within the jurisdiction of the state, real or personal, and any interest therein, belonging to domiciliaries of the state; and all real estate within the state, or any interest therein, belonging to persons who are not domiciliaries of the state; which shall pass by will, or by the laws regulating intestate successions, or by deed, grant, bar-

gain, sale, or gift, made in contemplation of death, or made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor, to any person, absolutely or in trust, shall be subject to a tax [of 18 percent of its fair market value] for the use of the state **at a rate as provided in subparagraph (b) on its fair market value**, except as provided in paragraphs II and III and RSA 86:9-a.

(b)(1) For the period beginning January 1, 2002 and ending December 31 2002, the rate of the tax shall be 13.5 percent.

(2) For the period beginning January 1, 2003 and ending December 31 2003, the rate of the tax shall be 9 percent.

(3) For the period beginning January 1, 2004 and ending December 31 2004, the rate of the tax shall be 4.5 percent.

2 Repeal. RSA 86:6, relative to taxable property and tax rate, is repealed.

3 Effective Date.

I. Section 1 of this act shall take effect January 1, 2002.

II. Section 2 of this act shall take effect January 1, 2005.

2001-1664s

AMENDED ANALYSIS

This bill reduces the rate of the legacies and succession tax by 4.5 percent per year until the tax is repealed effective January 1, 2005.

SENATOR EATON: This bill will repeal the Legacy and Successions Tax by four and one half percent over the next four years. I move ought to pass with the committee amendment.

Amendment adopted.

Senator Francoeur offered a floor amendment.

Sen. Burns, Dist 1

Sen. Gordon, Dist 2

Sen. Johnson, Dist 3,

Sen. Boyce, Dist 4

Sen. Flanders, Dist 7

Sen. Roberge, Dist 9

Sen. Eaton, Dist 10

Sen. O'Hearn, Dist 12

Sen. Francoeur, Dist 14

Sen. Gatsas, Dist 16

Sen. Barnes, Dist 17

Sen. Prescott, Dist 19

Sen. Klemm, Dist 22

2001-1675s

01/09

Floor Amendment to HB 170-FN-A

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

AN ACT relative to state fees, funds, revenues, and expenditures.

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

1 Rate of Tax for Biennium Ending June 30, 2003; Intrastate and Interstate Communications Services Tax. Notwithstanding RSA 82-A:3 and RSA 82-A:4, for the period beginning July 1, 2001 and ending June 30, 2003, the rate of tax shall be 5.5 percent on the gross charge for communications services purchased at retail from a retailer.

2 Prospective Repeal Date Extended for Exemption of Wooden Poles Under RSA 72:8-b. Amend 1998, 304:6, I as amended by 1999, 163:7 to read as follows:

I. Section 5 of this act shall take effect July 1, [2001] 2003.

3 New Section; Department of Resources and Economic Development; Travel and Tourism Development; Travel and Tourism Development Fund. Amend RSA 12-A by inserting after section 43 the following new section:
12-A:43-a Travel and Tourism Development Fund.

I. There is hereby established in the office of the state treasurer a fund to be known as the travel and tourism development fund. Any appropriations received shall be deposited in the fund. Moneys in the fund and any interest earned on the fund shall be used for the purpose of promoting and developing appropriate travel and tourism initiatives through the division of travel and tourism development and shall not be used for any other purpose. The director of travel and tourism development shall oversee expenditures from the fund. The moneys in the fund shall be non-lapsing and shall be continually appropriated to the department of resources and economic development.

II. The commissioner of resources and economic development shall prepare an annual report to be presented no later than December 1 of each year to the president of the senate, the speaker of the house of representatives, and the governor and council, and filed with the state library. The report shall detail the specific activities supported by, and expenditures from, the fund during the past year.

4 New Subparagraph; Travel and Tourism Development Fund. Amend RSA 6:12, I by inserting after subparagraph (ddd) the following new subparagraph:

(eee) Moneys received for deposit in the travel and tourism development fund established by RSA 12-A:43-a, I.

5 Retirement System; Definition of Employee. Amend RSA 100-A:1, V to read as follows:

V. "Employee" shall mean any regular classified or unclassified officer or employee of the state or any department, commission, institution or agency of the state government by which an employee is paid through the office of the state treasurer, or employees of the general court who work on a full-time basis and are eligible for other state benefits, but whose salary is calculated on a per diem basis or any employee *of the retirement system or* of any of the groups authorized to participate [~~in the retirement system~~] under this chapter but excluding any person who is a teacher, permanent policeman, or permanent fireman as defined in this section, or who is a member or attache of the general court or member of the executive council.

6 Retirement System; Administrative Cost Assessment. RSA 100-A:14, XIII is repealed and reenacted to read as follows:

XIII. Administrative Cost Assessment. Other provisions of law notwithstanding, the cost of administration of the retirement system as provided in this section shall be a charge upon the funds of the retirement system. The amount of administrative expense recorded monthly by the department of administrative service, division of accounting services, shall be paid to the state treasurer by the board of trustees. The board shall biennially review the administrative expenses for the previous biennium and shall submit in a budget for legislative appropriation, those amounts that the board, in its reasonable discretion, may deem necessary for the efficient operation of the system. Administrative balances accrued prior to June 30, 2001 shall be retained by the retirement system and expended for ongoing operations.

7 Retirement System; Management of Funds. Amend RSA 100-A:15, IV to read as follows:

IV. The board of trustees is authorized to engage the services of legal counsel for special investment, federal, and tax matters and ~~[-with the approval of the attorney general,]~~ to engage outside counsel for other matters. The payment for services provided in this paragraph shall be a charge upon the funds of the New Hampshire retirement system.

8 New Hampshire Retirement System; Payment by Retirement System-Group I; Amend RSA 100-A:52-a to read as follows:

100-A:52-a Payment by Retirement System; Group I ~~[Teachers and Political Subdivision Employees]~~.

I. The New Hampshire retirement system shall pay the cost for permanent group hospitalization, hospital medical care, surgical care, and other medical and surgical benefits, in the employer-sponsored plan provided for active employees of a retiree's former employer, subject to the provisions of this section, for the following persons:

(a) Any person, who has at least 20 years of creditable service as a group I member if age 60 or older, or at least 30 years of creditable service as a group I member if age 55-59, retired on or before July 1, 2004 as a group I ~~[teacher member or political subdivision employee]~~ member of the New Hampshire retirement system on service or ordinary disability retirement, provided that such person shall be entitled to retirement on the basis of group I creditable service, or any person retired on or before July 1, 2004, as a group I member whose service retirement benefit is based upon the provisions of RSA 100-A:19-c and who has a minimum of 20 years of creditable service as a group I member.

(b) Any person who has completed no less than 20 years of group I creditable service, but who for reasons other than retirement or death ceased to be a group I ~~[teacher member or political subdivision employee]~~ member prior to attaining the age of 60, and who, as of July 1, 2004, receives a vested deferred retirement allowance and who subsequently attains the age of 60.

(c) Any person who has completed no less than 20 years of group I creditable service and who retired as a group I ~~[teacher member or political subdivision employee]~~ member prior to age 60, and who subsequently attains the age of 60, or any person who has completed no less than 30 years of group I creditable service and who retired as a group I ~~[teacher member or political subdivision employee]~~ member prior to age 55, and who subsequently attains the age of 55.

(d) The surviving spouse of a deceased retired group I ~~[teacher member or political subdivision employee]~~ member who met the qualifications of subparagraphs (a), (b) or (c), or of a deceased member who died while in service as a group I ~~[teacher member or political subdivision employee]~~ member, provided that such surviving spouse was covered as the member's spouse in the employer-sponsored plan before the member's death and is entitled to a monthly allowance under RSA 100-A:8, 100-A:9, or 100-A:13.

(e) Any certifiably dependent child with a disability living in the household and being cared for by the qualified retired member, the member's spouse, or the qualified surviving spouse.

(f) The surviving spouse and children of a deceased ~~[teacher or]~~ group I ~~[political subdivision employee]~~ member who dies as the natural and proximate result of injuries suffered while in the performance of duty, provided that:

(1) Any such child shall be qualified under this subparagraph only if under 18 years of age, or under 23 years of age if attending school on a full-time basis; and

(2) Such surviving spouse shall cease to be qualified upon the remarriage of the surviving spouse; and

(3) No surviving spouse or child shall be qualified or continue to be qualified under this subparagraph while receiving or eligible to receive medical insurance or health care benefits from any employer's sponsored plan.

(g) Any group I [~~teacher member or political subdivision employee~~] member retired on or before July 1, 2004 on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty.

(h) The spouse of a qualified retiree.

I-a. Notwithstanding the provision of RSA 100-A:4, III-b, for the purpose of calculating creditable service for eligibility for medical benefits payment under paragraph I, each full year of job-sharing service of a teacher in a job-sharing position shall be calculated at 1/2[;] of one year of such service credit.

II. However, for the fiscal year beginning July 1, 2000, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not entitled to medicare benefits, and on account of each person qualified under paragraph I who is entitled to medicare benefits, shall be the same as the amount provided in RSA 100-A:52, II for group II retirees. As of July 1, 2000 and on each July 1 thereafter, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 8 percent, compounded on previous increases.

III. In the case of group I members retired from employment by political subdivisions of the state, the amount payable by the retirement system on account of qualified persons shall be paid over to the employer, insurer, or health care administrator and used to pay for all or part of the medical benefits provided through the former employer for qualified persons. If the cost of the premium for any eligible person under paragraph I shall exceed the maximum under paragraph II, and the employer does not elect to pay the excess cost, the excess cost shall be paid by the retiree or qualified surviving spouse and may be deducted from retirement benefits as provided in RSA 100-A:51. The employer may require, as a condition for coverage, that the retiree or surviving spouse apply for deduction of such excess cost from retirement benefits as provided in RSA 100-A:51.

III-a. As of January 1, 2002, in the case of group I members retired from state employment before July 1, 1991, and their beneficiaries who are eligible for coverage under this subdivision and also under the provisions of RSA 21-I:26-36, the amount payable by the retirement system on account of such persons shall be paid over to the state and used to pay for all or part of the medical benefits provided under RSA 21-I:26-36 for such persons, and the balance shall be paid by the state as provided in RSA 21-I:26-36.

III-b. As of January 1, 2002, in the case of group I members retired from state employment on or after July 1, 1991, and their beneficiaries who are eligible for coverage under this subdivision and also under the provisions of RSA 21-I:26-36, the amount payable by the retirement system on account of such persons shall be

paid over to the state and used to pay for all or part of the medical benefits provided under RSA 21-I:26-36 for such persons, and the state shall pay its portion as provided in RSA 21-I:26-36. If the cost of the premium for any retired group I member and spouse, surviving spouse, or any other person entitled to benefits under paragraph I shall exceed the maximum under paragraph II, and the state does not elect to pay the excess cost above the amount to be paid under RSA 21-I:26-36, the excess cost shall be paid by the retiree or qualified surviving spouse and may be deducted from retirement benefits as provided in RSA 100-A:51. The state may require, as a condition for coverage, that the retiree or surviving spouse apply for deduction of such excess cost from retirement benefits as provided in RSA 100-A:51.

IV. There shall be no age limit to participate in the employer sponsored medical and health plan provided in paragraph I, and there shall be no physical examination or health statement required for such coverage, provided, however, that if an eligible retired group I ~~teacher member or political subdivision employee~~ member of the retirement system fails to apply for such coverage within the time required by the insurance contract, the insurer may require satisfactory evidence of insurability as a condition for becoming insured.

V. Any group I teacher member retired before January 1, 2000, or other eligible person under paragraph I, who would have been eligible for medical benefits under this section if this section had been in effect on the member's date of retirement, shall have the option of rejoining the medical or health plan sponsored by the retired member's former employer and of receiving benefits under this section, provided that such eligible person shall apply to the employer for such benefits before January 1, 2002. Upon receipt of such application, the former employer shall enroll such retiree or other eligible person in the employer's plan in the same manner and subject to the same conditions as enrollment of a new employee but without any benefit-waiting period which may be applicable to new employees of that employer. Neither an employer nor an employer's group plan or insurer shall be liable for any claims incurred prior to the date of enrollment under this paragraph.

VI. Any group I political subdivision employee member retired before January 1, 2001, or other eligible person under paragraph I, who would have been eligible for medical benefits under this section if this section had been in effect on the member's date of retirement, shall have the option of rejoining the medical or health plan sponsored by the retired member's former employer and of receiving benefits under this section, provided that such eligible person shall apply to the employer for such benefits before January 1, 2003. Upon receipt of such application, the former employer shall enroll such retiree or other eligible person in the employer's plan in the same manner and subject to the same conditions as enrollment of a new employee but without any benefit-waiting period which may be applicable to new employees of that employer. Neither an employer nor an employer's group plan or insurer shall be liable for any claims incurred prior to the date of enrollment under this paragraph.

VII. The retirement system shall notify all group I teacher and political subdivision employee retirees and surviving spouse beneficiaries, who are currently drawing monthly allowances from the retirement system, of their possible right to rejoin and active-employee medical insurance or health plan and to receive benefits under this section.

VIII. Any person who is eligible to receive group insurance or other medical benefits under the provisions of this section, but who does not need and who declines such benefits because they would be duplicative of coverage under any employer-sponsored plan, shall nevertheless continue to be eligible and, upon ceasing to be eligible for the other coverage, shall be permitted to receive the benefits allowable under this section without any waiting period.

9 New Section; New Hampshire Retirement System; Method of Financing; Group I State Employees. Amend RSA 100-A by inserting after section 53-c the following new section:

100-A:53-d Method of Financing; Group I State Employees.

I. The benefits provided under RSA 100-A:52-a shall be provided by a 401(h) subtrust of the New Hampshire retirement system. The 401(h) subtrust shall be funded by allocating 25 percent of future group I state employer contributions made for group I state employees in accordance with RSA 100-A:16 to the subtrust until such time as the benefits are fully funded. Thereafter, the subtrust shall receive only that portion of each year's contribution as is necessary to keep the benefits fully funded.

II. All contributions made to the retirement system to provide medical benefits under RSA 100-A:52-a shall be maintained in a separate account, the 401(h) subtrust. All funds and accumulated interest shall not be used for or diverted to any purpose other than to provide said medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set forth in this chapter may be used or diverted to provide medical benefits under RSA 100-A:52-a. The funds, if any, providing medical benefits under RSA 100-A:52-a may be invested pursuant to the provisions of RSA 100-A:15.

10 New Paragraph; New Hampshire Retirement System; Medical Benefits; Application. Amend RSA 100-A:55 by inserting after paragraph I-b the following new paragraph:

I-c. It is the intent of the legislature that future group I state employee members eligible after July 1, 2004 shall be included under the provisions of RSA 100-A:52-a only if the total cost of such inclusion can be terminally funded from the special account established in RSA 100-A:16, II (h).

11 Defense and Indemnification. Amend RSA 99-D:2 to read as follows:

99-D:2 Defense and Indemnification. If any claim is made or any civil action is commenced against a present or former officer, trustee, official, or employee of the state or any agency thereof, including members of the New Hampshire national guard and any justice of the district, municipal, probate, superior, or supreme court, or the clerks or bail commissioners thereof, or any harbor master appointed by the New Hampshire port authority, or officials and employees of the New Hampshire housing finance authority, or directors, officers, and employees of the Pease development authority, *or directors, officers, and employees of the land and community heritage investment authority* seeking equitable relief or claiming damages for the negligent or wrongful acts and the officer, trustee, official, or employee requests the state to provide representation for him *or her*, and the attorney general, or, in the case of a claim or civil action commenced against the attorney general, the governor and council, determines that the acts complained of were committed by the officer, trustee, official, or employee while acting within the scope of official duty for the state and that such acts were not wanton or reckless, the attorney general shall represent and defend such person with respect to such claim or throughout such action, or shall

retain outside counsel to represent or defend such person, and the state shall defray all costs of such representation or defense, to be paid from funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold harmless such person from any costs, damages, awards, judgments, or settlements arising from the claim or suit. The attorney general or governor and council shall not be required to consider the request of such person that representation be provided for him *or her* unless within 7 days of the time such person is served with any summons, complaint, process, notice, demand, or pleading [he] *the person* shall deliver the original or a copy thereof to the attorney general or, in the case of an action against the attorney general, to the governor and council. As a condition to the continued representation by the attorney general and to the obligation of the state to indemnify and hold harmless, such officer, trustee, official, or employee shall cooperate with the attorney general in the defense of such claim or civil action. No property either real or personal of the state of New Hampshire shall be subject to attachment or execution to secure payment of or to satisfy any obligations of the state created under this chapter. Upon the entry of final judgment in any action brought under this chapter, the governor shall draw [his] *a* warrant for said payment out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated. The attorney general shall have the authority to settle any claim brought under this chapter by compromise and the amount of any such settlement shall be paid as if the amount were awarded as a judgment under this chapter. Indemnification by the state under this section shall be for the actual amount of costs, damages, awards, judgments, or settlements personally incurred by any such officer, trustee, official, or employee, and the state shall not pay any amounts for which payment is the obligation of any insurance carrier or company under a policy or policies of insurance or any other third party under a similar obligation.

12 New Subparagraphs; Additional Powers and Duties. Amend RSA 227-M:5, VIII by inserting after subparagraph (c) the following new subparagraphs:

(d) Employ or retain as independent contractors architects, engineers, attorneys, accountants, and other advisors and employees, consultants, and agents as may be necessary in its judgment without regard to any personnel or civil service law of the state to prescribe their duties and qualifications and to fix and pay their compensation if any.

(e) Appoint qualified individuals to serve as unpaid volunteers under such terms and conditions as it deems necessary. Said volunteers or advisors may be paid a stipend and/or reimbursed for any incidental expenses determined by the authority to be necessary and incurred while performing the business of the authority.

13 New Section; Administrative Fund Established. Amend RSA 227-M by inserting after section 7 the following new section:

227-M:7-a Administrative Fund.

I. There is established in the office of the state treasurer a fund to be known as the land and community heritage investment program administrative fund into which the state treasurer shall credit any revenue generated pursuant to RSA 261:97-b, 1-a. For the biennium ending June 30, 2003 there shall also be deposited, on a monthly basis, interest income generated on appropriations made to the land and community heritage investment program trust fund pursuant to RSA 227-M:7. If the revenues generated to the administrative fund from these two sources for said biennium do not total \$335,000 during each year

of the biennium, then, on or after the first day of the last month of the fiscal year, the treasurer shall be authorized to credit the administrative fund from the principal of the trust fund, not to exceed this total.

II. All sums so credited shall be appropriated to the authority for the following purposes:

(a) To pay the costs of administering and operating the authority, including, but not limited to, all wages, salaries, benefits, and other expenses authorized by the board or the executive director. The authority may enter into a contract or agreement for provision of services to withhold on a monthly basis all payroll and benefit costs for employees.

(b) In general for the payment of all expenses incident to the management and operation of the authority as are consistent with its statutory purpose and as the board or the executive director thereof may from time to time determine.

III. This fund shall constitute a continuing appropriation for the benefit of the authority. Any amount remaining to the credit of the authority at the close of any fiscal year, and any interest accrued, shall be nonlapsing and shall be carried over and credited to the fund for the succeeding year.

14 New Section; Land and Community Heritage Investment Program; Authority Employees. Amend RSA 227-M by inserting after section 6 the following new section:

227-M:6-a Status of Employees.

I. The authority may hire, fix and pay compensation, prescribe duties and qualifications, and establish personnel policies without regard to any personnel or civil service law or personnel or civil service rule of the state. The employees of the authority shall not be classified employees of the state within the meaning of RSA 21-I:49. Any individual employed by the authority shall be deemed an employee at will and shall serve at the pleasure of the authority.

II. Notwithstanding the provisions of paragraph I, any individual employed by the authority whose employment calls for 30 hours or more work in a normal calendar week, and whose position is anticipated to have a duration of 6 months or more, shall be entitled to elect to receive such health, dental, life insurance, deferred compensation, and retirement benefits as are afforded to classified employees of the state provided, however, that the election is made in writing within 30 days of the start of employment. Upon election by such individual, the authority shall pay from its revenues the state's share of such benefits. Any remaining costs of health, dental, life insurance, deferred compensation, and retirement benefits which an individual elects to receive pursuant to this section, shall be withheld from such individual's salary as a payroll deduction. Written notice of the availability of these benefit options shall be provided to each individual upon employment by the authority.

15 New Paragraph; Department of Resources and Economic Development; Telecommunications Planning and Development Initiative; Initial Funding; Appropriation Nonlapsing. Amend 2000, 298:5 by inserting after paragraph IV the following new paragraph:

V. The initial funding mechanism and the appropriation made pursuant to this section shall not lapse until June 30, 2003.

16 Authority to Fill Unfunded Positions; Department of Health and Human Services. Notwithstanding any other provision of law, the commissioner of the department of health and human services may fill any authorized unfunded positions during the biennium ending June 30, 2003, provided that the total expenditures shall not exceed the amount appropriated for personal services, permanent and personal services, unclassified.

17 Certain Tobacco Use Prevention Fund Moneys; General Fund. Notwithstanding any provision of law to the contrary, \$1,500,000 from the tobacco use prevention fund, established in RSA 126-K:15, shall lapse to the general fund on July 1, 2001.

18 Business Enterprise Tax; Rate Increase. Amend RSA 77-E:2 to read as follows:

77-E:2 Imposition of Tax. A tax is imposed at the rate of [~~1/2 of~~] one percent upon the taxable enterprise value tax base of every business enterprise. [~~A 2/3 majority of those present and voting of each house of the general court shall be necessary to increase the tax rate under this section.~~]

19 Business Enterprise Tax; Distribution of Funds. RSA 77-E:14 is repealed and reenacted to read as follows:

77-E:14 Distribution of Funds. All revenue received from the tax imposed by RSA 77-E:2 for each fiscal year shall be deposited in the education trust fund established in RSA 198:39. The commissioner shall certify such amounts to the state treasurer by October 1 of each year.

20 Applicability. Section 18 of this act shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 2001. In the case of any business organization or enterprise which has elected a 52-53 week taxable period under section 441(f) of the United States Internal Revenue Code and the fiscal year of which ends on the last day of the week nearest to June 30, 2001, the taxable period shall be deemed to have ended on June 30, 2001, for the purposes of this act.

21 Business Enterprise Tax Rate Study Committee.

I. There is established a committee to study the impact of raising the business enterprise tax rate.

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

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

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

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall study the economic impact on New Hampshire's economy of raising the business enterprise tax rate from $\frac{1}{2}$ of one percent to one percent.

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

V. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, 2002.

22 Tax Amnesty. Notwithstanding the provisions of any other law, with respect to taxes administered by the department of revenue administration, an amnesty from the assessment or payment of all penalties and interest greater than 7 percent shall apply with respect to unpaid taxes reported and paid in full during the period from December 1, 2001, through and including February 15, 2002, regardless of whether previously assessed. This amnesty shall only apply to taxes due but unpaid on or before February 15, 2002.

23 New Subparagraph; Purchase of Supplies; Exemptions; Assessing Enforcement Contractors. Amend RSA 21-I:18, I by inserting after subparagraph (l) the following new subparagraph:

(m) Purchases of services from private contractors by the department of revenue administration with respect to the establishment of assessing enforcement procedures.

24 New Section; Department of Revenue Administration; Division of Community Services Established. Amend RSA 21-J by inserting after section 10 the following new section:

21-J:10-a Division of Community Services. There is established within the department the division of community services, under the supervision of an unclassified director of community services who shall be responsible for providing technical support and assistance to municipalities.

25 Compensation of State Officers; Salaries Established; Director of Community Services. Amend RSA 94:1-a, I by inserting in group M the following:

Director, community services

26 Authority to Establish Positions; Department of Revenue Administration. Notwithstanding any other provision of law, the commissioner of the department of revenue administration is authorized to establish positions necessary to implement assessing enforcement procedures.

27 Betterment Assessments; Liens Created. Amend RSA 231:30 to read as follows:

231:30 Liens For Assessments. All assessments made under the provisions of RSA 231:29 shall create a lien upon the lands on account of which they are made, which shall continue following the assessment until fully discharged in accordance with the terms set by each governing board or in compliance with any court judgment. Such assessments shall be subject to interest and such other charges as are applicable to the collection of delinquent taxes. ~~[-The landowner shall have the same right of appeal and follow the same procedures as are applicable to the assessment of taxes.]~~

28 Betterment Assessments; Abatement and Appeal. RSA 231:32 is repealed and reenacted to read as follows:

231:32 Abatement and Appeal of Betterment Assessments.

I. Any person aggrieved by a betterment assessment made pursuant to RSA 231:29 may, within 2 months of the notice of tax date and not afterwards, apply in writing to the selectmen or assessors for an abatement of the betterment assessment.

II. Upon receipt of an application under paragraph I, the selectmen or assessors shall review the application and shall grant or deny the application in writing within 6 months after the notice of tax date.

III.(a) If the selectmen or assessors neglect or refuse to abate the betterment assessment, any person aggrieved may either:

(1) Appeal in writing to the board of tax and land appeals, upon payment of a \$65 filing fee; or

(2) Petition the superior court in the county where the property is located.

(b) The appeal to either the board of tax and land appeals or superior court shall be filed within 8 months of the notice of tax date and not afterwards.

IV. For purposes of this section, "notice of tax date" means the date the taxing jurisdiction mails the betterment assessment tax bill.

V. Each betterment assessment tax bill shall require a separate abatement request and appeal.

29 New Section; Adequacy Funds for New Kindergarten Programs. Amend RSA 198 by inserting after section 42 the following new section:

198:42-a Adequacy Funds for New Kindergarten Programs. A school district that implements a new public kindergarten program on July 1, 1999 or thereafter, shall receive annually, beginning in fiscal year 2002, a kindergarten adequacy payment from the education trust fund established in RSA 198:39 to be calculated as follows:

I. Payments for each eligible kindergarten pupil shall be made at the rate of $\frac{1}{2}$ the average base cost per pupil of an adequate education at the elementary level as determined under RSA 198:40 for the fiscal year ending June 30, 2002. Payments for each eligible kindergarten pupil shall be made at the rate of \$1,650 for the fiscal year ending June 30, 2003, and shall increase by 3 percent in each fiscal year thereafter.

II. The number of eligible pupils shall be the number of kindergarten pupils who reside in the district and who, on October 1 of each school year, are enrolled in an approved public kindergarten operated by the district, or are enrolled under a tuition agreement in an approved public kindergarten operated by another district, or are enrolled in an approved alternative kindergarten program operated under RSA 198:48-a.

III. The annual new kindergarten adequacy payment shall be calculated by multiplying the amount established in paragraph I by the number of pupils determined in accordance with paragraph II.

IV. The annual new kindergarten adequacy payment calculated under paragraph III shall be distributed to eligible districts on or before January 1 of each school year.

V. Notwithstanding RSA 198:39, for the fiscal year beginning July 1, 2001, and every fiscal year thereafter, a sum sufficient to distribute annual new kindergarten adequacy payments in accordance with this section shall be appropriated from the education trust fund to the department of education. For each fiscal year, the governor is authorized to draw a warrant for said sum from any moneys available in the education trust fund.

VI. When enrollments in a new public kindergarten program are included in the school district's average daily membership in residence for the purpose of determining adequate education costs and distributing adequate education grants under RSA 198:40 through 198:42, the school district shall not be eligible to receive a new kindergarten adequacy payment calculated under this section.

30 Repeal. The following are repealed:

I. RSA 198:48-a, VII, relative to certain pupils enrolled in an approved alternative kindergarten program.

II. 1999, 65:9, I, as amended by 2000, 289:2, relative to per pupil reimbursements for new public kindergarten programs.

31 Lapse Date Extended to June 30, 2003. The appropriation made to the department of administrative services, division of plant and property management, bureau of general services in 1999, 226:1, II, A, 8 for executive/legislative budget system is hereby extended to June 30, 2003.

32 Committee to Study the Development of a New Budget System.

I. There is established a committee to study the development of a new budget system.

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

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

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

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall study the development of a new budget system. The committee shall coordinate its activities with the department of administrative services and the legislative budget assistant.

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

V. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2002.

33 Budget System Appropriation; Availability. The department of administrative services shall make the appropriation made to the department of administrative services, division of plant and property management, bureau of general services in 1999, 226:1, II, A, 8 for executive/legislative budget available to the committee to study the development of a new budget system established by this act.

34 Deficit Control; Revenue Stabilization Reserve Account; Suspension of Provisions. Notwithstanding the provisions of RSA 9:13-e, IV, the provisions of RSA 9:13-e are hereby suspended for the biennium ending June 30, 2001.

35 Education Trust Fund Budget Deficit; Transfer of Funds. In the event of an education trust fund budget deficit at the close of the fiscal biennium ending June 30, 2001 as determined by the official audit performed pursuant to RSA 21-I:8, I(h), the comptroller shall notify the fiscal committee and the governor of such deficit and request that sufficient funds, to the extent available, be transferred from the general fund operating surplus to eliminate such deficit.

36 County Reimbursements. Amend RSA 170-G:5-a to read as follows: 170-G:5-a County Reimbursement. County payments due under RSA 169-B:40, 169-C:27, and 169-D:29 shall be paid to the department of health and human services on a monthly basis within ~~30~~ 45 days' notice of the amount due to the state. Delinquent payments due under these chapters, with interest at the rate of 12 percent per annum, may be recovered by action in a court of competent jurisdiction against the political subdivision liable therefor or may, at the request of the state agency, be deducted from any other moneys payable to such subdivision by any department or agency of the state.

37 Additional Revenues; Department of Health and Human Services. Notwithstanding any provision of the law to the contrary, the legislative fiscal committee and the governor and council may authorize the commissioner of the department of health and human services to accept and expend additional revenues, in excess of or in addition to the budgeted amounts, from any source, which become available to the department. Such additional revenues shall be available to the department of health and human services to supplement funds in the following programs and services: direct care provider wage increases across all department programs, community and public health and elderly and adult services provider payments, tobacco use prevention funds, and any other such program or service that requires deficit reduction or for which revenue has been specifically obtained. If any direct care provider wage increases the department may effect during the biennium

pursuant to this section results in a net increase in expenditures to a county government, and that net increase is not offset with proportionate share payments in excess of budgeted amounts, the department of health and human services shall make a payment to any such county government for each year of the biennium in the amount necessary to eliminate any such loss.

38 Repeal. 1999, 225:45, relative to reports of productivity gains from investments in information technology, is repealed.

39 Postsecondary Education Commission; Granite State Scholars; Appropriations for Fiscal Years 2002 and 2003.

I. Notwithstanding any provision of RSA 188-D to the contrary, the postsecondary education commission shall expend funds appropriated for fiscal years 2002 and 2003 to PAU 06, 01, 01, 95 either for scholarships to students qualifying for granite state scholar designation or to match gifts and contributions to participating institutions for purposes of the granite state scholars program.

II. To the extent the postsecondary education commission elects to expend the appropriations for scholarships, the commission shall award scholarships directly to students qualifying for granite state scholar designation under RSA 188-D:39, I. The commission shall adopt rules under RSA 188-D:8-a, III for awarding the scholarships.

III. To the extent the postsecondary education commission elects to expend the appropriations to match gifts and contributions to participating institutions for purposes of the granite state scholars program, the commission shall, notwithstanding RSA 188-D:41, provide a match of up to 100 percent of each gift and contribution. In addition, a participating institution shall, in the year following the receipt of the state match, disburse as scholarships to granite state scholars an amount equal to ½ of the state match received by the institution.

40 Maintenance of Funds Collected Pursuant to Electric Utility Restructuring Orders; Plans for Administration. Amend RSA 6:12-b to read as follows:

6:12-b Maintenance of Funds Collected Pursuant to Electric Utility Restructuring Orders. On request of the public utilities commission, the state treasurer shall maintain custody over funds collected by order of the public utilities commission consisting of only that portion of the system benefits charge directly attributable to programs for low income customers as described in RSA 374-F:4, VIII(c). All funds received by the state treasurer pursuant to this section shall be kept separate from any other funds and shall be administered in accordance with terms and conditions established by the public utilities commission. ***Plans for the administration of such funds shall be approved by the fiscal committee of the general court and the governor and council prior to submission to the public utilities commission.***

41 Rehiring; Laid-Off State Employees. The provisions of 1990, 261:1, as amended by 1991, 4:10 and 355:103, relative to rehiring of laid-off state employees, shall apply to any person laid-off between July 1, 2001, and June 30, 2003, as a result of any state law, regardless of the funding source for the person's position. The head of each department or agency shall submit the names and classification of individuals laid-off from July 1, 2001, to June 30, 2003, to the director of the division of personnel within 10 days of the layoff.

42 Emergency Medical Transport Services. The department of health and human services shall reimburse municipal and private emergency medical ambulance transport providers in the class 90 account of PAU

05, 01, 07, 06, 03, as inserted by HB 1-A of the 2001 legislative session, for the emergency and non-emergency transportation of New Hampshire Medicaid patients at the same transport and mileage rate as the Federal Health Care Financing Authority pays for the emergency and non-emergency transportation of Medicare patients.

43 Longevity Payment Authorized; Department of Health and Human Services. Notwithstanding any provision of law to the contrary, payment is hereby authorized in the amount of \$3,000 for longevity to position 9U201, deputy commissioner, department of health and human services for the years 1994 through 1999. Funding for the longevity payment shall be from appropriations made to the department of health and human services in the 2000-2001 operating budget for positions which are not filled.

44 Commissioner of Health and Human Services; Authority to Establish Positions. For the biennium ending June 30, 2003, the commissioner of health and human services may exercise the authority granted by RSA 126-A:9, II(a) as necessary to support and carry out the purposes of any laws enacted to transfer the youth development center and the youth services center to the department of health and human services and to establish a juvenile justice services unit within the department.

45 Operation of Beach Parking Facilities; Hampton Beach Capital Improvement Fund. Amend RSA 216:3 to read as follows:

216:3 Operation of Beach Parking Facilities.

I. The department of resources and economic development shall operate, maintain, and manage the parking facilities at Hampton Beach, and shall be authorized to charge for the use of the parking facilities by meters or fees, including parking violation fines, whichever is determined most practical.

II. The state treasurer shall establish a special nonlapsing fund, which shall only lapse pursuant to paragraph III, for the revenues from ~~this source which shall be expended to retire 50~~ ***the parking facilities at Hampton Beach. Fifty percent of the payments for principal and interest of bonds and notes that are issued for the project of replacing the steel seawall with a concrete seawall in the Hampton Beach area shall be paid from this fund. If the revenues from the parking facilities at Hampton Beach exceed \$1,000,000 for the fiscal year, all revenues in excess of \$1,000,000 shall be transferred prior to the close of the fiscal year from this fund to the Hampton Beach capital improvement fund established in paragraph IV.***

III. The balance of any funds in this special nonlapsing fund shall be lapsed at the close of each fiscal year to the state park fund.

IV.(a) There is established a nonlapsing revolving fund to be known as the Hampton Beach capital improvement fund in the department of resources and economic development. The revolving fund shall be used for capital improvements for the parking facilities at Hampton Beach.

(b) The commissioner of resources and economic development shall submit a report detailing the activities of the revolving fund annually to the governor and council and the fiscal committee within 60 days of the close of each fiscal year.

46 New Paragraphs; Board of Tax and Land Appeals; Authority; Duties. Amend RSA 71-B:5 by inserting after paragraph III the following new paragraphs:

IV. To hear and determine all matters relating to orders for reassessment properly brought pursuant to RSA 71-B:16.

V. To hear and determine petitions filed by the commissioner of revenue administration pursuant to RSA 21-J:11-a, II(b). The board shall give such petitions priority for scheduling hearings and for final rulings. In addition to the standards utilized by the commissioner of revenue administration in the certification of assessments pursuant to RSA 21-J:11-a, the board shall consider the criteria in a RSA 71-B:16-a. The board's decision on such petitions shall be final, subject to appeal to the supreme court. Any appeal shall be filed with the clerk of the supreme court within 20 days after the date the decision is issued. The supreme court shall give any appeal it hears under this section priority in the court calendar.

47 Appraisal of Taxable Property; How Appraised. RSA 75:1 is repealed and reenacted to read as follows:

75:1 How Appraised. The selectmen shall appraise open space land pursuant to RSA 79-A:5, open space land with conservation restrictions pursuant to RSA 79-B:3, land with discretionary easements pursuant to RSA 79-C:7, residences on commercial or industrial zoned land pursuant to RSA 75:11, earth and excavations pursuant to RSA 72-B, and all other taxable property at its market value. Market value means the property's full and true value as the same would be appraised in payment of a just debt due from a solvent debtor. The selectmen shall receive and consider all evidence that may be submitted to them relative to the value of property, the value of which cannot be determined by personal examination.

48 Appraisal of Taxable Property; Oath. Amend RSA 75:7 to read as follows:

75:7 Oath. The selectmen and assessors shall take and subscribe upon the copies or original inventories and assessments of both resident and nonresident taxes, furnished by them to the town clerks in their respective towns, to be recorded in the clerk's records, the following oath, which may be subscribed before any justice of the peace or notary public: We, the selectmen and assessors of _____, [~~do solemnly swear that in making the inventory for the purpose of assessing the foregoing taxes we appraised all taxable property at its full value, and as we would appraise the same in payment of a just debt due from a solvent debtor. So help us God~~] ***certify under the penalty of perjury that in making the inventory for the purpose of assessing the foregoing taxes, all taxable property was valued in accordance with RSA 75:8, to the best of our knowledge and belief.***

49 Annual Revised Inventory. RSA 75:8 is repealed and reenacted to read as follows:

75:8 Revised Inventory.

I. Annually, and in accordance with state assessing standards, the assessors and selectmen shall adjust assessments to reflect changes so that all assessments are reasonably proportional within that municipality. All adjusted assessments shall be included in the inventory of that municipality and shall be sworn to in accordance with RSA 75:7.

II. Assessors and selectmen shall consider adjusting assessments for any properties that:

- (a) They know or believe have had a material physical change;
- (b) Changed in ownership;
- (c) Have undergone zoning changes;
- (d) Have undergone changes to exemptions, credits or abatements;
- (e) Have undergone subdivision, boundary line adjustments, or mergers; or
- (f) Have undergone other changes affecting value.

50 New Section; Appraisal of Taxable Property; Five-Year Valuation. Amend RSA 75 by inserting after section 8 the following new section:

75:8-a Five-Year Valuation. At least as often as every fifth year, beginning with the first year the commissioner of the department of revenue administration certifies a municipality's assessments pursuant to RSA 21-J:3, XXVI, the assessors and/or selectmen shall value all real estate within the municipality so that the assessments are valued in accordance with RSA 75:1.

51 New Paragraph; Department of Revenue Administration; Duties of Commissioner. Amend RSA 21-J:3 by inserting after section XXV the following new paragraph:

XXVI. Review each municipality's assessments once within every 5 years and certify the assessments of the municipality if such assessments are valued in accordance with RSA 75:1. In carrying out the duty to certify the assessments of property, the commissioner shall follow the procedures set forth in RSA 21-J:11-a.

52 New Sections; Department of Revenue Administration. Amend RSA 21-J by inserting after section 11 the following new sections:

21-J:11-a Certification of Assessments.

I. The commissioner shall certify that the assessments of a municipality comply with the provisions of RSA 75:1 when the commissioner determines that:

(a) Level of assessments and uniformity of assessments are within acceptable ranges as prescribed by state assessing standards by considering, where appropriate, an assessment-to-sales-ratio study conducted by the department for the municipality;

(b) Assessment practices substantially comply with applicable statutes and rules;

(c) Exemption, credit, and abatement procedures substantially comply with applicable statutes and rules;

(d) Assessments are based on reasonably accurate data; and

(e) Assessments of various types of properties are reasonably proportional to other types of properties within the municipality.

II. If the commissioner does not certify that the assessments of a municipality comply with RSA 75:1, the commissioner shall order in writing those corrective actions, including the time for completion, deemed necessary to assess the municipality's property in accordance with RSA 75:1; and:

(a) If the governing body of the municipality agrees with the commissioner's determination, the municipality shall complete the corrective actions within the time prescribed by the commissioner.

(b) If the governing body of the municipality does not agree with the commissioner's determination not to certify its assessments, with the corrective actions ordered, or the time allowed for completion, the commissioner shall petition the board of tax and land appeals to order that the municipality's property is not assessed in accordance with RSA 75:1 and to order such corrective action necessary to ensure that the municipality's assessment are in accordance with RSA 75:1.

III. The commissioner shall adopt rules under RSA 541-A relative to acceptable ranges of level of assessments and uniformity of assessments, procedures for review of assessment practices, and procedures and forms for the commissioner's certification of assessments. Rules adopted by the commissioner under this paragraph shall remain effective until the assessing standards board adopts rules under RSA 21-J:14-b, II.

IV. Within 60 days of the certification of a municipality's assessments, the commissioner shall reimburse the municipality on a per parcel basis

to defray assessing expenses associated with certification according to the following formula: \$10 per parcel for the first 1,000 parcels, \$8 per parcel for the next 5,000 parcels, and \$5 per parcel for all remaining parcels.

21-J:11-b Implementation of Certification.

I. The commissioner of revenue administration shall adopt a schedule so that each city, town, and unincorporated place has its assessments reviewed within 5 years of April 1, 2002, and shall notify each city, town, and unincorporated place, within 60 days of passage of this act, of the property tax year for which their initial certification review shall occur.

II. The department shall offer training and technical assistance to municipal officials to assist in complying with the provisions of RSA 75:8, RSA 75:8-a, and RSA 21-J:11-a.

III. The commissioner of revenue administration shall report in its annual report, the number of communities assisted and the types of assistance and training provided pursuant to RSA 21-J:10, RSA 21-J:11, and RSA 21-J:11-b, II.

53 Setting of Tax Rates by Commissioner. Amend RSA 21-J:35, I to read as follows:

I. The commissioner of revenue administration shall compute and establish the tax rate of each town, city, or unincorporated place. ***Any decision by the commissioner not to certify the assessments of a municipality pursuant to RSA 21-J:11-a shall not delay or otherwise affect the setting of the tax rate for that municipality.***

54 Real Estate. Amend RSA 73:10 to read as follows:

73:10 Real Estate. Real and personal property shall be taxed to the person claiming the same, or to the person who is in the possession and actual occupancy thereof, if such person will consent to be taxed for the same; but such real estate shall be taxed in the town in which it is situate. ***Any decision by the commissioner not to certify the assessments of a municipality pursuant to RSA 21-J:11-a shall not affect the obligation of the taxpayer to pay property taxes otherwise lawfully assessed.***

55 Powers of Collector. Amend RSA 80:4 to read as follows:

80:4 Powers of Collector. Every collector, in the collection of taxes committed to him and in the service of his warrant, shall have the powers vested in constables in the service of civil process, which shall continue until all the taxes in his list are collected. ***Any decision by the commissioner not to certify the assessments of a municipality pursuant to RSA 21-J:11-a shall not affect the authority of the tax collector to issue tax bills and to exercise all powers contained in this chapter for the collection of taxes.***

56 Petition for Order of Reassessment; SB 193 Provision Amended. Amend RSA 21-J:9-b to read as follows:

21-J:9-b Petition for Order of Reassessment. The commissioner, in petitioning for an order of reassessment pursuant to RSA 21-J:3, XXV, may consider any information that indicates that property in a city, town, or unincorporated place is valued disproportionately to other property within that municipality in determining whether to petition the board of tax and land appeals to issue an order for reassessment. Additionally, the commissioner shall petition the board of tax and land appeals to issue an order for reassessment of property if the following criteria are met:

I. The commissioner's most recent annual sales-assessment ratio study indicates that the coefficient of dispersion exceeds 20 employing a 95-percent level of confidence, provided however that if the sample size for a sales-assessment ratio study is less than 30, the commissioner may use a level of confidence as low as 70 percent;

II. The municipality has not [~~conducted a full revaluation within 6 years~~] ***complied with the provisions of RSA 75:8-a***; and

[~~III. A municipality has not contracted for a full revaluation of the property within such municipality to be effective no later than the tax year following such determination.~~]

57 Certification Required; SB 193 Provision Amended. Amend RSA 21-J:14-f, I to read as follows:

I. Every person, whether working individually, for a firm or corporation, or as a municipal [~~or department of revenue administration~~] employee, making appraisals of a municipality for tax assessment purposes, except elected officials making appraisals pursuant to RSA 75:1, shall be certified by the department. ***Department of revenue employees shall be certified at the level appropriate to their duties.*** The commissioner shall adopt rules, pursuant to RSA 541-A, relative to qualifications for certification, standards for continuing education, and standards for revocation or suspension of certification. Rules adopted by the commissioner under this paragraph shall remain effective until the assessing standards board adopts rules under RSA 21-J:14-b, I(c).

58 Property Taxes; What Taxes Assessed; Expenses of Reassessment; SB 193 Provision Amended. Amend RSA 76:5 to read as follows:

76:5 What Taxes Assessed. The selectmen shall seasonably assess all state and county taxes for which they have the warrants of the commissioner of revenue administration and county treasurers respectively; all taxes duly voted in their towns; and all school and village district taxes authorized by law or by vote of any school or village district duly certified to them; and all sums required to be assessed by RSA 33 ***and RSA 21-J:9-c. Any decision by the commissioner not to certify the assessments of a municipality pursuant to RSA 21-J:11-a shall not affect the authority of the selectmen to assess taxes.***

59 Initial Assessment Review Schedule. The commissioner of revenue administration shall adopt a schedule so that each city, town, and unincorporated place has its assessments reviewed within 5 years and shall notify each municipality, within 60 days of passage of this act, of the property tax year for which their initial certification review shall occur. The department shall offer training and technical assistance to municipal officials to assist in complying with the provisions of RSA 21-J:11-a, as inserted by this act.

60 Contingency. If SB 193 of the 2001 legislative session becomes law, then section 56 of this act shall take effect at 12:01 a.m. on the effective date of section 17 of SB 193. If SB 193 of the 2001 legislative session becomes law, then section 57 of this act shall take effect at 12:01 on the effective date of section 2 of SB 193. If SB 193 of the 2001 legislative session becomes law, then section 58 of this act shall take effect at 12:01 a.m. on the effective date of section 18 of SB 193. If SB 193 does not become law, then sections 56-58 of this act shall not take effect.

61 Purpose. Since the agricultural fairs of New Hampshire contribute greatly to the economic, cultural, and social well-being of the state, it is important that the state assist the fairs to assure their continued viability.

62 Appropriation. The sum of \$1 is hereby appropriated to the department of agriculture, markets, and food for each year of the biennium ending June 30, 2003, for purposes of making distributions to agricultural fairs as provided in RSA 425:19-a - 19-f. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

63 Distribution Formula. The commissioner of agriculture, markets, and food shall distribute sums appropriated under section 62 of this act to agricultural fairs qualified under RSA 425:19-b according to the following formula: To each fair for capital improvements, \$10,000; to each fair for marketing and promotional activities, \$8,000; and to each fair a pro rata share based upon premiums paid and qualified under RSA 425:19-b of the remaining sums appropriated under section 62 of this act.

64 Statement of Purpose. The general court recognizes that a small number of individuals with complex diagnostic presentations such as individuals who have significant cognitive limitations as well as affective or thought disorders, severe emotional disturbances and significant functional limitations engage in behavior that potentially endangers their communities. Intervention, treatment, and supervision are effective means of assisting such individuals while providing for the safety of the public. Extended periods of treatment may be required in order for such individuals to benefit from therapeutic programs due to their learning difficulties. The general court intends to provide these individuals with appropriate treatment so that they may gain the skills needed to live safely in a community setting.

65 Definition of Mental Retardation Clarified. Amend RSA 171-B:2, IV to read as follows:

IV. The person has mental retardation, *as defined in the most current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association*; and

66 New Subparagraph; Responsibility of Guardian. Amend RSA 464-A:25, I by inserting after subparagraph (g) the following new subparagraph:

(h) The guardian of any ward who has a history of engaging in behavior which substantially endangers others shall consider the security and protection of the community while ensuring that the ward receives appropriate care, treatment, and supervision.

67 Commission Established. There is established a commission to review and approve proposed locations for the provision of residential treatment to individuals with complex and significant disabilities who have engaged in behavior which endangers the community and who require intensive therapeutic interventions and close supervision.

68 Membership and Compensation.

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

(a) One member of the senate, appointed by the president of the senate.

(b) One member of the house of representatives, appointed by the speaker of the house.

(c) The attorney general.

(d) Two public members, appointed by the governor.

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

69 Duties.

I. The commission shall receive recommendations from the department of health and human services of proposed program sites. The commission shall review the programs, services, and security provisions for each prospective program site, shall consult with representatives of the community in which a proposed program site is located, and shall give due consideration to local concerns. The commission shall conduct a public hearing in those communities where such a proposed site would be located. The department of health and human services shall make a pre-

sentation at each public hearing regarding the proposed program, including the number of individuals to be served and the staffing and security provisions incorporated into the proposed program.

II. Following consideration of the public input and information provided by the department of health and human services about the proposed programs, the commission shall approve at least 5 sites equitably distributed across the state to meet the needs of the state's population in rural as well as densely populated communities. A site shall be approved only if it is:

- (a) Out of visual range of any existing child care programs, playgrounds and other locations where children gather;
- (b) Within a 30 minute drive of a general hospital; and
- (c) In reasonable proximity of the community's emergency services such as police, fire, and medical response.

III. Following approval by the commission, or after 4 months from the submission of a proposed site by the department if the commission fails to approve or deny a proposed site, the department shall be authorized to establish a program at the proposed site, provided, that the program conforms to local building and fire codes applicable to single family residences.

70 Chairperson; Support.

I. The chairperson of the commission shall be the attorney general. The first meeting of the commission shall be called by the attorney general. The first meeting shall be held within 45 days of the effective date of this section.

II. The department of health and human services shall provide any administrative support the commission deems necessary.

71 Repeal. Sections 67-70, relative to a commission to review certain proposed sites, is repealed.

72 New Chapter; Specialized Treatment Program. Amend RSA by inserting after chapter 135-D the following new chapter:

CHAPTER 135-E

SPECIALIZED TREATMENT PROGRAM

135-E:1 Definitions. In this chapter:

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

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

135-E:2 Specialized Treatment Program.

I. The department shall establish, subject to available appropriations, a specialized therapeutic program including secure residential care and community-based after-care treatment which is designed to meet the needs of individuals with significant cognitive limitations as well as affective or thought disorders, severe emotional disturbances, and significant functional limitations who engage in behavior that potentially endangers their community. Such programs shall be utilized when less restrictive alternatives do not provide adequate safety and security to the community.

II. One component of the program shall be designed specifically to meet the needs of young adults with serious emotional disturbance or significant learning disabilities who have been in placement through the department under RSA 169-B or RSA 169-C and who continue to need intensive treatment in order to receive the support and supervision they require until they achieve the full benefit of the treatment that has been initiated during their minority. A young adult who meets admission criteria for the program shall be admitted on a voluntary basis, or by consent of his or her guardian.

III. The department may, if necessary, request the appointment of a guardian as provided in RSA 464-A for an individual who may be legally incapacitated and who is determined to need a specialized treatment program established pursuant to this chapter.

IV. Individuals receiving treatment from a specialized treatment program established pursuant to this chapter shall have all the rights guaranteed by RSA 171-A to persons with developmental disabilities, except to the extent necessary for safety or security.

V. A comprehensive clinical assessment shall occur prior to any admission, discharge, or transfer from the program.

135-E:3 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

I. Admission and discharge criteria for the program.

II. Program requirements.

III. The rights of individuals receiving treatment.

IV. Periodic review of each individual's treatment to determine if the individual is served in the least restrictive setting consistent with the safety and security of the community.

V. Quality assurance processes and criteria for the program.

VI. Any other matter necessary to the administration of this chapter.

73 Rights Guaranteed. Amend RSA 171-A:29 to read as follows:

171-A:29 Rights Guaranteed. All rights guaranteed by RSA 171-A to persons with developmental disabilities shall be retained by persons involuntarily admitted under RSA 171-B except [~~where safety or security mandates restriction of such rights~~] ***to the extent necessary for safety or security.*** Any restriction of rights under this section may be appealed to the commissioner pursuant to rules adopted by the commissioner under RSA 171-A:3.

74 Order of the Court. Amend RSA 171-B:12 to read as follows:

171-B:12 Order of Court. If, after the hearing, the court finds by clear and convincing evidence that the person meets the standard set forth in RSA 171-B:2, the court shall order the person to submit to ***the least restrictive alternative of the following alternative consistent with the security and protection to the public:***

I. Treatment and services in a receiving facility within the state developmental services delivery system ***or the residential settings specified in RSA 135-E:2;***

II. Treatment and services within the state developmental services delivery system ***pursuant to RSA 171-A:4*** other than in-patient treatment; or

III. Treatment and services in the secure psychiatric unit if the court determines that the programs and placements enumerated in paragraph I or II do not provide sufficient security and protection to the public.

75 Appropriation. The sum of \$1 for operations and administration and the sum of \$1 for capital expenditures for the fiscal year ending June 30, 2002 and the sum of \$1 for operations and administration and the sum of \$1 for capital expenditures for the fiscal year ending June 30, 2003 are hereby appropriated to the department of health and human services for the purposes of sections 64-74. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

76 Repeal. RSA 86:6, relative to taxable property under and tax rate of the legacies and successions tax, is repealed.

77 Applicability. Section 76 of this act shall apply only to estates established as the result of deaths occurring on or after July 1, 2001.

78 Lease Agreement Required; Pease Development Authority; Department of Regional Community-Technical Colleges. The department of regional community-technical colleges and Pease development authority shall enter into a lease agreement in which the department shall occupy the first floor, consisting of 71,243 square feet, of 320 Corporate Drive in Portsmouth. In exchange, the state shall reduce by \$1,068,644 per year, starting with the commencement of the lease on July 1, 2001, Pease development authority's debt owed to the state relative to start-up funding costs under RSA 12-G:27-b through 12-G:27-d; 1991, 355:110, as amended by 1992, 260:11; 1992, 260:12, as amended by 1993, 358:3; 1994, 415:1; and 1995, 307:10. The lease term shall be 2 years or until such time as the debt owed to the state relative to the authority's start-up funding costs has been exhausted. The lease may be extended subject to the approval of the capital budget overview committee and the governor and council.

79 Treasury Department. Amend PAU 01, 08, 04 as follows:

	<u>FY 2002</u>	<u>FY 2003</u>
Strike out		
43 DEBT SERVICE (TREASURY)* F	68,855,505	80,983,886
Insert in place thereof		
3 DEBT SERVICE (TREASURY)* F	71,855,505	80,983,886
Strike out		
General Fund	142,360,353	163,895,853
Insert in place thereof		
General Fund	145,360,353	163,895,853

80 Department of Resources and Economic Development. Amend section 1 of HB 25-FN-A of the 2001 legislative session by replacing paragraph XI, D and the total state appropriation paragraph XI with the following:

D. Cannon Mt. Aerial Tram-Upgrade

Drive & Control Sys.	995,000
Less Park Fund	<u>-995,000</u>
Net state appropriation subparagraph D	<u>0</u>
Total state appropriation paragraph XI	\$982,200

The project for which sums are appropriated in subparagraph XI, D for Cannon Mountain aerial tram, upgrade drive and control system, may be done on a force account basis by the department of resources and economic development as provided in RSA 228:4, I(c), notwithstanding the dollar limit for such projects provided in RSA 228:4, I(c).

81 Securities; Miscellaneous Provisions. Amend RSA 421-B:31 to read as follows:

I. Initial fees and fees for amendments shall be as follows:

(a) Broker-dealer's and investment adviser's fees

(1) Broker-dealer's and investment adviser's initial license fee	\$ [200]	400
(2) Non-refundable broker-dealer's and investment adviser's application fee	\$ [50]	100
(3) Amended dealer's license fee	\$ [100]	200
(4) Non-refundable fee for a federal covered adviser's initial notice filing	\$ [250]	500
(5) Notice filing amendment fee for a name change of a federal covered adviser	\$ [100]	200

(b) Agent's fees.		
(1) Agent's initial license fee	\$ 100	200
(2) Non-refundable agent's license application fee	\$ 30	60
(3) Amended agent's license fee	\$ 25	50
(c) Issuer-dealer's fees.		
(1) Issuer-dealer agent's initial license fee	\$ 50	100
(2) Non-refundable issuer-dealer agent's application fee	\$ 25	50
(3) Issuer-dealer initial license fee	\$ 50	100
(d) Non-refundable registration fee for offers and sales of each class of open end mutual funds required to register under RSA 421-B:11, I-b.	\$ 1,000	2,000
(e) Non-refundable examination fee prior to offers or sales of securities under RSA 421-B:17, II(h)	\$ 300	600
(f) Registration fee prior to offers or sales of securities in this state	2/10	4/10 of one percent of the offering value of the issue provided said fee shall not be more than 1,050 , 2,100 plus a 200 400 non-refundable examination fee.
(g) Fee prior to offers and sales of securities in initial public offerings in this state under RSA 421-B:17, I(f)(1)(i)	\$ 1,000	2,000
(h) Non-refundable fee prior to offers or sales of:		
(1) Securities under RSA 421-B:17, II(r),		
(2) Covered securities of other investment companies under section 18(b)(2) of the Securities Act of 1933,		
(3) Non-issuer transactions under section 18(b)(4)(A) of the Securities Act of 1933-a one-time filing fee, and		
(4) Initial and annual renewal notice filing fee for sales of covered securities under Section 18(b)(4)(D) of the Securities Act of 1933.	\$ 500	1,000
(i) A copying and printing charge may be assessed per page for each document.		
(j) Non-refundable initial notice filing fee prior to offers or sales of each class of an open end mutual fund under section 18(b)(2) of the Securities Act of 1933.	\$ 1,000	2,000

(k) Initial notice filing fee prior to offers or sales of covered securities under sections 18(b)(4)(C) and 18(b)(3) of the Securities Act of 1933.

~~[2/10]~~ **4/10** of one percent of the offering value of the issue, provided said fee shall not be more than ~~[\$1,050]~~ **2,100**, plus a ~~[\$200]~~ **400** non-refundable initial notice fee.

II. Renewal fees shall be as follows:

(a) Broker-dealer's and investment adviser's license renewal fee

\$ ~~[200]~~ **400**

(b) Annual notice filing fee for a federal covered adviser

\$ ~~[200]~~ **400**

(c) Agent's license renewal fee

\$ ~~[100]~~ **200**

(d) Issuer-dealer license renewal fee

\$ ~~[50]~~ **100**

(e) Issuer-dealer agent's license renewal fee

\$ ~~[50]~~ **100**

(f) Annual notice filing fee for offers or sales of covered securities under sections 18(b)(4)(C) and 18(b)(3) of the Securities Act of 1933.

~~[2/10]~~ **4/10** of one percent of the offering value of the issue, provided said fee shall not be more than ~~[\$1,050]~~ **2,100**.

(g) Annual non-refundable notice filing fee for offers and sales of each class of an issuer of open end mutual funds which are covered securities under section 18(b)(2) of the Securities Act of 1933, due on or before May 1 of each year.

\$ ~~[1,000]~~ **2,000**

(h) Annual non-refundable registration fee each class of an issuer of open end mutual funds, due on or before May 1 of each year, if required to register under RSA 421-B:11, I-b for

\$ ~~[1,000]~~ **2,000**

(i) Annual registration fee for securities offered in this state, due one year from the effective date of registration, and each year thereafter:

~~[2/10]~~ **4/10** of one percent of the offering value of the issue, provided said fee shall not be more than ~~[\$1,050]~~ **2,100**.

III. In addition to any other penalties, provisions, or fees prescribed under this chapter, a late filing fee of ~~1/10~~ **2/10** of one percent of the offering value of (1) a registered securities issue, or (2) an offering of federal covered securities, provided said fee shall not be more than ~~525~~ **1,050**, shall be imposed if:

(a) It is requested that the provisions of RSA 421-B:13, III(b) be waived; or

(b) Securities sold in this state are more than registered on the effective application filed with the secretary of state, where the maximum registration fee has not been paid; or

(c) The registration application is amended to increase the amount registered in this state, where the maximum registration fee has not been paid, subsequent to the effectiveness of the registration in this state; or

(d) Federal covered securities sold in this state are more than described in the notice filing made, where the maximum notice filing fee or the total amount of a flat fee has not been paid; or

(e) The notice filing for federal covered securities sold in this state is amended to increase the amount to be sold, subsequent to the date the filing was made in this state.

IV. Any person who offers or sells securities in New Hampshire under (1) RSA 421-B:12, 13, or 14, where less than the maximum filing fee has been paid in this state, (2) RSA 421-B:17, II(r) or (h), (3) a notice filing under section 18(b)(4)(D) of the Securities Act of 1933, or (4) a notice filing under section 18(b) of the Securities Act of 1933 where less than the maximum filing fee has been paid in this state shall file a sales report with the secretary of state. Such reports shall be filed one year from (1) the effective date of the registration or exemption or (2) the date the notice filing under section 18(b) of the Securities Act of 1933 was made with the secretary of state, and a final sales report shall be filed within 60 days of the termination of the offering. The sales report shall indicate the termination date, the total number and amount of sales in this state, and the total number and amount of sales in all jurisdictions. Any person who (1) fails to file a sales report or (2) fails to submit annual audited financial statements to the secretary of state under RSA 421-B:15, II-a shall pay a penalty of ~~25~~ **50** for each day of delinquency; provided, however, that the secretary of state may, for good cause shown, abate all or a portion of said delinquency penalty. The provisions of this paragraph shall not apply to federal covered securities pursuant to section 18(b)(2) of the Securities Act of 1933.

82 Effective Date.

I. Sections 8, 9, 36, 40, 46-55 and 59 of this act shall take effect 60 days after its passage.

II. Sections 21, 27, 28, 31-35, 43, and 60 of this act shall take effect upon its passage.

III. Sections 56-58 of this act shall take effect as provided in section 60.

IV. Section 15 of this act shall take effect June 30, 2001.

V. Section 10 of this act shall take effect January 1, 2002.

VI. Section 71 of this act shall take effect July 1, 2004.

VII. The remainder of this act shall take effect July 1, 2001.

2001-1675s

AMENDED ANALYSIS

This bill:

I. Extends the temporary rate of the communications services tax.

II. Establishes a travel and tourism development fund.

III. Provides for the costs of administration of the retirement system to be a charge upon retirement system funds.

IV. Provides for the method of funding payments for certain group I members of the New Hampshire retirement system.

V. Establishes an administrative fund for the land and community heritage investment authority and adds certain powers and duties of the authority.

VI. Provides that the initial funding mechanism and appropriation for the telecommunications planning and development initiative shall not lapse until June 30, 2003.

VII. Permits the commissioner of the department of health and human services to fill authorized unfunded positions.

VIII. Requires that \$1,500,000 from the tobacco use prevention fund lapse to the general fund.

IX. Increases the rate of the business enterprise tax from $\frac{1}{2}$ of one percent to one percent of the taxable enterprise value tax base and provides that all revenue received from the business enterprise tax shall be deposited in the education trust fund.

X. Establishes a committee to study the economic impact on New Hampshire's economy of raising the business enterprise tax rate from $\frac{1}{2}$ of one percent to one percent.

XI. Provides for an amnesty period on payment of penalties and interest on unpaid taxes owed to the state.

XII. Repeals the legacies and succession tax.

XIII. Establishes the division of community services within the department of revenue administration and enables certain purchases and positions relating to assessing enforcement.

XIV. Provides specific time lines and abatement and appeal procedures for betterment assessments.

XV. Sets forth a formula for distributing new kindergarten adequacy payments to pupils enrolled in new public kindergarten programs or an approved alternative kindergarten program.

XVI. Establishes a committee to study the development of a new budget system; extends the lapse date of an appropriation to the department of administrative services; and makes the appropriation available to the study committee.

XVII. Suspends the provisions of law relating to the revenue stabilization account for the biennium ending June 30, 2001, and provides for a transfer of funds from the general fund operating surplus in the event of an education trust fund budget deficit at the close of the fiscal biennium ending June 30, 2001.

XVIII. Changes the date monthly payments are due from the counties to the state for certain services from 30 days to 45 days of notice such payments are due.

XIX. Enables additional revenues to be made available for certain health and human services programs.

XX. Makes an appropriation to the postsecondary education commission for administration of the granite state scholars program.

XXI. Requires approval by the fiscal committee of the general court and the governor and council prior to submission to the public utilities commission of plans for the administration of system benefits charge funds which are in the custody of the treasurer pursuant to a request of the public utilities commission.

XXII. Grants laid-off state employees certain rights with regard to rehiring.

XXIII. Requires the department of health and human services to reimburse municipal and private emergency medical ambulance transport providers for transporting medicaid patients at the same transport and mileage rate as the federal Health Care Financing Authority pays for transportation of Medicare patients.

XXIV. Authorizes a longevity payment for the deputy commissioner of the department of health and human services.

XXV. Authorizes the commissioner of the department of health and human services to establish certain unclassified positions as necessary for the biennium ending June 30, 2003.

XXVI. Establishes a revolving fund to be used for capital improvements for the parking facilities at Hampton Beach.

XXVII. Requires valuations of taxable property every 5 years, and certification of municipal assessments by the commissioner of revenue administration of compliance with state assessing standards.

XXVIII. Makes an appropriation to the department of agriculture, markets, and food for the purpose of distribution to agricultural fairs.

XXIX. Clarifies the definition of mental retardation for the purposes of involuntary admission; establishes a commission to review possible sites for the provision of specialized treatment for certain individuals; requires the department of health and human services to establish the specialized treatment program, subject to available appropriations; and makes an appropriation for this purpose.

XXX. Requires the department of regional community-technical colleges and Pease development authority to enter into a lease agreement and provides for reductions in Pease development authority's debt to the state as payment for the premises.

XXXI. Increase securities fees.

SENATOR FRANCOEUR: There is no better way to end a long day with a long amendment. The floor amendment for HB 170...the items that were on HB 375 that we sent across today to the House...and the House rejected our bill. This bill is similar in many ways, but also has some changes to it. I will go through them briefly. If anyone has any questions after, I will do the best that I can or other members will also be able to help follow me up. This bill does the same thing as 375. It has some changes to it. One of the first ones is Senator Johnson's bill, which added the Pease to the technical college which was SB 195 which we have on the table, was added to this amendment. It is...on the Capital Budget, we had a section for Cannon Mountain, which was to allow DRED to do their improvements themselves, it is on the last page, section 80. Three important parts that this bill does: First, it removes the communication tax increase; two, increases fees on the securities, which it doubles those; three, it repeals the Legacy and Estate Tax as of July 1, 2001; fourthly, it increases the fiscal year 2003 by \$3 million to reflect the anticipated cost for state employees pay raises for all classified and unclassified, nonclassified legislative, executive and judicial employees and judges, which is under section 79. Senator Johnson's SB 195, if you go to the bottom of page 24, section 78, it has the Pease Development Authority and Regional Community Technical College. That is where that is located. I think that covers the changes. We had plenty of debate on 375 today and I encourage the Senate to pass the floor amendment for HB 170.

SENATOR BELOW: I guess that my concern at this point would be just to be aware that we are sort of maybe going down a dead end street here. The problem being that I understand that the House rejected, by a pretty

large margin of over 50 votes, HB 375 that the Senate amended this afternoon. My impression was that the biggest objection was the doubling of the Business Enterprise Tax. While I understand that this will likely go into Committee of Conference if adopted, it seems as though there may be a problem in that the House, by their own rules, has no position to negotiate from because we did not amend this onto what was their position, and their rules, unlike ours, are more restrictive in terms of limiting that. My observation would be that this is our last vehicle that is a money bill I think, under the constitution. My simple observation would be that it would be ideal I guess, if we were working to come up with an amendment that we thought might actually have a chance that the House could work with us on and not perhaps lead to a dead end. I do hope in the end that is not where we end up in the short term, but that is my concern. Thank you, Mr. President.

SENATOR HOLLINGWORTH: I would like to, at this time, request that we debate the Business Enterprise Tax increase and remove that and take that up as an item at this time.

Senator Hollingworth moved to divide the question.

Chair moved that the question is devisable.

Question is on sections 1-16; 21-33; 36-80 & section 82.

A roll call was requested by Senator Below.

Seconded by Senator Hollingworth.

The following Senators voted Yes: Burns, Gordon, Johnson, Boyce, Below, McCarley, Flanders, Disnard, Roberge, Eaton, Fernald, O'Hearn, Pignatelli, Francoeur, Larsen, Gatsas, Barnes, O'Neil, Prescott, D'Allesandro, Wheeler, Klemm, Hollingworth, Cohen.

The following Senators voted No:

Yeas: 24 - Nays: 0

Adopted.

Question is on the adoption of sections 17-20; 34-35; & section 81.

SENATOR HOLLINGWORTH: I will try to be brief. We have asked to divide this question because as you know earlier today we debated on the BET and I won't repeat what we had to say. I think that at this point in time, what we need to focus on is that under Rule #49(b) that any bill coming from the body can only – if it should go to a committee of conference, can only take up those items that are in either body as the bill passed, as you heard earlier. House Bill 170 only had the Estate and Succession tax and this would mean that the only money mechanism in the bill would be the BET which is up 1 percent. It would also repeal the Estate and Legacy which we support. It will also be doubling the fees for securities and registration and licensing brokers/dealers. It does remove the communications tax, so that would not be allowed, I don't believe, to be increased, but then again, that might be the case, that that might be one that you can increase. It is my understanding that under 49(b) that that is all that can be discussed. There cannot be a statewide property tax. So there is no other funding mechanism that I can see in this bill except the increase to the BET and the securities. That is what I believe is the real problem of us sending this bill out in the form that it is. Briefly, I know very little about this securities. In fact, I did try when I heard that that was going to come in at this late hour and that we had no information on it to try and get some information. I was told

that we are one of the highest in the nation, that all of the other states around us, some of which are very large, are amazed at what the rate that we are able to return to the state. This will impact greatly on some people, particularly those that are saving their money to send their kids to college or that are saving for their retirement or for their nursing home days. This could result, I was told, that if you have a portfolio of ten stocks, that if you only wanted to have two pieces or two stocks traded in that ten, that you would end up paying \$22,000 on that transfer. That would be directly charged to your account, because it would be a pass through from the broker and the investor. I am not even sure whether this is true or not, but this is what I was able to get from people I was able to speak to. I am very concerned. I think that our actions at this time, leave all of these things that we think should be funded, in jeopardy.

SENATOR BELOW: My concern about section 81 is that we have just seen this for the first time a few minutes ago. It is an issue that hasn't had a public hearing. It may have very significant impact on the New Hampshire economy and many businesses. We do not know. It seems like the kind of major policy decision that merits at least a public hearing and further deliberation. Thank you.

SENATOR PIGNATELLI: I am looking at the RSA's...421-B:31 fees, under miscellaneous provisions. There are a list of fees. I am not sure which ones are going to be doubled and where they are on this list. There are brokers, dealers, investment advisors fees, agents fees, insurer issuers fees, nonrefundable registration fees for offers and sales of each class of open-end mutual funds required to register under RSA 421:B, 11. Non-refundable examination fee prior to offers, registration fee prior to offers or sale of securities in the state. Some of these are \$1,000. Are all of these fees doubled?

SENATOR FRANCOEUR: Yes.

SENATOR PIGNATELLI: This is a major mistake for us to be doing this at...and it isn't even today anymore, it is tomorrow. This is a big, big change. I object to this coming in at this hour of the night with no advanced notice and we are doubling these fees. We were upset when you had to pay a \$50 fee to register your dead dog and we moved it to \$25. You are telling me that we are going to be doubling a \$1,000 fee that people who are brokers and who we are going to ask to invest our money are going to pass through to us, every time that we invest into a mutual fund? Do we want to drive people out of the state that have money? **TAPE CHANGE** although I support some of the things on my bill, HB 170, the repeal of the Legacy and Succession tax, this is something that I couldn't vote for. I don't even know that I could vote for it after a public hearing, but it certainly is something that I don't think that I can vote for when I see it five minutes before I have to vote on it. Thank you, Mr. President.

SENATOR FERNALD: New Hampshire has been in a slow motion train wreck since the start of the year. We all came here knowing that we were \$100 million short. We also knew that the leadership of both bodies were opposed to an income tax, which is fine. People ran and made promises. But in our current situation, if you are against the income tax, you are for the property tax, and yet, the leadership in neither body has had the guts to increase the tax that they favor, the property tax. They have made efforts now to increase business taxes instead. That is not going to work either. So it is time for somebody to put on the brakes because we are going over the cliff.

SENATOR HOLLINGWORTH: I know that I promised that I would only speak a minute, but I just wanted to remind everybody that the reason that I was told, well at least I was told, that the securities were put in...was to take for the repeal of the Legacy and Succession Tax. That means that that revenue cannot be used for both the repeal and for any kind of tax. So that really means that we are left with just the BET. I really hope that everybody understands that. So it means that either the Estate and Succession tax...the Legacy and Succession tax doesn't get done or you use the securities to fund all of these things that you have put back in, or you do the BET. That is all that you can do, or you have to repeal everything else that you have in this bill. I just want to make sure that everybody is perfectly clear with what their actions are when they vote for that.

SENATOR BARNES: I just wanted to make a comment. I couldn't let it go by at this early hour in the morning. But in my book, the leadership of the House and the Senate have guts. Thank you. To clear that up, because Senator Hollingworth is wondering why I said that. I stated that because Senator Fernald over here, said that in his opinion, "that the leadership of the bodies, didn't have guts." So I just wanted to let him and everyone in this room know, that in my opinion, the leadership in the House and in the Senate, do have guts. That clarifies that.

Question is on the adoption of sections 17-20; 34-35; & section 81.

A roll call was requested by Senator Fernald.

Seconded by Senator Barnes.

The following Senators voted Yes: Burns, Gordon, Johnson, Boyce, Flanders, Roberge, Eaton, O'Hearn, Francoeur, Gatsas, Barnes, Prescott, Klemm.

The following Senators voted No: Below, McCarley, Disnard, Fernald, Pignatelli, Larsen, O'Neil, D'Allesandro, Wheeler, Hollingworth, Cohen.

Yeas: 13 - Nays: 11

Adopted.

Question is on ordering to third reading.

A roll call was requested by Senator Francoeur.

Seconded by Senator Gordon.

The following Senators voted Yes: Burns, Gordon, Johnson, Boyce, Flanders, Roberge, Eaton, O'Hearn, Francoeur, Gatsas, Barnes, Prescott, Klemm.

The following Senators voted No: Below, McCarley, Disnard, Fernald, Pignatelli, Larsen, O'Neil, D'Allesandro, Wheeler, Hollingworth, Cohen.

Yeas: 13 - Nays: 11

Adopted.

Ordered to third reading.

2001-1562-EBA
05/09

Enrolled Bill Amendment to HCR 5

The Committee on Enrolled Bills to which was referred HCR 5

AN ACT urging the federal government to consider the impacts on New Hampshire and the smaller states of interstate waste legislation.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HCR 5

This enrolled bill amendment makes a grammatical change to the resolution.

Enrolled Bill Amendment to HCR 5

Amend the resolution by replacing line 8 with the following: New Hampshire to develop new capacity for municipal solid waste disposal; and

Senator Pignatelli moved adoption.

Adopted.

2001-1645-EBA
03/10

Enrolled Bill Amendment to HB 753

The Committee on Enrolled Bills to which was referred HB 753

AN ACT relative to exemptions from issuer-dealer licenses for the sale of securities.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 753

This enrolled bill amendment corrects a reference in the bill.

Enrolled Bill Amendment to HB 753

Amend RSA 421-B:6, I-a as inserted by section 1 of the bill by replacing line 2 with the following:

Securities Act of 1933 that requires only a notice filing in this state pursuant to RSA 421-B:11, I-a(e),

Senator Pignatelli moved adoption.

Adopted.

2001-1604-EBA
05/09

Enrolled Bill Amendment to HB 740

The Committee on Enrolled Bills to which was referred HB 740

AN ACT relative to decommissioning of nuclear electric generating facilities.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 740

This enrolled bill amendment makes grammatical corrections to the bill.

Enrolled Bill Amendment to HB 740

Amend paragraph VII of section 1 of the bill by replacing line 4 with the following:

for such costs; and

Amend RSA 162-F:19, II as inserted by section 8 of the bill by replacing line 3 with the following:

for decommissioning, or the demolition and removal of facilities constructed as part of any uncompleted

Senator Pignatelli moved adoption.

Adopted.

2001-1547-EBA

04/10

Enrolled Bill Amendment to HB 302-FN

The Committee on Enrolled Bills to which was referred HB 302-FN

AN ACT relative to an optional retirement allowance for certain spouses upon a retiree's remarriage

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 302-FN

This enrolled bill amendment makes a grammatical correction in section 2 of the bill.

Enrolled Bill Amendment to HB 302-FN

Amend line 7 of section 2 of the bill by replacing it with the following: annuity payments made to ~~him~~ *the member* during ~~his~~ *the member's* lifetime shall be paid to the beneficiaries

Senator Pignatelli moved adoption.

Adopted.

2001-1581-EBA

08/09

Enrolled Bill Amendment to HB 181

The Committee on Enrolled Bills to which was referred HB 181

AN ACT relative to group II retirement system membership for police and corrections officers who become police trainers.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 181

This enrolled bill amendment corrects punctuation.

Enrolled Bill Amendment to HB 181

Amend RSA 100-A:3, III-b as inserted by section 1 of the bill by replacing line 3 with the following:

least [40] 5 years and who becomes a law enforcement training specialist or *who has been a group II member for*

Senator Pignatelli moved adoption.

Adopted.

2001-1600-EBA
05/10

Enrolled Bill Amendment to HB 573

The Committee on Enrolled Bills to which was referred HB 573

AN ACT relative to the role of certain advanced registered nurse practitioners in the state mental health services system.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 573

This enrolled bill amendment makes a technical and grammatical correction to the bill.

Enrolled Bill Amendment to HB 573

Amend RSA 135:21-b as inserted by section 1 of the bill by replacing line 2 with the following:

health advanced registered nurse practitioner, or a person acting under [his] *such physician's*

Amend RSA 135-C:2, II-a as inserted by section 2 of the bill by replacing line 4 with the following:

individuals who have mental illness, as defined in paragraph X of this section, and who meets any

Senator Pignatelli moved adoption.

Adopted.

2001-1650-EBA
03/01

Enrolled Bill Amendment to HB 183-FN

The Committee on Enrolled Bills to which was referred HB 183-FN

AN ACT relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 183-FN

This enrolled bill amendment revises the text of the bill to reflect which matters are added to and removed from current law by the bill.

Enrolled Bill Amendment to HB 183-FN

Amend 2000, 154:1 as inserted by section 1 of the bill by replacing it with the following:

154:1 New Hampshire Retirement System; County Corrections Personnel; Eligibility for Purchase of Prior Group I Service as Group II Service. At the time any county elects to transfer the corrections officer personnel employed at its correctional facilities from group I to group II retire-

ment system service under the provisions of RSA 100-A:20, III, any corrections officer, who has prior eligible group I service as a corrections officer in a facility of the county in question, *or who has prior group I eligible service as a corrections officer in another county corrections facility in the state* may purchase such service as group II service notwithstanding any provisions of RSA 100-A:20, III to the contrary. Provided, however, that the period of the service must have been performed between the dates of July 24, 1987 and the date of the transfer of the corrections positions *in the respective counties* to group II. A one-time cost of obtaining such prior service credit, determined by the actuarial accrued liability methodology, shall be the responsibility of the member requesting the calculation. An eligible member shall notify the board of trustees of the member's desire to purchase such time and shall purchase such time [~~within 5 years of the effective date of this act~~] *prior to July 1, 2006.*

Senator Pignatelli moved adoption.

Adopted.

2001-1599-EBA

05/10

Enrolled Bill Amendment to HB 186-FN-A

The Committee on Enrolled Bills to which was referred HB 186-FN-A AN ACT establishing a pesticides training program.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 186-FN-A

This enrolled bill amendment inserts a contingency.

Enrolled Bill Amendment to HB 186-FN-A

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Authorization for Contingent Renumbering. If any other act of the 2001 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into paragraph I of such section becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any RSA sections inserted by this or any other act as necessary to conform said sections to proper RSA format. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 2001 session laws.

Senator Pignatelli moved adoption.

Adopted.

2001-1602-EBA

05/10

Enrolled Bill Amendment to HB 579

The Committee on Enrolled Bills to which was referred HB 579

AN ACT relative to nominating a political organization by nomination papers.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 579

The enrolled bill amendment modifies RSA 655:42, III and inserts a contingency to avoid conflict with HB 677 of the 2001 legislative session.

This amendment also modifies RSA 655:40 and RSA 655:40-a and inserts a contingency to avoid conflict with HB 224 of the 2001 legislative session.

Enrolled Bill Amendment to HB 579

Amend the bill by replacing all after section 2 with the following:

3 Nomination Papers; Number; HB 677 Amendment. Amend RSA 655:42, III to read as follows:

III. It shall require the names of registered voters equaling 3 percent of the total votes cast at the previous state general election to nominate by nomination papers a political **[party] organization**.

4 Contingency. If HB 677 of the 2001 regular session becomes law, section 3 of this act shall take effect at 12:01 a.m. on the effective date of HB 677 and section 2 of this act shall not take effect. If HB 677 of the 2001 regular session does not become law, section 2 of this act shall take effect 60 days after its passage and section 3 of this act shall not take effect.

5 Nomination by Nomination Papers; "Party" Changed to "Organization"; HB 224 Amendment. Amend RSA 655:40-40-b to read as follows:

655:40 General Provisions. As an alternative to nomination by party primary, a candidate may have his or her name placed on the ballot for the state general election by submitting the requisite number of nomination papers. Such papers shall contain the name and domicile of the candidate, the office for which the candidate is nominated, and the political **[party] organization** or principles the candidate represents. Nomination papers shall be signed by such persons only as are qualified to vote at the state general election. No voter shall sign more than one nomination paper for each office to be voted for, and no nomination paper shall contain the names of more candidates than there are offices to be filled. Each voter shall sign an individual nomination paper.

655:40-a Nomination of **[Party] Organization**. A political **[party] organization** may have its name placed on the ballot for the state general election by submitting the requisite number of nomination papers, in the form prescribed by the secretary of state, pursuant to RSA 655:42, III. Such papers shall contain the name of the political **[party] organization** and shall be signed by such persons only as are registered to vote at the state general election. No voter shall sign more than one nomination paper which allows a political **[party] organization** access to the state general election ballot.

655:40-b Filing Names of Candidates. The names of the candidates to be listed on the state general election ballot under the political **[party] organization** nominated pursuant to RSA 655:40-a shall be submitted to the secretary of state no later than 5:00 p.m. on the Monday immediately following the primary. When the list of candidates

is filed, it shall be accompanied by a declaration of candidacy signed by each of the candidates. The declaration of candidacy shall be in the form provided by RSA 655:17 with the understanding that, where the form says primary election, it shall be construed to mean general election.

6 Contingency. If HB 224 of the 2001 regular session becomes law, section 5 of this act shall take effect at 12:01 a.m. on the effective date of HB 224 and section 1 of this act shall not take effect. If HB 224 of the 2001 regular session does not become law, section 1 of this act shall take effect 60 days after its passage and section 5 of this act shall not take effect.

7 Effective Date.

I. Sections 2 and 3 of this act shall take effect as provided in section 4 of this act.

II. Sections 1 and 5 of this act shall take effect as provided in section 6 of this act.

III. The remainder of this act shall take effect 60 days after its passage.

Senator Pignatelli moved adoption.

Adopted.

2001-1656-EBA

03/10

Enrolled Bill Amendment to HB 471-FN

The Committee on Enrolled Bills to which was referred HB 471-FN

AN ACT relative to fish and game licenses issued to resident and non-resident minors and relative to complimentary fishing licenses for legally blind persons.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 471-FN

This enrolled bill amendment makes a typographical correction.

Enrolled Bill Amendment to HB 471-FN

Amend RSA 214:9, V as inserted by section 6 of the bill by replacing line 2 with the following:

and coyote by the use of traps *when not accompanied by a licensed trapper 18 years of age or*

Senator Pignatelli moved adoption.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SCR 2, calling on the President and the Congress to fully fund the federal government's share of the average per pupil expenditure in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act.

SENATE CONCURS WITH HOUSE AMENDMENT

SCR 2, calling on the President and the Congress to fully fund the federal government's share of the average per pupil expenditure in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act.

Senator O'Hearn moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2002, and June 30, 2003.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Kurk, Whalley, Weyler, Major, Wallner

ALTERNATES: Chandler, Stone, Emerton, Wendelboe, Burling

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2002, and June 30, 2003.

Senator Barnes moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Klemm, Barnes, Hollingworth

ALTERNATES: Boyce, Gatsas

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 21, establishing a commission to develop recommendations for legislation to reduce regulatory barriers to the creation of affordable housing.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 21, establishing a commission to develop recommendations for legislation to reduce regulatory barriers to the creation of affordable housing.

Senator Prescott moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 41, relative to technical corrections for life, accident and health insurance.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 41, relative to technical corrections for life, accident and health insurance.

Senator Burns moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 48, relative to the rental of shared living facilities.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 48, relative to the rental of shared living facilities.

Senator Prescott moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 51, relative to financial holding companies; cash dispensing machines; the participation in meetings by out-of-state, nondepository trust company directors; and a clarification of the status of student loans.

SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 51, relative to financial holding companies; cash dispensing machines; the participation in meetings by out-of-state, nondepository trust company directors; and a clarification of the status of student loans.

Senator Larsen moved to nonconcur and requests a Committee of Conference.

The President, on the part of the Senate, has appointed as members of said Committee of Conference.

SENATORS: Burns, Fernald, Larsen

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 53, relative to attorneys' fees in certain circumstances under the workers' compensation law.

SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 53, relative to attorneys' fees in certain circumstances under the workers' compensation law.

Senator Burns moved to nonconcur and requests a Committee of Conference.

SENATOR HOLLINGWORTH: I was wondering if we could concur on this one because this bill was exactly the way that it was sent out

from the Senate. They just took out...there was double language in the bill. It was in there twice. That is all that has been done. They have removed that error in the language. It has nothing to do with the contents of the bill. It is exactly the same. A simple correction to the way that the Senate amendment was, not what we voted for on the floor. The floor was right, but when the amendment went over to the House, they had put it in twice, the same bill in twice. The bill really is exactly as the Senate had passed it. I would ask the Senate to concur.

SENATOR BURNS: Mr. President, they removed one whole section of the bill. It is something that I think that we would want to look at in a Committee of Conference. I realize that Senator Hollingworth could approve it as it is. I cannot; therefore, I would ask the body to set up a Committee of Conference so that we could look at that more thoroughly.

The President, on the part of the Senate, has appointed as members of said Committee of Conference.

SENATORS: Flanders, Burns, Wheeler

Conferee Change: Senator Klemm replaced Senator Flanders

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 95, relative to campaign contribution limits.

SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 95, relative to campaign contribution limits.

Senator Roberge moved to nonconcur and requests a Committee of Conference.

The President, on the part of the Senate, has appointed as members of said Committee of Conference.

SENATORS: Roberge, Fernald, Francoeur

Conferee Change: Senator Disnard replaced Senator Fernald.

Conferee Change: Senator Barnes replaced Senator Disnard.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 99, relative to the exemption from the community benefits law for charitable trusts.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 99, relative to the exemption from the community benefits law for charitable trusts.

Senator Prescott moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 103, changing the qualification requirements for charitable organizations that conduct bingo or lucky 7.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 103, changing the qualification requirements for charitable organizations that conduct bingo or lucky 7.

Senator D'Allesandro moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 109, implementing certain federal regulations relative to setting minimum requirements for employee benefit plan procedures pertaining to the filing of benefit claims, notification of benefit determinations, and appeal of adverse benefit determinations.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 109, implementing certain federal regulations relative to setting minimum requirements for employee benefit plan procedures pertaining to the filing of benefit claims, notification of benefit determinations, and appeal of adverse benefit determinations.

Senator Burns moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 111-FN, extending the term for the payment of group health insurance premiums for certain retired members of the retirement system.

SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 111-FN, extending the term for the payment of group health insurance premiums for certain retired members of the retirement system.

Senator Burns moved to nonconcur and requests a Committee of Conference.

The President, on the part of the Senate, has appointed as members of said Committee of Conference.

SENATORS: Francoeur, Flanders, Hollingworth

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 131, relative to the retention and disposal of certain financial disclosure forms.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Teschner, Clegg, Bragdon, Rollo

**SENATE ACCEDES TO HOUSE REQUEST FOR A
COMMITTEE OF CONFERENCE**

HB 131, relative to the retention and disposal of certain financial disclosure forms.

Senator Roberge moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference.

SENATORS: Roberge, Barnes, O'Neil

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 132, relative to the damage or destruction of an emergency vehicle or emergency services equipment.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Knowles, Tholl, Nadeau, Jones

**SENATE ACCEDES TO HOUSE REQUEST FOR A
COMMITTEE OF CONFERENCE**

HB 132, relative to the damage or destruction of an emergency vehicle or emergency services equipment.

Senator Gordon moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference.

SENATORS: Gordon, Roberge, Fernald

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 139, relative to uniform electronic transactions.

**SENATE NONCONCURS AND REQUESTS A
COMMITTEE OF CONFERENCE**

SB 139, relative to uniform electronic transactions.

Senator Flanders moved to nonconcur and requests a Committee of Conference.

The President, on the part of the Senate, has appointed as members of said Committee of Conference.

SENATORS: Boyce, Gordon, D'Allesandro

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 148, relative to certain penalties for violations of the youth tobacco laws.

SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 148, relative to certain penalties for violations of the youth tobacco laws.

Senator Gordon moved to nonconcur and requests a Committee of Conference.

The President, on the part of the Senate, has appointed as members of said Committee of Conference.

SENATORS: Roberge, Fernald, Prescott

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 149-FN, permitting persons involved in motor vehicle accidents and certain medical researchers access to motor vehicle records.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 149-FN, permitting persons involved in motor vehicle accidents and certain medical researchers access to motor vehicle records.

Senator Eaton moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 157, relative to state government information dissemination and access.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 157, relative to state government information dissemination and access.

Senator Flanders moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 164, establishing a comprehensive statewide accountability system concerning an adequate education.

**SENATE NONCONCURS AND REQUESTS A
COMMITTEE OF CONFERENCE**

SB 164, establishing a comprehensive statewide accountability system concerning an adequate education.

Senator O'Hearn moved to nonconcur and requests a Committee of Conference.

The President, on the part of the Senate, has appointed as members of said Committee of Conference.

SENATORS: O'Hearn, McCarley, Johnson

Conferee Change: Senator Prescott replaced Senator McCarley

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 168-FN, relative to education property tax hardship relief.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 168-FN, relative to education property tax hardship relief.

Senator Roberge moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 170, making certain changes to the excavation tax and excavation activity tax.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 170, making certain changes to the excavation tax and excavation activity tax.

Senator D'Allesandro moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 170, repealing the legacies and succession tax.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Alukonis, Major, Hess, Kurk, McGuirk

ALTERNATE: Sapareto, Almy

**SENATE ACCEDES TO HOUSE REQUEST FOR A
COMMITTEE OF CONFERENCE**

HB 170, repealing the legacies and succession tax.

Senator D'Allesandro moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Barnes, Eaton, Gatsas

ALTERNATE: D'Allesandro, Klemm

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 176-FN, establishing an equipment depository and disabled person's employment fund in the department of administrative services.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 176-FN, establishing an equipment depository and disabled person's employment fund in the department of administrative services.

Senator Wheeler moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 184, relative to review of fees for the removal and impoundment of motor vehicles.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 184, relative to review of fees for the removal and impoundment of motor vehicles.

Senator Eaton moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 192-FN, relative to the issuance of high/medium voltage licenses by the electricians' board.

**SENATE NONCONCURS AND REQUESTS A
COMMITTEE OF CONFERENCE**

SB 192-FN, relative to the issuance of high/medium voltage licenses by the electricians' board.

Senator Prescott moved to nonconcur and requests a Committee of Conference.

The President, on the part of the Senate, has appointed as members of said Committee of Conference.

SENATORS: O'Neil, Prescott, Francoeur

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 193-FN, relative to changes in the property tax system and making an appropriation therefor.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 193-FN, relative to changes in the property tax system and making an appropriation therefor.

Senator D'Allesandro moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 197, restructuring the judicial conduct committee as an independent judicial conduct commission and making an appropriation therefor.

SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 197, restructuring the judicial conduct committee as an independent judicial conduct commission and making an appropriation therefor.

Senator Gordon moved to nonconcur and requests a Committee of Conference.

The President, on the part of the Senate, has appointed as members of said Committee of Conference.

SENATORS: Gordon, Prescott, Fernald

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 259, relative to holding sessions for correction of checklists.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Stritch, Reeves, Flanagan, Buckley

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 259, relative to holding sessions for correction of checklists.

Senator Roberge moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Roberge, Disnard, Barnes

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 279, relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Zolla, Dyer, Andosca, Wheeler

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 279, relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor.

Senator Prescott moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Francoeur, Wheeler, Prescott

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 320-FN, relative to leasing certain portions of railroad properties and relative to the definition and taxation of amusement railroads.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Packard, John Flanders, Dickinson,
Brenda Ferland

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 320-FN, relative to leasing certain portions of railroad properties and relative to the definition and taxation of amusement railroads.

Senator Eaton moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Eaton, Boyce, O'Neil

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 328-FN, relative to fees of sheriffs and deputy sheriffs.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Reid, Elliot, Thulander, Dudley

**SENATE ACCEDES TO HOUSE REQUEST FOR A
COMMITTEE OF CONFERENCE**

HB 328-FN, relative to fees of sheriffs and deputy sheriffs.

Senator Gordon moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Fernald, Roberge, Prescott

ALTERNATE: Gordon

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 337-FN, relative to the administration of the public utilities commission and establishing the position of executive director of the public utilities commission.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Bradley, Naida Kaen, Dyer, Erik Anderson

**SENATE ACCEDES TO HOUSE REQUEST FOR A
COMMITTEE OF CONFERENCE**

HB 337-FN, relative to the administration of the public utilities commission and establishing the position of executive director of the public utilities commission.

Senator Prescott moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Prescott, Flanders, D'Allesandro

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 351, requiring the state to fully fund school building aid payments for fiscal year 2001 and making an appropriation therefor.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Whalley, Kurk, Henderson, Alukonis,
Estabrook

ALTERNATES: Guida, Foster

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 351, requiring the state to fully fund school building aid payments for fiscal year 2001 and making an appropriation therefor.

Senator Barnes moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Gordon, O'Hearn, Boyce

ALTERNATE: Disnard, Johnson

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 354-FN, extending the kindergarten construction program.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Weyler, Mercer, Thulander, Foster

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 354-FN, extending the kindergarten construction program.

Senator O'Hearn moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Gordon, Disnard, Boyce

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 373, relative to surety bonds for detective agencies and security services.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Dodge, Charles Hall, Dexter, Landers

**SENATE ACCEDES TO HOUSE REQUEST FOR A
COMMITTEE OF CONFERENCE**

HB 373, relative to surety bonds for detective agencies and security services.

Senator Prescott moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Prescott, D'Allesandro, Flanders

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 405, establishing a committee to study the creation of an at-home infant child care program in New Hampshire.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Arnold, Greenberg, K. Hutchinson, Ginsberg

**SENATE ACCEDES TO HOUSE REQUEST FOR A
COMMITTEE OF CONFERENCE**

HB 405, establishing a committee to study the creation of an at-home infant child care program in New Hampshire.

Senator Wheeler moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Boyce, Prescott, McCarley

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 426, relative to the voluntary scrapie flock certification program.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Melcher, O'Connell, Babson, Burton Williams

**SENATE ACCEDES TO HOUSE REQUEST FOR A
COMMITTEE OF CONFERENCE**

HB 426, relative to the voluntary scrapie flock certification program.

Senator Disnard moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: D'Allesandro, Gatsas, Roberge

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 450, relative to certain work product under the right-to-know law.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Reid, Soltani, John Pratt, Herman

**SENATE ACCEDES TO HOUSE REQUEST FOR A
COMMITTEE OF CONFERENCE**

HB 450, relative to certain work product under the right-to-know law.

Senator Prescott moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Gordon, Prescott, Fernald

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 451, establishing a commission to study the impact of pay and health care benefits for child care workers on the quality of care and education for children by considering and exploring funding methods for accomplishing any recommendations.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Bickford, Moran, Richardson, Gile

**SENATE ACCEDES TO HOUSE REQUEST FOR A
COMMITTEE OF CONFERENCE**

HB 451, establishing a commission to study the impact of pay and health care benefits for child care workers on the quality of care and education for children by considering and exploring funding methods for accomplishing any recommendations.

Senator Wheeler moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Boyce, Prescott, Wheeler

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 603, providing the commissioner of administrative services and option to self-fund the state employee health plan and requiring a reserve fund therefor.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Peterson, Poulin, Pawlek, Wheeler

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 603, providing the commissioner of administrative services and option to self-fund the state employee health plan and requiring a reserve fund therefor.

Senator Burns moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Francoeur, Burns, Hollingworth

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 643, extending the moratorium on new nursing home beds.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Batula, Herman, Wendelboe, Sandra Harris

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 643, extending the moratorium on new nursing home beds.

Senator Wheeler moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Boyce, Prescott, Wheeler

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 649-FN, relative to compensation for time lost by state employees injured in the line of duty.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Langer, Dyer, Zolla, Lent

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 649-FN, relative to compensation for time lost by state employees injured in the line of duty.

Senator Prescott moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Prescott, Flanders, Larsen

Conferee Change: Senator Eaton replaced Senator Flanders

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 702, relative to the duties of the committee to study the consumer protection effort in New Hampshire.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hunt, Kurk, Leo Fraser, Batchelder

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 702, relative to the duties of the committee to study the consumer protection effort in New Hampshire.

Senator Prescott moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Prescott, Wheeler, Boyce

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 717, establishing a committee to make recommendations on policy concerning state-operated trails for all terrain vehicles and trail bikes and relative to increasing the nonresident OHRV registration fees for snow traveling vehicles.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Royce, Whalley, Dyer, McGuire

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 717, establishing a committee to make recommendations on policy concerning state-operated trails for all terrain vehicles and trail bikes and relative to increasing the nonresident OHRV registration fees for snow traveling vehicles.

Senator Eaton moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Eaton, D'Allesandro, Burns

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 726, relative to change of school assignment and transfers of public school pupils.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Alger, Carson, Herman, Yeaton

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 726, relative to change of school assignment and transfers of public school pupils.

Senator O'Hearn moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Johnson, Gordon, Below

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled Bills sent down from the Senate:

HB 25-FN, making appropriations for capital improvements.

HB 126-FN, relative to the board of pharmacy and the regulation of pharmacists.

HB 140, relative to interest on judgements.

HB 177-FN, relative to the purchase of a wheelchair van for the veterans' home in Tilton and making an appropriation therefor.

HB 208-FN, changing the license requirements for operators collecting the meals and rooms tax and relative to a property tax exemption for the Woman's Club of Concord.

HB 210-FN, relative to the penalties for persons convicted of subsequent DWI offenses and correcting the ignition interlock program laws.

HB 261-FN, including the judiciary as a public employer under the public employee labor relations act.

HB 275, relative to the expenditure of funds received pursuant to the Workforce Investment Act.

HB 326-FN, relative to the continuation of the New Hampshire task force on deafness and hearing loss and making an appropriation therefor.

HB 361, establishing a committee to study certain policies and procedures in the department of corrections.

HB 442, establishing a study committee to examine the effects of protective custody on county correctional facilities and relative to the billing of counties for certain expenses by the department of health and human services and relative to costs of certain juvenile placements.

HB 554-FN, establishing a division of information technology within the department of safety.

HB 604-FN, relative to increasing certain fees and making other changes to fish and game licenses.

HB 648-FN, authorizing licensing of homeless youth programs.

HB 659-FN, relative to penalties for attempting to purchase firearms illegally.

HB 731-FN, relative to securities laws, making a change to Article 9 of the Uniform Commercial Code, and relative to standards for records filed with a registry of deeds.

HB 764-FN, relative to the criminal offense of kidnapping.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 164, establishing a comprehensive statewide accountability system concerning an adequate education.

And the Speaker, on the part of the House, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Henderson, Ward, Colcord, Snyder

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 197, restructuring the judicial conduct committee as an independent judicial conduct commission and making an appropriation therefor.

And the Speaker, on the part of the House, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Mock, Rowe, Woods, Wall

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 69-FN, relative to a New Hampshire Legal Assistance office in Nashua and making an appropriation therefor.

and the Speaker, on the part of the House, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Elliot, Dudley, Woods, Rice

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 139, relative to uniform electronic transactions.

and the Speaker, on the part of the House, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hunt, Leo Fraser, Martha Fuller Clark, Langley

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 148, relative to certain penalties for violations of the youth tobacco laws.

and the Speaker, on the part of the House, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hunt, Leo Fraser, Belanger, Batchelder

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 51, relative to financial holding companies; cash dispensing machines; the participation in meetings by out-of-state, nondepository trust company directors; and a clarification of the status of student loans.

and the Speaker, on the part of the House, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hunt, Leo Fraser, Taylor, Keye

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 303, relative to funding of training and certification of firefighters and emergency medical service providers programs in the department of safety, extending certain motor vehicle license expiration dates, and increasing certain motor vehicle license fees.

HB 370, relative to the regulation of trapping by the fish and game department.

HB 532, establishing a committee to study the adequacy of funding for the continued universal distribution of children's vaccines.

HB 595, relative to single producer licensing.

SB 45, relative to the legislative oversight committee on electric utility restructuring and relative to service from a rural electric cooperative under special contracts.

SB 55, creating a commission to study the need for and location of architecturally secure facilities and community shelter care facilities to service juveniles.

SB 61, establishing a procedure for summary administration of estates.

SB 123, establishing a committee to study how information regarding private individuals is obtained, maintained, and employed by the division of children, youth and families.

SB 131, establishing a study committee relative to charitable bingo operations.

SB 150, relative to community services for persons with developmental disabilities.

Senator Pignatelli moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 350, relative to persons with disabilities participating in the work incentive program.

Senator Pignatelli moved adoption.

Adopted.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 75, relative to physicians who make a report when a person is unfit to drive a motor vehicle.

SB 108, relative to the definition of "funeral home".

SB 178, establishing a committee to study the uniform computer information transactions act.

SB 181, relative to the manufacture, sale, or installation of certain smoke detectors.

SUSPENSION OF THE RULES

Senator Francoeur moved that the Rules of the Senate be so far suspended as to allow all bills ordered to third reading, be by this resolution read a third time, and that all titles be the same as adopted, and that they be passed at the present time.

Adopted by the necessary 2/3 vote.

ANNOUNCEMENTS
RESOLUTION

Senator Francoeur moved that the Senate be in recess for the sole purpose of receiving House Messages, Enrolled Bills and Amendments, and naming Committee of Conferences.

Adopted.

Third Reading and Final Passage

HB 170, repealing the legacies and succession tax.

HB 177-FN, relative to the purchase of a wheelchair van for the veterans' home in Tilton and making an appropriation therefor.

HB 202, relative to the legislative ethics committee.

HB 215, relative to publication of status of cases before the supreme court.

HB 256, limiting the liability of law enforcement agencies and their employees for injuries caused by dogs used in law enforcement work.

HB 258, establishing a task force to conduct an ongoing study of the feasibility of re-establishing the Lawrence, Massachusetts, to Manchester New Hampshire rail service line and the Concord to Lebanon northern passenger rail service line.

HB 271, relative to criminal liability for the conduct of another.

HB 277-L, clarifying the penalties for violations of statutes or ordinances where no penalty is specified.

HB 315-FN, relative to the registration of criminal offenders.

HB 357, relative to periodic payments of judgments.

HB 374, relative to surcharges on pay telephone use.

HB 385, changing the name, membership and duties of the office of volunteerism.

HB 390, relative to the Live-Birth Infants Protection Act.

HB 444, relative to mental health services and records.

HB 446, relative to spousal and child support enforcement.

HB 475, establishing a commission for the development of a statewide protocol for interviewing victims of sexual assault crimes.

HB 509, establishing a statute of limitations on spousal support orders.

HB 543, establishing the division of ports and harbors within the Pease development authority and transferring all functions, powers, and duties of the New Hampshire state port authority.

HB 588, relative to examination of persons called as jurors.

HB 616, clarifying sessions to be held at the satellite district court in Durham.

HB 652, relative to the penalties for reckless or negligent operation of a motor vehicle.

HB 699, relative to the rights of non-offending parents in the context of abuse and neglect cases.

HB 703, relative to durable powers of attorney.

HB 707, establishing a committee to study the usage of 211 as a uniform community service information and referral number.

HB 738, establishing a commission to assess the operating efficiency of state government.

HB 758, relative to the sale of gasoline containing ethers.

In recess.

Out of Recess.

2001-1549-EBA

06/10

Enrolled Bill Amendment to SB 100

The Committee on Enrolled Bills to which was referred SB 100

AN ACT establishing a committee to study the feasibility of creating a mental health court division.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 100

This bill makes a grammatical correction to the bill.

Enrolled Bill Amendment to SB 100

Amend section 3 of the bill by replacing line 3 with the following:
divert such persons, when necessary, from the criminal justice system to appropriate treatment

Senator D'Allesandro moved adoption.

Adopted.

2001-1603-EBA

06/10

Enrolled Bill Amendment to SB 165-FN

The Committee on Enrolled Bills to which was referred SB 165-FN

AN ACT relative to the sale, registration, and use of 3-wheeled all-terrain vehicles for off-highway recreational use.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 165-FN

This enrolled bill amendment makes a punctuation change in a bill section heading.

Enrolled Bill Amendment to SB 165-FN

Amend section 1 of the bill by replacing line 1 with the following:

1 New Section; Three-Wheeled ATVs; Limitation on Government Sale.
Amend RSA 215-A

Senator D'Allesandro moved adoption.

Adopted.

2001-1610-EBA

05/01

Enrolled Bill Amendment to SB 167-FN

The Committee on Enrolled Bills to which was referred SB 167-FN

AN ACT relative to the medicaid payment for long-term care services.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 167-FN-A

This enrolled bill amendment makes a typographical correction to the bill.

Enrolled Bill Amendment to SB 167-FN-A

Amend RSA 151-E:6-c as inserted by section 2 of the bill by replacing line 2 with the following:
of care shall be as follows:

Senator D'Allesandro moved adoption.

Adopted.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 738, establishing a commission to assess the operating efficiency of state government.

And requests a Committee of Conference:

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Poulin, Robertson, Cummings, Schulze

**SENATE ACCEDES TO HOUSE REQUEST FOR A
COMMITTEE OF CONFERENCE**

HB 738, establishing a commission to assess the operating efficiency of state government.

Senator Flanders moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Francoeur, Roberge, O'Neil

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in its amendments to the following entitled Bills sent down from the Senate:

HB 375, relative to sources of funding an adequate education.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 53, relative to attorneys' fees in certain circumstances under the workers' compensation law.

And the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Gilman, Clegg, Bridle, Goley

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 95, relative to campaign contribution limits.

And the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Clegg, Arndt, Pappas, Clemons

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 111, extending the term for the payment of group health insurance premiums for certain retired members of the retirement system.

And the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Dyer, Zolla, Cummings, Drabinowicz

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 192, relative to the issuance of high/medium voltage licenses by the electricians' board.

And the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Dexter, Nelson, Allan, Goulet, Clayton

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate bill, with amendment, in the passage of which amendment, the House asks the concurrence of the Senate:

SB 54, relative to the transfer of funds in the community-technical college system.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 54, relative to the transfer of funds in the community-technical college system.

Senator O'Hearn moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 215, relative to publication of status of cases before the supreme court.

And requests a Committee of Conference:

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Mock, Dudley, Loren Jean, Wall

**SENATE ACCEDES TO HOUSE REQUEST FOR A
COMMITTEE OF CONFERENCE**

HB 215, relative to publication of status of cases before the supreme court. Senator Gordon moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Gordon, Roberge, Pignatelli

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 256, limiting the liability of law enforcement agencies and their employees for injuries caused by dogs used in law enforcement work.

And requests a Committee of Conference:

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Mock, Dudley, Loren Jean, Wall

**SENATE ACCEDES TO HOUSE REQUEST FOR A
COMMITTEE OF CONFERENCE**

HB 256, limiting the liability of law enforcement agencies and their employees for injuries caused by dogs used in law enforcement work.

Senator Gordon moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Francoeur, Prescott, Fernald

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 277, clarifying the penalties for violations of statutes or ordinances where no penalty is specified.

And requests a Committee of Conference:

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Patten, Fairbanks, Scovner, Goodwin

**SENATE ACCEDES TO HOUSE REQUEST FOR A
COMMITTEE OF CONFERENCE**

HB 277, clarifying the penalties for violations of statutes or ordinances where no penalty is specified.

Senator Gordon moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Gordon, Roberge, Fernald

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 315, relative to the registration of criminal offenders.

And requests a Committee of Conference:

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Karl Gilbert, Knowles, Rodd, Sargent

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 315, relative to the registration of criminal offenders.

Senator Gordon moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Roberge, Prescott, Pignatelli

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 357, relative to periodic payments of judgements.

And requests a Committee of Conference:

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Mock, John Pratt, Loren Jean, Woods

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 357, relative to periodic payments of judgements.

Senator Gordon moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Gordon, Fernald, Prescott

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 385, changing the name, membership and duties of the office of volunteerism.

And requests a Committee of Conference:

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hamel, Peterson, Nelson Allan, Drabinowicz

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 385, changing the name, membership and duties of the office of volunteerism.

Senator Prescott moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Eaton, Francoeur, Wheeler

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 444, relative to mental health services and records.

And requests a Committee of Conference:

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Mock, John Pratt, Loren Jean, Woods

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 444, relative to mental health services and records.

Senator Gordon moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Gordon, Pignatelli, Fernald

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 475, establishing a commission for the development of a statewide protocol for interviewing victims of sexual assault crimes.

And requests a Committee of Conference:

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Karl Gilbert, Knowles, Rodd, Sargent

**SENATE ACCEDES TO HOUSE REQUEST FOR A
COMMITTEE OF CONFERENCE**

HB 475, establishing a commission for the development of a statewide protocol for interviewing victims of sexual assault crimes.

Senator Gordon moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Roberge, Prescott, Pignatelli

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 488, establishing a task force to study certain issues regarding privacy. And requests a Committee of Conference:

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hunt, Leo Fraser, Taylor and Martha Fuller Clark

SENATE REFUSES TO ACCEDE TO HOUSE REQUEST

HB 488, establishing a task force to study certain issues regarding privacy. Senator Burns moved to refuse to accede to the request for a Committee of Conference.

Adopted.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 509, establishing a statute of limitations on spousal support orders. And requests a Committee of Conference:

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Dowling, McHugh, Lionel Johnson, Allison

**SENATE ACCEDES TO HOUSE REQUEST FOR A
COMMITTEE OF CONFERENCE**

HB 509, establishing a statute of limitations on spousal support orders. Senator Gordon moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Gordon, Roberge, Pignatelli

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 543, establishing the division of ports and harbors within the Pease Development Authority and transferring all functions, powers, and duties of the New Hampshire state port authority.

And requests a Committee of Conference:

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Ed Smith, Rausch, Morse, Bouchard

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 543, establishing the division of ports and harbors within the Pease Development Authority and transferring all functions, powers, and duties of the New Hampshire state port authority.

Senator Below moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Barnes, Johnson, Hollingworth

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 578, relative to requirements for nonpublic utility providers of telephone services and competitive telecommunications providers, and relative to the information technology management advisory board.

And requests a Committee of Conference:

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Thomas, Sloan, Leach, Meader

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 578, relative to requirements for nonpublic utility providers of telephone services and competitive telecommunications providers, and relative to the information technology management advisory board.

Senator Prescott moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Roberge, Boyce, Below

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 588, relative to examination of persons called as jurors.

And requests a Committee of Conference:

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Mock, John Pratt, Loren Jean, Woods

**SENATE ACCEDES TO HOUSE REQUEST FOR A
COMMITTEE OF CONFERENCE**

HB 588, relative to examination of persons called as jurors.

Senator Gordon moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Gordon, Larsen, Roberge

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 703, relative to durable powers of attorney.

And requests a Committee of Conference:

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Rowe, Mock, Craig, John Pratt

**SENATE ACCEDES TO HOUSE REQUEST FOR A
COMMITTEE OF CONFERENCE**

HB 703, relative to durable powers of attorney.

Senator Gordon moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Gordon, Roberge, Fernald

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 707, establishing a committee to study the usage of 211 as a uniform community service information and referral number.

And requests a Committee of Conference:

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Jeb Bradley, Thomas, White, Lynde

**SENATE ACCEDES TO HOUSE REQUEST FOR A
COMMITTEE OF CONFERENCE**

HB 707, establishing a committee to study the usage of 211 as a uniform community service information and referral number.

Senator Flanders moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Gordon, Wheeler, Flanders

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 758, relative to the sale of gasoline containing ethers.

And requests a Committee of Conference:

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Jeb Bradley, Stone, Norelli, Blanchard

**SENATE ACCEDES TO HOUSE REQUEST FOR A
COMMITTEE OF CONFERENCE**

HB 758, relative to the sale of gasoline containing ethers.

Senator Johnson moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Below, Prescott, Johnson

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 258, establishing a task force to conduct an ongoing study of the feasibility of re-establishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon northern passenger rail service line.

And requests a Committee of Conference:

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: G. Katsakiores, John Flanders, Letourneau, Peter Cote

**SENATE ACCEDES TO HOUSE REQUEST FOR A
COMMITTEE OF CONFERENCE**

HB 258, establishing a task force to conduct an ongoing study of the feasibility of re-establishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon northern passenger rail service line.

Senator Eaton moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Eaton, Flanders, O'Neil

2001-1714-EBA

06/09

Enrolled Bill Amendment to HB 745-FN

The Committee on Enrolled Bills to which was referred HB 745-FN

AN ACT revising Article 9 of the Uniform Commercial Code and related statutes.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 745-FN

This enrolled bill amendment makes certain technical corrections to the bill.

Enrolled Bill Amendment to HB 745-FN

Amend line 1 of RSA 382-A:309 as inserted by section 25 of the bill to read as follows:

382-A:9-309 Security Interest Perfected Upon Attachment. The following security interests are

Amend line 1 of RSA 382-A:317 as inserted by section 25 of the bill to read as follows:

382-A:9-317 Interests That Take Priority Over or Take Free of Security Interest or Agricultural

Amend line 1 of RSA 382-A:318 as inserted by section 25 of the bill to read as follows:

382-A:9-318 No Interest Retained in Right to Payment That is Sold; Rights and Title of Seller of

Amend line 1 of RSA 382-A:319 as inserted by section 25 of the bill to read as follows:

382-A:9-319 Rights and Title of Consignee with Respect to Creditors and Purchasers.

Amend line 1 of RSA 382-A:320 as inserted by section 25 of the bill to read as follows:

382-A:9-320 Buyer of Goods.

Amend line 1 of RSA 382-A:340 as inserted by section 25 of the bill to read as follows:

382-A:9-340 Effectiveness of Right of Recoupment or Set-Off Against Deposit Account.

Amend line 1 of RSA 382-A:9-529 as inserted by section 25 of the bill to read as follows:

382-A:9-529 Fraudulent Filing.

Senator Pignatelli moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 112, establishing a study committee on issues relating to hospital business practices and managed care organizations' networks.

HB 123, relative to the retirement system classification for the director of the division of safety services, department of safety and relative to retirement allowances for certain state employees.

HB 164, relative to exceptions to the confidentiality of certain department of employment security records.

HB 347, relative to terminal pay for certain state officials or employees.

HB 388, clarifying the rights of patients of nursing facilities in the event of a proposed transfer or discharge from the facility.

HB 396, relative to the practice of physicians and surgeons.

HB 442, establishing a study committee to examine the effects of protective custody on county correctional facilities and relative to the billing of counties for certain expenses by the department of health and human services and relative to costs of certain juvenile placements.

HB 443, relative to a state energy plan and relative to road toll fees for vehicles powered by alternate energy sources.

HB 459, relative to inspection requirements for antique vehicles.

HB 477, relative to supplemental allowances for certain retired group I members of the New Hampshire retirement system.

HB 570, relative to the unemployment compensation law and creating a dedicated fund for the job training program for economic growth and making certain changes to the program.

HB 580, requiring health insurance carriers to provide loss information to large employers at least once every 6 months.

HB 591, relative to certain prescription discount cards.

HB 615, relative to the duties of motor vehicle inspectors and fees payable to the department of safety.

HB 720, relative to permitting the use of certain firearms for hunting deer.

HJR 5, encouraging the use of renewable energy systems in new or rehabilitated state buildings.

SB 19, establishing a committee to study prevention of voter fraud.

SB 20, relative to possessory actions instituted on the basis of nonpayment of rent.

SB 46, relative to payments of scheduled awards under the workers' compensation law.

SB 47, relative to ownership of certified public accounting firms.

SB 83, relative to the New Hampshire film and television commission.

SB 98, relative to notice requirements prior to the sale of manufactured housing parks.

SB 100, establishing a committee to study the feasibility of creating a mental health court division.

SB 107, relative to violations of motor vehicle laws by foreign diplomatic and consular officers.

SB 121, relative to the advisory committee on international trade.

SB 147, relative to the calculation of stumpage value in determining the timber tax assessment.

SB 165, relative to the sale, registration, and use of 3-wheeled all-terrain vehicles for off-highway recreational use.

SB 174, including Martin Luther King, Jr. Civil Rights Day as a holiday for which certain state employees are entitled to holiday pay and relative to employees of the department of youth development services.

SB 190, dedicating the I-93 causeway at Moore Dam, the Cottage Street Bridge in Littleton, and the Smith Bridge in Plymouth.

Senator Wheeler moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 105, establishing an agricultural nutrient management program and making an appropriation therefor.

HB 158, relative to the use of an artificial light to locate moose.

HB 219, relative to the rules of the road involving school buses.

HB 305, establishing a dedicated fund for certain fish and game funds to be expended for the purpose of operation game thief.

HB 310, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2003.

HB 311, increasing the fees under the laws relative to sewage disposal systems to support a position at the department of environmental services to advocate for and implement long-term septage disposal solutions in partnership with New Hampshire municipalities.

HB 371, relative to fiscal impact statements for proposed administrative rules prepared by the legislative budget assistant and relative to certain time periods for review by the joint legislative committee on administrative rules.

HB 394, relative to short-term health insurance policies for certain persons.

HB 413, relative to ownership of rail properties.

HB 501, relative to licensure of foster homes and the duties of the department of health and human services advisory board.

HB 520, relative to clarifying qualifications of candidates.

HB 534, relative to "salvage" motor vehicles.

HB 590, permitting life insurance companies access to certain motor vehicle records.

HB 606, relative to the Christa McAuliffe Planetarium.

HB 610, allowing the sale of raw milk cheese and unpasteurized apple cider in New Hampshire.

HB 612, relative to expenditures from the dam maintenance fund by the department of environmental services and extending a study committee report date.

HB 635, relative to family mutual support services.

HB 637, requiring annual training for members of the workers' compensation appeals board.

HB 677, relative to certification and filing of nomination papers.

HB 769, relative to fees paid by municipalities for excavating and dredging permit applications.

SB 57, relative to the economic development matching grants program.

SB 58, revising the requirements for a license as a bingo supplies or lucky 7 tickets distributor.

SB 62, relative to guardianships.

SB 82, relative to service of process in marital matters.

SB 132, directing the department of health and human services to coordinate a comprehensive review of demographic trends in the New Hampshire population and the impact of such trends.

SB 134, establishing a committee to study allowing the use of business logo signing on the mainline of limited access and divided highways.

SB 144, increasing bail commissioners' fees.

Senator Wheeler moved adoption.

Adopted.

2001-1683-EBA

05/01

Enrolled Bill Amendment to SB 106

The Committee on Enrolled Bills to which was referred SB 106

AN ACT relative to consumers' cooperative associations.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 106

This enrolled bill amendment makes a punctuation correction.

Enrolled Bill Amendment to SB 106

Amend RSA 301-A:28, IV(d) as inserted by section 2 of the bill by replacing line 9 with the following:

in said paid-in capital or accumulated savings returns as such;

Senator Pignatelli moved adoption.

Adopted.

2001-1681-EBA

08/09

Enrolled Bill Amendment to SB 84

The Committee on Enrolled Bills to which was referred SB 84

AN ACT relative to funeral processions.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 84

This enrolled bill amendment inserts a contingency which combines a provision of HB 663 and this bill, if HB 663 becomes law.

Enrolled Bill Amendment to SB 84

Amend the bill by replacing all after section 2 with the following:

3 Emergency Lights; Funeral Lead Vehicle Added. Amend RSA 266:74, I to read as follows:

I. It shall be unlawful for any motor vehicle equipped with an emergency light to be driven on the ways of the state. This provision shall not apply to vehicles of any law enforcement agencies or officers, forestry departments, fire departments, volunteer ambulance drivers, volunteer members of fire departments, state, city, or town highway or public works departments, public utilities, wreckers, public or private ambulances, private snow removal vehicles, emergency highway service vehicles, postal service vehicles, school buses, *funeral escort and lead vehicles*, and such other vehicles as determined by the director. Emergency lights shall not be in operation except during an emergency, and in the case of private snow removal vehicles, while such vehicle is actively in use in snow removal, and, in the case of postal service vehicles, while such vehicle is actively engaged in delivering mail, and, in the case of school buses, while such school bus is actively engaged in the transportation of students.

4 Contingency. If HB 663 of the 2001 legislative session becomes law, then section 3 of this act shall take effect on January 1, 2002, and section 2 of this act shall not take effect. If HB 663 does not become law, then section 2 of this act shall take effect on January 1, 2002, and section 3 of this act shall not take effect.

5 Effective Date.

I. Section 4 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2002.

Senator Pignatelli moved adoption.

Adopted.

2001-1673-EBA
08/10

Enrolled Bill Amendment to SB 76-FN

The Committee on Enrolled Bills to which was referred SB 76-FN

AN ACT requiring attendance in an education and training program by those who obtain a liquor license and relative to applications for one-day liquor licenses.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 76-FN

This enrolled bill amendment makes a technical correction in a bill section heading.

Enrolled Bill Amendment to SB 76-FN

Amend section 2 of the bill by replacing line 3 with the following:
Changed. Amend RSA 178:20, V(1)(1) and (2) to read as follows:

Senator Pignatelli moved adoption.

Adopted.

2001-1685-EBA
04/10

Enrolled Bill Amendment to HB 25-FN-A

The Committee on Enrolled Bills to which was referred HB 25-FN-A

AN ACT making appropriations for capital improvements.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 25-FN-A

This enrolled bill amendment makes technical and grammatical changes to sections 14, 22, and 27 of the bill.

Enrolled Bill Amendment to HB 25-FN-A

Amend section 14 of the bill by replacing lines 2-4 with the following: for the biennium ending June 30, 2003, is hereby appropriated to the department of transportation, division of public works for the purpose of preparing the reports required by section 13 of this act. This appropriation shall be in addition to any other sums appropriated to

Amend section 22 of the bill by replacing line 3 with the following:

10. Equipment upgrade[-DASD] *200,000

Amend section 27 of the bill by replacing line 2 with the following: trustees of the university system of New Hampshire shall commence a study of the feasibility and

Senator Pignatelli moved adoption.

Adopted.

2001-1830-EBA

03/01

Enrolled Bill Amendment to HB 103

The Committee on Enrolled Bills to which was referred HB 103

AN ACT relative to the possession of deadly weapons by convicted felons or during the commission or attempted commission of a violent crime.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 103

This enrolled bill amendment modifies a bill section heading to conform to the contents of the bill.

Enrolled Bill Amendment to HB 103

Amend section 2 of the bill by replacing lines 1-2 with the following:

2 Pistols and Revolvers; Possession of Deadly Weapon While Committing a Violent Crime. Amend RSA 159:15, I to read as follows:

Senator Pignatelli moved adoption.

Adopted.

2001-1706-EBA

08/10

Enrolled Bill Amendment to HB 288-FN

The Committee on Enrolled Bills to which was referred HB 288-FN

AN ACT relative to the licensure of interpreters for the deaf and hard of hearing.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 288-FN

This enrolled bill amendment makes a grammatical correction and a technical correction to an RSA reference.

Enrolled Bill Amendment to HB 288-FN

Amend RSA 326-I:5, I as inserted by section 1 of the bill by replacing line 4 with the following:
examinations and examiners used by the Registry of Interpreters for the Deaf or the National

Amend RSA 326-I:6, IV (d) as inserted by section 1 of the bill by replacing line 1 with the following:

(d) Students exempted under RSA 326-I:8.

Senator Pignatelli moved adoption.

Adopted.

2001-1741-EBA

05/10

Enrolled Bill Amendment to HB 402

The Committee on Enrolled Bills to which was referred HB 402

AN ACT relative to the establishment of a state universal service fund.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 402

This enrolled bill amendment makes a technical correction in the insertion of an RSA section by section 3 of the bill.

Enrolled Bill Amendment to HB 402

Amend section 3 of the bill by replacing lines 1-2 with the following:

3 New Subdivision; Affordable Telephone Service. Amend RSA 374 by inserting after section 22-o the following new subdivision:

Intrastate Telephone Service

Senator Pignatelli moved adoption.

Adopted.

2001-1686-EBA

05/10

Enrolled Bill Amendment to HB 412

The Committee on Enrolled Bills to which was referred HB 412

AN ACT relative to requiring the public higher education study committee to study the feasibility of granting of state franchise rights to providers of on-line education courses.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 412

This enrolled bill amendment makes a grammatical correction to the title of the bill.

Enrolled Bill Amendment to HB 412

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

AN ACT requiring the public higher education study committee to study the feasibility of granting state franchise rights to providers of on-line education courses.

Senator Pignatelli moved adoption.

Adopted.

2001-1833-EBA
03/10

Enrolled Bill Amendment to HB 554-FN

The Committee on Enrolled Bills to which was referred HB 554-FN AN ACT establishing a division of information technology within the department of safety.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 554-FN

This enrolled bill amendment inserts a contingent renumbering provision to avoid conflict with an act previously passed by the general court.

Enrolled Bill Amendment to HB 554-FN

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Contingency. If HB 303-FN-A-LOCAL of the 2001 regular session becomes law, then RSA 21-P:12-d as inserted by section 2 of this act shall be renumbered as RSA 21-P:12-f.

Senator Pignatelli moved adoption.

Adopted.

2001-1790-EBA
03/09

Enrolled Bill Amendment to HB 667

The Committee on Enrolled Bills to which was referred HB 667 AN ACT relative to certain reporting requirements and relative to meetings of the board of medicine.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 667

This enrolled bill amendment clarifies matter added to and deleted from current law, inserts an omitted RSA section heading, and makes punctuation corrections.

Enrolled Bill Amendment to HB 667

Amend RSA 329:2, I as inserted by section 2 of the bill by replacing line 2 with the following:

selected from among physicians and surgeons, one member selected to represent [~~paramedical personnel~~] **physician assistants**

Amend section 3 of the bill by replacing lines 2 and 3 with the following: RSA 329:4 is repealed and reenacted to read as follows:

329:4 Appointment; Term; Removal.

I. The commissioner or the medical director of the department of health and human services

Amend RSA 329:16-e as inserted by section 8 of the bill by replacing line 3 with the following:

required to pay double the renewal fee. Any failure, neglect, or refusal on the part of any person

Amend RSA 329:17, IV as inserted by section 9 of the bill by replacing line 2 with the following:
ambulatory surgical center, or other health care facility within the state shall report to the board

Senator Pignatelli moved adoption.

Adopted.

2001-1788-EBA
08/01

Enrolled Bill Amendment to HB 764

The Committee on Enrolled Bills to which was referred HB 764
 AN ACT relative to the criminal offense of kidnapping.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 764

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 764

Amend section 1 of the bill by replacing line 7 with the following:
 paragraph shall not apply to law enforcement personnel or department of health and human

Senator Pignatelli moved adoption.

Adopted.

2001-1774-EBA
06/10

Enrolled Bill Amendment to HB 584-FN-A

The Committee on Enrolled Bills to which was referred HB 584-FN-A
 AN ACT relative to the registration and licensure of OHRV dealers and rental agents.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 584-FN-A

This amendment makes a typographical correction in section 1 and makes a technical correction in section 5 of the bill.

Enrolled Bill Amendment to HB 584-FN-A

Amend RSA 215-A:1, III-a, as inserted by section 1 of the bill by replacing line 2 with the following:
 or demonstrates for sale vehicles on consignment to the general public.
 There shall be a rebuttable

Amend RSA 215-A:26, II as inserted by section 5 of the bill by replacing line 6 with the following:
 used ~~by him~~ for rental. When renting OHRVs, any person shall be required to use rental ~~plates~~ **decals**, if

Senator Pignatelli moved adoption.

Adopted.

2001-1813-EBA
08/01

Enrolled Bill Amendment to HB 361

The Committee on Enrolled Bills to which was referred HB 361

AN ACT establishing a committee to study certain policies and procedures in the department of corrections.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 361

This enrolled bill amendment makes grammatical corrections.

Enrolled Bill Amendment to HB 361

Amend section 3 of the bill by replacing lines 2 and 3 with the following:

I. Investigate and make recommendations concerning staffing levels on each shift within the department's facilities.

Amend paragraph IV of section 3 of the bill by replacing line 1 with the following:

IV. Study any other issue which the committee deems relevant to its purpose.

Senator Pignatelli moved adoption.

Adopted.

LATE SESSION
RESOLUTION

Senator Francoeur moved that the business of the day being completed that the Senate now adjourn until Tuesday, June, 26, 2001, at 10:15 a.m.

Adopted.

RESOLUTION

Senator Hollingworth moved that the Senate now adjourn until Tuesday, June 26, 2001 at 10:15 a.m.

Adopted.

Adjournment.

June 26, 2001

The Senate met at 10:15 a.m.

A quorum was present.

The prayer was offered by Reverend, David P. Jones, Senate Chaplain.

This morning I am feeling like Orville Wright, as he stood on that Kitty Hawk beach, holding his breath, not quite sure how this thing was going to turn out. As he stood there, Orville was watching someone about whom he cared a great deal, as they tried to get their new creation to fly. That's pretty much how I am feeling right now, along with everyone else in the state. For the Wright brothers, this was no risk-free enterprise, after all, their flying machine was crafted out of all kinds of materials. The fabric on the wings was made of the cloth used for undergarments. Very creative.

That which you have created and are attempting to launch today is also very creative – to some a stroke of genius, to others a foolhearty stunt – and so now we all watch and wait and hold our breaths to see if it is going to fly. Whenever we come to points like this in our lives, it is important to remember that, regardless of the outcome, to have taken the risk is in itself a step forward, but also, even with the experience of the longed for success, such as the Wright brothers enjoyed that day, it is only the first timid step in the process that leads from a one-man, sputtering beach bound biplane all the way to a globe circling 747. Pilot us well today.

Let us pray:

Lord, may You be the air traffic controller of our lives, our relationships and our votes this day. Protect us from any timidity that would cause us to become so risk free that we never leave the ground, but also spare us from any over eager actions that would send us hurtling beyond the runway's end. May we land safely today and may that be the beginning of a great adventure.
Amen

Senator D'Allesandro led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

SENATOR DISNARD (RULE #44): I desire to respectfully and politely speak regarding several political issues that I have been involved with as well as my Democratic party. I am of the strong opinion that Senate Standing Rules 17(b) and 26 have been strongly misrepresented more than several times. I sincerely believe that in the history of the Senate, if Rule 26 could be researched, it would reveal that Senate Rule 26 originated to protect the minority party at a particular time when it was not a majority party, to protect the two-party system, as well as protecting the citizens of the state and democracy. I would like to read Senate Rule 26: "All committees of the Senate, including Senate members on Committees of Conferences, shall consist of members of both parties, as nearly equal as possible, provided that on all committees, both parties shall be represented." I hope that you will remember that. I feel strongly that as a result of this misrepresentation, all Committee of Conferences that are signed on the Senate side by the same party members are null and void. I also suggest Rule 33 indicates that it takes a two-thirds majority of the Senate members to change or add to a Senate Rule. I also feel strongly that as a result of misrepresentation involving Senate conferees that were signed by only members of that party, repeating myself, are null and void. I also question, on what authority a Senate Rule allows the replacement or the removal of a Senator from a Committee of Conference...and listen now... after discussions and deliberations have closed and after that report has been sent to the legislative office. Further, when a Committee of Conference has four members, one certainly must be a minority party member, does that mean that the alternate member, which would be a fifth member sitting on in the conference, must also be a member of the minority party? I would like to know what the appeal process is, Madame Clerk, if I am declared out-of-order, what it is or what appeal or rights that I have or that my party has? I would like to know, Madame Clerk, how many Committee of Conference bills in the House and the Senate, were signed by just members of one party in the Senate? Thank you.

CLERK OF THE SENATE, GLORIA RANLETT: The Senate President has the right to appoint Committees of Conference. It should be as near as possible to represent the minority and majority party. If a member

of the minority refuses to sign or if a member of the majority refuses to sign something that everyone has agreed to, then the Senate President can appoint another member.

SENATOR DISNARD: But each party must be, as I read this, and you're telling me that I am misreading this, "Each member that signs the Committee of Conference Report, at least one must be a member of the minority party."

CLERK OF THE SENATE, GLORIA RANDLETT: It says, "as nearly as possible."

SENATOR DISNARD: I don't read it that way, ma'am. It says that, "it shall consist of both parties as nearly equal as possible." Well nearly equal as possible for three members would be one member.

CLERK OF THE SENATE, GLORIA RANDLETT: You are right, sir.

SENATOR DISNARD: Excuse me, I don't mean to be argumentative. So therefore, I would like to have an opinion. I don't know who it is from, but as I mentioned, in being redundant, that all Committees of Conferences, this year, that were signed by just members of the majority party or the minority party, are null and void.

CLERK OF THE SENATE, GLORIA RANDLETT: The precedence in the Senate has been that the President of the Senate does appoint members to the Committee of Conference. Sometimes they have appointed all one party. It happened under Senator Hollingworth, it probably has happened under Senator Blaisdell. I didn't backtrack that far, and it will happen again. When someone refuses to sign, precedence has it that the Senate President or the Speaker may change that member to someone else.

SENATOR DISNARD: I don't believe, Madame Clerk, because a rule might have been broken once, it is the standing rule of the Senate. I think then that Rule 33 takes over. For example, if I am upheld, and the budget is involved, then a two-thirds vote, in my opinion, that then re-institutes the budget.

CLERK OF THE SENATE, GLORIA RANDLETT: Your argument is that those that signed the Committee of Conference were all one party, not those that were appointed?

SENATOR DISNARD: That is right.

CLERK OF THE SENATE, GLORIA RANDLETT: So appointments are not the argument, it is who signed it?

SENATOR DISNARD: Committees on the part of the Senate, that signed this...if it shows that they are all members of the same party, I claim that it is illegal.

CLERK OF THE SENATE, GLORIA RANDLETT: It happens all the time.

SENATOR DISNARD: Ma'am, I don't care what the precedent is. This is it. In Rule 33, it is the principle of the thing. I don't think that rules should be broken, especially the revered rules of this Senate. I think that the history would show...and being redundant again, it is to protect the minority party.

PRESIDENT KLEMM (In the Chair): Senator Disnard, the committees were set up with a representative from the minority party when the committees were established, on the Committee of Conference Reports are before both branches, the Senate and the House today. If your opinion is that the Committees of Conference are null and void, then you are entitled to vote no on all of the Committees of Conference.

SENATOR DISNARD: May I answer to that?

PRESIDENT KLEMM (In the Chair): Certainly.

SENATOR DISNARD: I accept the fact that during the time of Committee of Conferences, members can be replaced, but still that rule of both parties be represented. I don't have a problem with that. I have a problem with a person signing, when I was replaced, was not included in the Committee of Conference discussions. In the discussions, I was the only member of the minority party that upheld the Senate's position. Whoever replaced me, and I know who it was, signed...and that is ramrodding. That is what this Rule #26 is, to protect. He was not part of the deliberations. I don't think that is right and I think that the public should know it. It is used as tool to rub the nose of the Democratic party in the dirt and I don't think that is legal or right.

PRESIDENT KLEMM (In the Chair): Senator Disnard, if you are opposed to the Committee of Conferences, you can vote no.

SENATOR DISNARD: If this rule was broken, and I believe that it was broken, I don't believe that the minority party leader was consulted, as it says regarding placements on the Committee of Conference, at any time. There is another misrepresentation of this rule. I would like to know...I understand from the attorney, that Rule #40 probably applies here, by a majority vote. At least my voice is heard. I would still like to know, was a rule broken, Madame Clerk, or not? Was a standing rule in the Senate broken in this instance, when the minority party was not represented on the Committee of Conference final report?

CLERK OF THE SENATE, GLORIA RANDLETT: When you see "final report" do you mean the one that was signed or when they were appointed, Senator? There is a difference.

SENATOR DISNARD: The one that was signed. The ones that we are going to vote on today.

CLERK OF THE SENATE, GLORIA RANDLETT: No. When they were appointed, no. It wasn't done. When it was signed, if the Senate President did appoint another member, it may have changed the make-up of the committee.

SENATOR DISNARD: I appeal to the Senate under Rule #40 then, whether this rule was broken by administration. How can it not be broken?

SENATOR HOLLINGWORTH: If I could further clarify. If you would look at Rule #26, it says that "all Committees of the Senate, including the Senate members on Committee of Conference shall consist of members of both parties as nearly equal as possible, providing that all committees, both parties shall be represented. The President shall appoint the members of all the committees after consulting with the minority leader." I did speak to President Klemm early on and said in the past, last year, Senator Carl Johnson appointed the Republican members, and I appointed the Democratic members, and we did not have any occasion in which I had to remove any Senator or that Senator Johnson had to remove any Senators. So I think that clearly the rule has been broken. I was not consulted at any time on the minority members who would be put on the Committees of Conference and I did request that early on.

SENATOR FRANCOEUR: I seem to remember standing on this Senate Chamber floor, a year or two ago asking the same question. Where are

the Republicans on these Committee of Conferences? I have three bills in front of me that if I go back to the Committee of Conference Reports from 1999, HB 333, HB 1521 and HB 1569 have no Republicans on them. If anybody doesn't think that these were any big deal, HB 1521 was relative to the definition and administration of an adequate education, which we all heard from quite a bit. I think that if we look back and you take the Journal of the Senate, you go back and you will see that there was discussion. I got up and I stood here, and I asked then, the acting President of the Senate, which was a Democrat, where are the Republicans? There were none. A precedent has been set. It has been set probably before then, too. Mr. President, I agree with you that as we go forth today, that this isn't the first time that this has been done. It has been done in the past. Those that don't agree can surely voice their opinion here today otherwise.

SENATOR DISNARD: Senator Francoeur, are you saying that Senate Rule #26 was not willfully misrepresented this year?

SENATOR FRANCOEUR: What I am saying is that in 1999 I stood on the Senate Chamber floor, just like you are doing today, and I asked where the Republicans were on these committees.

SENATOR DISNARD: How many years ago was that?

SENATOR FRANCOEUR: It was in 1999.

SENATOR DISNARD: I am talking about this year. If the rule was broken, precedent is no excuse.

SENATOR PIGNATELLI (RULE #44): I rise to speak, Mr. President. This is in the nature of a Rule #44, but I believe that it is germane to what we are discussing. Eight years ago, our Supreme Court informed the legislature and the people of New Hampshire, that our constitution requires the state to provide an adequate education for the children who live here. We had plenty of notice to address the problem, which had been brought about by shortsighted Republican leadership that perpetually underfunded the Augenblick Formula. The legislature didn't act. It never acted, years have passed. In this session, Governor Shaheen put forth a proposal and invited true bipartisanship to work something out. She met no extension of the hand, she was snubbed. At the beginning of this session, one of our Republican Senators was quoted as follows in the news. "The Democrats are going to have some damn good input on what we come up with too. We are not calling it a Republican plan, we are calling it a Senate plan. For a Senate plan to work, we need Democrats to be working with us on it. I will be very disappointed if we don't come up with a plan that is going to work for everybody." Did that materialize? Has there been true bipartisanship this session? Has there been any bipartisanship in this session on education funding issues? Any at all? Any at all on other issues? No. Not unless secret meetings among one parties representatives, the Republican party is considered bi-partisanship. No. Not unless it is bipartisanship to spring the most important bill of the session, maybe the most important of the last few decades, onto Democrats in this body, hours before a vote is required, and with practically no time for the public's scrutiny and input. In past years, there has been bi-partisanship. Certainly there was when the Democrats held the majority four years ago and under President Hollingworth last time. And before that under President Hough. Many of you remember that during President Hough's term, the 24 of us met together in caucus. That is true bipartisanship, but I wasn't looking for that this year.

Not this time. Not when it was needed the most. I applaud the efforts of Senator Gordon in advancing an idea. It had some promise, but not without bipartisanship. We democrats need Republican ideas, clearly as well, judging from results, Republicans need Democrats as well. Bipartisanship works. Debate and cooperation between the parties work. We know that. So what have we accomplished on this issue that first came to us eight years ago? Very little really. Maybe some believe political points against the Governor have been scored or points against the Democrats in the Senate. Maybe points against the courts have been scored. I doubt it, but even so, what has been done for New Hampshire? What has been done for the thousands of children who attend our public schools? What has been done for the property taxpayer? What has been done to honor our constitution? I believe that this legislative year has been a total failure. When bipartisanship was needed, we got partisanship and failure. Thank you Mr. President.

SENATOR FERNALD: I have listened to what Senator Disnard had to say and what Senator Francoeur had to say about who signs off on a Committee of Conference Report. I am not sure that I fully agree with Senator Disnard, that it has to be both parties represented on the sign-off. Because I think that we can see situations where that would foil the will of the majority. But I think otherwise, the rules are clear, and the rules have not been followed. Our rules provide that every committee will have representatives from both parties, and that the minority leader will be consulted before appointments are made, and neither of those happened this year. I think that is wrong. When I see this happening, what comes to my mind is, Runnymede, 1215, the signing of the Magna Carta, because that is the point at which we begin to recognize the rule of law, and that we are all obligated to obey the law, to follow the rules. If we create rules for ourselves, and then ignore them, we are no better than dictators who do whatever they want us to do. It is important for us to follow our own rules. Not because some day we will be the majority or the minority and turn about is fair play or any of that kind of stuff. It is because if the process isn't fair, if it isn't right, if it is according to our traditions of rule of law, then it is no process at all. We can have no faith in it, and neither can anybody out there, who is watching what we do. I don't know what we do about it at this point, Mr. President, but I would hope that in the future, that we follow our rules. And that when an error in the rules is found, the answer is not, "well, we have always broken the rules in the past." If the Red Sox broke the rules, and the answer was, "they have always broken the rules," we would be outraged. We should be equally outraged today.

SENATOR WHEELER (Rule #44): I think that there is an underlying thing that hasn't been brought up. I think that it is something that we never really want to do, and that is to be discourteous to one of our members. I think that there was discourtesy, perhaps, inadvertent discourtesy, shown to the honorable Senator from Claremont. I don't think that anything can be done this year that will rectify that, but I think that apologies are always a good thing, even if it was inadvertent. I think that it was unfortunate that he was replaced without being told that he was being replaced from a committee and not allowed to participate in the discussions. I am not suggesting any ulterior motives, it did have an affect on being discourteous, and I think that an apology would be in order. Thank you.

SENATOR DISNARD: I want to stand and correct something I was notified on Friday by your office. I want to be honest about that. However, the records show that I was replaced by Senator Barnes a week before that. I call that very inadvertent. I assume that it was a typographical error.

PRESIDENT KLEMM (In the Chair): Senator Disnard, just a point of order. We were still in recess from the 12th, so that even if you were replaced on the 19th, it would still show the 12th.

TAPE CHANGE

SENATOR DISNARD: Even though you made Senator Disnard replace Senator Fernald on the 12th, Senator Barnes replaced Senator Disnard on the 12th, which was a week before that. Thank you for clearing that up. Mr. President, before this is over I wish to thank you for listening to me, politely. I still request that Rule #40 be at the end.

PRESIDENT KLEMM (In the chair): Thank you, Senator.

SENATOR COHEN: In this business, as we all know, words are very important. In some endeavors, words are less important. There is no ambiguity here in Rule #26. The word is not "may", it is "shall". There is no ambiguity. "the committees shall consist of members of both parties, and that they be as nearly as equal as possible." One of the basic tenants of our democratic system here is that we are a nation of laws. This is a rule here. It doesn't say "may", it says, "shall". This rule has been broken. It is very wrong.

SENATOR GORDON: I don't want to continue the debate but I just wanted to point out that I had just gone through all of the Committee of Conference Reports, and I could be wrong, be it human failing, but there appeared to be only three Committee of Conference Reports that aren't signed off by a Democrat. At least one Democrat on the Committee of Conference. The three that I just found were HB 1, which of course is the budget, SB 95 which is campaign financing and SB 164 which is the accountability bill. My recollection is that there were Democrats appointed to each of those three committees, and may have had to have been replaced at the end to sign off. Just for the purpose of the record and not to be argumentative, I just wanted to indicate that by my quick reading of all of the Committee of Conference Reports, they are all signed off by Republicans and Democrats with the exception of those three bills.

SENATOR FERNALD: My understanding is that HB 170, which I think is probably the most important bill that we are going to take up today, did not have any Democrat originally appointed. Eventually Senator D'Allesandro was an alternate and then he became a full member later on, but my understanding, and there may be some other committees that Democrats here can point out, that did not have both parties represented from the start.

SENATOR D'ALLESANDRO: I wanted to set the record straight. I was appointed as a member of HB 170. There might have been some confusion on the part of the House as to what my position was, but I was appointed as a member of that Committee of Conference from its origin to the end. I was there from the beginning to the end. I want that perfectly clear. I was on that Committee of Conference. I participated in all of the activities of that Committee of Conference and was a working member of that Committee of Conference. Thank you Mr. President.

SENATOR BARNES: I just want to back up what Senator D'Allesandro said, seeing that I was the first named on that Committee of Conference. I was told before the names went out, who the members were that were recommended and asked if I was comfortable with who the members were? The Senate President told me that he had appointed Senator D'Allesandro. So this conversation about no Democrat on there, something got lost someplace because I am the guy that said, "Senator D'Allesandro would be fine. I would love to have him on that committee." So before the committee got public, that was discussed with the Senate President. That was just to clear that up.

SENATOR HOLLINGWORTH: I would like to address HB 1. I was an appointee on that Committee of Conference. Unfortunately, when that group would meet and convene, they would convene without my being invited. I did knock on the doors several times, asking as a conferee, to be able to be part of the discussions that were taking place, and was told repeatedly that I could not participate. At one time, Representative Kurk informed the other conferees they were temporary conferees, that he was hesitant to move forward, because there was only one conferee at the table, which happened to be myself, and the fact that I was a Democrat, he was reluctant to move forward. So the reason why I decided that it was inappropriate for me, as a conferee, to sign HB 1 was because I was not party to the discussions on most of the occasions. I would only know, just as the public would know, when they would come out and say agree, agree, agree.

SENATOR BARNES: Senator Hollingworth, did a Senate member of that committee tell you that you were not welcomed?

SENATOR HOLLINGWORTH: Yes Senator Barnes. You yourself told me that I was not welcomed.

SENATOR BARNES: That is not true...

SENATOR HOLLINGWORTH: Senator Barnes, you were at the door and I asked if I could come in, and you said no.

SENATOR BARNES: Representative Kurk ran that committee, not me. So that is a mistruth. I am sorry that I am going to call you on that one. It didn't happen.

SENATOR HOLLINGWORTH: Excuse me, if I could please...in that room, whether it was Neal Kurk who barred the door or not, it was up to you, as the Chair of the Senate, to allow me in. I asked to be let in and you said no, and you allowed that to go forward without my presence.

SENATOR BARNES: I want to clear this up...

PRESIDENT KLEMM (In the Chair): I don't want a running debate here.

Recess.

Out of Recess.

Senator Disnard moved that we have a roll call on Rule #40/Rule #26.

Question is on whether the Committee of Conference was done properly.

A roll call was requested by Senator Disnard.

Seconded by Senator Hollingworth.

The following Senators voted Yes: Burns, Gordon, Johnson, Boyce, Flanders, Roberge, Eaton, O'Hearn, Francoeur, Gatsas, Barnes, Prescott, Klemm.

The following Senators voted No: Below, McCarley, Disnard, Fernald, Pignatelli, O'Neil, D'Allesandro, Wheeler, Hollingworth, Cohen.

Yeas: 13 - Nays: 10

Motion adopted.

SENATOR HOLLINGWORTH: I don't think that the question was exactly the way that Senator Disnard had requested it. I did go to the podium when he went up. What he was asking was that he believed that rule #26 was broken, and that is what he wanted to have voted on. I hope that it is clear that whether the Committee of Conferences were set up inappropriately was not the question. The question was, was Rule #26 broken?

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill:

HB 135, creating a commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload.

HB 140, relative to interest on judgements.

HB 152, relative to expanding the legal methods of taking deer.

HB 156, relative to the detention of juveniles in delinquency proceedings.

HB 160, establishing a committee to study the issue of one-day/one-trial jurors.

HB 177, relative to the purchase of a wheelchair van for the veterans' home in Tilton and making an appropriation therefor.

HB 181, relative to group II retirement system membership for police and corrections officers who become police trainers.

HB 183, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system.

HB 186, establishing a pesticides training program.

HB 197, extending the reporting date of the commission to study methods for reducing violent incidents involving children and guns.

HB 201, relative to voters presenting identification to obtain a ballot.

HB 208, changing the license requirement for operators collecting the meals and rooms tax and relative to a property tax exemption for the Woman's Club of Concord.

HB 210, relative to the penalties for persons convicted of subsequent DWI offenses and correcting the ignition interlock program laws.

HB 261, including the judiciary as a public employer under the public employee labor relations act.

HB 265, prohibiting the sale of rolling papers to minors.

HB 275, relative to the expenditure of funds received pursuant to the Workforce Investment Act.

HB 276, relative to reimbursement of legal fees of supreme court employees who were subpoenaed and incurred legal fees during the impeachment proceedings regarding chief justice David A. Brock and making an appropriation therefor.

HB 296, relative to receiving stolen property.

HB 302, relative to an optional retirement allowance for certain spouses upon a retiree's remarriage.

HB 308, relative to administrative fees added to restitution payments.

HB 326, relative to the continuation of the New Hampshire task force on deafness and hearing loss and making an appropriation therefor.

HB 387, relative to the regulation of dentistry by the board of dental examiners.

HB 399, relative to proof of qualifications for voter registration.

HB 453, establishing a 4-year term for the commissioner of the department of corrections.

HB 471, relative to fish and game licenses issued to resident and non-resident minors and relative to complimentary fishing licenses for legally blind persons.

HB 481, relative to access to certain communications common carrier records.

HB 493, exempting certain short term condominium unit owners' association rentals from the New Hampshire real estate practice act.

HB 503, relative to incompatible offices.

HB 511, relative to continuing medical education requirements for physicians.

HB 573, relative to the role of certain advanced registered nurse practitioners in the state mental health services system.

HB 579, relative to nominating a political organization by nomination papers.

HB 583, making certain changes to the underground utility damage prevention system.

HB 596, relative to the acquisition of land by a town.

HB 648, authorizing licensing of homeless youth programs.

HB 653, relative to certain signs within highway rights-of-way.

HB 659, relative to penalties for attempting to purchase firearms illegally.

HB 684, relative to the occupational therapy practice act.

HB 698, relative to verification of checklists.

HB 719, relative to the removal of public officials for cause.

HB 740, relative to decommissioning of nuclear electric generating facilities.

HB 753, relative to exemptions from issuer-dealer licenses for the sale of securities.

HB 760, relative to the use of silencing devices for taking game.

SB 63, relative to administration of estates and filing of wills by executors.

SB 84, relative to funeral processions.

SB 106, relative to consumers' cooperative associations.

SB 167, relative to the medicaid payment for long-term care services.

Senator Pignatelli moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 745, revising Article 9 of the Uniform Commercial Code and related statutes.

Senator Pignatelli moved adoption.

Adopted.

COMMITTEE OF CONFERENCE REPORTS HOUSE BILLS

2001-1769-CofC

04/10

Committee of Conference Report on HB 354-FN-A-LOCAL, an act extending the kindergarten construction program.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 School Money; Kindergarten Construction Program Extended. Amend RSA 198:15-r, I to read as follows:

I. There is established in the department of education a kindergarten construction program. For the ~~[5-year]~~ **6-year** period starting July 1, 1997, and ending June 30, ~~[2002]~~ **2003**, the commissioner of education shall make grants available to eligible districts that currently do not operate a public kindergarten program to cover 75 percent of the actual cost of construction of kindergarten facilities, exclusive of site acquisition and core facilities. ~~[The commissioner shall also make grants available to eligible districts that currently operate a public kindergarten program for 75 percent of the cost of construction, exclusive of site acquisition, needed to provide the kindergarten program with classrooms that meet the appropriate standards for school building construction established by the state board of education, pursuant to RSA 541-A and under the authority of RSA 21-N:9, II(c).]~~ Grants shall also cover the cost of initial equipment needed to operate a kindergarten program.

2 Kindergarten Construction Program; Availability of Funds Amended. Amend RSA 198:15-r, II to read as follows:

II. Nothing in this subdivision shall prohibit the inclusion of the site and related facilities that are not eligible for funding by the state under this subdivision as part of kindergarten construction costs from being included in a regular building aid funding request as provided in RSA 198:15-b. ***However, no school district which receives funding for a kindergarten construction project under this subdivision shall be eligible to receive school building aid under RSA 198:15-b for the same project.***

3 Kindergarten Construction Program; Appropriation Amended. Amend 1997, 348:6 to read as follows:

348:6 Appropriation; Kindergarten Construction. A sum not to exceed [~~\$22,500,000~~] **\$24,500,000** is hereby appropriated to the department of education for the purposes of constructing kindergarten classrooms. This appropriation shall be nonlapsing and in addition to any other appropriation to the department of education; provided, however, that the department of education shall not approve grant requests for such purposes for more than:

I. \$6,000,000 in the biennium ending June 30, 1999.

II. \$5,000,000 in the fiscal year ending June 30, 2000.

III. \$5,000,000 in the fiscal year ending June 30, 2001.

IV. \$6,500,000 in the fiscal year ending June 30, 2002.

V. \$2,000,000 in the fiscal year ending June 30, 2003.

4 Kindergarten Construction Program; Bonding Amount Amended. Amend 1997, 348:7, I as amended by 1997, 351:56 to read as follows:

I. To provide funds for the appropriation made in section 6 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$22,500,000~~] **\$24,500,000** and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A; provided that bonds or notes shall not be issued in excess of:

(a) \$6,000,000 in the biennium ending June 30, 1999.

(b) \$5,000,000 in the fiscal year ending June 30, 2000.

(c) \$5,000,000 in the fiscal year ending June 30, 2001.

(d) \$6,500,000 in the fiscal year ending June 30, 2002.

(e) \$2,000,000 in the fiscal year ending June 30, 2003.

5 Kindergarten Construction Program; Penalty Provision. If, within 20 years of the completion of kindergarten facilities constructed under the kindergarten construction program as set forth in RSA 198:15-r through 198:15-t, a school district or city maintaining a school department discontinues the kindergarten program or uses these classrooms for other than kindergarten, it shall be required to pay back to the state 100 percent of the kindergarten construction grant payments received under such program. Upon a showing of good cause by the school district, the commissioner of education may waive this penalty in whole or part on a case by case basis.

6 Repeal. The following are repealed:

I. RSA 198:15-s, II, relative to kindergarten construction grant eligibility for existing public kindergarten programs.

II. RSA 198:15-r through RSA 198:15-t, relative to the kindergarten construction program.

7 Effective Date.

I. Paragraph II of section 6 of this act shall take effect July 1, 2003.

II. The remainder of this act shall take effect July 1, 2001.

The signatures below attest to the authenticity of this Report on HB 354-FN-A-LOCAL, an act extending the kindergarten construction program.

*Conferees on the Part
of the Senate*

Sen. Gordon, Dist. 2
Sen. Disnard, Dist. 8
Sen. Boyce, Dist. 4

*Conferees on the Part
of the House*

Rep. Weyler, Rock. 18
Rep. Mercer, Hills. 27
Rep. Thulander, Hills. 6
Rep. Foster, Hills. 10

2001-1769-CofC**AMENDED ANALYSIS**

This bill extends the kindergarten construction program through the fiscal year ending June 30, 2003 and increases by \$2,000,000 the amount of the bonded appropriation for the kindergarten construction program. The bill also removes eligibility for existing kindergarten programs, and repeals the kindergarten construction program in its entirety effective July 1, 2003.

Senator Gordon moved to nonconcur with the Committee of Conference Report.

SENATOR MCARLEY: Would Senator Gordon or someone speak briefly as to why we are doing this?

SENATOR GORDON: It appears that the Committee of Conference Report as it appears in today's calendar, may not in fact, correctly reflect the agreement that was reached in the committee. In order to make a correction in that regard, the only way that we can do that at this point in time, is to vote down the current Committee of Conference Report and reconstitute the committee, and then come together and reach, hopefully, an agreement that correctly reflects our original consensus.

SENATOR MCCARLEY: Thank you Senator Gordon.

Adopted.

Senator Gordon moved that we discharge the Committee of Conference, and that we name a new Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Gordon, Disnard, Boyce

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a new Committee of Conference on the following entitled Bill:

HB 354, extending the kindergarten construction program.

And the Speaker, on the part of the House, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Weyler, Mercer, Thulander, Foster

2001-1847-CofC

05/09

Committee of Conference Report on HB 170-FN-A, an act repealing the legacies and succession tax.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 Rate of Tax for Biennium Ending June 30, 2003; Intrastate and Interstate Communications Services Tax. Notwithstanding RSA 82-A:3 and

RSA 82-A:4, for the period beginning July 1, 2001 and ending June 30, 2003, the rate of tax shall be 7 percent on the gross charge for communications services purchased at retail from a retailer.

2 Prospective Repeal Date Extended for Exemption of Wooden Poles Under RSA 72:8-b. Amend 1998, 304:6, I as amended by 1999, 163:7 to read as follows:

I. Section 5 of this act shall take effect July 1, ~~2001~~ **2003**.

3 New Section; Department of Resources and Economic Development; Travel and Tourism Development; Travel and Tourism Development Fund. Amend RSA 12-A by inserting after section 43 the following new section:

12-A:43-a Travel and Tourism Development Fund.

I. There is hereby established in the office of the state treasurer a fund to be known as the travel and tourism development fund. Any appropriations received shall be deposited in the fund. Moneys in the fund and any interest earned on the fund shall be used for the purpose of promoting and developing appropriate travel and tourism initiatives through the division of travel and tourism development and shall not be used for any other purpose. The director of travel and tourism development shall oversee expenditures from the fund. The moneys in the fund shall be non-lapsing and shall be continually appropriated to the department of resources and economic development.

II. The commissioner of resources and economic development shall prepare an annual report to be presented no later than December 1 of each year to the president of the senate, the speaker of the house of representatives, and the governor and council, and filed with the state library. The report shall detail the specific activities supported by, and expenditures from, the fund during the past year.

4 New Subparagraph; Travel and Tourism Development Fund. Amend RSA 6:12, I by inserting after subparagraph (ddd) the following new subparagraph:

(eeee) Moneys received for deposit in the travel and tourism development fund established by RSA 12-A:43-a, I.

5 Retirement System; Definition of Employee. Amend RSA 100-A:1, V to read as follows:

V. "Employee" shall mean any regular classified or unclassified officer or employee of the state or any department, commission, institution or agency of the state government by which an employee is paid through the office of the state treasurer, or employees of the general court who work on a full-time basis and are eligible for other state benefits, but whose salary is calculated on a per diem basis or any employee *of the retirement system or* of any of the groups authorized to participate [~~in the retirement system~~] under this chapter but excluding any person who is a teacher, permanent policeman, or permanent fireman as defined in this section, or who is a member or attache of the general court or member of the executive council.

6 Retirement System; Administrative Cost Assessment. RSA 100-A:14, XIII is repealed and reenacted to read as follows:

XIII. Administrative Cost Assessment. Other provisions of law notwithstanding, the cost of administration of the retirement system as provided in this section shall be a charge upon the funds of the retirement system. The amount of administrative expense recorded monthly by the department of administrative service, division of accounting services, shall be paid to the state treasurer by the board of trustees. The board shall biennially review the administrative expenses for the previous biennium and shall submit in a budget for legislative appropria-

tion, those amounts that the board, in its reasonable discretion, may deem necessary for the efficient operation of the system. Administrative balances accrued prior to June 30, 2001 shall be retained by the retirement system and expended for ongoing operations.

7 Retirement System; Management of Funds. Amend RSA 100-A:15, IV to read as follows:

IV. The board of trustees is authorized to engage the services of legal counsel for special investment, federal, and tax matters and ~~with the approval of the attorney general,~~ to engage outside counsel for other matters. The payment for services provided in this paragraph shall be a charge upon the funds of the New Hampshire retirement system.

8 New Hampshire Retirement System; Payment by Retirement System-Group I; Amend RSA 100-A:52-a to read as follows:

100-A:52-a Payment by Retirement System; Group I ~~[Teachers and Political Subdivision Employees]~~.

I. The New Hampshire retirement system shall pay the cost for permanent group hospitalization, hospital medical care, surgical care, and other medical and surgical benefits, in the employer-sponsored plan provided for active employees of a retiree's former employer, subject to the provisions of this section, for the following persons:

(a) Any person, who has at least 20 years of creditable service as a group I member if age 60 or older, or at least 30 years of creditable service as a group I member if age 55-59, retired on or before July 1, 2004 as a group I ~~[teacher member or political subdivision employee]~~ member of the New Hampshire retirement system on service or ordinary disability retirement, provided that such person shall be entitled to retirement on the basis of group I creditable service, or any person retired on or before July 1, 2004, as a group I member whose service retirement benefit is based upon the provisions of RSA 100-A:19-c and who has a minimum of 20 years of creditable service as a group I member.

(b) Any person who has completed no less than 20 years of group I creditable service, but who for reasons other than retirement or death ceased to be a group I ~~[teacher member or political subdivision employee]~~ member prior to attaining the age of 60, and who, as of July 1, 2004, receives a vested deferred retirement allowance and who subsequently attains the age of 60.

(c) Any person who has completed no less than 20 years of group I creditable service and who retired as a group I ~~[teacher member or political subdivision employee]~~ member prior to age 60, and who subsequently attains the age of 60, or any person who has completed no less than 30 years of group I creditable service and who retired as a group I ~~[teacher member or political subdivision employee]~~ member prior to age 55, and who subsequently attains the age of 55.

(d) The surviving spouse of a deceased retired group I ~~[teacher member or political subdivision employee]~~ member who met the qualifications of subparagraphs (a), (b) or (c), or of a deceased member who died while in service as a group I ~~[teacher member or political subdivision employee]~~ member, provided that such surviving spouse was covered as the member's spouse in the employer-sponsored plan before the member's death and is entitled to a monthly allowance under RSA 100-A:8, 100-A:9, or 100-A:13.

(e) Any certifiably dependent child with a disability living in the household and being cared for by the qualified retired member, the member's spouse, or the qualified surviving spouse.

(f) The surviving spouse and children of a deceased ~~teacher or~~ group I ~~political subdivision employee~~ member who dies as the natural and proximate result of injuries suffered while in the performance of duty, provided that:

(1) Any such child shall be qualified under this subparagraph only if under 18 years of age, or under 23 years of age if attending school on a full-time basis; and

(2) Such surviving spouse shall cease to be qualified upon the remarriage of the surviving spouse; and

(3) No surviving spouse or child shall be qualified or continue to be qualified under this subparagraph while receiving or eligible to receive medical insurance or health care benefits from any employer's sponsored plan.

(g) Any group I ~~teacher member or political subdivision employee~~ member retired on or before July 1, 2004 on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty.

(h) The spouse of a qualified retiree.

I-a. Notwithstanding the provision of RSA 100-A:4, III-b, for the purpose of calculating creditable service for eligibility for medical benefits payment under paragraph I, each full year of job-sharing service of a teacher in a job-sharing position shall be calculated at 1/2[;] of one year of such service credit.

II. However, for the fiscal year beginning July 1, 2000, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not entitled to medicare benefits, and on account of each person qualified under paragraph I who is entitled to medicare benefits, shall be the same as the amount provided in RSA 100-A:52, II for group II retirees. As of July 1, 2000 and on each July 1 thereafter, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 8 percent, compounded on previous increases.

III. In the case of group I members retired from employment by political subdivisions of the state, the amount payable by the retirement system on account of qualified persons shall be paid over to the employer, insurer, or health care administrator and used to pay for all or part of the medical benefits provided through the former employer for qualified persons. If the cost of the premium for any eligible person under paragraph I shall exceed the maximum under paragraph II, and the employer does not elect to pay the excess cost, the excess cost shall be paid by the retiree or qualified surviving spouse and may be deducted from retirement benefits as provided in RSA 100-A:51. The employer may require, as a condition for coverage, that the retiree or surviving spouse apply for deduction of such excess cost from retirement benefits as provided in RSA 100-A:51.

III-a. As of January 1, 2002, in the case of group I members retired from state employment before July 1, 1991, and their beneficiaries who are eligible for coverage under this subdivision and also under the provisions of RSA 21-I:26-36, the amount payable by the retirement system on account of such persons shall be paid over to the state and used to pay for all or part of the medical benefits provided under RSA 21-I:26-36 for such persons, and the balance shall be paid by the state as provided in RSA 21-I:26-36.

III-b. As of January 1, 2002, in the case of group I members retired from state employment on or after July 1, 1991, and their

beneficiaries who are eligible for coverage under this subdivision and also under the provisions of RSA 21-I:26-36, the amount payable by the retirement system on account of such persons shall be paid over to the state and used to pay for all or part of the medical benefits provided under RSA 21-I:26-36 for such persons, and the state shall pay its portion as provided in RSA 21-I:26-36. If the cost of the premium for any retired group I member and spouse, surviving spouse, or any other person entitled to benefits under paragraph I shall exceed the maximum under paragraph II, and the state does not elect to pay the excess cost above the amount to be paid under RSA 21-I:26-36, the excess cost shall be paid by the retiree or qualified surviving spouse and may be deducted from retirement benefits as provided in RSA 100-A:51. The state may require, as a condition for coverage, that the retiree or surviving spouse apply for deduction of such excess cost from retirement benefits as provided in RSA 100-A:51.

IV. There shall be no age limit to participate in the employer sponsored medical and health plan provided in paragraph I, and there shall be no physical examination or health statement required for such coverage, provided, however, that if an eligible retired group I [~~teacher member or political subdivision employee~~] member of the retirement system fails to apply for such coverage within the time required by the insurance contract, the insurer may require satisfactory evidence of insurability as a condition for becoming insured.

V. Any group I teacher member retired before January 1, 2000, or other eligible person under paragraph I, who would have been eligible for medical benefits under this section if this section had been in effect on the member's date of retirement, shall have the option of rejoining the medical or health plan sponsored by the retired member's former employer and of receiving benefits under this section, provided that such eligible person shall apply to the employer for such benefits before January 1, 2002. Upon receipt of such application, the former employer shall enroll such retiree or other eligible person in the employer's plan in the same manner and subject to the same conditions as enrollment of a new employee but without any benefit-waiting period which may be applicable to new employees of that employer. Neither an employer nor an employer's group plan or insurer shall be liable for any claims incurred prior to the date of enrollment under this paragraph.

VI. Any group I political subdivision employee member retired before January 1, 2001, or other eligible person under paragraph I, who would have been eligible for medical benefits under this section if this section had been in effect on the member's date of retirement, shall have the option of rejoining the medical or health plan sponsored by the retired member's former employer and of receiving benefits under this section, provided that such eligible person shall apply to the employer for such benefits before January 1, 2003. Upon receipt of such application, the former employer shall enroll such retiree or other eligible person in the employer's plan in the same manner and subject to the same conditions as enrollment of a new employee but without any benefit-waiting period which may be applicable to new employees of that employer. Neither an employer nor an employer's group plan or insurer shall be liable for any claims incurred prior to the date of enrollment under this paragraph.

VII. The retirement system shall notify all group I teacher and political subdivision employee retirees and surviving spouse beneficiaries, who

are currently drawing monthly allowances from the retirement system, of their possible right to rejoin and active-employee medical insurance or health plan and to receive benefits under this section.

VIII. Any person who is eligible to receive group insurance or other medical benefits under the provisions of this section, but who does not need and who declines such benefits because they would be duplicative of coverage under any employer-sponsored plan, shall nevertheless continue to be eligible and, upon ceasing to be eligible for the other coverage, shall be permitted to receive the benefits allowable under this section without any waiting period.

9 New Section; New Hampshire Retirement System; Method of Financing; Group I State Employees. Amend RSA 100-A by inserting after section 53-c the following new section:

100-A:53-d Method of Financing; Group I State Employees.

I. The benefits provided under RSA 100-A:52-a shall be provided by a 401(h) subtrust of the New Hampshire retirement system. The 401(h) subtrust shall be funded by allocating 25 percent of future group I state employer contributions made for group I state employees in accordance with RSA 100-A:16 to the subtrust until such time as the benefits are fully funded. Thereafter, the subtrust shall receive only that portion of each year's contribution as is necessary to keep the benefits fully funded.

II. All contributions made to the retirement system to provide medical benefits under RSA 100-A:52-a shall be maintained in a separate account, the 401(h) subtrust. All funds and accumulated interest shall not be used for or diverted to any purpose other than to provide said medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set forth in this chapter may be used or diverted to provide medical benefits under RSA 100-A:52-a. The funds, if any, providing medical benefits under RSA 100-A:52-a may be invested pursuant to the provisions of RSA 100-A:15.

10 New Paragraph; New Hampshire Retirement System; Medical Benefits; Application. Amend RSA 100-A:55 by inserting after paragraph I-b the following new paragraph:

I-c. It is the intent of the legislature that future group I state employee members eligible after July 1, 2004 shall be included under the provisions of RSA 100-A:52-a only if the total cost of such inclusion can be terminally funded from the special account established in RSA 100-A:16, II (h).

11 Defense and Indemnification. Amend RSA 99-D:2 to read as follows:

99-D:2 Defense and Indemnification. If any claim is made or any civil action is commenced against a present or former officer, trustee, official, or employee of the state or any agency thereof, including members of the New Hampshire national guard and any justice of the district, municipal, probate, superior, or supreme court, or the clerks or bail commissioners thereof, or any harbor master appointed by the New Hampshire port authority, or officials and employees of the New Hampshire housing finance authority, or directors, officers, and employees of the Pease development authority, *or directors, officers, and employees of the land and community heritage investment authority* seeking equitable relief or claiming damages for the negligent or wrongful acts and the officer, trustee, official, or employee requests the state to provide representation for him *or her*, and the attorney general, or, in the case of a claim or civil action commenced against the attorney general, the governor and council, determines that the acts complained of were committed by the officer, trustee, official, or employee while acting within

the scope of official duty for the state and that such acts were not wanton or reckless, the attorney general shall represent and defend such person with respect to such claim or throughout such action, or shall retain outside counsel to represent or defend such person, and the state shall defray all costs of such representation or defense, to be paid from funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold harmless such person from any costs, damages, awards, judgments, or settlements arising from the claim or suit. The attorney general or governor and council shall not be required to consider the request of such person that representation be provided for him *or her* unless within 7 days of the time such person is served with any summons, complaint, process, notice, demand, or pleading [~~he~~] *the person* shall deliver the original or a copy thereof to the attorney general or, in the case of an action against the attorney general, to the governor and council. As a condition to the continued representation by the attorney general and to the obligation of the state to indemnify and hold harmless, such officer, trustee, official, or employee shall cooperate with the attorney general in the defense of such claim or civil action. No property either real or personal of the state of New Hampshire shall be subject to attachment or execution to secure payment of or to satisfy any obligations of the state created under this chapter. Upon the entry of final judgment in any action brought under this chapter, the governor shall draw [~~his~~] *a* warrant for said payment out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated. The attorney general shall have the authority to settle any claim brought under this chapter by compromise and the amount of any such settlement shall be paid as if the amount were awarded as a judgment under this chapter. Indemnification by the state under this section shall be for the actual amount of costs, damages, awards, judgments, or settlements personally incurred by any such officer, trustee, official, or employee, and the state shall not pay any amounts for which payment is the obligation of any insurance carrier or company under a policy or policies of insurance or any other third party under a similar obligation.

12 New Subparagraphs; Additional Powers and Duties. Amend RSA 227-M:5, VIII by inserting after subparagraph (c) the following new subparagraphs:

(d) Employ or retain as independent contractors architects, engineers, attorneys, accountants, and other advisors and employees, consultants, and agents as may be necessary in its judgment without regard to any personnel or civil service law of the state to prescribe their duties and qualifications and to fix and pay their compensation if any.

(e) Appoint qualified individuals to serve as unpaid volunteers under such terms and conditions as it deems necessary. Said volunteers or advisors may be paid a stipend and/or reimbursed for any incidental expenses determined by the authority to be necessary and incurred while performing the business of the authority.

13 New Section; Administrative Fund Established. Amend RSA 227-M by inserting after section 7 the following new section:

227-M:7-a Administrative Fund.

I. There is established in the office of the state treasurer a fund to be known as the land and community heritage investment program administrative fund into which the state treasurer shall credit any revenue generated pursuant to RSA 261:97-b, I-a. For the biennium ending June 30, 2003 there shall also be deposited, on a monthly basis, interest income generated on appropriations made to the land and community heritage

investment program trust fund pursuant to RSA 227-M:7. The total revenues generated to the administrative fund from these 2 sources for each year of said biennium shall not exceed \$335,000.

II. All sums so credited shall be appropriated to the authority for the following purposes:

(a) To pay the costs of administering and operating the authority, including, but not limited to, all wages, salaries, benefits, and other expenses authorized by the board or the executive director. The authority may enter into a contract or agreement for provision of services to withhold on a monthly basis all payroll and benefit costs for employees.

(b) In general for the payment of all expenses incident to the management and operation of the authority as are consistent with its statutory purpose and as the board or the executive director thereof may from time to time determine.

III. This fund shall constitute a continuing appropriation for the benefit of the authority. Any amount remaining to the credit of the authority at the close of any fiscal year, and any interest accrued, shall be nonlapsing and shall be carried over and credited to the fund for the succeeding year.

14 New Section; Land and Community Heritage Investment Program; Authority Employees. Amend RSA 227-M by inserting after section 6 the following new section:

227-M:6-a Status of Employees.

I. The authority may hire, fix and pay compensation, prescribe duties and qualifications, and establish personnel policies without regard to any personnel or civil service law or personnel or civil service rule of the state. The employees of the authority shall not be classified employees of the state within the meaning of RSA 21-I:49. Any individual employed by the authority shall be deemed an employee at will and shall serve at the pleasure of the authority.

II. Notwithstanding the provisions of paragraph I, any individual employed by the authority whose employment calls for 30 hours or more work in a normal calendar week, and whose position is anticipated to have a duration of 6 months or more, shall be entitled to elect to receive such health, dental, life insurance, deferred compensation, and retirement benefits as are afforded to classified employees of the state provided, however, that the election is made in writing within 30 days of the start of employment. Upon election by such individual, the authority shall pay from its revenues the state's share of such benefits. Any remaining costs of health, dental, life insurance, deferred compensation, and retirement benefits which an individual elects to receive pursuant to this section, shall be withheld from such individual's salary as a payroll deduction. Written notice of the availability of these benefit options shall be provided to each individual upon employment by the authority.

15 New Paragraph; Department of Resources and Economic Development; Telecommunications Planning and Development Initiative; Initial Funding; Appropriation Nonlapsing. Amend 2000, 298:5 by inserting after paragraph IV the following new paragraph:

V. The initial funding mechanism and the appropriation made pursuant to this section shall not lapse until June 30, 2003.

16 Authority to Fill Unfunded Positions; Department of Health and Human Services. Notwithstanding any other provision of law, the commissioner of the department of health and human services may fill any authorized unfunded positions during the biennium ending June 30, 2003,

provided that the total expenditures shall not exceed the amount appropriated for personal services, permanent and personal services, unclassified.

17 Certain Tobacco Use Prevention Fund Moneys; General Fund. Notwithstanding any provision of law to the contrary, \$1,500,000 from the tobacco use prevention fund, established in RSA 126-K:15, shall lapse to the general fund on July 1, 2001.

18 Education Property Tax; Rate Amended. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~\$6.66~~] **\$5.80** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

19 Business Profits Tax; Rate of Tax Amended. Amend RSA 77-A:2 to read as follows:

77-A:2 Imposition of Tax. A tax is imposed at the rate of [8] **8.5** percent upon the taxable business profits of every business organization.

20 Business Profits Tax; Distribution of Funds Amended. Amend RSA 77-A:20-a, I to read as follows:

I. The commissioner shall determine the additional amounts of revenue produced by an increase of [~~one~~] **1.5** percent in the rate of tax imposed by RSA 77-A:2 for each fiscal year and shall certify such amounts to the state treasurer by October 1 of that year for deposit in the education trust fund established by RSA 198:39.

21 Business Enterprise Tax; Rate Increase. Amend RSA 77-E:2 to read as follows:

77-E:2 Imposition of Tax. A tax is imposed at the rate of [~~1/2~~] **3/4** of one percent upon the taxable enterprise value tax base of every business enterprise. [~~A 2/3 majority of those present and voting of each house of the general court shall be necessary to increase the tax rate under this section.~~]

22 Business Enterprise Tax; Returns; Filing Thresholds Amended. Amend RSA 77-E:5, I to read as follows:

I. Every business enterprise having gross business receipts in excess of [~~\$100,000~~] **\$150,000** as defined by RSA 77-E:1, X, during the taxable period or the enterprise value tax base of which is greater than [~~\$50,000~~] **\$75,000**, shall, on or before the fifteenth day of the third month in the case of enterprises required to file a United States corporation tax return, and the fifteenth day of the fourth month in the case of all other business enterprises, following expiration of its taxable period, make a return to the commissioner. All returns shall be signed by the business enterprise or by its authorized representative, subject to the pains and penalties of perjury and the penalties provided in RSA 21-J:39.

23 Business Enterprise Tax; Distribution of Funds Amended. Amend RSA 77-E:14, I to read as follows:

I. The commissioner shall determine the additional amounts of revenue produced by an increase of [~~.25~~] **.50** percent in the rate of tax imposed by RSA 77-E:2 for each fiscal year and shall certify such amounts to the state treasurer by October 1 of that year for deposit in the education trust fund established by RSA 198:39.

24 Tax on Transfer of Real Property; Declaration of Consideration Amended. Amend RSA 78-B:10, III (a) to read as follows:

(a) Transfers exempted by RSA 78-B:2, except transfers exempted by RSA 78-B:2, IX[, XIV, and XVII].

25 Imposition of Tax; Intrastate Communications Services; Rate Changed. Amend RSA 82-A:3 to read as follows:

82-A:3 Imposition of Tax; Intrastate Communications Services. A tax is imposed upon intrastate communications services furnished to a person in this state and purchased at retail from a retailer by such person, at the rate of [3] 4.5 percent of the gross charge therefor. However, such tax is not imposed on any communications services to the extent a tax on such services may not, under the Constitution and statutes of the United States, be made the subject of taxation by the state.

26 Imposition of Tax; Interstate Communications Services; Rate Changed. Amend RSA 82-A:4 to read as follows:

82-A:4 Imposition of Tax; Interstate Communications Services. A tax is imposed upon interstate communications services furnished to a person in this state and purchased at retail from a retailer by such person, at the rate of [3] 4.5 percent of the gross charge when such service is originated in this state and terminated outside this state or originated outside this state and terminated in this state. To prevent actual multi-state taxation of communications services that are subject to taxation under this section, any taxpayer, upon proof that that taxpayer has paid a tax in another state on such services, shall be allowed a credit against the tax imposed in this section to the extent of the amount of such tax properly due and paid in such other state. However, such tax is not imposed on communications services to the extent such services may not, under the Constitution and statutes of the United States, be made the subject of taxation by the state.

27 Repeal. The following are repealed:

I. RSA 78-B:2, XIV, relative to the exception from the tax on transfer of real property for transfers of title pursuant to a merger, consolidation or other reorganization qualifying as a tax-free reorganization.

II. RSA 78-B:2, XVII, relative to the exception from the tax on transfer of real property for transfers of title from certain entities.

28 Applicability. Sections 19 and 21 of this act shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 2001. In the case of any business organization or enterprise which has elected a 52-53 week taxable period under section 441(f) of the United States Internal Revenue Code and the fiscal year of which ends on the last day of the week nearest to June 30, 2001, the taxable period shall be deemed to have ended on June 30, 2001, for the purposes of this act.

29 Tax Amnesty. Notwithstanding the provisions of any other law, with respect to taxes administered by the department of revenue administration, an amnesty from the assessment or payment of all penalties and interest greater than 7 percent per annum shall apply with respect to unpaid taxes reported and paid in full during the period from December 1, 2001, through and including February 15, 2002, regardless of whether previously assessed. This amnesty shall only apply to taxes due but unpaid on or before February 15, 2002.

30 New Subparagraph; Purchase of Supplies; Exemptions; Assessing Enforcement Contractors. Amend RSA 21-I:18, I by inserting after subparagraph (l) the following new subparagraph:

(m) Purchases of services from private contractors by the department of revenue administration with respect to the establishment of assessing enforcement procedures.

31 New Section; Department of Revenue Administration; Division of Community Services Established. Amend RSA 21-J by inserting after section 10 the following new section:

21-J:10-a Division of Community Services. There is established within the department the division of community services, under the supervision of an unclassified director of community services who shall be responsible for providing technical support and assistance to municipalities.

32 Compensation of State Officers; Salaries Established; Director of Community Services. Amend RSA 94:1-a, I by inserting in group M the following:

Director, community services

33 Authority to Establish Positions; Department of Revenue Administration. Notwithstanding any other provision of law, the commissioner of the department of revenue administration is authorized to establish positions necessary to implement assessing enforcement procedures.

34 Betterment Assessments; Liens Created. Amend RSA 231:30 to read as follows:

231:30 Liens For Assessments. All assessments made under the provisions of RSA 231:29 shall create a lien upon the lands on account of which they are made, which shall continue following the assessment until fully discharged in accordance with the terms set by each governing board or in compliance with any court judgment. Such assessments shall be subject to interest and such other charges as are applicable to the collection of delinquent taxes. [~~The landowner shall have the same right of appeal and follow the same procedures as are applicable to the assessment of taxes.~~]

35 Betterment Assessments; Abatement and Appeal. RSA 231:32 is repealed and reenacted to read as follows:

231:32 Abatement and Appeal of Betterment Assessments.

I. Any person aggrieved by a betterment assessment made pursuant to RSA 231:29 may, within 2 months of the notice of tax date and not afterwards, apply in writing to the selectmen or assessors for an abatement of the betterment assessment.

II. Upon receipt of an application under paragraph I, the selectmen or assessors shall review the application and shall grant or deny the application in writing within 6 months after the notice of tax date.

III.(a) If the selectmen or assessors neglect or refuse to abate the betterment assessment, any person aggrieved may either:

(1) Appeal in writing to the board of tax and land appeals, upon payment of a \$65 filing fee; or

(2) Petition the superior court in the county where the property is located.

(b) The appeal to either the board of tax and land appeals or superior court shall be filed within 8 months of the notice of tax date and not afterwards.

IV. For purposes of this section, "notice of tax date" means the date the taxing jurisdiction mails the betterment assessment tax bill.

V. Each betterment assessment tax bill shall require a separate abatement request and appeal.

36 Alternative Kindergarten Programs. Amend RSA 198:48-a, VII(a) to read as follows:

VII. (a) Upon the effective date of this paragraph, and for each fiscal year through June 30, 2003, an adequate education grant of [~~\$750~~] **\$1200** per pupil shall be distributed to school districts, from the education trust fund created in RSA 198:39, for the education of its resident kindergarten pupils enrolled in an approved alternative kindergarten program established under this section.

37 Public Kindergarten Programs; Per Pupil Reimbursement. Amend 1999, 65:9, I(a) as amended by 2000, 289:2 to read as follows:

I.(a) If a school district implements a public kindergarten program during school year ~~[1998-1999]~~ **1999-2000** through school year 2002-2003 inclusive, the school district maintaining such a kindergarten program shall receive reimbursement at the rate of ~~[\$750]~~ **\$1200** per pupil **from the education trust fund created in RSA 198:39** for each fiscal year through June 30, 2003.

38 Lapse Date Extended to June 30, 2003. The appropriation made to the department of administrative services, division of plant and property management, bureau of general services in 1999, 226:1, II, A, 8 for executive/legislative budget system is hereby extended to June 30, 2003.

39 Committee to Study the Development of a New Budget System.

I. There is established a committee to study the development of a new budget system.

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

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

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

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall study the development of a new budget system. The committee shall coordinate its activities with the department of administrative services and the legislative budget assistant.

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

V. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2002.

40 Budget System Appropriation; Availability. The department of administrative services shall make the appropriation made to the department of administrative services, division of plant and property management, bureau of general services in 1999, 226:1, II, A, 8 for executive/legislative budget available to the committee to study the development of a new budget system established by this act.

41 Revenue Stabilization Reserve Account; Distribution Amended. Amend RSA 9:13-e, II to read as follows:

II. There is hereby established within the general fund general ledger a revenue stabilization reserve account. At the close of **the fiscal biennium ending June 30, 2001, and at the close of** each fiscal biennium **thereafter**, any surplus, as determined by the official audit performed pursuant to RSA 21-1:8, I(h) shall be transferred by the comptroller ~~in the following manner: 50 percent~~ to a special nonlapsing revenue stabilization reserve account ~~[and 50 percent to the health care fund established pursuant to RSA 167:70]~~; provided, however, that in any single fiscal year the total of such ~~[transfers]~~ **transfer** shall not exceed 1/2 of the total potential maximum ~~[balances]~~ **balance** allowable under paragraph V ~~[and RSA 167:74, III]~~. The comptroller is hereby directed to establish the revenue stabilization reserve account in which to deposit any money received from a general fund operating budget surplus. The state treasurer shall invest funds in this account as authorized by RSA 6:8. The interest so earned shall be deposited as unrestricted general fund revenue.

42 Education Trust Fund Budget Deficit; Transfer of Funds. In the event of an education trust fund budget deficit at the close of the fiscal biennium ending June 30, 2001 as determined by the official audit performed pursuant to RSA 21-I:8, I(h), the comptroller shall notify the fiscal committee and the governor of such deficit and request that sufficient funds, to the extent available, be transferred from the general fund operating surplus to eliminate such deficit.

43 Additional Revenues; Department of Health and Human Services. Notwithstanding any provision of the law to the contrary, the legislative fiscal committee and the governor and council may authorize the commissioner of the department of health and human services to accept and expend additional revenues, in excess of or in addition to the budgeted amounts, from any source, which become available to the department. Such additional revenues shall be available to the department of health and human services to supplement funds in the following programs and services: provider payments, provider rate increases, and any other program or service that requires deficit reduction or for which revenue has been specifically obtained to improve program operations, provided that such improvements do not increase legislatively-approved eligibility levels. The legislature recognizes the importance of emergency medical transportation of Medicaid patients. In establishing priorities for the expenditure of these supplemental funds, the legislature expects the department to give important provider payment consideration to the municipal and private emergency medical services providers.

44 Repeal. 1999, 225:45, relative to reports of productivity gains from investments in information technology, is repealed.

45 Postsecondary Education Commission; Granite State Scholars; Appropriations for Fiscal Years 2002 and 2003.

I. Notwithstanding any provision of RSA 188-D to the contrary, the postsecondary education commission shall expend funds appropriated for fiscal years 2002 and 2003 to PAU 06, 01, 01, 95 either for scholarships to students qualifying for granite state scholar designation or to match gifts and contributions to participating institutions for purposes of the granite state scholars program.

II. To the extent the postsecondary education commission elects to expend the appropriations for scholarships, the commission shall award scholarships directly to students qualifying for granite state scholar designation under RSA 188-D:39, I. The commission shall adopt rules under RSA 188-D:8-a, III for awarding the scholarships.

III. To the extent the postsecondary education commission elects to expend the appropriations to match gifts and contributions to participating institutions for purposes of the granite state scholars program, the commission shall, notwithstanding RSA 188-D:41, provide a match of up to 100 percent of each gift and contribution. In addition, a participating institution shall, in the year following the receipt of the state match, disburse as scholarships to granite state scholars an amount equal to ½ of the state match received by the institution.

46 Maintenance of Funds Collected Pursuant to Electric Utility Restructuring Orders; Plans for Administration. Amend RSA 6:12-b to read as follows:

6:12-b Maintenance of Funds Collected Pursuant to Electric Utility Restructuring Orders. On request of the public utilities commission, the state treasurer shall maintain custody over funds collected by order of the public utilities commission consisting of only that portion of the system benefits charge directly attributable to programs for low income custom-

ers as described in RSA 374-F:4, VIII(c). All funds received by the state treasurer pursuant to this section shall be kept separate from any other funds and shall be administered in accordance with terms and conditions established by the public utilities commission. ***Plans for the administration of such funds shall be approved by the fiscal committee of the general court and the governor and council prior to submission to the public utilities commission. Appropriations and expenditures of such funds in fiscal years 2002 and 2003 shall be approved by the fiscal committee of the general court and the governor and council prior to submission to the public utilities commission. For each biennium thereafter, appropriations and expenditures of such funds shall be made through the biennial operating budget.***

47 Rehiring; Laid-Off State Employees. The provisions of 1990, 261:1, as amended by 1991, 4:10 and 355:103, relative to rehiring of laid-off state employees, shall apply to any person laid-off between July 1, 2001, and June 30, 2003, as a result of any state law, regardless of the funding source for the person's position. The head of each department or agency shall submit the names and classification of individuals laid-off from July 1, 2001, to June 30, 2003, to the director of the division of personnel within 10 days of the layoff.

48 Longevity Payment Authorized; Department of Health and Human Services. Notwithstanding any provision of law to the contrary, payment is hereby authorized in the amount of \$3,000 for longevity to position 9U201, deputy commissioner, department of health and human services for the years 1994 through 1999. Funding for the longevity payment shall be from appropriations made to the department of health and human services in the 2000-2001 operating budget for positions which are not filled.

49 Commissioner of Health and Human Services; Authority to Establish Positions. For the biennium ending June 30, 2003, the commissioner of health and human services may exercise the authority granted by RSA 126-A:9, II(a) as necessary to support and carry out the purposes of any laws enacted to transfer the youth development center and the youth services center to the department of health and human services and to establish a juvenile justice services unit within the department. The commissioner may establish up to 3 positions pursuant to the authority granted by this section; the establishment of any additional position by the commissioner pursuant to the authority granted by this section shall require the approval of the fiscal committee of the general court.

50 New Paragraphs; Board of Tax and Land Appeals; Authority; Duties. Amend RSA 71-B:5 by inserting after paragraph III the following new paragraphs:

IV. To hear and determine all matters relating to orders for reassessment properly brought pursuant to RSA 71-B:16.

V. To hear and determine petitions filed by the commissioner of revenue administration pursuant to RSA 21-J:11-a, II(b). The board shall give such petitions priority for scheduling hearings and for final rulings. In addition to the standards utilized by the commissioner of revenue administration in the certification of assessments pursuant to RSA 21-J:11-a, the board shall consider the criteria in a RSA 71-B:16-a. The board's decision on such petitions shall be final, subject to appeal to the supreme court. Any appeal shall be filed with the clerk of the supreme court within 20 days after the date the decision is issued. The supreme court shall give any appeal it hears under this section priority in the court calendar.

51 Appraisal of Taxable Property; How Appraised. RSA 75:1 is repealed and reenacted to read as follows:

75:1 How Appraised. The selectmen shall appraise open space land pursuant to RSA 79-A:5, open space land with conservation restrictions pursuant to RSA 79-B:3, land with discretionary easements pursuant to RSA 79-C:7, residences on commercial or industrial zoned land pursuant to RSA 75:11, earth and excavations pursuant to RSA 72-B, and all other taxable property at its market value. Market value means the property's full and true value as the same would be appraised in payment of a just debt due from a solvent debtor. The selectmen shall receive and consider all evidence that may be submitted to them relative to the value of property, the value of which cannot be determined by personal examination.

52 Appraisal of Taxable Property; Oath. Amend RSA 75:7 to read as follows:

75:7 Oath. The selectmen and assessors shall take and subscribe upon the copies or original inventories and assessments of both resident and nonresident taxes, furnished by them to the town clerks in their respective towns, to be recorded in the clerk's records, the following oath, which may be subscribed before any justice of the peace or notary public: We, the selectmen and assessors of _____, ~~[do solemnly swear that in making the inventory for the purpose of assessing the foregoing taxes we appraised all taxable property at its full value, and as we would appraise the same in payment of a just debt due from a solvent debtor. So help us God]~~ **certify under the penalty of perjury that in making the inventory for the purpose of assessing the foregoing taxes, all taxable property was valued in accordance with RSA 75:8, to the best of our knowledge and belief.**

53 Annual Revised Inventory. RSA 75:8 is repealed and reenacted to read as follows:

75:8 Revised Inventory.

I. Annually, and in accordance with state assessing standards, the assessors and selectmen shall adjust assessments to reflect changes so that all assessments are reasonably proportional within that municipality. All adjusted assessments shall be included in the inventory of that municipality and shall be sworn to in accordance with RSA 75:7.

II. Assessors and selectmen shall consider adjusting assessments for any properties that:

- (a) They know or believe have had a material physical change;
- (b) Changed in ownership;
- (c) Have undergone zoning changes;
- (d) Have undergone changes to exemptions, credits or abatements;
- (e) Have undergone subdivision, boundary line adjustments, or mergers; or
- (f) Have undergone other changes affecting value.

54 New Section; Appraisal of Taxable Property; Five-Year Valuation. Amend RSA 75 by inserting after section 8 the following new section:

75:8-a Five-Year Valuation. At least as often as every fifth year, beginning with the first year the commissioner of the department of revenue administration certifies a municipality's assessments pursuant to RSA 21-J:3, XXVI, the assessors and/or selectmen shall value all real estate within the municipality so that the assessments are valued in accordance with RSA 75:1.

55 New Paragraph; Department of Revenue Administration; Duties of Commissioner. Amend RSA 21-J:3 by inserting after section XXV the following new paragraph:

XXVI. Review each municipality's assessments once within every 5 years and certify the assessments of the municipality if such assessments are valued in accordance with RSA 75:1. In carrying out the duty to certify the assessments of property, the commissioner shall follow the procedures set forth in RSA 21-J:11-a.

56 New Sections; Department of Revenue Administration. Amend RSA 21-J by inserting after section 11 the following new sections:

21-J:11-a Certification of Assessments.

I. The commissioner shall certify that the assessments of a municipality comply with the provisions of RSA 75:1 when the commissioner determines that:

(a) Level of assessments and uniformity of assessments are within acceptable ranges as prescribed by state assessing standards by considering, where appropriate, an assessment-to-sales-ratio study conducted by the department for the municipality;

(b) Assessment practices substantially comply with applicable statutes and rules;

(c) Exemption, credit, and abatement procedures substantially comply with applicable statutes and rules;

(d) Assessments are based on reasonably accurate data; and

(e) Assessments of various types of properties are reasonably proportional to other types of properties within the municipality.

II. If the commissioner does not certify that the assessments of a municipality comply with RSA 75:1, the commissioner shall order in writing those corrective actions, including the time for completion, deemed necessary to assess the municipality's property in accordance with RSA 75:1; and:

(a) If the governing body of the municipality agrees with the commissioner's determination, the municipality shall complete the corrective actions within the time prescribed by the commissioner.

(b) If the governing body of the municipality does not agree with the commissioner's determination not to certify its assessments, with the corrective actions ordered, or the time allowed for completion, the commissioner shall petition the board of tax and land appeals to order that the municipality's property is not assessed in accordance with RSA 75:1 and to order such corrective action necessary to ensure that the municipality's assessment are in accordance with RSA 75:1.

III. The commissioner shall adopt rules under RSA 541-A relative to acceptable ranges of level of assessments and uniformity of assessments, procedures for review of assessment practices, and procedures and forms for the commissioner's certification of assessments. Rules adopted by the commissioner under this paragraph shall remain effective until the assessing standards board adopts rules under RSA 21-J:14-b, II.

IV. The assessing standards board shall study and recommend to the legislature whether municipalities should be reimbursed for expenses incurred as a result of changes in assessment practices resulting from legislation enacted in response to the judicial interpretation of part 2, article 6 of the New Hampshire constitution in Evelyn Sirrell et al v State of New Hampshire et al and, if reimbursement is appropriate, shall recommend a formula for implementation of a reimbursement program.

21-J:11-b Implementation of Certification.

I. The commissioner of revenue administration shall adopt a schedule so that each city, town, and unincorporated place has its assessments reviewed within 5 years of April 1, 2002, and shall notify each city, town, and unincorporated place, within 60 days of passage of this act, of the property tax year for which their initial certification review shall occur.

II. The department shall offer training and technical assistance to municipal officials to assist in complying with the provisions of RSA 75:8, RSA 75:8-a, and RSA 21-J:11-a.

III. The commissioner of revenue administration shall report in its annual report, the number of communities assisted and the types of assistance and training provided pursuant to RSA 21-J:10, RSA 21-J:11, and RSA 21-J:11-b, II.

57 Setting of Tax Rates by Commissioner. Amend RSA 21-J:35, I to read as follows:

I. The commissioner of revenue administration shall compute and establish the tax rate of each town, city, or unincorporated place. ***Any decision by the commissioner not to certify the assessments of a municipality pursuant to RSA 21-J:11-a shall not delay or otherwise affect the setting of the tax rate for that municipality.***

58 Real Estate. Amend RSA 73:10 to read as follows:

73:10 Real Estate. Real and personal property shall be taxed to the person claiming the same, or to the person who is in the possession and actual occupancy thereof, if such person will consent to be taxed for the same; but such real estate shall be taxed in the town in which it is situate. ***Any decision by the commissioner not to certify the assessments of a municipality pursuant to RSA 21-J:11-a shall not affect the obligation of the taxpayer to pay property taxes otherwise lawfully assessed.***

59 Powers of Collector. Amend RSA 80:4 to read as follows:

80:4 Powers of Collector. Every collector, in the collection of taxes committed to him and in the service of his warrant, shall have the powers vested in constables in the service of civil process, which shall continue until all the taxes in his list are collected. ***Any decision by the commissioner not to certify the assessments of a municipality pursuant to RSA 21-J:11-a shall not affect the authority of the tax collector to issue tax bills and to exercise all powers contained in this chapter for the collection of taxes.***

60 Petition for Order of Reassessment; SB 193 Provision Amended. Amend RSA 21-J:9-b to read as follows:

21-J:9-b Petition for Order of Reassessment. The commissioner, in petitioning for an order of reassessment pursuant to RSA 21-J:3, XXV, may consider any information that indicates that property in a city, town, or unincorporated place is valued disproportionately to other property within that municipality in determining whether to petition the board of tax and land appeals to issue an order for reassessment. Additionally, the commissioner shall petition the board of tax and land appeals to issue an order for reassessment of property if the following criteria are met:

I. The commissioner's most recent annual sales-assessment ratio study indicates that the coefficient of dispersion exceeds 20 employing a 95-percent level of confidence, provided however that if the sample size for a sales-assessment ratio study is less than 30, the commissioner may use a level of confidence as low as 70 percent;

II. The municipality has not ~~conducted a full revaluation within 6 years~~ ***complied with the provisions of RSA 75:8-a***; and

~~III. A municipality has not contracted for a full revaluation of the property within such municipality to be effective no later than the tax year following such determination.~~

61 Certification Required; SB 193 Provision Amended. Amend RSA 21-J:14-f, I to read as follows:

I. Every person, whether working individually, for a firm or corporation, or as a municipal ~~or department of revenue administration~~ em-

ployee, making appraisals of a municipality for tax assessment purposes, except elected officials making appraisals pursuant to RSA 75:1, shall be certified by the department. ***Department of revenue employees shall be certified at the level appropriate to their duties.*** The commissioner shall adopt rules, pursuant to RSA 541-A, relative to qualifications for certification, standards for continuing education, and standards for revocation or suspension of certification. Rules adopted by the commissioner under this paragraph shall remain effective until the assessing standards board adopts rules under RSA 21-J:14-b, I(c).

62 Property Taxes; What Taxes Assessed; Expenses of Reassessment; SB 193 Provision Amended. Amend RSA 76:5 to read as follows:

76:5 What Taxes Assessed. The selectmen shall seasonably assess all state and county taxes for which they have the warrants of the commissioner of revenue administration and county treasurers respectively; all taxes duly voted in their towns; and all school and village district taxes authorized by law or by vote of any school or village district duly certified to them; and all sums required to be assessed by RSA 33 and RSA 21-J:9-c. ***Any decision by the commissioner not to certify the assessments of a municipality pursuant to RSA 21-J:11-a shall not affect the authority of the selectmen to assess taxes.***

63 Initial Assessment Review Schedule. The commissioner of revenue administration shall adopt a schedule so that each city, town, and unincorporated place has its assessments reviewed within 5 years and shall notify each municipality, within 60 days of passage of this section, of the property tax year for which their initial certification review shall occur. The department shall offer training and technical assistance to municipal officials to assist in complying with the provisions of RSA 21-J:11-a, as inserted by this act.

64 Contingency. If SB 193 of the 2001 legislative session becomes law, then section 60 of this act shall take effect at 12:01 a.m. on the effective date of section 17 of SB 193. If SB 193 of the 2001 legislative session becomes law, then section 61 of this act shall take effect at 12:01 on the effective date of section 2 of SB 193. If SB 193 of the 2001 legislative session becomes law, then section 62 of this act shall take effect at 12:01 a.m. on the effective date of section 18 of SB 193. If SB 193 does not become law, then sections 60-62 of this act shall not take effect.

65 Repeal. RSA 86:6, relative to taxable property under and tax rate of the legacies and successions tax, is repealed.

66 Applicability. Section 65 of this act shall apply only to estates established as the result of deaths occurring on or after January 1, 2003.

67 Lease Agreement Required; Pease Development Authority; Department of Regional Community-Technical Colleges. The department of regional community-technical colleges and Pease development authority shall enter into a lease agreement in which the department shall occupy the first floor, consisting of 71,243 square feet, of 320 Corporate Drive in Portsmouth. In exchange, the state shall reduce by \$1,068,644 per year, starting with the commencement of the lease on July 1, 2001, Pease development authority's debt owed to the state relative to start-up funding costs under RSA 12-G:27-b through 12-G:27-d; 1991, 355:110, as amended by 1992, 260:11; 1992, 260:12, as amended by 1993, 358:3; 1994, 415:1; and 1995, 307:10. The lease term shall be 2 years or until such time as the debt owed to the state relative to the authority's start-up funding costs has been exhausted. The lease may be extended subject to the approval of the capital budget overview committee and the governor and council.

68 Department of Resources and Economic Development. Amend section 1 of HB 25-FN-A of the 2001 legislative session by replacing paragraph XI, D and the total state appropriation paragraph XI with the following:

D. Cannon Mt. Aerial Tram-Upgrade Drive & Control Sys.		995,000
Less Park Fund		<u>-995,000</u>
Net state appropriation subparagraph	D	0
Total state appropriation paragraph XI		<u>\$982,200</u>

The project for which sums are appropriated in subparagraph XI, D for Cannon Mountain aerial tram, upgrade drive and control system, may be done on a force account basis by the department of resources and economic development as provided in RSA 228:4, I(c), notwithstanding the dollar limit for such projects provided in RSA 228:4, I(c).

69 Investor Education Fund. Amend RSA 421-B:21, II-c to read as follows:

II-c. The state treasurer shall pay the expenses of investor education conducted pursuant to RSA 421-B:26, IV out of the investor education fund consisting of the funds collected pursuant to RSA 421-B:26, I, II, and III. The investor education fund shall be nonlapsing and continually appropriated for the purpose of paying the expenses of investor education, except that, as provided in RSA 421-B:26, IV, the fund shall at no time exceed ~~[\$800,000]~~ **\$725,000**.

70 Administrative Penalty; Investor Education Funds. Amend RSA 421-B:26, IV to read as follows:

IV. All moneys collected as an administrative penalty under this chapter and all moneys collected pursuant to RSA 421-B:31, I(h) shall be credited to an investor education fund to be maintained by the state treasurer. Funds in excess of ~~[\$800,000]~~ **\$725,000** at the end of each fiscal year shall be credited to the general fund. The secretary of state, after deducting administrative costs, shall use moneys credited to that fund to provide information to residents of this state about investments in securities, to help investors and potential investors evaluate their investment decisions, protect themselves from unfair, inequitable, or fraudulent offerings, choose their broker-dealers, agents, or investment advisers more carefully, be alert for false or misleading advertising or other harmful practices, and know their rights as investors.

71 Penalties for Failure to Pay. Amend RSA 21-J:33, I to read as follows:

I. If the failure to pay is *not* due to ~~[willful neglect or intentional disregard of laws or rules, but without intent to defraud]~~ **fraud**, the penalty shall be equal to 10 percent of the amount of the nonpayment or underpayment. ***This penalty shall not be applied in any case in which the failure to pay was due to reasonable cause and not willful neglect of the taxpayer.***

72 New Subparagraph; Business Profits Tax; Definition of United States Internal Revenue Code. Amend RSA 77-A:1, XX by inserting after subparagraph (k) the following new subparagraph:

(l) For all tax years beginning after January 1, 2000, the United States Internal Revenue Code of 1986 in effect on December 31, 2000.

73 Appropriation; Community-Technical College System; Computer System Upgrades - Claremont. Amend 2001, HB 25-FN-A by inserting in paragraph IV of section 1 the following:

I. Construction of Networking Windows NT/2000 Lab* 350,000

74 Total Adjusted. 2001, HB 25-FN-A, 1, IV, total state appropriation paragraph IV, is repealed and reenacted to read as follows:

Total state appropriation paragraph IV \$ 3,794,850

75 Total Adjusted. 2001, HB 25-FN-A, 1, total state appropriation section 1, is repealed and reenacted to read as follows:

Total state appropriation section 1 \$54,571,200

76 Bond Authorized; Total Adjusted. 2001, HB 25-FN-A, 8, I, is repealed and reenacted to read as follows:

I. To provide funds for the total of the appropriations of state funds made in sections 1, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$72,651,700 and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

77 Retirement System; Administration. Amend RSA 100-A:14, V to read as follows:

V. The board of trustees ~~[may]~~ **shall have the full power to employ and compensate** such classified employees **on such terms** as may be necessary **as charges upon the funds of the retirement system**. It may also engage such actuarial, medical, and like services as may be required to transact the business of the system. The compensation for such special services, and all other expenses of the board necessary, hereto, shall be paid at such rates and in such amounts as the board shall approve.

78 Retirement System; Executive Director. Amend RSA 100-A:44 to read as follows:

100-A:44 Appointment; Removal. The board of trustees of the retirement system shall **have the full power to appoint and compensate** an executive director ~~[who shall hold office during good behavior. The board may remove the executive director for cause]~~ **to perform such duties on such terms as it may require**.

79 Executive Director Salary; Director of Finance. Amend RSA 100-A:47 and 47-a to read as follows:

100-A:47 Salary. The annual salary of the executive director shall be ~~[that prescribed by RSA 94:1-4]~~ **set at such rates as the board of trustees may deem necessary to attract and retain a suitably qualified individual**.

100-A:47-a Appointment; Duties; and Compensation. The executive director of the retirement system shall nominate a director of finance for appointment by the board of trustees. The director of finance shall assist the board of trustees in the management of retirement system funds. The director of finance shall report directly to the board of trustees or to a person or persons designated by the board and shall serve at their pleasure. The director of finance shall be qualified to hold the position by reason of education and experience. The annual salary for the director of finance shall be ~~[that prescribed by RSA 94:1-a, I, Group M]~~ **set at such rates as the board of trustees may deem necessary in order to attract and retain a suitably qualified individual**.

80 New Subdivision; Low and Moderate Income Homeowners Property Tax Relief. Amend RSA 198 by inserting after section 55 the following new subdivision:

Low and Moderate Income Homeowners Property Tax Relief

198:56 Definitions. In this subdivision:

I. "Commissioner" means the commissioner of the department of revenue administration.

II. "Homestead" means the dwelling owned by a claimant or, in the case of a multi-unit dwelling, the portion of the dwelling which is owned and used as the claimant's principal place of residence and the claimant's domicile for purposes of RSA 654:1. "Homestead" shall not include land

and buildings taxed under RSA 79-A or land and buildings or the portion of land and buildings rented or used for commercial or industrial purposes. In this paragraph, the term "owned" includes:

- (a) A vendee in possession under a land contract;
- (b) One or more joint tenants or tenants in common; or
- (c) A person who has equitable title, or the beneficial interest for life in the homestead.

III. "Household income" means the sum of the adjusted gross income for federal income tax purposes of the claimant and any adult member of the claimant's household who resides in the homestead for which a claim is made. "Household income" shall also include all income of any trust through which the claimant holds equitable title, or the beneficial interest for life, in the homestead.

IV. "Tax relief" means the low and moderate income homeowners property tax relief provided in this subdivision.

V. "New Hampshire household" means any person filing a federal income tax return as head of household or 2 or more adults who jointly share the benefit of the homestead. "New Hampshire household" shall not include those adults who share the homestead under a landlord-tenant relationship.

VI. "Dependent" means a person residing in a homestead who is claimed as a dependent for federal income tax purposes.

198:57 Low and Moderate Income Homeowners Property Tax Relief.

I. Pursuant to the provisions of this subdivision, eligible claimants shall be granted tax relief following the effective date of this act.

II. Residents shall apply to the department of revenue administration for such tax relief.

III. An eligible tax relief claimant is a person who:

(a) Owns a homestead or interest in a homestead subject to the education property tax;

(b) Resided in such homestead on April 1 of the year for which the claim is made, except such persons as are on active duty in the United States armed forces or are temporarily away from such homestead but maintain the homestead as a primary domicile; and

(c) Realizes total household income of:

(1) \$20,000 or less if a single person;

(2) \$40,000 or less if a married person or head of a New Hampshire household.

IV. All or a portion of an eligible tax relief claimant's state education property taxes, RSA 76:3, shall be rebated as follows:

(a) Multiply the total local assessed value of the claimant's property by the percentage of such property that qualifies as the claimant's homestead;

(b) Multiply \$100,000 by the most current local equalization ratio as determined by the department of revenue administration;

(c) Multiply the lesser of the amount determined in subparagraph (a) or (b) by the current state education property tax rate as shown on the tax bill under RSA 76:11-a;

(d) Multiply the product of the calculation in subparagraph (c) by the following percentage as applicable to determine the amount of tax relief available to the claimant:

(1) If a single person and total household income is:

(A) less than \$12,500, 100 percent;

(B) \$12,500 but less than \$15,000, 60 percent;

(C) \$15,000 but less than \$17,500, 40 percent; or

(D) \$17,500 but less than or equal to \$20,000, 20 percent.

(2) If a head of a New Hampshire household or a married person and total household income is:

- (A) less than \$25,000, 100 percent;
- (B) \$25,000 but less than \$30,000, 60 percent;
- (C) \$30,000 but less than \$35,000, 40 percent; or
- (D) \$35,000 but less than or equal to \$40,000, 20 percent.

(e) The amount determined by subparagraph (d) is the allowable tax relief in any year.

V. If a homestead is owned by 2 or more persons as joint tenants or tenants in common, and one or more of such joint owners do not principally reside at such homestead, tax relief applies to the proportionate share of the homestead value that reflects the ownership percentage of the claimant. Only one claim may be filed for a single homestead.

VI. Complete applications for state tax relief shall be filed with the department of revenue administration between May 1 and June 30 following the due date of the final tax bill as defined in RSA 76:1-a for state education property taxes. If an otherwise qualified claimant shall satisfy the commissioner that such claimant was prevented by accident, mistake, or misfortune from filing a complete application on or before June 30, the commissioner may receive the complete application at a later date and grant the relief for that tax year.

VII. Each claimant shall provide a copy of his or her federal income tax return and a copy of the federal income tax return for each adult member of the claimant's household for the corresponding tax period. Claimants and adult household members who were not required to file a federal tax return for the immediately prior tax period may submit an affidavit to such effect in lieu of a tax return which document shall include the affiant's social security number. A claimant who asserts ownership in a homestead because he or she holds equitable title, or the beneficial interest for life, in the homestead shall also submit a copy of the document creating such interest and a copy of the federal tax return, if any, for the immediately prior tax period, of the trust holding legal title to the homestead. Any documents submitted shall be considered confidential, and protected under RSA 21-J:14.

VIII. The provisions of RSA 359-C shall not apply to the documents required to be submitted under this section.

198:58 Rulemaking; Forms; Notice.

I. The commissioner shall adopt rules, under RSA 541-A, relative to the administration of the tax relief provisions of this subdivision.

II. The commissioner shall approve and provide forms relative to the administration of this subdivision.

III. Claim forms shall include the following:

(a) Instructions on completing and filing the form;

(b) Sections for information concerning the claimant, the claimant's household, the property for which tax relief is sought, and such other information as is reasonably necessary to determine the accuracy of the claim;

(c) Instructions on appeal procedure and time limits relative to such appeals; and

(d) A place for the claimant's signature with a certification by the claimant that the claim is made in good faith and that the facts contained in the claim are true.

IV. The commissioner shall publicize notice of the tax relief provisions in a suitable manner.

198:59 Penalties; Assessment of Erroneous Claims.

I. Any person who files a claim for tax relief under this subdivision with fraudulent intent and any person who assisted in the preparation or filing of the claim or supplied information upon which the claim was prepared shall be guilty of a misdemeanor.

II. The commissioner may assess and collect the amount of any sums granted for property tax relief relative to a fraudulent or erroneously paid claim for tax relief including interest provided under RSA 21-J:28 and an additional penalty of 25 percent for the erroneous amount of such claim or an additional penalty of the greater of 25 percent or \$1,000 for a fraudulent claim.

198:60 Appeals.

I. Whenever the commissioner refuses to grant a claimant a tax relief claim, the claimant may appeal in writing within 30 days of notice of such refusal to the board of tax and land appeals.

II. The board of tax and land appeals may reverse or affirm, in whole or in part, or modify the decision appealed from when there is an error of law or when the board finds the commissioner's action to be arbitrary or unreasonable.

198:61 Refund of Tax Claims. The department of revenue administration shall review a claim for tax relief filed with it and, if such claim is determined to be valid, shall certify such amount to the state treasurer within 120 days. The state treasurer shall pay the claim to the claimant from funds in the education trust fund. The department shall notify a claimant whose claim is rejected in whole or in part of such determination within 90 days of the department's receipt of the claim and all required documentation.

81 Education Property Tax Hardship Relief; Repeal Date Changed. Amend 1999, 338:25, II to read as follows:

II. Section 22 of this act shall take effect July 1, ~~2003~~ **2002**.

82 Repeal. RSA 198:50-55, relative to education property tax hardship relief, is repealed.

83 Department of Administrative Services; Purchase of Supplies; Exemptions. Amend RSA 21-I:18, I(1) to read as follows:

(1) Purchases of services from private contractors by the department of revenue administration with respect to the administration of ~~[education property tax hardship relief]~~ **low and moderate income homeowners property tax relief** claims ~~[under RSA 198:50-55]~~.

84 Repeal of Prospective Repeals of Education Property Tax and Adequate Education Grant Determination Provisions. The following are repealed:

I. 1999, 338:21, relative to the repeal of RSA 76:3, RSA 198:40, and RSA 198:41.

II. 1999, 338:25, I, relative to the effective date of 1999, 338:21.

85 Fiscal Year 2001 School Building Aid Payments. Notwithstanding RSA 198:15-e, the state shall provide the sum of \$2,000,000 which shall be used to fund 100 percent of school building aid payments to be disbursed to the school districts of the state in fiscal year 2001.

86 Appropriation. The sum of \$2,000,000 for the fiscal year ending June 30, 2001 is hereby appropriated to the department of education for the purpose of providing 100 percent funding of school building aid payments for fiscal year 2001. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

87 Classified Salaries; December 28, 2001. RSA 99:1-a is repealed and reenacted to read as follows:

99:1-a Salaries Established. The salary ranges for all classified state employees commencing December 28, 2001, shall be established as follows:

	Step 01	Step 02	Step 03	Step 04	Step 05	Step 06	Step 07	Step 08
1	14,839.50	15,268.50	15,717.00	16,185.00	16,692.00	17,218.50	17,706.00	18,213.00
2	15,268.50	15,717.00	16,185.00	16,692.00	17,218.50	17,706.00	18,213.00	18,759.00
3	15,717.00	16,185.00	16,692.00	17,218.50	17,706.00	18,213.00	18,759.00	19,344.00
4	16,185.00	16,692.00	17,218.50	17,706.00	18,213.00	18,759.00	19,344.00	20,728.50
5	16,692.00	17,218.50	17,706.00	18,213.00	18,759.00	19,344.00	20,728.50	21,528.00
6	17,218.50	17,706.00	18,213.00	18,759.00	19,344.00	20,728.50	21,528.00	22,366.50
7	17,706.00	18,369.00	19,149.00	19,929.00	20,728.50	21,528.00	22,366.50	23,322.00
8	18,369.00	19,149.00	19,929.00	20,728.50	21,528.00	22,366.50	23,322.00	24,238.50
9	19,149.00	19,929.00	20,728.50	21,528.00	22,366.50	23,322.00	24,238.50	25,213.50
10	19,929.00	20,728.50	21,528.00	22,366.50	23,322.00	24,238.50	25,213.50	26,227.50
11	20,728.50	21,528.00	22,366.50	23,322.00	24,238.50	25,213.50	26,227.50	27,319.50
12	21,528.00	22,366.50	23,322.00	24,238.50	25,213.50	26,227.50	27,319.50	28,587.00
13	22,366.50	23,322.00	24,238.50	25,213.50	26,227.50	27,319.50	28,587.00	29,776.50
14	23,322.00	24,238.50	25,213.50	26,227.50	27,319.50	28,587.00	29,776.50	31,102.50
15	24,238.50	25,291.50	26,344.50	27,456.00	28,587.00	29,776.50	31,102.50	32,409.00
16	25,291.50	26,344.50	27,456.00	28,587.00	29,776.50	31,102.50	32,409.00	33,832.50
17	26,344.50	27,456.00	28,587.00	29,776.50	31,102.50	32,409.00	33,832.50	35,256.00
18	27,456.00	28,587.00	29,776.50	31,102.50	32,409.00	33,832.50	35,256.00	36,777.00
19	28,587.00	29,776.50	31,102.50	32,409.00	33,832.50	35,256.00	36,777.00	38,356.50
20	29,776.50	31,102.50	32,409.00	33,832.50	35,256.00	36,777.00	38,356.50	40,365.00
21	31,102.50	32,409.00	33,832.50	35,256.00	36,777.00	38,356.50	40,365.00	42,159.00
22	32,409.00	33,832.50	35,256.00	36,777.00	38,356.50	40,365.00	42,159.00	44,050.50
23	33,832.50	35,334.00	36,933.00	38,610.00	40,365.00	42,159.00	44,050.50	46,059.00
24	35,334.00	36,933.00	38,610.00	40,365.00	42,159.00	44,050.50	46,059.00	48,126.00
25	36,933.00	38,610.00	40,365.00	42,159.00	44,050.50	46,059.00	48,126.00	50,290.50
26	38,610.00	40,365.00	42,159.00	44,050.50	46,059.00	48,126.00	50,290.50	52,533.00
27	40,365.00	42,159.00	44,050.50	46,059.00	48,126.00	50,290.50	52,533.00	54,931.50
28	42,159.00	44,050.50	46,059.00	48,126.00	50,290.50	52,533.00	54,931.50	57,934.50
29	44,050.50	46,059.00	48,126.00	50,290.50	52,533.00	54,931.50	57,934.50	60,703.50
30	46,059.00	48,126.00	50,290.50	52,533.00	54,931.50	57,934.50	60,703.50	63,550.50
31	48,126.00	50,407.50	52,845.00	55,263.00	57,934.50	60,703.50	63,550.50	66,592.50
32	50,407.50	52,845.00	55,263.00	57,934.50	60,703.50	63,550.50	66,592.50	69,634.50
33	52,845.00	55,263.00	57,934.50	60,703.50	63,550.50	66,592.50	69,634.50	72,676.50
34	55,263.00	57,934.50	60,703.50	63,550.50	66,592.50	69,634.50	72,676.50	75,718.50
35	57,934.50	60,703.50	63,550.50	66,592.50	69,634.50	72,676.50	75,718.50	78,760.50

The salary ranges provided herein for academic positions shall apply to those state employees in academic positions who work for an academic year which does not exceed 180 working days. Those academic employees working more than an academic year shall receive a pro rata increase in their salary based upon the number of additional working days per year. The intent of this section is to adjust the salaries of employees in academic positions. It is not intended to cause changes in academic work schedules.

88 Classified Salaries; December 27, 2002. RSA 99:1-a is repealed and reenacted to read as follows:

99:1-a Salaries Established. The salary ranges for all classified employees commencing December 27, 2002 shall be established as follows:

	Step 01	Step 02	Step 03	Step 04	Step 05	Step 06	Step 07	Step 08
1	15,132.00	15,580.50	16,029.00	16,516.50	17,023.50	17,569.50	18,057.00	18,583.50
2	15,580.50	16,029.00	16,516.50	17,023.50	17,569.50	18,057.00	18,583.50	19,129.50
3	16,029.00	16,516.50	17,023.50	17,569.50	18,057.00	18,583.50	19,129.50	19,734.00
4	16,516.50	17,023.50	17,569.50	18,057.00	18,583.50	19,129.50	19,734.00	21,138.00
5	17,023.50	17,569.50	18,057.00	18,583.50	19,129.50	19,734.00	21,138.00	21,957.00
6	17,569.50	18,057.00	18,583.50	19,129.50	19,734.00	21,138.00	21,957.00	22,815.00
7	18,057.00	18,739.50	19,539.00	20,319.00	21,138.00	21,957.00	22,815.00	23,790.00
8	18,739.50	19,539.00	20,319.00	21,138.00	21,957.00	22,815.00	23,790.00	24,726.00
9	19,539.00	20,319.00	21,138.00	21,957.00	22,815.00	23,790.00	24,726.00	25,720.50
10	20,319.00	21,138.00	21,957.00	22,815.00	23,790.00	24,726.00	25,720.50	26,754.00
11	21,138.00	21,957.00	22,815.00	23,790.00	24,726.00	25,720.50	26,754.00	27,865.50
12	21,957.00	22,815.00	23,790.00	24,726.00	25,720.50	26,754.00	27,865.50	29,152.50
13	22,815.00	23,790.00	24,726.00	25,720.50	26,754.00	27,865.50	29,152.50	30,381.00
14	23,790.00	24,726.00	25,720.50	26,754.00	27,865.50	29,152.50	30,381.00	31,726.50
15	24,726.00	25,798.50	26,871.00	28,002.00	29,152.50	30,381.00	31,726.50	33,052.50
16	25,798.50	26,871.00	28,002.00	29,152.50	30,381.00	31,726.50	33,052.50	34,515.00
17	26,871.00	28,002.00	29,152.50	30,381.00	31,726.50	33,052.50	34,515.00	36,958.00
18	28,002.00	29,152.50	30,381.00	31,726.50	33,052.50	34,515.00	35,958.00	37,518.00
19	29,152.50	30,381.00	31,726.50	33,052.50	34,515.00	35,958.00	37,518.00	39,117.00
20	30,381.00	31,726.50	33,052.50	34,515.00	35,958.00	37,518.00	39,117.00	41,164.50
21	31,726.50	33,052.50	34,515.00	35,958.00	37,518.00	39,117.00	41,164.50	42,997.50
22	33,052.50	34,515.00	35,958.00	37,518.00	39,117.00	41,164.50	42,997.50	44,928.00
23	34,515.00	36,036.00	37,674.00	39,390.00	41,164.50	42,997.50	44,928.00	46,975.50
24	36,036.00	37,674.00	39,390.00	41,164.50	42,997.50	44,928.00	46,975.50	49,081.50
25	37,674.00	39,390.00	41,164.50	42,997.50	44,928.00	46,975.50	49,081.50	51,304.50
26	39,390.00	41,164.50	42,997.50	44,928.00	46,975.50	49,081.50	51,304.50	53,586.00
27	41,164.50	42,997.50	44,928.00	46,975.50	49,081.50	51,304.50	53,586.00	56,023.50
28	42,997.50	44,928.00	46,975.50	49,081.50	51,304.50	53,586.00	56,023.50	59,085.00
29	44,928.00	46,975.50	49,081.50	51,304.50	53,586.00	56,023.50	59,085.00	61,912.50
30	46,975.50	49,081.50	51,304.50	53,586.00	56,023.50	59,085.00	61,912.50	64,818.00
31	49,081.50	51,421.50	53,898.00	56,374.50	59,085.00	61,912.50	64,818.00	67,918.50
32	51,421.50	53,898.00	56,374.50	59,085.00	61,912.50	64,818.00	67,918.50	71,019.00
33	53,898.00	56,374.50	59,085.00	61,912.50	64,818.00	67,918.50	71,019.00	74,119.50
34	56,374.50	59,085.00	61,912.50	64,818.00	67,918.50	71,019.00	74,119.50	77,220.00
35	59,085.00	61,912.50	64,818.00	67,918.50	71,019.00	74,119.50	77,220.00	80,320.50

The salary ranges provided herein for academic positions shall apply to those state employees in academic positions who work for an academic year which does not exceed 180 working days. Those academic employees working more than an academic year shall receive a pro rata increase in their salary based upon the number of additional working days per year. The intent of this section is to adjust the salaries of employees in academic positions. It is not intended to cause changes in academic work schedules.

89 Salary Wages for Councilors and Commissioners; December 28, 2001. RSA 94:1-a, II is repealed and reenacted to read as follows:

II. The salary wages for the positions set forth below shall be as follows commencing

December 28, 2001:	Minimum	Maximum
Governor's councilors		\$11,916
Pari-mutuel commissioners		\$ 9,035
Sweepstakes commission, chairman		\$13,558
Sweepstakes commission, members		\$ 7,231

90 Salary Wages for Councilors and Commissioners; December 27, 2002. RSA 94:1-a, II is repealed and reenacted to read as follows:

II. The salary wages for the positions set forth below shall be as follows commencing

December 27, 2002:	Minimum	Maximum
Governor's councilors		\$12,154
Pari-mutuel commissioners		\$ 9,216
Sweepstakes commission, chairman		\$13,829
Sweepstakes commission, members		\$ 7,375

91 Classified Increases; December 28, 2001. RSA 99:3 is repealed and reenacted to read as follows:

99:3 Increase in Salary. Notwithstanding the provisions of RSA 273-A or any other provision of law to the contrary, classified employees of the state as of December 28, 2001, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a, provided that any employee in classified service on December 28, 2001 shall be placed in a labor grade that is one number higher than the labor grade in which such person had been placed as of December 27, 2001. Notwithstanding any other provision of law, any legislative enactment in effect on December 28, 2001 designating a person or position at a specific labor grade shall hereby be deemed amended as designating such person or position at a labor grade that is one number higher than the labor grade in which such person had been designated by such enactment as of December 27, 2001. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

92 Classified Increases; December 27, 2002. RSA 99:3 is repealed and reenacted to read as follows:

99:3 Increase in Salary. Notwithstanding the provisions of RSA 273-A or any other provision of law to the contrary, classified employees of the state as of December 27, 2002, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. Notwithstanding any other provision of law, any legislative enactment in effect on December 28, 2001 designating a person or position at a specific labor grade shall hereby be deemed amended as designating such person or position at a labor grade that is one number higher than the labor grade in which such person had been designated by such enactment as of December 27, 2001. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

93 Judicial Salaries; December 28, 2001. RSA 491-A:1 is repealed and reenacted to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$114,517
Associate justices, supreme court	\$111,045
Chief justice, superior court	\$111,045
Associate justices, superior court	\$104,105
District court justices prohibited from practice pursuant to RSA 502-A:21	\$104,105
Probate judges prohibited from practice pursuant to RSA 547:2-a	\$104,105

94 Judicial Salaries; December 27, 2002. RSA 491-A:1 is repealed and reenacted to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$116,807
Associate justices, supreme court	\$113,266
Chief justice, superior court	\$113,266
Associate justices, superior court	\$106,187
District court justices prohibited from practice pursuant to RSA 502-A:21	\$106,187
Probate judges prohibited from practice pursuant to RSA 547:2-a	\$106,187

95 Judicial Employees; December 28, 2001. All judicial employees shall receive 4.25 percent salary increases on December 28, 2001.

96 Judicial Employees; December 27, 2002. All judicial employees shall receive 2 percent salary increases on December 27, 2002.

97 Legislative Employees; December 28, 2001. Legislative employees shall receive 4.25 percent salary increases effective December 28, 2001, if such increases are approved by the appointing authority.

98 Legislative Employees; December 27, 2002. Legislative employees shall receive 2 percent salary increases effective December 27, 2002, if such increases are approved by the appointing authority.

99 Manager of Safety, Training, and Injury Prevention; Labor Grade Changed. Amend RSA 281-A:64-b to read as follows:

281-A:64-b Manager of Safety, Training, and Injury Prevention. There is created within the department of labor the classified full-time position of manager of safety, training, and injury prevention who shall be under the direction of the labor commissioner. The position shall be at labor grade ~~24~~ 25. The manager shall be responsible for mandatory workplace safety programs and for the development of effective multi-media workplace safety programs which shall be available to all employers.

100 Allied Health Professionals; Supervisory Position; Labor Grade Changed. Amend RSA 328-F:3, II to read as follows:

II. The governing boards' chairpersons or their appointees shall make up the board of directors of the office of licensed allied health professionals. The board of directors shall, subject to the rules of the division of personnel, have authority to establish and fill a supervisory position at labor grade ~~20~~ 21 and technical and clerical positions to run the office's business in an efficient manner.

101 Compensation for Certain State Officers; Unclassified State Employees; December 28, 2001. RSA 94:1-a, I is repealed and reenacted to read as follows:

I.(a) The following salary ranges shall apply to the following grades:

Grade	Minimum	Step 1	Step 2	Step 3	Step 4	Maximum
AA	\$40,310	\$43,000	\$45,690	\$48,380	\$51,060	\$53,750
BB	\$41,950	\$44,740	\$47,540	\$50,340	\$53,130	\$55,930
CC	\$43,940	\$46,870	\$49,800	\$52,730	\$55,660	\$58,590
DD	\$46,310	\$49,390	\$52,480	\$55,570	\$58,650	\$61,740
EE	\$49,100	\$52,380	\$55,650	\$58,920	\$62,200	\$65,470
FF	\$52,560	\$56,060	\$59,570	\$63,070	\$66,580	\$70,080
GG	\$56,810	\$60,590	\$64,380	\$68,170	\$71,950	\$75,740
HH	\$61,940	\$66,060	\$70,190	\$74,320	\$78,450	\$82,580
II	\$65,540	\$69,900	\$74,270	\$78,640	\$83,010	\$87,380

Grade	Minimum	Step 1	Step 2	Step 3	Step 4	Maximum
JJ	\$69,140	\$73,740	\$78,350	\$82,960	\$87,570	\$92,180
KK	\$70,930	\$75,660	\$80,380	\$85,110	\$89,840	\$94,570
LL						\$97,370
MM						\$100,690
NN						\$104,590
OO						\$109,150
PP						\$114,600
QQ						\$121,160

(b) The salary ranges in subparagraph (a) shall be for the positions set forth in the following grades:

Grade	Agency	Position
AA	Department of corrections	executive assistant to parole board
AA	Department of health and human services	executive assistant
AA	Executive council	executive assistant
BB	Department of justice	criminal justice investigator
BB	Department of health and human services	health planning analyst
BB	Department of health and human services, office of the commissioner and division for children, youth and families	service specialist
BB	Department of health and human services	public information officer
BB	Department of justice	consumer protection investigator
BB	Department of justice	criminal justice investigator
CC	Department of revenue administration	multi-state tax auditor
CC	Real estate commission	executive director
CC	Department of health and human services, office of administration	service specialist
CC	Department of health and human services, division of elderly and adult services	long term care policy analyst
CC	Department of health and human services, division for children, youth and families	service specialist
CC	Veterans council	director
DD	Department of health and human services	program specialist
DD	Department of health and human services	senior financial analyst
DD	Department of health and human services	senior health policy analyst
DD	Department of health and human services, office of health management	system specialist
DD	Department of health and human services	unit administrator
DD	Department of cultural resources	director

Grade	Agency	Position
DD	Department of health and human services, division of developmental services	development services behavioral specialist
DD	New Hampshire hospital	infection control practitioner
DD	New Hampshire hospital	unit administrator
DD	Department of resources and economic development	director of marketing
DD	Department of state	assistant secretary of state
DD	State treasurer	assistant treasurer
DD	Department of health and human services	manager, facilities and security
DD	Department of resources and economic development	mountain manager
DD	Department of health and human services	date base administrator
DD	Department of agriculture, markets and food	director
DD	Department of health and human services	manager licensing and regulatory services
DD	Department of justice	chief counsel justice investigator
DD	Department of revenue administration	field audit leader
DD	Department of revenue administration	manager
DD	Department of health and human services	administrator, strategic planning
DD	Department of health and human services	managing analyst
DD	Insurance department	health care statistician
DD	Department of administrative services	Education and training officer
DD	Board of tax and land appeals	board member
DD	Board of tax and land appeals	chairman
DD	Department of health and human services, division of children, youth and families	service specialist
EE	Department of safety	director of emergency medical services
EE	Department of health and human services, division of behavioral health	administrator of childrens mental health services
EE	Department of health and human services, division of elderly and adult services	director of program operations
EE	Department of revenue administration	chief of field audits
EE	Department of health and human services	administrator of financial support services
EE	Department of health and human services	assistant director
EE	Department of health and human services	MVS systems programmer
EE	Department of health and human services	network specialist

Grade	Agency	Position
EE	Department of health and human services	senior financial manager
EE	Department of health and human services, division of elderly and adult services	system specialist
EE	Highway safety	coordinator
EE	Insurance department	assistant commissioner
EE	Insurance department	counsel
EE	New Hampshire hospital	community integration administrator
EE	Postsecondary education commission	executive director
EE	Department of revenue administration	audit team leaders
EE	Department of state	state archivist
EE	Department of health and human services, division of children, youth and families	head start coordinator
EE	Department of health and human services	administrator, facilities and security operations
EE	Department of health and human services	director
EE	Department of health and human services	managing analyst
EE	Department of health and human services	technical specialist
EE	Department of health and human services, office of health management	program specialist
EE	Department of health and human services	manager of administrative hearings
EE	Department of health and human services, division of elderly and adult services	administrator, bureau of community services
EE	Governor's commission on disability	executive director
FF	Department of corrections	warden, New Hampshire state prison-women
FF	New Hampshire port authority	director
FF	Department of regional community technical colleges	planetarium director
FF	Department of corrections	senior dentist
FF	New Hampshire hospital	senior dentist
FF	Department of administrative services	executive director, bureau of emergency communications
FF	Department of health and human services, division of children, youth and families	administrator, bureau of child development
FF	Department of health and human services, division of children, youth and families	juvenile justice administrator
FF	Department of safety	deputy director of motor vehicles
FF	Department of transportation	director of aeronautics

Grade	Agency	Position
FF	Department of health and human services, division of behavioral health	director of transitional assistance
FF	Department of justice	director, office of victim/witness advocate
FF	New Hampshire hospital	assistant superintendent
FF	Department of revenue administration	assistant director, audit division
FF	Department of revenue administration	director of returns processing
FF	State treasurer	chief deputy treasurer
FF	Department of health and human services	director, operations analysis
FF	Department of health and human services	division director
FF	Department of administrative services	manager of employee relations
FF	Department of agriculture, markets and food	state veterinarian
FF	Department of health and human services	director of applications and development
FF	Department of health and human services	director of administration
FF	Department of health and human services	director of MMIS management
FF	Department of health and human services	director, special projects
FF	Department of health and human services	legislative director
FF	Department of employment security	counsel
FF	Insurance department	health care policy analyst
FF	New Hampshire hospital	director of finance and support operations
FF	Department of health and human services, office of health management	forensic toxicologist
FF	Department of health and human services, office of health management	molecular biologist
FF	Public utilities commission	consumer advocate
FF	Department of revenue administration	revenue counsel
FF	Glencliff home for the elderly	superintendent
FF	Department of health and human services	ombudsman
FF	Department of health and human services	transitional assistance, business and industry coordinator
FF	Department of corrections	warden, lakes region facility
GG	Liquor commission	commissioner
GG	New Hampshire veterans home	commandant
GG	Adjutant general	deputy adjutant general
GG	Department of education	director, career technology and adult learning
GG	Department of education	director, standards and certification

Grade	Agency	Position
GG	Department of education	director of instruction
GG	Department of health and human services	director, alcohol and drug abuse
GG	Department of health and human services	director of child support services
GG	Department of health and human services, division of developmental services	director of developmental services
GG	Department of health and human services, division of behavioral health	assistant director, community supports and long-term care
GG	Department of justice	director
GG	New Hampshire hospital	superintendent
GG	Department of health and human services, office of health management	senior physician and director of medicaid
GG	Department of resources and economic development	director, division of parks
GG	Sweepstakes commission	executive director
GG	Department of health and human services	office of program support
GG	Department of administrative services	director of plant and property management
GG	Department of corrections	director, division of administration
GG	Department of corrections	psychiatrist
GG	Department of corrections	senior physician
GG	Department of health and human services	chief legal counsel
GG	Department of health and human services	medicaid director
GG	Department of employment security	general counsel
GG	Department of cultural resources	state librarian
GG	New Hampshire hospital	senior physician/psychiatrist
GG	Department of health and human services, office of health management	state senior physician
GG	Department of resources and economic development	director of economic development
GG	State treasurer	deputy treasurer
GG	Banking department	deputy bank commissioner
GG	Department of corrections	director, division of field services
GG	Department of safety	director, division of fire standards and training
GG	Department of safety	state fire marshal
GG	New Hampshire hospital	assistant superintendent
GG	Department of regional community technical colleges, police standards and training council	professional SE director
GG	Department of resources and economic development	director of travel and tourism
GG	Department of resources and economic development	director, forests and lands
GG	Department of health and human services, division of children, youth and families	assistant director

Grade	Agency	Position
GG	Department of health and human services, office of the commissioner	director of special projects
GG	Department of transportation	director of administration
GG	Insurance department	director
GG	Department of health and human services, office of health management	director of program support
GG	Department of state	deputy secretary of state
HH	Department of corrections	warden
HH	Department of safety	director of motor vehicles
HH	Department of transportation	director of operations
HH	Department of transportation	director of public works
HH	Fish and game department	executive director
HH	Labor department	deputy commissioner
HH	Liquor commission	chairman
HH	Department of regional community technical colleges	president, Manchester and Stratham
HH	Department of regional community technical colleges	president, Concord
HH	Department of agriculture, markets and food	commissioner
HH	Department of health and human services	chief information officer
HH	Department of environmental services	director
HH	Department of cultural resources	commissioner
HH	Department of health and human services division of elderly and adult services	director of elderly services
HH	New Hampshire retirement system	director of finance
HH	Department of revenue administration	assistant commissioner
HH	Department of revenue administration	director of audit division
HH	Department of youth development services	commissioner
HH	Department of administrative services	director (comptroller)
HH	Department of administrative services	director of information technology management
HH	Department of administrative services	director, division of personnel
HH	Department of administrative services	financial data manager
HH	Department of corrections	unit director non-medical
HH	Department health and human services	division director
HH	Department of environmental services	assistant commissioner
HH	Department of health and human services, division of behavioral health	physician in charge
HH	Insurance department	actuary
HH	Department of health and human services, office of health management	physician in charge

Grade	Agency	Position
HH	Department of regional community technical colleges	deputy commissioner
HH	Public utilities commission	counsel
HH	Department of health and human services	transitional assistance, section administrator
HH	Department of health and human services, office of health management	state epidemiologist, administrator health data unit
HH	Insurance department	deputy commissioner
II	New Hampshire retirement system	executive director
II	Department of health and human services, division of behavioral health	director, community supports and long term care
II	State treasurer	treasurer
II	Adjutant general	adjutant general
II	Department of corrections	director adult services-warden
II	Department of safety	director of state police
II	Department of employment security	commissioner
II	Department of regional community technical colleges	president, Laconia and Berlin
II	Department of regional community technical colleges	president, Nashua and Claremont
II	Banking department	commissioner
II	Department of health and human services, division of children, youth and families	director
II	Department of education	deputy commissioner
II	Department of transportation	director of project development
II	Labor department	commissioner
II	Insurance department	insurance commissioner
II	Department of justice	chief medical examiner
II	Department of health and human services, office of health management	director
II	Department of state	secretary of state
II	Department of administrative services	assistant commissioner
II	Department of health and human services	controller
JJ	Department of health and human services	senior division director
JJ	Public utilities commission	chairman
JJ	Public utilities commission	commissioner
JJ	Department of safety	assistant commissioner
JJ	Department of justice	deputy attorney general
KK	Department of education	commissioner
KK	Department of health and human services	deputy commissioner
KK	Department of transportation	assistant commissioner
KK	Department of regional community technical colleges	commissioner
KK	Department of resources and economic development	commissioner
KK	Department of environmental services	commissioner
LL	Department of safety	commissioner
LL	Department of transportation	commissioner

Grade	Agency	Position
LL	Department of justice	attorney general
LL	Department of administrative services	commissioner
LL	Department of corrections	commissioner
LL	Department of revenue administration	commissioner
MM	Department of health and human services	commissioner

(c)(1) For attorney positions in the department of justice, except for the attorney general and deputy attorney general, the following shall apply commencing on December 28, 2001:

	Minimum	Market anchor	Maximum
Attorney	\$38,000	\$46,000	\$92,000
Assistant attorney general		\$63,000	
Senior assistant attorney general		\$78,000	
Associate attorney general		\$86,000	

(2) The attorney general shall have the authority to place all attorneys of the department of justice in the appropriate position within the overall range, above, at, or below the market anchor salary. A market anchor designation for a position is the reference point within the overall range to aid in salary management and recruitment when done at a level other than entry level. The attorney general shall consider the following criteria in considering compensation for department attorneys:

(A) Tenure and progressive experience.

(B) The nature of the work performed.

(C) Increased independence of work performed and judgment exercised.

(D) Achievement of pre-determined performance standards.

(E) The acquisition and application of further education and training.

(F) Demonstration of an increased frequency of undertaking the type and complexity of work normally associated with the next position level.

(G) Fulfilling a leadership or management role.

(3) Designation of position, salary levels, and salary increases for attorneys in the department of justice shall be determined by the attorney general, subject to approval of the governor and council, within appropriations made to the department of justice. The provisions of RSA 94:3 shall not apply to attorney positions governed by this subparagraph.

102 Compensation of State Officers; Unclassified State Employees; December 27, 2002; Two Percent Increase. RSA 94:1-a, I(a) is repealed and reenacted to read as follows:

I.(a) The following salary ranges shall apply to the following grades:

Grade	Minimum	Step 1	Step 2	Step 3	Step 4	Maximum
AA	\$41,116	\$43,860	\$46,604	\$49,348	\$52,081	\$54,825
BB	\$42,789	\$45,635	\$48,491	\$51,347	\$54,193	\$57,049
CC	\$44,819	\$47,807	\$50,796	\$53,785	\$56,773	\$59,762
DD	\$47,236	\$50,378	\$53,530	\$56,681	\$59,823	\$62,975
EE	\$50,082	\$53,428	\$56,763	\$60,098	\$63,444	\$66,779
FF	\$53,611	\$57,181	\$60,761	\$64,331	\$67,912	\$71,482
GG	\$57,946	\$61,802	\$65,668	\$69,533	\$73,389	\$77,255
HH	\$63,179	\$67,381	\$71,594	\$75,806	\$80,019	\$84,232
II	\$66,851	\$71,298	\$75,755	\$80,213	\$84,670	\$89,128

Grade	Minimum	Step 1	Step 2	Step 3	Step 4	Maximum
JJ	\$70,523	\$75,215	\$79,917	\$84,619	\$89,321	\$94,024
KK	\$72,349	\$77,173	\$81,988	\$86,812	\$91,637	\$96,461
LL						\$99,317
MM						\$102,704
NN						\$106,682
OO						\$111,333
PP						\$116,892
QQ						\$123,583

103 New Paragraph; Consulting Contract. Amend RSA 21-I:13 by inserting after paragraph XII the following new paragraph:

XIII. Have the authority to contract with an outside consulting group knowledgeable in the area of employee compensation of state officers, for the purpose of the commissioner's duty under RSA 94:3-b, in an amount not to exceed \$20,000 annually. The cost of such contract shall be funded from the salary adjustment fund.

104 Department of Justice; Appointment of Positions. Amend RSA 21-M:3, IV and V to read as follows:

IV. The attorney general may designate [~~no more than 10 assistant attorneys general to serve as~~] senior assistant attorneys general. Senior assistant attorneys general [~~shall~~] **may** serve as bureau chiefs and in such other positions as the attorney general may determine. Senior assistants shall serve in that capacity at the pleasure of the attorney general. Notwithstanding any other provision of law, the positions in this section shall be funded within appropriations made to the department of justice for each biennium and through the salary adjustment fund, as needed.

V. The attorney general [~~shall~~] **may** designate [~~2 assistant attorneys general to serve as~~] associate attorneys general. Associate attorneys general [~~shall~~] **may** serve as directors of the divisions of public protection and legal counsel and shall serve in that capacity at the pleasure of the attorney general.

105 State Officers; Salary Adjustment. Amend RSA 94:3-b to read as follows:

94:3-b Salary Adjustment for Recruitment or Retention. Notwithstanding any other provisions of law to the contrary, upon the request of an appointing authority [~~approved~~] **submitted to the commissioner of administrative services for review and evaluation and upon approval** by the fiscal committee of the general court, the governor and council is hereby authorized and empowered upon a finding by them that it is in the best interests of the state and is necessary in order to recruit and retain or recruit or retain qualified personnel to increase the salary ranges of unclassified positions.

106 Increases in Salary; Other Non-Classified or Unclassified Employees. All other nonclassified or unclassified employees not covered by the provisions for salary increases in this act shall be granted a salary increase of 4.25 percent effective December 28, 2001 and an additional salary increase of 2 percent effective December 27, 2002.

107 Authority for New or Omitted Positions or Technical Corrections. The commissioner of the department of administrative services shall have the authority to submit any unclassified positions created in any act which becomes law during the 2001 legislative session or any existing unclassified position omitted from RSA 94:1-a as amended by this act, or technical corrections to agree with the final report of the consultant, after consultation with the consultant on employee compensation for state officers, to the fiscal committee for approval of the proper placement of the unclassified position in the salary structure for state officers.

108 Appropriation. The following sums are appropriated from the following sources for the purposes of sections 87-107 of this act for the fiscal years ending June 30, 2002 and June 30, 2003:

FY 2002

All	General	Federal	Highway	Turnpike	Fish & Game	Other
\$10,245,440	\$ 5,579,565	\$1,050,852	\$2,451,581	\$206,417	\$112,591	\$ 844,434

FY 2003

All	General	Federal	Highway	Turnpike	Fish & Game	Other
\$24,710,507	\$13,660,314	\$2,661,310	\$5,442,433	\$522,757	\$285,140	\$2,138,553

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

109 Repeal. The following are repealed:

I. RSA 12-A:4-c, relative to the assistant to the commissioner of resources and economic development.

II. RSA 126-A:9, II(a), relative to establishment of unclassified positions by the commissioner of health and human services.

III. RSA 162-A:5-a, II, relative to the salary of the executive director of the business finance authority.

IV. RSA 260:7, relative to the road toll administrator, financial responsibility administrator, and assistant to the director of motor vehicles.

110 Effective Date.

I. Sections 8, 9, 46, 50-59, 63, 71, 72, and 84 of this act shall take effect 60 days after its passage.

II. Sections 34, 35, 38-42, 48, 64, 85 and 86 of this act shall take effect upon its passage.

III. Section 15 of this act shall take effect June 30, 2001.

IV. Section 10 of this act shall take effect January 1, 2002.

V. Section 18 of this act shall take effect April 1, 2002.

VI. Sections 65 and 66 of this act shall take effect January 1, 2003.

VII. Sections 60-62 of this act shall take effect as provided in section 64.

VIII. Sections 87, 89, 91, 93, 95, 97, 99, 100, 101, and 103-109 of this act shall take effect December 28, 2001.

IX. Sections 88, 90, 92, 94, 96, 98, and 102 of this act shall take effect December 27, 2002.

X. Sections 80-83 of this act shall take effect July 1, 2002.

XI. The remainder of this act shall take effect July 1, 2001.

2001-1847-CofC

AMENDED ANALYSIS

This bill:

I. Extends the temporary rate of the communications services tax.

II. Establishes a travel and tourism development fund.

III. Provides for the costs of administration of the retirement system to be a charge upon retirement system funds.

IV. Provides for the method of funding payments for certain group I members of the New Hampshire retirement system.

V. Establishes an administrative fund for the land and community heritage investment authority and adds certain powers and duties of the authority.

VI. Provides that the initial funding mechanism and appropriation for the telecommunications planning and development initiative shall not lapse until June 30, 2003.

VII. Permits the commissioner of the department of health and human services to fill authorized unfunded positions.

VIII. Requires that \$1,500,000 from the tobacco use prevention fund lapse to the general fund.

IX. Increases the rate of the business enterprise tax and the business profits tax and decreases the rate of the education property tax.

X. Increases the rate of the intrastate communications services tax and repeals the tax exemption for certain real estate transfers.

XI. Provides for an amnesty period on payment of penalties and interest on unpaid taxes owed to the state.

XII. Repeals the legacies and succession tax.

XIII. Establishes the division of community services within the department of revenue administration and enables certain purchases and positions relating to assessing enforcement.

XIV. Provides specific time lines and abatement and appeal procedures for property assessments.

XV. Increases kindergarten adequacy payments to pupils enrolled in new public kindergarten programs or an approved alternative kindergarten program.

XVI. Establishes a committee to study the development of a new budget system; extends the lapse date of an appropriation to the department of administrative services; and makes the appropriation available to the study committee.

XVII. Amends the provisions of law relating to the revenue stabilization account for the biennium ending June 30, 2001.

XVIII. Enables additional revenues to be made available for certain health and human services programs.

XIX. Makes an appropriation to the postsecondary education commission for administration of the granite state scholars program.

XX. Requires approval by the fiscal committee of the general court and the governor and council prior to submission to the public utilities commission of plans for the administration of system benefits charge funds which are in the custody of the treasurer pursuant to a request of the public utilities commission.

XXI. Grants laid-off state employees certain rights with regard to rehiring.

XXII. Authorizes a longevity payment for the deputy commissioner of the department of health and human services.

XXIII. Authorizes the commissioner of the department of health and human services to establish certain unclassified positions as necessary for the biennium ending June 30, 2003.

XXIV. Requires valuations of taxable property every 5 years, and certification of municipal assessments by the commissioner of revenue administration of compliance with state assessing standards.

XXV. Requires the department of regional community-technical colleges and Pease development authority to enter into a lease agreement and provides for reductions in Pease development authority's debt to the state as payment for the premises.

XXVI. Reduces the cap on the investor education fund.

XXVII. Makes certain technical corrections in the tax laws to conform with the Internal Revenue Code.

XXVIII. Makes a capital appropriation to the community-technical college system for computer system upgrades at Claremont.

XXIX. Establishes a low and moderate income homeowners property tax relief program.

XXX. Repeals the prospective repeals of the education property tax and certain related laws.

XXXI. Provides that the state shall fully fund school building aid payments owed to school districts for fiscal year 2001 and makes an appropriation from general fund revenues for this purpose.

XXXII. Grants pay raises to state employees, judicial employees, and legislative employees.

SENATOR BARNES: House Bill 170 is in the blue binder that you have in front of you, if you want to turn to HB 170. As you will notice, there are a number of pages...I didn't count them, but there is probably close to 75 pages in there. I will not bore you with the whole layout. There has been a lot of press. A lot of you took the time out of your busy schedules to sit in the hearing room to hear what was going on. I saw a lot of familiar faces there, of Senators. I will highlight a few of the items. The first item that is in this HB 170, which I guess that we can call the Christmas tree bill, that is what we have done for years. There are a lot of ornaments on it. The first ornament that I would like to talk about is the Telecommunications Tax. We have raised it 1.5 percent, from 5.5 to 7 percent. The Travel and Tourism, \$2 million a year, which you will find in HB 1. You will find LCHIP, which escaped with a total of \$12 million: \$5 million the first year and \$7 million the second year. There is also the administrative fund cannot exceed \$335,000 a year. Health and Human Services, the authority for the commission to fill authorized unfunded positions and they will be filled using appropriations available due to vacancies. The Education Property Tax was reduced from \$6.60 to \$5.80. The Business Profits Tax was increased to 8.5. The BET rate was increased from .5 to .75. A Tax Amnesty Program was put in place. The end of this year, we have given permission to the commissioner to run an amnesty program that he ran similar to about four years ago. He was able to pick up \$23 million. We came to the conclusion that \$15 million this time was a reasonable number. In this bill is the DRA property tax assessment enforcement. In HB 1, there is \$3.4 million in there to cover this section. This has to do with the Sirrell versus the State of New Hampshire decision from the court. The kindergarten program comes in with \$1,200 a student. The Granite State Scholars is in there for \$250,000 a year. This is one that Senator Hollingworth asked for, and it is in there. The rehiring of laid off state employees grants certain rights to laid off employees. She brought up a very good point during the discussion on it. The Legacy and Succession Tax, it is repealed, effective January 1, 2003. Also in here is the lease agreement with the Pease Development Authority and the Regional Community Technical College. Senator Johnson had a lot to do with that. Last but not least, the state employee pay raise is in here, and also an amendment put in by Senator D'Allesandro for the unclassified salary study. The money is in HB 1 for that. Now if one of you got up and said, Senator Barnes, are you tickled pink with this? I wouldn't call it a home run, I would call it a stand-up triple. There are things in here that I certainly am not the most pleased individual in the world, but I also feel that what we have here, and what we put in front of you, is good for the state of New Hampshire. I was happy to see in the newspaper this morning, if I read it correctly, that our governor thinks that it is a pretty good piece of legislation. I was very happy to see that. There are other things in here that I am not happy with. But I learned long ago that the state of New Hampshire is a heck of a lot more important than what Jack

Barnes thinks. For that reason, I have signed off on this and I am also going to vote for it when we have a vote on it. Mr. President, when we do vote on it, I request a roll call.

SENATOR D'ALLESANDRO: As a member of the Committee of Conference on HB 170, I think that it was a Committee of Conference, and when you have a Committee of Conference, you have to come up with compromise. Certainly when you have to increase taxes in an area where people have been very helpful in stepping up to the plate, you don't want to do that. This legislation is not perfection, we know that. But let me tell you about some of the positive things that happened in this piece of legislation that we as Senators can be proud of. Granite State Scholars for \$250,000. Very important to all of us, particularly those who want to see our better students going on to postsecondary education in the state of New Hampshire. The long term lease for the Stratham Community Technical College was vital in order to provide students an opportunity to be properly educated, in terms of their ability, become viable members of the workforce. This arrangement, first suggested by Senator Johnson, perfected by the Committee of Conference, allows for a facility that has been fitted out to the tune of \$3.5 million with advanced technological capability, to allow students to use this facility for a period of time. We think for a ten year period. That was very important. It is very important because we are committed to education. Not only K-12, but K-16. The ability for the Claremont Community Technical College to get an additional \$350,000 to provide an opportunity for a business to locate in Claremont, have people trained, and again, bring some viability to the economy in Claremont. That was important. We missed it in the Capital Budget because of a situation where it wasn't clearly understood. We took care of it in HB 170. Our state employees, the classified system, deserve the contract. This bill provides that that contract be fulfilled. The unclassified employees, who have been waiting since 1976 to have a thorough study made of the unclassified system. That study that has been in progress for the last two years, comes to fruition as a part of this bill. The bill expands and continues the low and moderate income hardship relief program for homeowners through the state. The bill gives \$2 million to complete and fully fund the state's obligation to school building aid. Those are the positive aspects of this bill. Those are things that as a representative of the people, we must consider. Certainly when we impose new taxes, that is problematic. Would I have done it differently? Absolutely. And everybody in this chamber knows what I would have preferred. There aren't the votes for that. There are not the votes for that, at this time; therefore, the ability to compromise is the ability to move things forward. I participated fully in these discussions. I support HB 170, as I think that it is something that has to be done. Thank you very much, Mr. President.

SENATOR JOHNSON: I want to thank Senator D'Allesandro for his remarks about the community technical colleges. I just want to briefly visit the amended analysis, which is on page 47, XXV, which requires the Department of Regional Community Technical College and Pease Development Authority to enter into a lease agreement and provides for reductions in Pease Development Authority's debt to the state as payment for the premises. I had the opportunity yesterday, at the Legislative Awareness Day, to once again visit that site. I had a tour of the downstairs, which is the 71,000 square feet. It certainly appeared to me that it was a win-win situation for everyone. I just want to thank this body for their support of that piece of legislation. Thank you Mr. President.

SENATOR HOLLINGWORTH: Year after year, this legislature has simply failed to provide a legitimate and lasting solution to the school funding problem. House Bill 170, the plan before us today, also fails to solve the problem. It is another temporary interim fix, when unlike earlier interim plans, this package puts the future of our economy and the prosperity of our people at risk. All forecasts point to a weakening economy. Employment is growing at half the pace of a year ago. Some firms have laid off more than 3,500 employees. Newly constructed buildings at Pease, Nashua and elsewhere are empty and idle. Retailers and merchants report sales are faltering and flattening and falling. Unemployment claims, mortgage failures and bankruptcy filings have risen sharply. Across the state, firms are cutting costs, shrinking payrolls and deferring investments. Uncertainty of a future of our tax structure has been chilling. Now in the face of a slowing economy, the package that we are voting on today will raise our business tax to among the very highest in the country. It continues to rely on an excessive statewide property tax on top of that highest local property taxes in the country. This package is sheer folly. The only thing that its architect supporters can say in its favor is, it is not a broad base tax, especially not an income tax. Apparently they believe that business and families are better off struggling to pay taxes that they can't afford, than for everyone to pay a tax that we can afford because it is based on one's ability to pay. In February, a few months ago, the Chairman of the Senate Finance Committee told the *Concord Monitor* "we are not calling it a Republican plan, we are calling it a Senate plan. For a Senate to work together we need Democrats to be working with us on it. I will be very disappointed if we don't come up with a plan that is going to work for everybody." Well, having heard that remark and just in remark before, when Senator Barnes said that he wasn't...I think that he called it a "stand up triple", I think at the best it is a foul ball and at the worst, it is a third strike. And...he still won't call it a Republican plan...and if he won't, I will. Earlier this month, the Chairman of the Senate Finance Committee told the *Concord Monitor* that "conversation is good for progress." But the fact is, we sit here, "is that we have 13 votes." There were 13 Republican votes for the so-called Gordon plan to reduce the cost of an adequate education. There were 13 Republican votes for a Senate revenue package very similar to this package that we vote on today. There were 13 Republican votes against every proposal that the Democrats offered to improve the Gordon plan. There were 13 Republican votes against every proposal that the Democrats offered to improve the revenue package. I can't imagine what more it would take to have this become a Republican plan. The Chairman of the Senate Finance Committee also said, "I am voting for the whole damn state." Well I attended the same public hearings and executive sessions as the chairman, and I didn't hear anyone urge us to raise the Business Profits Tax, the Business Enterprise Tax and the Telecommunications Tax. I didn't get any calls or letters telling me to do that either. Certainly no one told me to close this supposed loophole in the Real Estate Transfer Tax. This is another business tax and in fact, it says to a landlord who owns numerous properties, for which he has already paid the real estate transfer tax, again, the highest in the nation, that if he becomes a corporation and changes the titles, not the ownership, but the titles to these properties, he must pay the tax again. This is like taxing people for rotating their tires on their car. This plan fails to repeal the statewide property tax. This was a promise that was made to the public. Today, on this plan that we will vote on, we will again break another promise to

the public. Although it does reduce the rate of the statewide property tax, the property taxpayers will get no significant relief, because the increase in the property values. What good is a school funding plan that raises the highest business tax in the country and fails to reduce the highest property tax in the country. I think that it is time that we were honest with ourselves and with the people that we represent and serve. This package is a result of a default, not design. It reflects a failure of this legislature to do the people's business in a reasonable way. Edmund Burke, a British member of the Parliament, who is often regarded as the father of modern conservatism, said about the job that we are elected to do. "Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to opinion." How many of us can truly say **TAPE CHANGE**

SENATOR BARNES: **TAPE CHANGE** conversation about that being a Republican plan, I think is a little out of place because there was a Democrat who had a lot to say about it. Matter of fact, it was Senator D'Allesandro that got the amendment in for the unclassified salaries to be taken care of. Some Republicans weren't happy with that, but Senator D'Allesandro prevailed. I also want to point out that over the process, I have heard Senator Hollingworth, on several occasions, be concerned about the revenue numbers. We sat in Ways and Means and I heard her there, and I have heard her other places, and I have heard her here today. I would like to say that the final numbers that you are going to see in HB 1 were arrived at with Senator D'Allesandro, the Chairman of our Ways and Means Committee, a Democrat, sitting with Representative Alukonis of the House, Chairman of the Ways and Means Committee, and he is a Republican, and the two of them worked together to come up with those final revenue numbers. I would also like to state that I think that our governor has perhaps better resources to estimate revenues than some of us Senators do. When she does not have a problem with the revenues that we have put forward, I would go with what our governor has come up with, with her people and they apparently can live with what the Democrat on the committee and the Republicans on the committee came up with. Thank you Mr. President.

SENATOR COHEN: Since this year has gone on, I have been amazed, absolutely amazed. I find it incredible today to look at the things that we do to simply not do what is fair. To simply not do what works. To not do what is sustainable. To not do what is easy. This HB 170 is convoluted. It is complex, and it will hurt New Hampshire. This package, I think that we all recognize in our heart-of-hearts, we recognized that this would not have come into existence if not for the simple fact that it is not an income tax. I believe that an income tax is inevitable. It will be good for the state of New Hampshire. The only question is, how much pain, unnecessary pain will come between now and the time that becomes law. The *Concord Monitor* said in their editorial, "this simply is an exercise in avoidance." It is amazing to me. The pro-business party hiking every single business tax imaginable in this period of tremendous economic uncertainty. It is an amazing array of business taxes. A telecommunications tax which is certainly a broad base tax, which will hurt elderly people disproportionately. Every other business tax imaginable. It locks into place, makes permanent, the statewide property tax. I have to tell you that I was talking to an older woman the other day, who has lived in her house for a very long time. She has to sell her house because she can't pay her property taxes, and this is going to happen more and more and more as we continue to rely on a tax system that is unrelated to

ability to pay. As the *Concord Monitor* said, "this will not solve the problem, this will hurt the state." I would suggest that this does not meet the five criteria that the governor said are necessary to accept a tax package. The five criteria brought forth by the Blue Ribbon Commission. Fairness, it is not fair. Adequate and stable. It is neither of those. It hurts our competitiveness. It hurts our exportability. It is not neutral and it certainly is not simple. Therefore, I would urge my colleagues to vote against this. I hope that it is defeated here. If not that, I hope that it is defeated in the House. If it is not defeated in the House, I urge the governor to veto it so that we can force a real solution and then go home, knowing that we have in fact, done our job.

SENATOR MCCARLEY: I am not going to stand up here and talk about the goodness, purity or anything else of any of these taxes. You have heard me say it before. I don't happen to think any taxes are necessarily more or less pure. I do think...and I am not going to be able to support this because I don't think that anybody in this room is going to say that this is good for business. I think that many of us may feel that it may have some very detrimental effects. My fundamental problem is that I would like to be in the state Senate again in a year and a half. I am not going to fool myself. I am going to look in the mirror and I am going to look at people, and say, "you know what? When we are building our next budget, the one after this one, we are over \$130 million short, right out of the box." Now we can applaud ourselves on repealing the Legacy and Succession Tax, and we can tell those good people that have suffered and have been concerned about that tax, we have repealed it this time. But we have not taken on the courage to repeal it this time. We have delayed that until next time. Next time around, to the tune of probably \$50-\$60 million. Now the federal government has informed us that we are also going to deal with another estate tax issue. Probably in the next biennium, another \$30-\$40 million. We know by virtue of upping business taxes, this time around, we get a one-time payment of somewhere between \$26 and \$30 million, we won't have next time, unless of course, we want to increase business taxes again. So when I look to what I want to be doing in another 18 months, I think, fine. I will come back and work on it. I am prepared to work, but let's don't kid ourselves, folks. That is what we have done. We have ducked again. We have not shown any courage or any leadership. We have ducked again. The pain over the next 18 months, if the revenues aren't there, then folks, we have really ducked, and that is the wrong thing to do.

SENATOR WHEELER: I don't pretend to speak for the governor and I haven't read her remarks, although I have spoken with her. Contrary to what has been said earlier, I don't believe that she said that she really likes this plan or that it was pretty good. I think that she said that she wouldn't veto it, which is kind of an absence of something rather than a real positive remark. That is not what I am standing here before you to say primarily. I understand the value of history. I have been married to a historian for 37 years and I have learned a lot. But the time has come, indeed it is long past, to make new history, by moving out of the past. Indeed we are still living in the 20th century in New Hampshire with regard to how we pay for government services. Once again, we have shown a lack of political will to find a long-term, permanent, fair way to impose the taxes necessary to good government. For me, that is obviously an income tax, not increasing the taxes on business. That is a temporary increase anyway. I am sorry that 2001 will not be the year that the New Hampshire legislature celebrates the beginning of the 21 century.

SENATOR FERNALD: This HB 170 obviously is the end of a long process in talking about revenues. The original word from the House was, "let's increase taxes on big business". Then the Senate position was let's increase taxes on small business by doubling the business enterprise tax. Now we have reached a point where the Committee of Conference says, let's increase taxes on all businesses. Now the business community expresses all kinds of surprise and outrage. I don't think that they should be surprised or outraged at all, because we have gone through a process of eliminating the other options, often at their urging, and this is where we end up. There are no votes here to increase the property tax. We have defeated the income tax, primarily because of the opposition of the business community. What is left but the business community? We started this year with a \$100 million gap and we have solved it basically by diverting an extra \$30 million out of the general fund to education. Thirty million dollars that should be going to LCHIP, that should be going to the pay increase for the direct care workers. Thirty million dollars that should be used for other worthy purposes, instead is going to education. The other \$70 million is coming out of the business community. As Senator McCarley said, "two years from now, we are going to be in the same mess" because we are going to be short somewhere, \$60 or \$70 million a year, because we have one time money in this package. If we go through the same process like we have this year, the business community is going to take a hit. They have already got a target on their backs for 2003. This should be a wakeup call to them that they have to go look at this situation and realize that the income tax that they say is so terrible for them, is a lot better than higher and higher and higher business taxes. We talked about small business people last time that we had this debate in this Senate. I think that what we realized was that the small business with the half a million dollar payroll and \$100,000 profit for its owner, with a 3/4 percent Business Enterprise Tax, is going to pay \$3,750 in Business Enterprise Tax. That same owner making \$100,000 profit, family of four, paying a 3 percent income tax, is only paying about \$2,000. It is time for the business community to do the math, because the way that we should fund, particularly education, is to realize that we are a community and we all contribute, not picking out some narrow group to take a special hit. The losers in this game of musical chairs have been the business community. They should pay attention to what happens today because it is going to happen again in two years.

SENATOR BELOW: I would like to appreciate and commend the members of the Committee of Conference that did a lot of work on this, and I think were successful in upholding a number of important Senate positions in this bill. I know that it isn't easy, because there have to be compromises to get things done. I would like to express concern about three particular points in this conference report that bother me. One is the reduction in the LCHIP funding. Both the House and the Senate had adopted what was already a compromise position of \$15 million a year from the...I mean \$15 million for the biennium from the recommended \$24 million level that we started out with, then cutting it to \$12 million of the biennium is only half of what the recommended program level is. I think that is a mistake. Section 37 of the conference report cuts the per pupil reimbursement for new kindergarten programs from the Senate position of \$1650 per pupil to \$1200 per pupil. Now again, I appreciate the members of the Committee of Conference for fighting for the Senate position, and this represents a pure compromise. Not a compromise with the House position, because in point of fact, the House had

passed SB 135, which was the same as the Senate position, coming out of committee with a 17-1 recommendation of ought to pass, without any opposition on the floor of the House. The House policy position and the Senate position were identical in this regard. Fund new kindergarten pupils at the same level as existing kindergarten programs. Fulfill our constitutional duty to fund an adequate education for all those children as we have defined it, and yet, I understand that in the Committee of Conference, the position of the House Finance Chair was contrary to the House policy position, which was to stick with the existing program of \$750 per pupil. So compromise was reached of exactly splitting the difference between \$1,650 and \$750 per pupil. So we have \$1,250 per pupil. One other slight problem with this is that ends at the end of this biennium. If you have a town in your district that is thinking about voting for kindergarten this coming year, what you have to tell them is the first year of operation, school year 2003, they can get \$1,200 per pupil, \$450 less than existing programs, but for the next two years, current law provides for nothing. They will drop to zero state funding for kindergarten for 2004 and 2005 and then maybe by 2006 their count will be back into the ADMR and they will get what other kindergarten programs get. So you can only cross your fingers that the next legislature will change its position and say that we do want to provide a real incentive for kindergarten, and we will fund those new programs at the same levels as existing programs, or at some level. Right now, the law will go to zero. So again, I do appreciate that you did try to fight for the Senate position and the House policy position, but I think that it is unfortunate what came out. Finally, I think it is a mistake for us to impose taxes retroactively. The business enterprise tax and the business profits tax will be retroactive to the first of this year. This hits businesses with a double whammy. Not only do they have to pay a higher rate going forward, but they have to come up with more cash to meet the estimated payments for a tax that they didn't even know would be retroactive to their activities to the first of this year. Finally, I would just like to concur with the remarks of Senator McCarley and others, to point out that this is not...let's not fool ourselves, this is not a durable, sustainable plan. It may work for the next biennium, but we know that we have repealed the Legacy and Succession Tax. I wish...it should be July 1 as our previous policy position was. It has been put off for 18 months, that means that the whole cost is put off to the next biennium. Approximately \$60 million for the next biennium. Another \$60 million roughly, we will lose from the phase out of the federal sponge tax. Of course we don't get the six quarters, so we have to realize that our work is not done, and I think that it is also unfortunate that we have not made use of the state of the art tax policy analysis system that the legislature contracted for the development of over a year ago, a one and a quarter million system that would help inform us, as to not only accurate revenue estimates, but what the impact is on various businesses. That is nearly complete. Charles River Associates could have run this in that model. They could still do it. They will do it, I am sure, once we have the model in just a few weeks, it will be available to us to run it. We could be making these decisions on perhaps going to the highest business tax rates in the nation, or very nearly the highest, also something that is not sustainable. We could be better informing ourselves as to what the impact of that is going to be on the economy. I certainly hope that we will do that in the near future because we have to reevaluate what is going on here. Thank you Mr. President.

SENATOR JOHNSON: Senator Below, I want to address the LCHIP issue. As you know, as Chair of the Senate Environment Committee, I have always been in favor of the LCHIP program. But I just want to kind of straighten out the numbers. The original \$24 million was only a proposal. Am I correct?

SENATOR BELOW: Yes, that was in legislation that I was a cosponsor of. It was what the original commission that the legislature formed, be the funding level for the program.

SENATOR JOHNSON: Yes. So I guess that I just want to be clear that it wasn't a cut to \$12 million. Would you agree that going from \$3 million to \$12 million is an increase?

SENATOR BELOW: Yes I would. I would agree that it is not a cut; however, just to be clear, we are not going from...we went from \$3 million for the current year, and we are going to \$5 million for next year. It is ramping up. I hope that we get to the \$12 million for your sake.

SENATOR JOHNSON: Thank you.

SENATOR BOYCE: Senator Barnes, we have been talking back and forth about partisanship, bipartisanship, and you mentioned that one of the things that is in this bill that was truly brought in by the minority party was the unclassified employees schedule. I understood that that was one of the sticking points that the governor brought up, that if that was not in there, she might veto this whole package. I also understand that the alternative to that plan that was put in here, was a plan that would have paid the unclassified employees, in giving them the same rate of increase as is also in this document for all of the rest of the state employees. So isn't it true that the bipartisan compromise on that particular portion, which the governor said that she would veto the plan over, that piece...does that not increase the unclassified employees by far more than the percentage rates that would be included for the rank and file members in the regular contract? And is it not true also, that her salary would be increased by far more than the percentage that the rank and file members of the contract, the classified employees would be paid? Is that not true?

SENATOR BARNES: Most of what you have asked me is true. I do have a question on the same amount of money for everybody. The top ten people on that pay report get a heck of a lot more money than the average. If you take those top ten or eleven people out, then you are back into the ballgame.

SENATOR BOYCE: So management is getting a big increase, whereas the rank and file are getting...

SENATOR BARNES: Ten people are and I think that Senator D'Allesandro could explain that.

SENATOR BOYCES: This sounds very unfair.

SENATOR BARNES: I appreciate your comment. I would like to add that the bipartisanship, you are absolutely right. I had a senior moment earlier when I didn't mention this, and you have brought that up for me, and I appreciate it. Also the governor asked for a repeal of the repeal. That is something that she wanted very badly in HB 170. Guess what? It is in HB 170. So last time that I looked, the governor was a Democrat. We Republicans on this committee were working with our governor, a Democrat who put that into the bill. We Republicans did it, along with Democrat Senator D'Allesandro. Thank you Senator.

SENATOR LARSEN: I rise to congratulate the committee because I think that I saw some good working together and clearly in the bill, there are some decent things. But I also rise to congratulate you because I think that you bought us another two years. It is a temporary two years, it is a temporary fix. The unfortunate thing is that it is in fact, a temporary fix bought at the risk of the health of our economy. We know that businesses big and small, will see their taxes go up. We know that in fact, businesses relying on telecommunications tax will bear a heavy burden, as will seeing a 7 percent tax on everyone's telephone bills, cause some problems. There are some good things in HB 170. There is Granite State Scholars. There is provisions for laid off state employees. There are provisions for pay raises to people who have been working at the top of their pay scale for many, many years. There are sections in the bill that take care of some of the issues that we had been worrying about, but the real danger to this bill is that, it sets us up for yet another fiscal crisis in the next biennium. We know that the repeal of the Legacy and Succession Tax will cause a dramatic hole in our revenue package for the next session. That will come at a time when our federal tax changes will occur in this state. So we bought ourselves another couple years folks. I think that it truly will be on the backs of our businesses. I hope that we are able to survive this in what I think that everyone considers to be an unstable, uncertain business climate. I just wanted to add one statement, because for me, it brought home what this tax increase does. I was out the other night and a woman who in fact used to be an employee here as a legislative employee, came up to me and said, "oh I hope that you are not going to do that business tax increase because my husband and I finally, for our two children, we are finally able to buy health insurance this year. We were able to buy health insurance and afford it because we finally turned enough of a profit that we could afford to pay...to cover what had been our \$5,000 per person catastrophic coverage, and we are finally able to get home health insurance for our family. And we are able to have our physicals. We are getting to be kind of middle aged and we occasionally need a physical. We didn't use to need it when we were younger, but we have two kids, too." They used to cover their children with \$5,000 catastrophic coverage. Now they are covered. She had mentioned that if you take away that small profit that we made, if you move the business taxes up, there goes our health insurance. I think that brings home to me, how it affects both small businesses and large businesses. I think that we need to recognize that this can't go on. Thanks.

SENATOR GORDON: Actually, the last few days, since last Thursday, I have been perhaps more cynical than I should be. That sort of comes out of the political environment, I think. So one of the things that I did, and I have been trying to do a lot of reading in the last few days. I picked up a book by Oscar Wilde and if there is somebody who needs to be cynical, it is Oscar Wilde. Who is cynical is Oscar Wilde. One of the comments that I had from one of my colleagues here in the Senate was, that in pushing the plan that we talked about earlier in the session, that they wished that I would be a little less pious and that I would be a little less moralistic in the way that I went about doing this and a little more objective in the way that I presented things. I think that that is probably fair criticism. One of the quotes that I found when I read Oscar Wilde was he said, "A man who moralizes is usually a hypocrite." I guess that there is probably a lot to be said for that. So what I am going to do in my remarks is try to avoid moralizing and just talk about the merits of the bill. There are two sides to this, because I really, I think, like many

of you, don't like HB 170. I voted for an alternative tax a couple of weeks ago. I don't like the fact that we haven't found a permanent way of funding education in this state and our other state needs. But unfortunately, as much as I may have tried in the last year to convince others that they should see things the way that I see them, I haven't been able to do that. I don't like the fact that we are not going to be funding state fairs. I know that that sounds stupid, but that is something that was really important to me – something that didn't come out of the Committee of Conference. I am telling you that I am greatly disappointed as I stand here. I am greatly disappointed over the repeal of the repeal, as has been expressed earlier. That disappoints me a great deal, because I think in large part, that drove a continuing discussion and I wanted to make that continue to happen. I am disappointed over LCHIP, and I understand that there are differences of opinions as to how much money might be needed for that purpose. But I happen to think that it is important and particularly important for my district. On the other hand, I look at what the bill does. It provides tuition incentive support, which I thought was important. It funds the state employee contract, which I think is important. It repeals the Legacy and Succession Tax. The reason that I think that is important is because two years we were up here having this debate and in essence, made a promise to the people of New Hampshire that we would repeal the Legacy and Succession Tax. I think that it is a promise kept. A little delayed, but kept, and that I do support. The other thing is invest money in travel and tourism, which I think is important for the economy of this state. Even though it didn't invest the amount of money that I would like to see in kindergarten aid, it did increase the amount of aid. Having to sit on that Committee of Conference two years ago, only to have people not want to negotiate with you at all, I can say that at least this is progress. So it comes down to this. That is that on balance, what do I do? Do I vote against this bill on principle, because it doesn't do what I want to accomplish. It hasn't accomplished all that I want to accomplish, or do I look at the bright side and say, at least it does what I want it to do. I hate the idea of raising business taxes. On the other hand, it has been the business community that has opposed tax alternatives, in many cases. So unfortunately, when you look for sources, there aren't many sources out there, and although I didn't sit on the Committee of Conference, I understand that they had to do, apparently, what they had to do. So it is not perfect. With that, I will close with one other quote from Oscar Wilde, recognizing that this bill isn't perfect, but I do plan to vote for it. That is, Oscar Wilde said, "I sometimes think that God, in creating man, somewhat overestimated his ability."

SENATOR HOLLINGWORTH: I rise briefly for a second time. First, I hear all of the good things that are in the bill and that I was there and heard them and worked on HB 1 to see that they were in HB 1, and that the funding mechanism and these other things were put in, hopefully that would be the case if we reject HB 170. I think strongly that that is the Senate's position to have those elements in there and so there is no danger, as far I am concerned, to rejecting HB 170, and still having the state employees which we all support. I want to just clear up one thing on that. Senator Boyce said that the proposal that we passed that would have the amendment...that was there, that came out of the committee before the unclassified, would have cost a lot more money. I want to make it clear that...I understand that that is not the case. In fact, that the unclassified costs less money than the proposal that I had originally had as an amendment for the state employees. In fact, the governor was not

in that study, and her money – and her salary was not included in that piece. There was a piece in the original one – amendment that would have covered her salary, giving her the exact same thing as the other state employees. The legislative branch and the judicial branch. So that is just not true. The governor did not in any way propose that, and that was a study that was many years in the making **TAPE CHANGE** study, and in fact, it did not increase the cost, but lowered it. One further thing, I just want to say this. Senator Gordon said that he believes that it is promises kept. You know, I don't like to be cynical either, but the other night I was out to dinner with some friends right after this happened. The man who I know from many years, owns a fairly good sized business. He said to me that he was very depressed. He felt very cynical about government, and he had worked for years trying to take and be involved in government. He owns a business like many of us. He owns a hotel. He gets up at five o'clock in the morning and goes to bed sometimes at two o'clock in the morning. He works really hard for every penny that he makes. He was so upset over the taxes that they were imposing on him. He said, "I can't understand it. Why am I paying on my employees, an income tax, while some of these other fat cats who want to live in New Hampshire and have their corporation here, aren't paying their fair share?" He said, "you know, you promised that you were going to take and fund education and you haven't done it yet. You promised that you were going to repeal the estate and legacy and you haven't done it yet. You promised that you would be going to keep the repeal of the statewide property tax and you are repealing it. And you promised that you wouldn't go up on the BET unless you had a super majority and you did it. And you still haven't funded education. I can't tell you how discouraged I am. How cynical that I am, and how disappointed that I am with politicians." You wonder why we have the lowest turnout for certain times, because the public's feeling about what we do up here. We don't keep our promises.

SENATOR D'ALLESANDRO: I want to address a couple of Senator Boyce's comments, because I think that they are crucial to this discussion. The unclassified study has been going on for the last two years. The state of New Hampshire paid \$150,000 to an outside entity to give us that study. Some people do get good raises. They deserve them. Since 1976, people have been paid at one level. Those haven't expanded according to demand. One of the significant problems in state government, is recruiting and retaining qualified people. Guess what? Those qualified people make you money and save you money. That is what I call an investment. Secondly, the governor was not included in the unclassified study. The governor is not even in the classified study. With regard to another issue, and that is the revenue projections. I concur with what Senator Below said. This legislature committed \$1.2 million to have software developed that would enhance our ability to forecast revenues. For some reason we don't have that. What we used to forecast revenues this time was the good offices of the Legislative Budget Assistant, who let me say this, was absolutely superb in the kind of work that his group did in delivering us the kind of numbers that we needed to project revenues. We depended on the Revenue Commissioner. God forbid if there were ever an accident in the state of New Hampshire and we lost the Revenue Commissioner or somebody from the LBA, we would be nowhere in terms of projecting revenues. So it is paramount that those modules be delivered and this legislature be able to access them so that we can make better projections in terms of revenue. What we have produced for you, and by the way, the Ways and Means Committee reported to this Senate on a monthly basis as to where

we were with every revenue source that we were depending on. When we did our final numbers, every member of this Senate got a copy of those numbers and got the rationale from me and members of the committee, as to why those numbers were in place. Those are good numbers. Using the best information available to bring forth something that this Senate could rely on as we were putting a financial package together. Thank you Mr. President.

Question is on the adoption of the Committee of Conference Report.

A roll call was requested by Senator Barnes.

Seconded by Senator Hollingworth.

The following Senators voted Yes: Burns, Gordon, Johnson, Boyce, Flanders, Roberge, Eaton, O'Hearn, Francoeur, Gatsas, Barnes, O'Neil, Prescott, D'Allesandro, Klemm.

The following Senators voted No: Below, McCarley, Disnard, Fernald, Pignatelli, Larsen, Wheeler, Hollingworth, Cohen.

Yeas: 15 - Nays: 9

Adopted.

**2001-1848-CofC
05/09**

Committee of Conference Report on HB 1-A, an act making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2002, and June 30, 2003.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended: 1.08 Budget Footnotes; General.

A. Data Processing Services. The department of administrative services and the department of health and human services shall, prior to performing data processing services for any department, board, commission, institution, or other agency, enter into a written agreement specifying in detail the services to be performed and the cost to the agency. Said agreement shall be binding on both agencies. Any change or modification in the services to be performed shall likewise be agreed to in writing and shall specify the change and the adjustment to the cost. Any dispute relative to such agreements shall be resolved by the department of justice. The provisions of this paragraph shall not permit any state department, board, commission, institution, or other agency to contract for data processing services without the approval of the department of administrative services.

B. Revenue shall be deposited with the state treasurer as unrestricted revenue.

C. Revenue in excess of the estimate may be expended with prior approval of the fiscal committee and the approval of the governor and council.

D. The funds in this appropriation shall not be transferred or expended for any other purpose.

E. The funds in this appropriation are for general overhead state charges and such sums shall be transferred by the agency to the general fund of the state consistent with federal requirements.

F. This appropriation shall not lapse until June 30, 2003.

G. The funds in this appropriation shall not be transferred or expended for any other purpose and shall not lapse until June 30, 2003.

H. The funds in this appropriation shall not be transferred or used for any other purpose and shall not lapse until June 30, 2003. No additions or deletions may be made from those projects authorized for funding from the original maintenance survey except in an emergency situation and then only after consultation with the commissioner of the department of transportation and approval by the commissioner of the department of administrative services.

I. In the event that estimated revenue is less than budgeted, the total appropriation shall be reduced by the amount of the shortfall in either actual or projected budgeted revenue. The agency head shall notify the bureau of accounting forthwith, in writing, as to precisely which line item appropriation and in what specific amounts reductions are to be made in order to fully compensate for the total revenue deficits. The provisions of this footnote do not apply to federal funds covered by RSA 124:14.

J. This appropriation, to be administered by the commissioner, is for the necessary equipment needs of the department and shall be expended at the commissioner's discretion.

K. The funds in this appropriation are for the lease of state-owned equipment from the department of transportation operations division, mechanical services bureau, and shall not be transferred or used for any other purpose. Transfers may be made between funds appropriated in class 025 in other PAU's with prior approval of the capital budget overview committee and thereafter the fiscal committee and governor and council.

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

GENERAL SECTIONS

2 General Fund and Total Appropriation Limits. The amount included in PAU 06-06 (higher education fund) under estimated source of funds from general fund shall be the total appropriation from general funds for such PAU that may be expended for the purpose of section 1 of this act. Any funds received by said agency from other than general funds are hereby appropriated for the use of the agency and may be expended by said agency whether or not this will result in an appropriation and expenditure by the agency in excess of the total appropriation therefor.

3 Assignment of Office Space. If, during the biennium ending June 30, 2003, because of program reductions, consolidations, or any other reason, office space becomes available in the health and human services complex, the Hayes building, or any other state building, except office space under the control of the legislature pursuant to RSA 14:14-b, the commissioner of administrative services may require that any agency renting private space be required to occupy such available space in said building or buildings forthwith. Such funds as have been allocated or committed by any agency affected by this section for outside rental shall be transferred by the director of the division of accounting services to the bureau of general services, PAU 01-04-04-05-01, for maintenance of state buildings.

4 Sweepstakes Commission; Authority Granted. For the biennium ending June 30, 2003, in order to provide sufficient funding to the sweepstakes commission to carry out sweepstakes programs that will provide funds for distribution in accordance with RSA 284:21-j, the commission shall apply to the fiscal committee of the general court for approval of any new sweepstakes programs or for the purchase of any tickets for new or continuing games. Additionally, no expenditures for consultants shall be made without prior approval by the fiscal committee. If approved, the commission may then apply to the governor and council to transfer funds from the sweepstakes revenue special account. The total of such transfers shall not exceed \$4,500,000 for the biennium ending June 30, 2003.

5 Department of Justice; Special Provision. For the biennium ending June 30, 2003, filing fees received by the department of justice pursuant to RSA 7:28-a shall be deposited with the state treasurer as restricted revenue; and any excess of such revenue over the amounts appropriated for the division of charitable trusts shall lapse to the unappropriated surplus of the general fund. Expenditures from this fund shall not be made except by appropriation by the general court.

6 Appropriation of Unrestricted Motor Vehicle Revenue. All sums received by the division of motor vehicles or the division of state police, department of safety, from any source, which are not derived from registration fees, drivers licenses, gasoline road tolls or any other special charges or taxes with respect to the operation of motor vehicles or the sale or consumption of motor vehicle fuel, including revenue received from fines and forfeitures assessed against any violator of any law of the state, other than RSA 266:18 through RSA 266:26, or of any political subdivision thereof relative to the use and operation of motor vehicles, whether the violator is apprehended or prosecuted by an employee of the state or any political subdivision thereof, shall be paid to the state treasurer and shall, for the biennium ending June 30, 2003, be available for expenditure as unrestricted general fund revenues of the state. Fines and forfeitures assessed against any violator of RSA 266:18 through RSA 266:26 shall be available as unrestricted highway fund revenue.

7 Positions Abolished. The following positions are hereby abolished forthwith effective at the close of business on June 30, 2001, or later, as specifically indicated:

Agriculture

02-03-04 10295

Corrections

02-16-05-01-00 9U188, 9U297

02-16-08-00-00 41458, 41459, 41460, 9U494

Employment Security

02-17-01-00-00 11013, 11046, 11060, 11075, 11098,
11184, 11185, 11246, 30114, 40593,
40985, 40995, 41220

Resources and
Economic Development

03-03-03-03-04 19712

03-03-05-00-00 19431

Environmental Services

03-04-02-06-04 16800, 19125

03-04-02-07-03 19514

03-04-02-09-00 40505

03-04-03-02-03 40706

03-04-08-03-00 11368

Education

06-03-05-01-02 19174

Liquor Commission

02-13-04-01 13975

8 Information Technology Equipment and Software. Any funds appropriated for information technology equipment provided for by this act, or information technology equipment for any other agency in any budget bill enacted during the 2001 legislative session, shall not be spent, obligated, or encumbered until such time as the agency's information technology plans are reviewed by the division of information technology management pursuant to RSA 21-I:67 and approved by the capital budget overview committee. The division of information technology management shall review any such agency technology plans within 90 days. An agency may request an extension of time from the capital budget overview committee.

9 Transfers. Notwithstanding any other provision of law, within the PAUs listed below, the commissioner or department head may transfer among all accounts as the commissioner or department head shall deem necessary and appropriate for the efficient management of the department in order to accomplish the measurable goals and objectives as approved by the legislative fiscal committee and the governor and council. Such transfers shall have no net effect on the source of funding mix of the approved budget of the department. A report of all such transfers and of any progress in meeting the measurable goals and objectives shall be filed quarterly with the legislative fiscal committee and with the governor and council.

04-01-08	Department of Transportation, Bureau of Turnpikes
03-04-02-03-01	Department of Environmental Services, Water Division, Safe Drinking Water Act
03-04-02-05-00	Department of Environmental Services, Water Division, Subsurface Systems
03-04-02-06-02	Department of Environmental Services, Water Division, Section 319 Planning
03-04-04-04-02	Department of Environmental Services, Waste Management Division, Underground Storage Tank Program

10 General Fund Appropriation Reduction; Judicial Branch.

I. The judicial branch is hereby directed to reduce all state general fund appropriations by \$4,293,101 for the fiscal year ending June 30, 2002 and \$4,749,004 for the fiscal year ending June 30, 2003. The chief justice of the supreme court, or designee, shall by July 1, 2001, notify the department of administrative services as to the specific amounts to be reduced in specified line item appropriations in functional units, in order to comply fully with this section. The chief justice of the supreme court, or designee, shall by July 1, 2002, notify the department of administrative services as to the specific amounts to be reduced in specified line item appropriations in functional units, in order to comply fully with this section.

II. If SB 197-FN of the 2001 legislative session becomes law and contains a general fund appropriation, the reduction contained in paragraph I of this section shall be increased by the amount of such general fund appropriation.

11 Division of Alcohol and Drug Abuse Prevention and Recovery. Prior to expending or encumbering more than 50 percent of its biennial appropriation in any line within PAU 05-01-12 the director shall obtain approval from the joint legislative fiscal committee of proposed outcome

measures of the division's performance. These measures shall identify desired results in terms of behavioral outcomes and shall relate to a specific time period using benchmarks and goals. The results of these measures shall be incorporated into a report to the speaker of the house of representatives, the senate president, and the governor no later than September 30, 2003.

12 Transfer of Funds by Division for Children, Youth, and Families, Department of Health and Human Services. Notwithstanding any other provision of law, the division for children, youth, and families, department of health and human services, may, with approval of the fiscal committee and the governor and council, transfer in each of the fiscal years 2002 and 2003 up to \$200,000 in funds which would otherwise lapse to the salary adjustment fund from class 10, personal services permanent in components 05, 01, 08, 02, 01 and 05, 01, 08, 03, 01 to class 91 training in component 05, 01, 08, 06, 00, to provide training for social workers and juvenile probation and parole officers.

13 Supplemental Appropriation; Department of Administrative Services.

I. In addition to any other sums appropriated to the department of administrative services, the following sums are appropriated from the following sources for the purpose of funding the increased cost of state employee medical benefits for the fiscal years ending June 30, 2002 and June 30, 2003:

FY 2002

All	General	Federal	Highway	Turnpike	Fish & Game	Other
\$8,000,000	\$4,448,000	\$896,000	\$1,664,000	\$176,000	\$96,000	\$720,000

FY 2003

All	General	Federal	Highway	Turnpike	Fish & Game	Other
\$8,000,000	\$4,448,000	\$896,000	\$1,664,000	\$176,000	\$96,000	\$720,000

II. The department of administrative services shall allocate the appropriated amounts to departments, agencies, and branches. The governor is authorized to draw a warrant for said sums out of the appropriate funds.

14 Capital Appropriation. The sums hereinafter detailed are hereby appropriated for information technology projects specified to the departments, agencies, and branches named:

I. Department of Administrative Services	\$ 1,750,000
II. Department of Education	\$ 350,000
III. Department of Environmental Services	\$ 832,000
IV. Department of Health and Human Services	\$ 1,700,000
V. Department of Justice	\$ 270,800
VI. Community-Technical College System	\$ 659,380
VII. Judicial Branch	\$ 2,400,000
VIII. Cultural Resources	\$ 150,000
IX. Department of Revenue Administration	\$ 530,000
TOTAL	\$ 8,642,180

15 Bonds. To provide funds for the appropriation made in section 14 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$8,642,180 and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state. The bonds issued under this section shall be 5-year bonds.

16 Estimates of Unrestricted Revenue:

<u>GENERAL FUND</u>	<u>FY 2002</u>	<u>FY 2003</u>
Beer Tax	\$ 12,112,000	\$ 12,212,000
Board and Care Revenue	10,400,000	10,800,000
Business Profits Tax	239,000,000	231,000,000
Business Enterprise Tax	54,500,000	56,500,000
Estate and Legacy Tax	58,000,000	54,800,000
Insurance Tax	62,000,000	63,000,000
Securities Revenue	27,500,000	28,500,000
Interest and Dividends	77,000,000	79,000,000
Liquor Sales & Distribution	93,000,000	96,500,000
Meals and Rooms Tax	168,000,000	185,000,000
Dog Racing	1,200,000	1,200,000
Horse Racing	2,600,000	2,700,000
Real Estate Transfer Tax	66,670,000	68,670,000
Communications Tax	67,700,000	70,900,000
Tobacco Tax	61,190,000	60,480,000
Utility Tax	5,400,000	5,500,000
Other	46,000,000	46,000,000
Court Fines and Fees	23,700,000	24,400,000
Tobacco Settlement Funds	4,000,000	4,400,000
Subtotal	<u>1,079,972,000</u>	<u>1,101,562,000</u>
Medicaid Enhancement Revenues	95,000,000	94,000,000
Net Appropriation for Uncompensated Care Pool	13,400,000	13,400,000
TOTAL	\$ 1,188,372,000	\$ 1,208,962,000
<u>HIGHWAY FUND</u>	<u>FY 2002</u>	<u>FY 2003</u>
Gasoline Road Toll	\$ 124,000,000	\$ 128,000,000
Motor Vehicle Fees	84,357,000	86,626,000
Miscellaneous	8,400,000	8,900,000
TOTAL	\$ 216,757,000	\$ 223,526,000
<u>FISH AND GAME FUND</u>	<u>FY 2002</u>	<u>FY 2003</u>
Fish and Game Licenses	\$ 7,681,000	\$ 9,094,000
Fines and Penalties	119,000	119,000
Miscellaneous Sales	630,000	615,000
Indirect Costs	815,000	857,000
TOTAL	\$ 9,245,000	\$ 10,685,000
<u>EDUCATION TRUST FUND</u>	<u>FY 2002</u>	<u>FY 2003</u>
Business Profits Tax	\$ 36,900,000	\$ 36,600,000
Business Enterprise Tax	113,500,000	105,500,000
Meals and Rooms Tax	8,000,000	8,400,000
Tobacco Tax	24,810,000	24,520,000
Real Estate Transfer Tax	32,830,000	33,830,000
Tobacco Settlement Funds	40,000,000	40,000,000
Utility Property Tax	18,800,000	20,500,000
Sweepstakes Net Income	64,000,000	66,000,000
State Property Tax-Retained Locally	454,000,000	453,045,000
State Property Tax-Not Retained Locally	29,100,000	32,680,000
TOTAL	\$ 821,940,000	\$ 821,075,000

17 Estimate of General Fund Undesignated Surplus.

GENERAL FUND
(Dollars in Thousands)

	<u>FY 2002</u>	<u>FY 2003</u>
Balance, July 1	\$0	\$21,624
Additions:		
Unrestricted Revenue		
Unrestricted Revenue-Net of		
Medicaid	1,079,972	1,101,562
Medicaid Enhancement Revenues	95,000	94,000
Uncompensated Care	<u>13,400</u>	<u>13,400</u>
Total Unrestricted Revenue	1,188,372	1,208,962
Appropriations:		
Gross Appropriations (Section 1)	1,192,842	1,247,430
Legislative Specials	12,615	18,138
Footnote Reductions/Adjustments	(3,000)	(1,500)
Reduction in Judicial Appropriation	<u>(4,293)</u>	<u>(4,749)</u>
Total Appropriations	1,198,164	1,259,319
Less Lapses	(34,416)	(36,111)
Lapse Percent	<u>2.87%</u>	<u>2.87%</u>
Net Appropriations	1,163,748	1,223,208
GAAP Adjustment	(3,000)	(3,000)
Current Year Balance	21,624	(17,246)
Balance, June 30	21,624	4,378

18 Effective Date. This act shall take effect July 1, 2001.

SENATOR BARNES: You all have the Committee of Conference Report on HB 1 on your desk with the blue cover. It is at the beginning. What I am going to do is to go over some of the highlights of our budget. It appropriates \$20,000 to advertise the tax amnesty program that will increase revenue to the state by \$15 million. I think that anybody that has any sense at all, would realize that if you can spend \$20,000 and pick up \$15 million, it is a pretty good deal. We authorized a new securities examiner position to help with the audits that streamline the process and create more revenue into the fine account which lapses into the general fund. The position is to be paid from this account. It establishes an "E" business program fund, State Arts Development Link. It is \$80,000 over the biennium. A Challenge America Incentive Arts Link Competitive Grants Program, used to support community arts education, which is very important in the North Country. LCHIP is funded at \$12 million over the biennium. An increase of 400 percent. It appropriates \$241,000 to conservation programs raised from the conservation number plate. What we did for the Liquor Commissioner was increase the square footage in rent payments by \$1. From \$5 to \$6 so that we are able to rent prime space and bring in increased revenue to the state. We had a problem and if my memory serves me right, it was over in perhaps Dover, where they lost a wonderful location because of the rent structure. They are concerned about other locations where people have been complaining about the small amount of money. At the Department of Safety...established a Director of Information Technology and established five new counter clerks, in an effort to streamline the burden of licensing for employees and the public. I think that we have a Senator here, who is walking out of the room right now, who stood in line and she is very happy that those five people have been added. Funding has been

restored for the academy program. The program is a lower cost successful alternative to incarceration. That was done for the Corrections Department. Funds are appropriated for the maintenance and repair, Senator McCarley, for Sky Haven Airport in hopes of a successful exchange between the state and the city of Rochester. Senator McCarley, I am sure, is smiling with that one. Vaccinations for children. I've got to tell you something, I am happy that is in there. Matter of fact, I asked the committee to put it back in there. That was one of the two things that the governor asked me early on in the process, to see if I could help her with. I was very pleased to tell her that I would have no problem with that. I think that is a good program. The committee obviously agreed because it is here in HB 1. Maternal and child health home visitation programs, through Kids Cabinet is funded. Home nursing services funds have been appropriated for a federal matching grant. Community mental health services, police standards and training council upgrades for their indoor firing range. That cost us \$60,000 to fix up the runners for the targets to make it a safer place for our officers to work in. Here again, this has come up several times. Granite State Scholars in the New Hampshire Incentive Grants Program, to keep New Hampshire's best and brightest in New Hampshire by \$3.5 million. I also want to say that there was some fear early on, back in December that the Republicans were going to slash and burn the budget. Well I think that you will find by looking at this, that the Republicans did not slash and burn this budget. Health and Human Services, which services needy people, people probably in the most need in the state of New Hampshire, did not take a hit. The Republicans kept that in place and were proud to be able to do it. The Committee of Conference would urge all the members of this Senate to please vote yes on this budget, HB 1. Also on this one, Mr. President, I would like to call for a roll call.

SENATOR BELOW: I stand to commend the work of the Committee of Conference in really, I think, very effectively overall, defending the Senate's position on the budget. I think that there was some creative work in terms of how to maybe bond "IT". That is something obviously that we want to look into in the future to see whether that is appropriate or not. But it certainly worked in this occasion where you were able to hold onto a lot of things that were important in the budget. Just for the record, I would like to note that the budget is where the revenue estimates are. I think that as Senator D'Allesandro pointed out, a lot of work did go into that. I do think...and I certainly do appreciate the work of the Legislative Budget Assistant and his staff and the Commissioner of Revenue Administration. I know that they do the best that they can. But I would like to note that I think that while the numbers may be within the realm of reason, they do suppose that the economy is going to do at least as well as it is doing now and actually somewhat better. That there is going to be some improvement in the economy. I think that in point of fact, that there is a great deal of uncertainty as to where the economy is going and there is a lot of downside risk. Let me just illustrate this with a few numbers. Overall, business taxes are projected to continue to rise, somewhat lower rate than they have in the past couple years, but still at a positive rate of let's say 33.3 percent a year. During the last economic...several economic down turns...in a number of occasions when the economy has slowed down, business profits tax have actually declined by significant amounts. In 1988 on an equal rate basis, our BPT revenue dropped by 6 percent. In 1990, by 22 percent. In 1992, by 18 percent. Most significantly, if we look at very recent history, the first five months of this calendar year, total business taxes for 2001, year-to-date,

January 1-May 31, dropped by 7.3 percent over calendar year 2000. Those same five months. Seven point three percent decline in business revenues for the first five months of this year. That does indicate that we may fall short on these revenue estimates. I would just like to note that reservation and concern in what I believe that we must commit to is the fact that we can't turn back to cut what is already a very lean and frugal budget if these revenue estimates fall short, that we are going to need to find the additional revenue to sustain the appropriations. Thank you Mr. President.

SENATOR MCCARLEY: I rise to speak very briefly. I, too, had the opportunity to spend some time watching the Finance Committee go through this budget. I think that they did a really good job. I think that it is a budget that we can feel good about. I am going to mention one thing. I hate to occasionally add a negative onto everything, but one place where a decision was made to go, if you will, for a little money, was that we choose to cut the second year of building aid. Now this year, we have seen the experience where, when we cut it last time, we decided to come up with it at the very end of the biennium. But for those of you who have not been here as long as some of us, I can tell you that there have been years when at the end of that biennium, when we have to short building aid, we have not come up with that money. We need to understand, with that being the case, that is right onto our local property taxpayers for buildings that have already been built and they are expecting help on their debt service. So I am concerned that we had to make that decision to find \$3.5 million. I hope that the commitment for all of us who may be back, will be there to indeed fully fund that at the end of the next biennium. Thank you.

SENATOR LARSEN: I think that there actually was some good bipartisan work on HB 1: Unfortunately, in the Committee of Conference...I think that the Senate deserves the credit for this being a decent budget. Unfortunately, in the Conference Committee, I am not sure that the same kind of bipartisan behavior occurred as did the Senate's work on HB 1. The good thing that comes out of this is that we fund our obligation to schools. There is no reduction in our grants to schools. With it being \$881 million in 2002 and \$897 million in 2003. Some of us were very concerned when the Senate passed a version that might have underfunded and caused loss of funds to schools in the second year of the biennium. The portions of the budget that I think have some wonderful parts to them are...that we did in fact...and the Senate sustained its position, on the state employee pay raise. The Senate sustained its position on the children's immunization program and the home visiting program and more for home nursing services. The Granite State Scholars once again, has the money in our budget, and incentive grants which some of us were anxious to see the Senate position maintained. That was maintained. It is unfortunate that we lost money on LCHIP. I think that many were anticipating that no one touch that, as it had in fact, been reduced over the course of the session. I think that we all wanted to see that sustained and it in fact is \$3 million less than we had hoped for. But overall, HB 1 is a decent document arrived at through the hard work of and to the credit of the Senators in this room. I think that you will see that many of us are prepared to support its passage.

SENATOR JOHNSON: First off, I want to thank the Senators on the Committee of Conference for their hard work on HB 1. Although I do have a disappointment that I would like to address. That disappointment is on the appalling situation of our nursing homes in the state of New Hampshire, both private and public. I know that there were Senators on the Committee of Conference that tried very hard to address that

issue and it just wasn't in the cards this time around. I feel badly about that; however, I just want to send a message that as federal dollars flow into the department, I am going to be looking over someone's shoulder, to see if some of that money can be dedicated to taking care of the problems that now exist in our nursing homes. Thank you Mr. President.

SENATOR FERNALD: I would like to say briefly that I am in awe of the work that the Finance Committee has done. With a document that big there is obviously going to be something that each of us would differ with. We all understand that there needs to be compromise. They put in an incredible amount of work. They cared for the budget that we supported and I think that they did a good job defending the Senate position in the Committee of Conference. I very much appreciate what all of the members of that committee have done, on behalf of the Senate as a whole.

Question is on the adoption of the Committee of Conference Report.

A roll call was requested by Senator Barnes.

Seconded by Senator Hollingworth.

The following Senators voted Yes: Burns, Gordon, Johnson, Boyce, Below, McCarley, Flanders, Disnard, Roberge, Eaton, Fernald, O'Hearn, Pignatelli, Francoeur, Larsen, Gatsas, Barnes, O'Neil, Prescott, D'Allesandro, Wheeler, Klemm, Hollingworth, Cohen.

The following Senators voted No:

Yeas: 24 - Nays: 0

Adopted.

SENATOR BARNES: I would just like to thank the entire Senate for that roll call vote. I think that shows the people in New Hampshire that we are all working together for them. I really appreciate it. A lot you did it with some reservations, but we came together and did what I think is right and what you think is right for the state. Thanks again to everybody.

2001-1718-CofC

05/01

Committee of Conference Report on HB 131, an act relative to the retention and disposal of certain financial disclosure forms.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 7 with the following:

8 Elections; Nomination by Nomination Papers; Filing Names of Candidates; Deadline Changed. Amend RSA 655:40-b to read as follows:

655:40-b Filing Names of Candidates. The names of the candidates to be listed on the state general election ballot under the political [party] **organization** nominated pursuant to RSA 655:40-a shall be submitted to the secretary of state no later than 5:00 p.m. on the [~~Monday immediately following~~] **day of the primary**. When the list of candidates is filed, it shall be accompanied by a declaration of candidacy signed by each of the candidates. The declaration of candidacy shall be in the form provided by RSA 655:17 with the understanding that, where the form says primary election, it shall be construed to mean general election.

9 Preparation of Voting Materials; Listing Candidates on Ballot. RSA 656:5 is repealed and reenacted to read as follows:

656:5 Listing Candidates on Ballot. The names of all candidates nominated in accordance with the election laws shall be arranged by office in accordance with the provisions of RSA 656:7. The names of candidates for any one office shall not be split into more than one column. All candidates for the same office shall be placed on separate lines within a separate box. The name of each candidate shall be grouped according to the party which nominates the candidate, and the names of the candidates of the party which received the largest number of votes at the last preceding state general election shall be listed first. The names of the candidates shall be printed with the given name first, and the candidates shall be listed alphabetically according to their surnames within each party grouping. The name of the party which nominates the candidate shall be printed near the candidate's name, but no candidate may appear on the ballot more than once as a candidate for the same office.

10 Election Procedure; Candidate of One Party; Nominee of Different Party. RSA 659:91-a, I is repealed and reenacted to read as follows:

I. Any person who runs as a candidate on any party's state primary election ballot and who is not chosen as the candidate for that party for the elective office for which the person was a candidate shall not under any circumstances run as the nominee of a different party in the state general election.

11 Vacancies Among Public Officers Elected at State Elections; Special Election Provisions for City State Representative Districts. Amend RSA 661:8 to read as follows:

661:8 Executive Councilor; State Senator; State Representative.

I. If a vacancy occurs in the office of executive councilor or state senator, it shall be filled as provided in Part II, Articles 34 and 62 of the state constitution.

II. If a vacancy occurs in the office of state representative from a single town or ward district, the vacancy may be filled following the provisions of RSA 655:81 and 82 in the same manner as a state general election is held. In a multi-town or multi-ward district, a vacancy in the office of state representative shall be filled following the provisions of RSA 655:81 and 82 by a special election if the selectmen of any town or ward in said district so request of the governor or council.

III. Notwithstanding the provisions of paragraph II, if a vacancy occurs in the office of state representative in a district comprised of a city ward or wards, a request to hold the primary and special elections on the same dates as the city's biennial primary and regular elections may be submitted to the governor and council by the governing body of the city. If so requested, the governor and council shall declare the vacancy not less than 50 days prior to the date of the city's primary election. The filing period shall be held not more than 41 days nor less than 34 days prior to the primary election. The provisions of RSA 655:81, III, VI, VII, VIII, IX, X, and XI shall apply to elections held pursuant to this paragraph.

IV. Within 21 days after proof of a vacancy or a request that a vacancy be filled, the governor, in the case of an executive council vacancy, or the governor and council, in the case of any other vacancy, shall declare that there shall be a special election which shall be held as provided in RSA 655:81 and 82 **or as provided in RSA 661:8, III.**

V. No request for a special election shall be considered after March 15 of the second year of the biennium.

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

The signatures below attest to the authenticity of this Report on HB 131, an act relative to the retention and disposal of certain financial disclosure forms.

*Conferees on the Part
of the Senate*

Sen. Roberge, Dist. 9
Sen. Barnes, Dist. 17
Sen. O'Neil, Dist. 18

*Conferees on the Part
of the House*

Rep. Teschner, Graf. 5
Rep. Clegg, Hills. 23
Rep. Bragdon, Hills. 13
Rep. Rollo, Straf. 10

Senator Roberge moved adoption.

Adopted.

2001-1722-CofC

04/01

Committee of Conference Report on HB 132-FN, an act relative to the damage or destruction of an emergency vehicle or emergency services equipment.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Criminal Mischief; Emergency Vehicles or Emergency Services Equipment. Amend RSA 634:2 by inserting after paragraph VII the following new paragraph:

VIII. Any person who is found guilty of criminal mischief under this section because the person has purposely or recklessly damaged an emergency vehicle, emergency apparatus, or private vehicle containing emergency equipment, shall be liable for full restitution to the injured party.

The signatures below attest to the authenticity of this Report on HB 132-FN, an act relative to the damage or destruction of an emergency vehicle or emergency services equipment.

*Conferees on the Part
of the Senate*

Sen. Gordon, Dist. 2
Sen. Roberge, Dist. 9
Sen. Fernald, Dist. 11

*Conferees on the Part
of the House*

Rep. Knowles, Straf. 11
Rep. Tholl, Coos 5
Rep. K. Gilbert, Rock. 19
Rep. Sargent, Hills. 3

2001-1722-CofC

AMENDED ANALYSIS

This bill provides that any person who is found guilty of criminal mischief because the person has purposely or recklessly damaged an emergency vehicle, emergency apparatus, or private vehicle containing emergency equipment, shall be liable for full restitution to the injured party.

Senator Gordon moved adoption.

SENATOR FERNALD: I just wanted to mention that this was one case where a Committee of Conference – I think that it was a good thing. We had a House position, we had a Senate position, and then we all sat down

and talked. Then we realized that what both bodies had done, really wasn't what was intended at the start. We did this three-line amendment, which is the committee report, and everybody was happy and it was a good result.

Adopted.

2001-1729-CofC
06/09

Committee of Conference Report on HB 215, an act relative to publication of status of cases before the supreme court.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 215, an act relative to publication of status of cases before the supreme court.

*Conferees on the Part
of the Senate*

Sen. Gordon, Dist. 2
Sen. Roberge, Dist. 9
Sen. Pignatelli, Dist. 13

*Conferees on the Part
of the House*

Rep. Mock, Carr. 3
Rep. Dudley, Graf. 14
Rep. L. Jean, Hills. 17
Rep. Wall, Straf. 9

Senator Gordon moved adoption.

Adopted.

2001-1696-CofC
06/01

Committee of Conference Report on HB 238, an act relative to interstate banking.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

I. Unless otherwise provided in this paragraph, a New Hampshire bank [or], a national bank, **or a federal savings bank** having its principal place of business in New Hampshire may merge with any out-of-state bank in accordance with applicable laws and regulations of New Hampshire and any other applicable state and federal authority. [~~If the resulting bank is an out-of-state bank,~~] **A merger pursuant to this section shall be permitted only if the New Hampshire bank may merge with a state or national bank or federal savings bank** [~~or national bank~~] having its principal place of business in [~~New Hampshire shall be required to be in existence for at least 5 years in order to be eligible to merge. The 5-year aging requirement of this paragraph shall not apply to a New Hampshire bank which was incorporated pursuant to RSA 386-A or RSA 392 prior to September 29, 1995.~~] **the state in which the principal place of business of the out-of-state bank is located, under conditions no more restrictive than those imposed by the laws of this state as determined by the bank commissioner.** No merger shall be permitted which will result in a violation of the deposit limitation contained in RSA 384-B.

The signatures below attest to the authenticity of this Report on HB 238, an act relative to interstate banking.

*Conferees on the Part
of the Senate*

Sen. Larsen, Dist. 15
Sen. Johnson, Dist. 3
Sen. Fernald, Dist. 11

*Conferees on the Part
of the House*

Rep. Hunt, Ches. 10
Rep. Leo Fraser, Merr. 9
Rep. Marshall, Graf. 2
Rep. Tara Reardon, Merr. 23

Senator Larsen moved adoption.

Adopted.

**2001-1708-CofC
01/09**

Committee of Conference Report on HB 240, an act requiring the department of health and human services to develop a plan reducing the number of persons awaiting certain services for developmental disabilities.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on HB 240, an act requiring the department of health and human services to develop a plan reducing the number of persons awaiting certain services for developmental disabilities.

*Conferees on the Part
of the Senate*

Sen. Wheeler, Dist. 21
Sen. Prescott, Dist. 19
Sen. McCarley, Dist. 6

*Conferees on the Part
of the House*

Rep. Batula, Hills. 18
Rep. Burnham, Ches. 8
Rep. Manning, Ches. 9
Rep. Seldin, Merr. 17

Senator Wheeler moved adoption.

Adopted.

**2001-1725-CofC
06/04**

Committee of Conference Report on HB 256, an act limiting the liability of law enforcement agencies and their employees for injuries caused by dogs used in law enforcement work.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 256, an act limiting the liability of law enforcement agencies and their employees for injuries caused by dogs used in law enforcement work.

*Conferees on the Part
of the Senate*

Sen. Francoeur, Dist. 14
Sen. Prescott, Dist. 19
Sen. Fernald, Dist. 11

*Conferees on the Part
of the House*

Rep. Mock, Carr. 3
Rep. Dudley, Graf. 14
Rep. L. Jean, Hills. 17
Rep. Wall, Straf. 9

Senator Francoeur moved adoption.

Adopted.

2001-1777-CofC
06/01

Committee of Conference Report on HB 258, an act establishing a task force to conduct an ongoing study of the feasibility of re-establishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon northern passenger rail service line.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 258, an act establishing a task force to conduct an ongoing study of the feasibility of re-establishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service and the Concord to Lebanon northern passenger rail service line.

*Conferees on the Part
of the Senate*

Sen. Eaton, Dist. 10
Sen. Flanders, Dist. 7
Sen. O'Neil, Dist. 18

*Conferees on the Part
of the House*

Rep. G. Katsakiores, Rock. 13
Rep. J. Flanders, Rock. 18
Rep. Letourneau, Rock. 13
Rep. P. Cote, Hills. 32

Senator Eaton moved adoption.

Adopted.

2001-1713-CofC
03/01

Committee of Conference Report on HB 259, an act relative to holding sessions for correction of checklists.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 Voters and Checklists; Checklists: All State Elections; Sessions for Correction; Time. Amend RSA 654:27 to read as follows:

654:27 Session for Correction. In cities and towns, the supervisors of the checklist shall be in session for the correction of the checklist at some suitable place in the city or town on the Saturday 10 days prior to the election and upon which all hearings shall be finally closed; provided that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and ~~9:00~~ 8:00 p.m. **and at the discretion of the supervisors for extended hours.**

Notice of the day, hour, and place of each session of the board of supervisors shall be given upon the checklists first posted and shall be published in a newspaper of general circulation in the city or town at least 7 days prior to each such session. The reconvening of any session which has been adjourned shall not require the publication of notice.

2 Voters and Checklists; Checklists: All State Elections; Procedure; Time. Amend RSA 654:28 to read as follows:

654:28 Procedure. The supervisors of the checklist shall hear all applications for a correction of the checklist and the evidence submitted thereon and shall correct it according to their best knowledge so that it contains only the names of those persons qualified to vote at said election. The names of all persons not qualified to vote at the time of any session, but who shall clearly be qualified to vote on election day, may be added to the checklist at that session. The session which is held on the Saturday 10 days prior to election day shall be held as a minimum requirement between 11:00 a.m. and 12:00 p.m. and at the discretion of the supervisors for additional hours. No additions or corrections shall be made after the Saturday session, except as provided in RSA 659:12 or RSA 654:27, provided, however, that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and ~~9:00~~ 8:00 p.m. **and at the discretion of the supervisors for extended hours.** The additions and corrections resulting from such session shall be made to the previously posted checklist on or before midnight on the succeeding Friday either by additions or corrections to said checklist or by posting a new corrected checklist. Notice of such additions or corrections to the checklist shall also be given to the town or city clerk.

3 Town Elections; General Provisions; Voters and Checklists; Time for Sessions for Correction. Amend RSA 669:5 to read as follows:

669:5 Voters and Checklists. An updated checklist shall be used at all town meetings and elections for the same purposes a checklist is used at a state election and to insure that only qualified voters participate in town meeting discussions and votes, by voice or otherwise. The supervisors shall prepare, post, and revise the checklist for a town meeting or election in the same manner as for a state election as provided in RSA 654:25 - 654:31, provided, however, that the session for correction shall be held on Saturday 6 to 13 days prior to the election. The supervisors shall also hold one session for correction of the checklist on the day immediately prior to the first day of the filing period for candidates for town office, as provided in RSA 669:19 or 669:42, as applicable, from 7 p.m. to ~~9~~ 8 p.m. **and at the discretion of the supervisors for extended hours.**

4 Effective Date. This act shall take effect 60 days after its passage. The signatures below attest to the authenticity of this Report on HB 259, an act relative to holding sessions for correction of checklists.

*Conferees on the Part
of the Senate*

Sen. Roberge, Dist. 9
Sen. Disnard, Dist. 8
Sen. Barnes, Dist. 17

*Conferees on the Part
of the House*

Rep. Stritch, Rock. 5
Rep. Reeves, Hills. 37
Rep. Flanagan, Rock. 14
Rep. Buckley, Hills. 44

2001-1713-CofC

AMENDED ANALYSIS

This bill changes the hours for evening sessions for correction of checklists from between 7:00 p.m. and 9:00 p.m. to between 7:00 p.m. and 8:00 p.m. and at the discretion of the supervisors for extended hours.

Senator Roberge moved adoption.

Adopted.

2001-1732-CofC
05/01

Committee of Conference Report on HB 260, an act establishing a commission to examine child care resource for parents who work hours other than first shift.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on HB 260, an act establishing a commission to examine child care resource for parents who work hours other than first shift.

*Conferees on the Part
of the Senate*

Sen. Wheeler, Dist. 21

Sen. O'Hearn, Dist. 12

Sen. McCarley, Dist. 6

*Conferees on the Part
of the House*

Rep. Dowling, Rock. 13

Rep. Moran, Hills. 15

Rep. Pantelakos, Rock. 30

Rep. Lyman, Carr. 5

Senator Wheeler moved adoption.

Adopted.

2001-1654-CofC
08/01

Committee of Conference Report on HB 274-FN, an act banning the residential open burning of trash and relative to a dioxin emissions reduction and control program.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 125-N:5, II as inserted by section 1 of the bill by replacing it with the following:

II. The commissioner shall have the authority to enforce the provisions of this chapter. Any person who violates the provisions of this chapter shall be guilty of a violation and may be assessed an administrative fine for a first offense not to exceed \$100 and for subsequent offenses not to exceed \$250.

The signatures below attest to the authenticity of this Report on HB 274-FN, an act banning the residential open burning of trash and relative to a dioxin emissions reduction and control program.

*Conferees on the Part
of the Senate*

Sen. Johnson, Dist. 3

Sen. Francoeur, Dist. 14

Sen. Below, Dist. 5

*Conferees on the Part
of the House*

Rep. J. Bradley, Carr. 8

Rep. Norelli, Rock. 31

Rep. Sloan, Rock. 12

Rep. Gabler, Graf. 8

Senator Johnson moved adoption.

Adopted.

2001-1757-CofC
08/10

Committee of Conference Report on HB 277-LOCAL, an act clarifying the penalties for violations of statutes or ordinances where no penalty is specified.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 5 with the following:

6 Licensing of Dogs; Penalties. Amend RSA 466:13 to read as follows:

466:13 Forfeiture. Whoever is the owner or keeper of a dog and who fails to license or renew the dog license pursuant to RSA 466:1 shall[; ~~after notice provided pursuant to RSA 466:14;~~] forfeit \$25 to the town or city clerk of the municipality in which the dog is kept. If the forfeiture is not made to the town or city clerk within 15 calendar days of the notice of forfeiture, the case ~~shall~~ **may** be disposed of in a district court ~~[or municipal court]~~ **as a violation with a fine not to exceed \$50, notwithstanding the provisions of RSA 651:2, IV.** ~~[This]~~ A forfeiture shall not relieve the owner or keeper of the requirement of proper licensing of the dog as required by RSA 466:1. This section shall also apply to cats, if the municipality licenses cats. Any forfeitures collected under this section may be retained by the city or town for the administration and enforcement of this chapter.

7 Warrants; Proceedings. Amend RSA 466:14 to read as follows:

466:14 Warrants; Proceedings. The town or city clerk shall annually, between June 1 and June 20, present to the local governing body a list of those owners of dogs that have failed to license or not renewed their dog licenses pursuant to RSA 466:1. The local governing body shall, within 20 days from June 20, issue a warrant to a local official authorized to issue a civil forfeiture for each unlicensed dog. The warrant may also authorize a local law enforcement officer to seize any unlicensed dog. The civil forfeiture may be sent by certified mail, **or** delivered in hand, or left at the abode of the dog owner. ***The cost of service shall not exceed \$5 and may be recovered by the city or town in addition to the amount of the civil forfeiture.*** If the ~~[licensed]~~ **unlicensed** dog is seized, it shall be held in a town or city holding facility for a period of 7 days, after which time full title to the dog shall pass to the facility, unless the owner of the dog has, before the expiration of the period, caused the dog to be licensed. The owner shall pay the facility a necessary and reasonable sum per day, as agreed upon by the governing body of the town or city and the facility, for each day the dog has been kept and maintained by the facility, plus any necessary veterinary fees incurred by the facility for the benefit of the dog. Before a local law enforcement officer seizes any unlicensed dog, a written warning shall be given to the dog owner.

8 Effective Date.

- I. Sections 6 and 7 of this act shall take effect upon its passage.
- II. The remainder of this act shall take effect January 1, 2002.

The signatures below attest to the authenticity of this Report on HB 277-LOCAL, an act clarifying the penalties for violations of statutes or ordinances where no penalty is specified.

*Conferees on the Part
of the Senate*

Sen. Gordon, Dist. 2
Sen. Roberge, Dist. 9
Sen. Fernald, Dist. 11

*Conferees on the Part
of the House*

Rep. Patten, Carr. 9
Rep. Fairbanks, Ches. 18
Rep. Scovner, Graf. 13
Rep. Goodwin, Straf. 12

2001-1757-CofC

AMENDED ANALYSIS

This bill establishes that a person who violates any requirement created by statute or municipal regulation enacted pursuant to an enabling statute, where the statute neither specifies the penalty or offense classification, shall be deemed to be guilty of a violation.

This bill also provides that the owner or keeper of a dog who fails to license a dog or renew a dog license may be guilty of a violation and subject to a fine of not more than \$100, if the owner or keeper fails to pay the \$25 civil forfeiture penalty.

Senator Gordon moved adoption.

Adopted.

**2001-1747-CofC
10/04**

Committee of Conference Report on HB 279-FN-A-LOCAL, an act relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 4 with the following:

5 Group II; Medical Benefits; Application. Amend RSA 100-A:55, I to read as follows:

I. The additional benefits provided under RSA 100-A:52 shall apply to persons who are active or retired members of group II as of June 30, ~~[1997]~~ **2000**; to persons who prior to July 1, 1988, had completed no less than 20 years of group II creditable service, but who for reasons other than retirement or death ceased to be a group II member prior to attaining the age of 45, and who, as of July 1, 1993, are eligible for vested deferred retirement benefits; and to persons who are group II permanent policemen or permanent firemen members on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty who become permanent policemen members of group II ~~[after June 30, 1988, but]~~ before July 1, ~~[2000]~~ **2002** or permanent firemen members of group II ~~[after June 30, 1988, but]~~ before July 1, ~~[2000]~~ **2002**. Such additional benefits shall not apply to other persons who become members of group II after June 30, ~~[2000]~~ **2002**, without future legislation to include them. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be funded by reimbursement from the special account established under RSA 100-A:16, II(h).

6 Retirement System; Definition; Earnable Compensation. Amend RSA 100-A:1, XVII to read as follows:

XVII. "Earnable compensation" shall mean for all members the full base rate of compensation paid plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, additional pay for extracurricular and instructional activities or for other extra or special duty, and other compensation paid to the member by the employer, plus the fair market value of non-cash compensation such as meals or living quarters if subject to federal income tax. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a) (17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include ~~any~~ compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, *with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.*

7 Optional Allowances; Disability Retirement; 120-day Period for Election. Amend RSA 100-A:13, I to read as follows:

I. Any member who has reached service retirement age as provided in RSA 100-A:5, I(a), or II(a), or RSA 100-A:19-b, ~~or~~ any retiree within 120 days after the effective date of retirement, *or any retiree within 120 days after a decision by the board of trustees granting the retiree disability retirement benefits pursuant to RSA 100-A:6*, may elect to receive, instead of the retirement allowance otherwise payable, a retirement allowance of equivalent actuarial value under one of the options named in paragraph III, or to redesignate any such option previously elected. When the member *or retiree* elects to receive an optional retirement allowance under paragraph III, the beneficiary or beneficiaries whom the member *or retiree* nominates may include the member's spouse and/or children. The notice of non-election, election, or change of retirement option shall be on a form designated by the board, which, if the member *or retiree* is married, shall include a spousal acknowledgment. The optional allowance shall be effective upon retire-

ment if the election is made before the effective date of retirement, and on the first day of the month following receipt by the board of the notice of election or change of option if made during [the] a 120-day grace period. When an election or change of option is made during [the] a 120-day grace period, no retroactive adjustments will be made in payments already received by the retiree. *When an election or change of option is made within 120 days after a decision by the board of trustees granting the retiree disability retirement benefits, the optional allowance shall be calculated using retiree and beneficiary age factors applicable as of the first day of the month following receipt by the board of the notice of election or change in option.* After expiration of the 120-day grace period no change in option selection shall be permitted except as provided in paragraph II. If a retiree dies after filing notice of election or change of option during the 120-day grace period but before the effective date, the election or change shall be effective as of the date of death. If a member dies after filing an election for a survivorship retirement option and before the effective date of retirement, whether or not the member has filed for retirement, the beneficiary who was nominated by the member in the election of the option may elect to receive either the optional survivor benefit which the member had elected or the ordinary death benefit provided under RSA 100-A:9, whichever is more advantageous to the beneficiary; provided that, in the case of the member's death before retirement, if the beneficiary named in the survivorship option election is not the same person as the beneficiary under RSA 100-A:9, then the death benefit under RSA 100-A:9, II, and not the survivorship option shall apply.

8 Effective Date. This act shall take effect July 1, 2001.

The signatures below attest to the authenticity of this Report on HB 279-FN-A-LOCAL, an act relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor.

*Conferees on the Part
of the Senate*

Sen. Francoeur, Dist. 14

Sen. Wheeler, Dist. 21

Sen. Prescott, Dist. 19

*Conferees on the Part
of the House*

Rep. Zolla, Rock. 13

Rep. Dyer, Hills. 8

Rep. Andosca, Hills. 30

Rep. Wheeler, Hills. 7

2001-1747-CofC

AMENDED ANALYSIS

This bill:

I. Makes a bonded appropriation for payment of certain unfunded accrued liability of the New Hampshire retirement system.

II. Extends the years of eligibility of active and retired group II members for the payment of medical benefits costs by the retirement system

III. Allows for payment of compensation after 120 days from termination of employment to be considered as earnable compensation.

IV. Allows retirement system members granted a disability retirement by the board of trustees to have 120 days from the decision by the board to elect an optional allowance.

Senator Francoeur moved adoption.

Adopted.

2001-1724-CofC
04/01

Committee of Conference Report on HB 315-FN, an act relative to the registration of criminal offenders.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 315-FN, an act relative to the registration of criminal offenders.

*Conferees on the Part
of the Senate*

Sen. Roberge, Dist. 9
Sen. Prescott, Dist. 19
Sen. Pignatelli, Dist. 13

*Conferees on the Part
of the House*

Rep. K. Gilbert, Rock. 19
Rep. Knowles, Straf. 11
Rep. Tholl, Coos 5
Rep. Sargent, Hills. 3

Senator Roberge moved adoption.

Adopted.

2001-1709-CofC
06/10

Committee of Conference Report on HB 320-FN, an act relative to leasing certain portions of railroad properties and relative to the definition and taxation of amusement railroads.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 Leasing Certain Portions of Railroad Properties; Cost. Amend RSA 228:57-a, IV to read as follows:

IV. The cost of the lease shall be [~~\$5~~] **\$25** per running foot per year, paid annually.

2 Definition; Amusement Railroad. Amend RSA 82:1 to read as follows: 82:1 Definitions. ***In this chapter:***

I. The word "company" as used in RSA 82:2 shall apply to all persons, co-partnerships or associations.

II. The term "express corporation or company" shall be construed to mean any corporation or company engaged in the business of transporting property as express over the lines of railroads.

III. The term "amusement railroad" means a railroad operating as a tourist, scenic, or historic operation, which provides train rides solely for one or more such purposes.

3 New Section; Amusement Railroads. Amend RSA 82 by inserting after section 25 the following new section:

82:25-a Amusement Railroads. The property of amusement railroads shall be appraised and taxed pursuant to the provisions of RSA 72, and shall not be subject to the provisions of this chapter.

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

The signatures below attest to the authenticity of this Report on HB 320-FN, an act relative to leasing certain portions of railroad properties and relative to the definition and taxation of amusement railroads.

*Conferees on the Part
of the Senate*

Sen. Eaton, Dist. 10
Sen. Boyce, Dist. 4
Sen. O'Neil, Dist. 18

*Conferees on the Part
of the House*

Rep. Packard, Rock. 29
Rep. J. Flanders, Rock. 18
Rep. Dickinson, Carr. 2
Rep. B. Ferland, Sull. 6

2001-1709-CofC

AMENDED ANALYSIS

This bill increases the cost of leases of certain railroad property from \$5 to \$25 per running foot per year. This bill also defines amusement railroads and provides for their taxation.

Senator Eaton moved adoption.

Adopted.

2001-1749-CofC
09/10

Committee of Conference Report on HB 328-FN-LOCAL, an act relative to fees of sheriffs and deputy sheriffs.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 328-FN-LOCAL, an act relative to fees of sheriffs and deputy sheriffs.

*Conferees on the Part
of the Senate*

Sen. Fernald, Dist. 11
Sen. Roberge, Dist. 9
Sen. Prescott, Dist. 19

*Conferees on the Part
of the House*

Rep. Reid, Straf. 12
Rep. Elliot, Hills. 2
Rep. Thulander, Hills. 6
Rep. Dudley, Graf. 14

Senator Fernald moved adoption.

Adopted.

2001-1736-CofC
09/01

Committee of Conference Report on HB 332-FN-LOCAL, an act relative to resuscitation protocols for emergency medical care providers and relative to payment of autopsy expenses.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by deleting sections 2 and 3 and renumbering section 4 to read as 2.

The signatures below attest to the authenticity of this Report on HB 332-FN-LOCAL, an act relative to resuscitation protocols for emergency medical care providers and relative to payment of autopsy expenses.

*Conferees on the Part
of the Senate*

Sen. Boyce, Dist. 4
Sen. Prescott, Dist. 19
Sen. Wheeler, Dist. 21

*Conferees on the Part
of the House*

Rep. Batula, Hills. 18
Rep. Pilliod, Belk. 3
Rep. French, Merr. 3
Rep. Rogers Johnson, Rock. 25

2001-1736-CofC

AMENDED ANALYSIS

This bill requires the emergency medical services medical control board to adopt statewide adult and pediatric resuscitation protocols for licensed emergency medical care providers.

Senator Boyce moved adoption.

SENATOR WHEELER: I should have asked this during the budget. What the Committee of Conference did was it took out the entire part of the bill that talked about having the autopsies paid for by the entity that ordered them. This was to take some of the expense away from the counties. We left it that the counties can refuse to pay the \$500 fee for autopsies if they wish. It kind of left it in limbo. It was something that the attorney general's office had wanted very much. I was told recently, that we actually put these autopsy expenses in HB 1, and I am sorry that I didn't ask it during the debate on HB 1, but I would like to ask the Senate Finance chair now, if the autopsy expenses were put into HB 1?

SENATOR BARNES: Senator Wheeler, I am not sure if there was anything to do with autopsies. Maybe Senator Eaton, who is very familiar with autopsies, might be able to answer that.

SENATOR EATON: They did not have the funds to provide funding for the autopsies. It came to something like \$179,000 and they could not do that.

SENATOR WHEELER: Therefore, my information that I received second hand, was incorrect, that it was in the budget?

SENATOR EATON: Yes.

SENATOR WHEELER: Thank you.

Adopted.

2001-1703-CofC
03/01

Committee of Conference Report on HB 337-FN, an act relative to the administration of public utilities commission and establishing the position of executive director of the public utilities commission.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 337-FN, an act relative to the administration of public utilities commission and establishing the position of executive director of the public utilities commission.

*Conferees on the Part
of the Senate*

Sen. Prescott, Dist. 19
Sen. Flanders, Dist. 7
Sen. D'Allesandro, Dist. 20

*Conferees on the Part
of the House*

Rep. J. Bradley, Carr. 8
Rep. N. Kaen, Straf. 7
Rep. Dyer, Hills. 8
Rep. Anderson, Merr. 7

Senator Prescott moved adoption.

Adopted.

**2001-1730-CofC
08/04**

Committee of Conference Report on HB 357, an act relative to periodic payment of judgments.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 357, an act relative to periodic payment of judgments.

*Conferees on the Part
of the Senate*

Sen. Gordon, Dist. 2
Sen. Fernald, Dist. 11
Sen. Prescott, Dist. 19

*Conferees on the Part
of the House*

Rep. Mock, Carr. 3
Rep. J. Pratt, Ches. 2
Rep. L. Jean, Hills. 17
Rep. Woods, Straf. 11

Senator Gordon moved adoption.

Adopted.

**2001-1752-CofC
08/04**

Committee of Conference Report on HB 373, an act relative to surety bonds for detective agencies and security services.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

1 Surety Bond. Amend RSA 106-F:9 to read as follows:

106-F:9 Surety Bond. The surety bond required by this section shall be so conditioned that the person bonded shall conduct his *or her* business in a lawful and honest manner without committing, compounding, aiding or abetting the commission of any criminal offense. Said bond shall be filed with and kept by the secretary of state and shall be sub-

ject to being sued upon by the attorney general of the state in the name of the state or sued upon by any person injured by a breach of any condition of such bond designed to protect such person. The principal sum of the bond shall be [~~\$10,000~~] **\$50,000**, which shall be increased by [~~\$10,000~~] **\$50,000** for each additional type of license held by any person licensed under this chapter.

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

The signatures below attest to the authenticity of this Report on HB 373, an act relative to surety bonds for detective agencies and security services.

*Conferees on the Part
of the Senate*

Sen. Prescott, Dist. 19
Sen. D'Allesandro, Dist. 20
Sen. Flanders, Dist. 7

*Conferees on the Part
of the House*

Rep. Dodge, Rock. 4
Rep. C. Hall, Hills. 18
Rep. Robertson, Rock. 20
Rep. Landers, Coos 2

2001-1752-CofC

AMENDED ANALYSIS

This bill revises the law governing professional bondsmen to provide greater oversight and administration by the secretary of state, and increases the surety bond for detective agencies and security services from \$10,000 to \$50,000.

Senator Prescott moved adoption.

Adopted.

2001-1748-CofC

05/10

Committee of Conference Report on HB 385, an act changing the name, membership and duties of the office of volunteerism.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 385, an act changing the name, membership and duties of the office of volunteerism.

*Conferees on the Part
of the Senate*

Sen. Eaton, Dist. 10
Sen. Francoeur, Dist. 14
Sen. Wheeler, Dist. 21

*Conferees on the Part
of the House*

Rep. Hamel, Rock. 10
Rep. Peterson, Hills. 8
Rep. Dyer, Hills. 8
Rep. Drabinowicz, Hills. 36

Senator Eaton moved adoption.

Adopted.

2001-1705-CofC

05/10

Committee of Conference Report on HB 405, an act establishing a committee to study the creation of an at-home infant child care program in New Hampshire.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as passed by the House.

The signatures below attest to the authenticity of this Report on HB 405, an act establishing a committee to study the creation of an at-home infant child care program in New Hampshire.

*Conferees on the Part
of the Senate*

Sen. Boyce, Dist. 4

Sen. Prescott, Dist. 19

Sen. McCarley, Dist. 6

*Conferees on the Part
of the House*

Rep. Arnold, Hills. 20

Rep. Greenberg, Hills. 46

Rep. K. Hutchinson, Merr. 15

Rep. Ginsburg, Hills. 26

Senator Boyce moved adoption.

Adopted.

2001-1712-CofC

08/10

Committee of Conference Report on HB 426, an act relative to the voluntary scrapie flock certification program.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 New Subdivision; Voluntary Scrapie Flock Certification Program. Amend RSA 436 by inserting after section 115 the following new subdivision:

Voluntary Scrapie Flock Certification Program

436:116 Program Goals; Applicable Federal Regulations. The voluntary scrapie flock certification program is a cooperative effort between APHIS (Animal and Plant Health Inspection Service, United States Department of Agriculture), participating state governments, and sheep and goat producing industries, established and maintained to reduce scrapie's occurrence and spread, identify flocks that have been free of evidence of scrapie over specified time periods, and contribute to the eventual eradication of scrapie. Applicable federal regulations regarding the program and its requirements are contained in 9 CFR parts 54 and 79. Compliance with requirements outlined by this subdivision does not excuse program participants from compliance with the complete program requirements provided by 9 CFR parts 54 and 79.

436:117 Scrapie Certification Board; Membership; Meetings.

I. There is hereby established the state scrapie certification board which shall administer the voluntary scrapie flock certification program, review program enrollment applications and status advancement, review situations that may result in a reduction of certification status or dismissal from the program, educate producers regarding scrapie, and review and define policies regarding the administration of the program within the state.

II. The board shall consist of 9 members, including:

- (a) The Area Veterinarian-in-Charge (federal Veterinarian), or designee;
- (b) The state veterinarian, or designee;
- (c) One practicing accredited veterinarian;
- (d) One member of the university of New Hampshire cooperative extension; and
- (e) Five goat or sheep producers, with no more than 3 members from either industry.

III. Members specified under subparagraphs II(c)-(e) shall be recommended by breed associations and registries, and the state veterinarian or the Area Veterinarian-in-Charge or AVIC designee, and appointed by the governor with the consent of the council.

IV. The board shall choose one of its members who is an enrolled producer to serve as its chairperson, and may choose such other officers as it deems expedient. All board members shall be voting members. Five members shall constitute a quorum.

V. Members specified under subparagraphs II(c)-(e) shall serve 3-year terms, except that the terms of no more than 3 such members may expire in any one calendar year. Original appointments for terms of less than 3 years may be made in order to comply with this limitation. Upon expiration of a member's term, the member shall serve until a successor is qualified and appointed. There shall be no limit to the number of terms such members may serve. Vacancies occurring prior to the expiration of a specific term shall be filled by appointment for the unexpired term. Board members specified under subparagraphs II(c)-(e) may be removed for cause by the governor and council under RSA 4:1. The Area Veterinarian-in-Charge Designee and the state veterinarian shall be ex officio members.

VI. The board shall meet at least annually and quarterly if necessary, on or about the 15th of the month, and at such other times as it may deem necessary. Prior to any meeting of the board, there shall be published an agenda for the meeting. Minutes of each meeting shall be taken and logged as board records.

VII. Complete board records shall be kept at the department of agriculture, markets, and food.

VIII. An updated list of participating state flocks and their classification with regard to flock category shall be included in the records of the board.

IX. The board shall submit a report to the house environmental and agriculture committee or its successor by February 15 of each year.

436:118 Application for Entry into the Program.

I. An applicant to the program shall submit a completed program application to the Area Veterinarian-in-Charge designee. Once the program application has been received, an authorized state veterinarian or the AVIC or AVIC designee shall inspect the flock for evidence of scrapie. The application shall be signed by a board subcommittee consisting of the state veterinarian, AVIC designee, and board chairperson. The board shall review the application package at the next regularly scheduled board meeting. The status date for initial flock enrollment shall be the date that the last signature is applied to the application for entry into the program. The complete application package shall include:

- (a) A completed program application;

(b) An inventory of animals in the flock submitted by the flock owner and verified and signed by a state veterinarian or AVIC or AVIC designee, including at least official identification numbers, breed, and sex information as specified by the certification category for which applied;

(c) A written statement by an accredited veterinarian, if available, or a state veterinarian or AVIC or AVIC designee declaring that the flock is free of scrapie to the best of his or her knowledge; and

(d) An inspection report by an authorized state veterinarian or AVIC or AVIC designee, including verification of the information provided on the application by the flock owner and verification of the official identification of each animal listed in the application.

II. The state veterinarian or AVIC or AVIC designee shall provide each enrolling program participant and his or her accredited veterinarian with an educational scrapie review. Once approved to enter the program, a flock shall be issued an enrollment date. This date shall serve as the status date until the flock fails to meet any of the program standards.

436:119 Advancement in the Program.

I. When a flock has obtained a status that has met all of the program standards, the flock owner may apply to advance the flock to certified status. The board shall review advancement applications for movement from enrolled status to certified status at the next regularly scheduled board meeting.

II. The advancement application package shall include:

(a) A completed program advancement application form.

(b) An inspection report prepared by a state veterinarian or AVIC or AVIC designee.

(c) An inventory report submitted by the flock owner and verified and signed by a state veterinarian or AVIC or AVIC designee.

436:120 Maintenance of Status.

I. A flock's status date shall be maintained if, during an annual inspection:

(a) Scrapie has not been diagnosed in the flock and the flock has not been deemed a source flock since its enrollment;

(b) The minimal requirements for the status currently held by a flock have been fulfilled; and

(c) The flock has only had acquisitions or commingling of animals approved for the current status.

II. If, during the year at the current status, a flock has not met the minimum requirements for the status currently held, the flock's status date shall convert to the date when the flock was brought back into program compliance.

436:121 Downgrading of Status. The board shall recommend downgrading a participating flock's status or removing it from the program if its owner or manager has not complied with the program standards, unless a compelling argument based upon sound scientific principles can be presented. A flock may reenter the program after fulfilling board-determined and program requirements.

436:122 Appeal. Owner-reported changes in flock status or status date due to flock additions or commingling shall be made as soon as possible following notification of the board or AVIC without review by the board unless the owner requests that the board perform a formal review at the time the acquisition or commingling is reported. The board shall give the owner of the flock an opportunity to present his or her views to the board before it makes its final recommendation regarding reduction or removal.

The status of the flock, notification regarding a change in flock status, and any appeal of flock status shall be decided in accordance with 9 CFR parts 54 and 79.

436:123 Confidentiality.

I. The provisions of paragraph II shall apply in any instance when a sheep or goat producer has entered the program and has voluntarily requested technical help from the board or is inspected by a state animal health official on behalf of the board as established under 9 CFR Parts 54 and 79, and is not at the time the subject of an active enforcement action.

II. With the exception of the state and federal veterinarians, acting in their official capacity, state board members and agents of the board shall not make available to any other regulatory or enforcement agency not involved in the program, or to the public, information obtained in the course of such help or inspection unless:

- (a) The person receiving such inspection agrees that such information may be released;
- (b) The information reveals an imminent threat to human life of the environment;
- (c) The information reveals evidence of a knowing criminal violation;
- (d) The information is presented in aggregate form with no identification of individual entities; or
- (e) The board first notifies any person requesting technical help of the provisions of this section.

2 Disease of Domestic Animals; Investigations. Amend RSA 436:31 to read as follows:

436:31 Investigations. The commissioner shall cause systematic investigation, insofar as available funds will permit, to be made as to the existence of pleuropneumonia, foot and mouth disease, glanders, hog cholera, anthrax, black leg, hemorrhagic septicemia, rabies, *scrapie*, fowl cholera, European fowl pest, or any other infectious or contagious disease among cattle, horses, asses, mules, sheep, swine and all other domestic animals, and ~~he or his~~ *the commissioner or the commissioner's* duly authorized agent may enter any premises, including stockyards within any part of the state in or at which ~~he~~ *the commissioner* has reason to believe that there exists or may exist any such disease and make search, investigation and inquiry in regard to the existence thereof.

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

The signatures below attest to the authenticity of this Report on HB 426, an act relative to the voluntary scrapie flock certification program.

*Conferees on the Part
of the Senate*

Sen. D'Allesandro, Dist. 20
Sen. Gatsas, Dist. 16
Sen. Roberge, Dist. 9

*Conferees on the Part
of the House*

Rep. Melcher, Hills. 11
Rep. O'Connell, Hills. 13
Rep. Babson, Carr. 5
Rep. B. Williams, Graf. 8

Senator D'Allesandro moved adoption.

Adopted.

2001-1720-CofC
01/04

Committee of Conference Report on HB 444, an act relative to mental health services and records.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 444, an act relative to mental health services and records.

*Conferees on the Part
of the Senate*

Sen. Gordon, Dist. 2

Sen. Pignatelli, Dist. 13

Sen. Fernald, Dist. 11

*Conferees on the Part
of the House*

Rep. Mock, Carr. 3

Rep. J. Pratt, Ches. 2

Rep. L. Jean, Hills. 17

Rep. Woods, Straf. 11

Senator Gordon moved adoption.

Adopted.**2001-1750-CofC**

01/09

Committee of Conference Report on HB 450, an act relative to certain work product under the right-to-know-law.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 2 with the following:

3 New Paragraph; Attorneys' Fees. Amend RSA 91-A:8 by inserting after paragraph I the following new paragraph:

I-a. The court may award attorneys' fees to a board, agency or employee or member thereof, for having to defend against a person's lawsuit under the provisions of this chapter, when the court makes an affirmative finding that the lawsuit is in bad faith, frivolous, unjust, vexatious, wanton, or oppressive.

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

The signatures below attest to the authenticity of this Report on HB 450, an act relative to certain work product under the right-to-know-law.

*Conferees on the Part
of the Senate*

Sen. Gordon, Dist. 2

Sen. Prescott, Dist. 19

Sen. Fernald, Dist. 11

*Conferees on the Part
of the House*

Rep. Reid, Straf. 12

Rep. Soltani, Merr. 10

Rep. J. Pratt, Ches. 2

Rep. Herman, Hills. 13

Senator Gordon moved adoption.

Adopted.**2001-1733-CofC**

05/01

Committee of Conference Report on HB 451, an act establishing a commission to study the impact of pay and health care benefits for child care workers on the quality of care and education for children by considering and exploring funding methods for accomplishing any recommendations.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on HB 451, an act establishing a commission to study the impact of pay and health care benefits for child care workers on the quality of care and education for children by considering and exploring funding methods for accomplishing any recommendations.

*Conferees on the Part
of the Senate*

Sen. Boyce, Dist. 4

Sen. Prescott, Dist. 19

Sen. Wheeler, Dist. 21

*Conferees on the Part
of the House*

Rep. Bickford, Straf. 1

Rep. Moran, Hills. 15

Rep. Richardson, Ches. 12

Rep. Gile, Merr. 16

Senator Boyce moved adoption.

Adopted.**2001-1728-CofC**

04/01

Committee of Conference Report on HB 475, an act establishing a commission for the development of a statewide protocol for interviewing victims of sexual assault crimes.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 475, an act establishing a commission for the development of a statewide protocol for interviewing victims of sexual assault crimes.

*Conferees on the Part
of the Senate*

Sen. Roberge, Dist. 9

Sen. Prescott, Dist. 19

Sen. Pignatelli, Dist. 13

*Conferees on the Part
of the House*

Rep. K. Gilbert, Rock. 19

Rep. Knowles, Straf. 11

Rep. Tholl, Coos 5

Rep. Sargent, Hills. 3

Senator Roberge moved adoption.

Adopted.**2001-1731-CofC**

05/01

Committee of Conference Report on HB 509, an act establishing a statute of limitations on spousal support orders.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 458:19, VII as inserted by section 3 of the bill by replacing it with the following:

VII. In cases where the court issues an order for permanent alimony for a definite period of time, such order may be renewed, upon the petition of either party, provided that such petition is made within 5 years of the termination date of the permanent alimony order. Nothing in this paragraph shall be construed to change or alter in any way the terms of the original alimony order.

The signatures below attest to the authenticity of this Report on HB 509, an act establishing a statute of limitations on spousal support orders.

*Conferees on the Part
of the Senate*

Sen. Gordon, Dist. 2
Sen. Roberge, Dist. 9
Sen. Pignatelli, Dist. 13

*Conferees on the Part
of the House*

Rep. Dowling, Rock. 13
Rep. McHugh, Hills. 26
Rep. L. Johnson, Hills. 40
Rep. Allison, Sull. 10

Senator Gordon moved adoption.

Adopted.

2001-1702-CofC
03/09

Committee of Conference Report on HB 543-FN, an act establishing the division of ports and harbors within the Pease development authority and transferring all functions, powers, and duties of the New Hampshire state port authority.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 543-FN, an act establishing the division of ports and harbors within the Pease development authority and transferring all functions, powers, and duties of the New Hampshire state port authority.

*Conferees on the Part
of the Senate*

Sen. Barnes, Dist. 17
Sen. Johnson, Dist. 3
Sen. Hollingworth, Dist. 23

*Conferees on the Part
of the House*

Rep. E. Smith, Ches. 6
Rep. Rausch, Rock. 13
Rep. Morse, Rock. 28
Rep. C. Bouchard, Merr. 22

Senator Barnes moved adoption.

Adopted.

2001-1791-CofC
03/04

Committee of Conference Report on HB 578, an act relative to requirements for nonpublic utility providers of telephone services and competitive telecommunications providers, and relative to the information technology management advisory board.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 378:17-c, III as inserted by section 1 of the bill by deleting subparagraph (d).

Amend RSA 378:17-c, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Nonpublic utility providers of telephone services using a PBX switch or similar equipment shall be considered telephone utilities for purposes of RSA 106-H:8. Nonpublic utility providers of telephone services shall comply with the telephone utility requirements of RSA 106-H:8 no later than January 1, 2007.

The signatures below attest to the authenticity of this Report on HB 578, an act relative to requirements for nonpublic utility providers of telephone services and competitive telecommunications providers, and relative to the information technology management advisory board.

*Conferees on the Part
of the Senate*

Sen. Roberge, Dist. 9

Sen. Boyce, Dist. 4

Sen. Below, Dist. 5

*Conferees on the Part
of the House*

Rep. Thomas, Belk. 3

Rep. Sloan, Rock. 12

Rep. Leach, Hills. 9

Rep. Meader, Ches. 16

Senator Roberge moved adoption.

Adopted.

2001-1740-CofC

05/01

Committee of Conference Report on HB 585, an act relative to the membership and duties of the council on resources and development.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 162-C:1, VIII as inserted by section 2 of the bill by replacing it with the following:

VIII. The commissioner of the department of health and human services **or a member of the senior management team.**

Amend the introductory paragraph of RSA 162-C:2, XI as inserted by section 3 of the bill by replacing it with the following:

XI. Review the following actions by state agencies and ensure, in consultation with the long range capital planning and utilization committee established by RSA 17-M:1-3, that these actions are taken into consideration in the long range capital improvement program that is updated every 2 years in conjunction with the capital budget process, and provide recommendations to the governor regarding whether the actions are consistent with New Hampshire's smart growth policies under RSA 9-B:5:

The signatures below attest to the authenticity of this Report on HB 585, an act relative to the membership and duties of the council on resources and development.

*Conferees on the Part
of the Senate*

Sen. Below, Dist. 5
Sen. Johnson, Dist. 3
Sen. Gatsas, Dist. 16

*Conferees on the Part
of the House*

Rep. Dyer, Hills. 8
Rep. Zolla, Rock. 13
Rep. Schulze, Hills. 33
Rep. C. Hall, Hills. 18

Senator Below moved adoption.

Adopted.

Recess.

Out of Recess.

2001-1734-CofC

08/04

Committee of Conference Report on HB 588, an act relative to examination of persons called as jurors.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 Rockingham County Superior Court Jury Selection Pilot Program. There is established a pilot program regarding the examination of prospective jurors by judges and counsel. In addition to the provisions of RSA 500-A:12, the following provisions shall be incorporated into jury selection in Rockingham county superior court:

I. The court shall instruct the panel of prospective jurors prior to jury selection as to:

(a) The nature and purpose of the selection process.

(b) The nature of the case to be presented.

(c) The specific issues for resolution.

(d) A summary of the law to be used in their consideration of the evidence.

(e) Any controversial aspects of the trial likely to invoke bias.

II. Counsel for each party shall be allowed a reasonable amount of time to address the panel of prospective jurors for the purpose of explaining such party's claims, defenses, and concerns in sufficient detail to prompt jury reflection, probing, and subsequent disclosure of information, opinion, bias, or prejudices which might prevent a juror from attaining the requisite degree of neutrality required.

III. The trial judge shall examine the prospective jurors. Upon completion of the judge's initial examination, counsel for each party shall have the right to examine, by oral and direct questioning, any of the prospective jurors in order to enable counsel to intelligently exercise both peremptory challenges and challenges for cause. During any examination conducted by counsel for the parties, the trial judge shall permit liberal and probing examination calculated to discover bias or prejudice with regard to the circumstances of the particular case. The fact that a topic has been included in the judge's examination shall not preclude additional non-repetitive or non-duplicative questioning in the same area by counsel.

IV. The scope of the examination conducted by counsel shall be within reasonable limits prescribed by the trial judge's sound discretion. In exercising his or her sound discretion as to the form and subject matter of voir dire questions, the trial judge shall consider, among other criteria, any unique or complex elements, legal or factual, in the case and the individual responses or conduct of jurors which may evince attitudes inconsistent with suitability to serve as a fair and impartial juror in the particular case. Specific unreasonable or arbitrary time limits shall not be imposed. The trial judge shall permit counsel to conduct voir dire examination without requiring prior submission of the questions unless a particular counsel engages in improper questioning. For purposes of this section, an "improper question" is any question which, as its dominant purpose, attempts to precondition the prospective jurors to a particular result, indoctrinate the jury, or question the prospective jurors concerning the pleadings or the applicable law. A court shall not arbitrarily or unreasonably refuse to submit reasonable written questionnaires, the contents of which are determined by the court in its sound discretion, when requested by counsel.

V. Each party shall have 5 peremptory challenges with which to remove prospective jurors.

VI. There shall be a voir dire review committee comprised of 2 members of the house of representatives, appointed by the speaker of the house, and 2 members of the senate, appointed by the president of the senate. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

VII. No later than December 1, 2003, the review committee shall report its findings on this program to the president of the senate, the speaker of the house, the governor, and the state library. The report shall include a recommendation to terminate, continue, or expand the program.

2 Repeal. Section 1, establishing the Rockingham county superior court jury selection pilot program, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect December 31, 2004.

II. The remainder of this act shall take effect January 1, 2002.

The signatures below attest to the authenticity of this Report on HB 588, an act relative to examination of persons called as jurors.

Conferees on the Part of the Senate

Sen. Gordon, Dist. 2
Sen. Larsen, Dist. 15
Sen. Roberge, Dist. 9

Conferees on the Part of the House

Rep. Mock, Carr. 3
Rep. J. Pratt, Ches. 2
Rep. L. Jean, Hills. 17
Rep. Woods, Straf. 11

2001-1734-CofC

AMENDED ANALYSIS

This bill establishes a pilot program in Rockingham county superior court to change the procedure for the examination of prospective jurors.

Senator Gordon moved to nonconcur and discharge the Committee of Conference, and that we name a new Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference.

SENATORS: Gordon, Larsen, Pignatelli

2001-1753-CofC
05/09

Committee of Conference Report on HB 603-FN-A, an act providing the commissioner of administrative services an option to self-fund the state employee health plan and requiring a reserve fund therefor.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 603-FN-A, an act providing the commissioner of administrative services an option to self-fund the state employee health plan and requiring a reserve fund therefor.

*Conferees on the Part
of the Senate*

Sen. Burns, Dist. 11
 Sen. Hollingworth, Dist. 23
 Sen. Francoeur, Dist. 14

*Conferees on the Part
of the House*

Rep. Peterson, Hills. 8
 Rep. Poulin, Merr. 14
 Rep. Schulze, Hills. 33
 Rep. Wheeler, Hills. 7

Senator Burns moved adoption.

Adopted.

2001-1726-CofC
01/09

Committee of Conference Report on HB 643-FN, an act extending the moratorium on new nursing home beds.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on HB 643-FN, an act extending the moratorium on new nursing home beds.

*Conferees on the Part
of the Senate*

Sen. Boyce, Dist. 4
 Sen. Prescott, Dist. 19
 Sen. Wheeler, Dist. 21

*Conferees on the Part
of the House*

Rep. Batula, Hills. 18
 Rep. Herman, Hills. 13
 Rep. Wendelboe, Belk. 2
 Rep. S. Harris, Sull. 9

Senator Boyce moved adoption.

Adopted.

2001-1758-CofC
06/01

Committee of Conference Report on HB 649-FN, an act relative to compensation for time lost by state employees injured in the line of duty.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 New Section; Compensation for State Employees Injured in Line of Duty. Amend RSA 21-I by inserting after section 43 the following new section:

21-I:43-a Compensation for State Employees Injured in Line of Duty. Any injury received by any state employee who is injured in the line of duty by a hostile or overt act or an act caused by another during the performance of duties which are considered dangerous in nature that requires the employee to be hospitalized or renders the employee temporarily unable to perform the duties of his or her position shall not be charged annual leave or sick leave for the time lost due to the injury. During such time, the employee shall remain on the active payroll. The executive head of the employee's agency shall make the determination as to whether an injury is in the line of duty and due to a hostile or overt act, or an act caused by another during the performance of duties which are considered dangerous in nature, and, after approval by the governor and council, the determination shall be final. The compensation provided for in this section shall be in addition to any other compensation or remedy available to the employee.

2 Line of Duty Injury; State Police Employees. Amend RSA 106-B:18 to read as follows:

106-B:18 Line of Duty Injury. Any injury, *which is due to a hostile or overt act or an act caused by another during the performance of duties which are considered dangerous in nature*, received by any state police employee ~~because of his~~ *while on* assignment, patrol, or duty that requires that ~~he~~ *the employee* be hospitalized or to the extent that ~~he~~ *the employee* is unable to perform ~~his~~ normal or routine duties shall not be charged against ~~his~~ earned sick leave or annual leave, and during such time ~~his name~~ *the employee* shall remain on the payroll. The commissioner of safety shall make the final determination as to whether the injury received is in line of duty *and due to a hostile or overt act or an act caused by another during the performance of duties which are considered dangerous in nature*, and ~~his~~ *the commissioner's* decision is final, subject to approval of governor and council.

3 New Section; Compensation for Injuries in Line of Duty. Amend RSA 206 by inserting after section 26-b the following new section:

206:26-c Compensation for Injuries in Line of Duty. Any injury, which is due to a hostile or overt act or an act caused by another during the performance of duties which are considered dangerous in nature, received by the executive director, any conservation officer, or any deputy conservation officer while on assignment, patrol, or official active duty which requires that the officer or executive director be hospitalized, or to the extent that the officer or executive director is unable to perform normal or routine duties, shall not be charged annual leave or sick leave for the time lost due to the injury. During such time the officer or executive director shall remain on the active payroll. The fish and game commission shall make any determination as to whether an injury is in the line of duty and due to a hostile or overt act or an act caused by another during the performance of duties which are considered dangerous in nature, and, after approval by governor and council, the determination shall be final.

4 Effective Date. This act shall take effect July 1, 2001.

The signatures below attest to the authenticity of this Report on HB 649-FN, an act relative to compensation for time lost by state employees injured in the line of duty.

*Conferees on the Part
of the Senate*

Sen. Prescott, Dist. 19
Sen. Eaton, Dist. 10
Sen. Larsen, Dist. 15

*Conferees on the Part
of the House*

Rep. Langer, Merr. 11
Rep. Dyer, Hills. 8
Rep. Zolla, Rock. 13
Rep. Lent, Straf. 8

2001-1758-CofC

AMENDED ANALYSIS

This bill allows fish and game conservation officers and state police officers, and other state employees who are injured in the line of duty due to a hostile or overt act or an act caused by another during the performance of duties which are considered dangerous in nature, to be compensated for time lost.

Senator Prescott moved adoption.

Adopted.

**2001-1715-CofC
08/10**

Committee of Conference Report on HB 676-LOCAL, an act establishing a committee to study the creation of a regional program for collection and marketing certain components of the municipal solid waste stream.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 676-LOCAL, an act establishing a committee to study the creation of a regional program for collection and marketing certain components of the municipal solid waste stream.

*Conferees on the Part
of the Senate*

Sen. Johnson, Dist. 3
Sen. Eaton, Dist. 10
Sen. Cohen, Dist. 24

*Conferees on the Part
of the House*

Rep. O'Connell, Hills. 13
Rep. Phinizy, Sull. 7
Rep. Babson, Carr. 5
Rep. Cobb, Graf. 5

Senator Johnson moved adoption.

Adopted.

**2001-1765-CofC
05/01**

Committee of Conference Report on HB 702, an act relative to the duties of the committee to study the consumer protection effort in New Hampshire.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 6 with the following:

7 Task Force Established. There is established a privacy task force to study privacy issues as they pertain to federal law including, but not limited to, the Health Insurance Portability and Accountability Act of 1966 (HIPAA) and the Gramm-Leach-Bliley Act of 1999 (GLBA) and existing state laws relative to privacy issues.

8 Membership and Compensation.

I. The members of the task force shall be as follows:

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

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

(c) The insurance commissioner, or designee.

(d) The secretary of state, or designee.

(e) The bank commissioner, or designee.

(f) The commissioner of the department of safety, or designee.

(g) The commissioner of the department of health and human services, or designee.

(h) The commissioner of the department of administrative services, or designee.

(i) The commissioner of the department of revenue administration, or designee.

(j) The commissioner of the department of employment security, or designee.

(k) One representative of each of the following industries, appointed by the governor:

(1) Banking.

(2) Insurance.

(3) Securities.

(4) Real estate.

(5) Financial service providers.

(6) Hospitals.

(7) Physicians.

(8) Retail pharmacists.

(9) Other health care providers.

(l) Five members of the general public, appointed by the governor.

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

9 Duties. The task force shall study privacy issues as they pertain to federal law including, but not limited to, the privacy provisions of the Health Insurance Portability and Accountability Act of 1966 (HIPAA) and the Gramm-Leach-Bliley Act of 1999 (GLBA). The task force shall also include in its study a review of existing state laws relative to privacy issues.

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

11 Report. The task force shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002, provided that the committee shall make an interim report on or before November 1, 2001.

12 Effective Date.

I. Sections 1 and 7-11 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 2001.

The signatures below attest to the authenticity of this Report on HB 702, an act relative to the duties of the committee to study the consumer protection effort in New Hampshire.

*Conferees on the Part
of the Senate*

Sen. Prescott, Dist. 19

Sen. Wheeler, Dist. 21

Sen. Boyce, Dist. 4

*Conferees on the Part
of the House*

Rep. Hunt, Ches. 10

Rep. Kurk, Hills. 5

Rep. L. Fraser, Merr. 9

Rep. Batchelder, Ches. 2

2001-1765-CofC

AMENDED ANALYSIS

This bill expands the duties of the committee established in 2001, 12 to include a review of exemptions to the state consumer protection act.

The bill also removes 3 members from the long-term care board and permits the remaining 13 members to choose up to 7 additional members to the board.

This bill also establishes a task force to study privacy issues as they pertain to federal law and existing state laws relative to privacy issues.

Senator Prescott moved adoption.

Adopted.**2001-1787-CofC**

06/09

Committee of Conference Report on HB 703, an act relative to durable powers of attorney.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Paragraphs; Prevention of Frauds and Perjuries; Powers of Attorney, Disability or Incompetence of Principal; Gifts; Durable Power of Attorney Document; Notification. Amend RSA 506:6 by inserting after paragraph IV the following new paragraphs:

V. An attorney in fact is not authorized to make gifts to the attorney in fact or to others unless the durable power of attorney explicitly authorizes such gifts.

VI. The following disclosure statement, signed by the principal, may accompany a durable power of attorney:

INFORMATION CONCERNING THE DURABLE POWER
OF ATTORNEY

THIS IS AN IMPORTANT LEGAL DOCUMENT. BEFORE SIGNING THIS DOCUMENT YOU SHOULD KNOW THESE IMPORTANT FACTS:

Notice to the Principal: As the 'Principal,' you are using this Durable Power of Attorney to grant power to another person (called the 'Agent' or 'Attorney in Fact') to make decisions, including, but not limited to, decisions concerning your money, property, or both, and to use your money,

property, or both on your behalf. If this written Durable Power of Attorney does not limit the powers that you give to your Agent, your Agent will have broad and sweeping powers to sell or otherwise dispose of your property, and to spend your money without advance notice to you or approval by you. Under this document, your agent will continue to have these powers after you become incapacitated, and unless otherwise indicated your Agent will have these powers before you become incapacitated. You have the right to retain this Power and not to release this Power until you instruct your attorney or any other person who may hold this Power of Attorney to so release it to your Agent pursuant to written instructions. You have the right to revoke or take back this Durable Power of Attorney at any time, so long as you are of sound mind. If there is anything about this Durable Power of Attorney that you do not understand, you should seek professional advice.

Principal

The language required by this paragraph shall not confer any powers to the agent that are not otherwise contained in the durable power of attorney.

VII. An agent, prior to acting in the capacity of agent, may execute and affix to the power of attorney an acknowledgment in substantially the following form:

I, _____, have read the attached power of attorney and am the person identified as the Agent for the Principal. I hereby acknowledge that when I act as Agent or "attorney in fact," I am given power under this Durable Power of Attorney to make decisions about money, property, or both belonging to the Principal, and to spend the Principal's money, property, or both on the Principal's behalf, in accordance with the terms of this Durable Power of Attorney. This Durable Power of Attorney is valid only if the Principal is of sound mind when the Principal signs it. When acting in the capacity of Agent, I am under a duty (called a 'fiduciary duty') to observe the standards observed by a prudent person, which means the use of those powers that is reasonable in view of the interests of the Principal and in view of the way in which a person of ordinary judgment would act in carrying out that person's own affairs. If the exercise of my acts is called into question, the burden will be upon me to prove that I acted under the standards of a fiduciary. As the Agent, I am not entitled to use the money or property for my own benefit or to make gifts to myself or others unless the Durable Power of Attorney specifically gives me the authority to do so. As the Agent, my authority under this Durable Power of Attorney will end when the Principal dies and I will not have authority to manage or dispose of any property or administer the estate unless I am authorized to do so by a New Hampshire Probate Court. If I violate my fiduciary duty under this Durable Power of Attorney, I may be liable for damages and may be subject to criminal prosecution. If there is anything about this Durable Power of Attorney, or my duties under it, that I do not understand, I understand that I should seek professional advice.

Agent

VIII. Nothing in paragraphs V-VII of this section shall render ineffective a durable power of attorney validly executed under New Hampshire law.

IX. A durable power of attorney validly executed under the laws of another state or foreign jurisdiction shall be deemed valid under New Hampshire law. Foreign powers of attorney shall be subject to the provisions of RSA 506:7.

The signatures below attest to the authenticity of this Report on HB 703, an act relative to durable powers of attorney.

*Conferees on the Part
of the Senate*

Sen. Gordon, Dist. 2
Sen. Roberge, Dist. 9
Sen. Fernald, Dist. 11

*Conferees on the Part
of the House*

Rep. Rowe, Hills. 14
Rep. Mock, Carr. 3
Rep. Espieffs, Ches. 19
Rep. J. Pratt, Ches. 2

2001-1787-CofC

AMENDED ANALYSIS

This bill specifies that a durable power of attorney does not authorize an attorney in fact to make gifts unless the durable power of attorney explicitly authorizes such gifts. This bill also enacts explanatory language that may be included in a durable power of attorney.

This bill was requested by the department of health and human services.

Senator Gordon moved adoption.

Adopted.

**2001-1781-CofC
03/09**

Committee of Conference Report on HB 707, an act establishing a committee to study the usage of 211 as a uniform community service information and referral number.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 211 Commission Established.

I. There is hereby established a 211 commission to make recommendations on the design, development, and operation in New Hampshire of the 211 service code for community information and referral services.

II. The commission shall consist of 13 members as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives, at least 2 of whom shall be from the house science, technology, and energy committee.

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

(c) The executive director of the bureau of emergency communications, or designee.

(d) The consumer advocate, or designee.

(e) The commissioner of the department of health and human services, or designee.

(f) Four members appointed by the governor:

(1) One member representing incumbent local exchange carriers.

(2) One member representing statewide information and referral services.

(3) One member representing local information and referral services.

(4) One member representing specialized information and referral services.

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

IV. Members shall elect from among themselves a person to serve as commission chairperson and another to serve as commission vice-chairperson.

2 Duties of the 211 Commission.

I. The 211 commission shall make recommendations relative to the design, development, and operation of a statewide 211 information service that shall address, at a minimum, the issues of:

(a) Year-round, 24-hour, live response.

(b) Information and referral specialists who are trained and meet national standards for information and referral call processing.

(c) 211 service being available toll-free to all residents of the state.

(d) Immediate access to a comprehensive statewide database of service providers.

(e) Accommodation for citizens with special needs including, but not limited to, physical disabilities, language restrictions, TTY requirements, and specialized care.

(f) Utilization of existing local, specialized and statewide information and referral services in conjunction with implementing a statewide 211 program.

(g) Cooperative working relationships with 911 emergency services and governmental agencies such as the department of health and human services.

(h) Criteria for performance and service quality of the entities involved in the provision of 211 services.

(i) 211 services being operated in accordance with any national standards for community information and referral services adopted by the Alliance of Information and Referral Systems.

(j) The formation of an ongoing 211 commission.

(k) A proposed annual budget and potential funding sources to support 211 service.

II. The 211 commission shall review any available information from the public utilities commission regarding 211 service.

3 Report by 211 Commission. The 211 commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, the public utilities commission, and the state library. The 211 commission shall either file, and designate as such, a final report on or before December 1, 2001 or file, and designate as such, an interim report on or before December 1, 2001 and a final report on or before July 1, 2002.

4 Public Utilities Commission Action. The public utilities commission shall not pursue any proceedings relative to 211 service until the 211 commission established under this act issues its final report. The public utilities commission shall not impose any tax, fee, or surcharge directed towards 211 service until future legislation authorizing such action has passed.

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

The signatures below attest to the authenticity of this Report on HB 707, an act establishing a committee to study the usage of 211 as a uniform community service information and referral number.

*Conferees on the Part
of the Senate*

Sen. Gordon, Dist. 2
Sen. Wheeler, Dist. 21
Sen. Flanders, Dist. 7

*Conferees on the Part
of the House*

Rep. J. Bradley, Carr. 8
Rep. Thomas, Belk. 3
Rep. D. White, Hills. 25
Rep. Lynde, Hills. 24

Senator Gordon moved adoption.

Adopted.

**2001-1704-CofC
10/09**

Committee of Conference Report on HB 717, an act establishing a committee to make recommendations on policy concerning state-operated trails for all terrain vehicles and trail bikes and relative to increasing the nonresident OHRV registration fees for snow traveling vehicles.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing paragraph III of section 5 with the following:

III. Report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

Amend the bill by replacing all after section 7 with the following:

8 Effective Date.

I. Sections 6-7 of this act shall take effect July 1, 2001.

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

The signatures below attest to the authenticity of this Report on HB 717, an act establishing a committee to make recommendations on policy concerning state-operated trails for all terrain vehicles and trail bikes and relative to increasing the nonresident OHRV registration fees for snow traveling vehicles.

*Conferees on the Part
of the Senate*

Sen. Eaton, Dist. 10
Sen. D'Allesandro, Dist. 20
Sen. Burns, Dist. 1

*Conferees on the Part
of the House*

Rep. Royce, Ches. 9
Rep. Whalley, Merr. 5
Rep. Dyer, Hills. 8
Rep. McGuire, Rock. 26

2001-1704-CofC

AMENDED ANALYSIS

This bill:

I. Establishes a committee to make recommendations on policy concerning state-operated trails and private lands used by all terrain vehicles and trail bikes.

II. Increases the resident and nonresident OHRV registration fees for snow traveling vehicles.

Senator Eaton moved adoption.

Adopted.

2001-1680-CofC
03/09

Committee of Conference Report on HB 723, an act relative to vacancies in county offices

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 723, an act relative to vacancies in county offices

*Conferees on the Part
of the Senate*

Sen. Roberge, Dist. 9
Sen. Barnes, Dist. Dist. 17
Sen. O'Neil, Dist. Dist. 18

*Conferees on the Part
of the House*

Rep. Brundige, Hills. 18
Rep. M. Fraser, Merr. 21
Rep. Lockwood, Merr. 9
Rep. Twombly, Straf. 16

Senator Roberge moved adoption.

Adopted.

2001-1771-CofC
04/10

Committee of Conference Report on HB 726-LOCAL, an act relative to change of school assignment and transfers of public school pupils.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the introductory paragraph of RSA 193:3, III (a) as inserted by section 2 of the bill by replacing it with the following:

(a) Each school board shall establish a change of school assignment policy, based on the best interest of the pupil, authorizing the superintendent to reassign a pupil from the public school to which he or she is currently assigned to another public school, or to approve a request from another superintendent to accept a transfer of a pupil from a school district that is not part of the school administrative unit, provided that the following conditions are met:

The signatures below attest to the authenticity of this Report on HB 726-LOCAL, an act relative to change of school assignment and transfers of public school pupils.

*Conferees on the Part
of the Senate*

Sen. Johnson, Dist. 3
Sen. Gordon, Dist. 2
Sen. Below, Dist. 5

*Conferees on the Part
of the House*

Rep. Alger, Graf. 9
Rep. Carson, Rock. 29
Rep. Herman, Hills. 13
Rep. Yeaton, Merr. 10

Senator Johnson moved adoption.

Adopted.

2001-1754-CofC
05/09

Committee of Conference Report on HB 738, an act establishing a commission to assess the operating efficiency of state government.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 738, an act establishing a commission to assess the operating efficiency of state government.

*Conferees on the Part
of the Senate*

Sen. Francoeur, Dist. 14
Sen. Roberge, Dist. 9
Sen. O'Neil, Dist. 18

*Conferees on the Part
of the House*

Rep. Poulin, Merr. 14
Rep. Robertson, Rock. 20
Rep. Zolla, Rock. 13
Rep. Schulze, Hills. 33

Senator Francoeur moved adoption.

Adopted.**2001-1707-CofC**
08/01

Committee of Conference Report on HB 758, an act relative to the sale of gasoline containing ethers.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 758, an act relative to the sale of gasoline containing ethers.

*Conferees on the Part
of the Senate*

Sen. Below, Dist. 5
Sen. Prescott, Dist. 19
Sen. Johnson, Dist. 3

*Conferees on the Part
of the House*

Rep. J. Bradley, Carr. 8
Rep. Holbrook, Belk. 7
Rep. Norelli, Rock. 31
Rep. Blanchard, Rock. 33

Senator Below moved adoption.

Adopted.**Recess.****Out of Recess.****COMMITTEE OF CONFERENCE REPORTS**
SENATE BILLS**2001-1692-CofC**
01/10

Committee of Conference Report on SB 18, an act relative to termination of small trusts.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 564:15-a, III(c) as inserted by section 1 of the bill by replacing it with the following:

(c) For the purposes of this section, the term "small trust" shall not include a fund held by a town or other municipality under RSA 31:19 or a fund created by a town or other municipality under RSA 31:19-a.

The signatures below attest to the authenticity of this Report on SB 18, an act relative to termination of small trusts.

*Conferees on the Part
of the Senate*

Sen. Gordon, Dist. 2
Sen. Roberge, Dist. 9
Sen. Pignatelli, Dist. 13

*Conferees on the Part
of the House*

Rep. Craig, Hills. 38
Rep. Rowe, Hills. 14
Rep. Reid, Straf. 12
Rep. Espieffs, Ches. 19

2001-1692-CofC**AMENDED ANALYSIS**

This bill establishes a procedure for the termination of certain small trusts.

Senator Gordon moved adoption.

Adopted.**2001-1858-CofC****04/10**

Committee of Conference Report on HB 354-FN-A-LOCAL, an act extending the kindergarten construction program.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 School Money; Kindergarten Construction Program Extended. Amend RSA 198:15-r, I to read as follows:

1. There is established in the department of education a kindergarten construction program. For the ~~5-year~~ **7-year** period starting July 1, 1997, and ending June 30, ~~[2002]~~ **2004**, the commissioner of education shall make grants available to eligible districts that currently do not operate a public kindergarten program to cover 75 percent of the actual cost of construction of kindergarten facilities, exclusive of site acquisition and core facilities. ~~[The commissioner shall also make grants available to eligible districts that currently operate a public kindergarten program for 75 percent of the cost of construction, exclusive of site acquisition, needed to provide the kindergarten program with classrooms that meet the appropriate standards for school building construction established by the state board of education, pursuant to RSA 541-A and under the authority of RSA 21-N:9, H(c).]~~ Grants shall also cover the cost of initial equipment needed to operate a kindergarten program.

2 Kindergarten Construction Program; Availability of Funds Amended. Amend RSA 198:15-r, II to read as follows:

II. Nothing in this subdivision shall prohibit the inclusion of the site and related facilities that are not eligible for funding by the state under this subdivision as part of kindergarten construction costs from being included in a regular building aid funding request as provided in RSA 198:15-b. *However, no school district which receives funding for a kindergarten construction project under this subdivision shall be eligible to receive school building aid under RSA 198:15-b for the same project.*

3 Kindergarten Construction Program; Appropriation Amended. Amend 1997, 348:6 to read as follows:

348:6 Appropriation; Kindergarten Construction. A sum not to exceed [~~\$22,500,000~~] **\$28,500,000** is hereby appropriated to the department of education for the purposes of constructing kindergarten classrooms. This appropriation shall be nonlapsing and in addition to any other appropriation to the department of education; provided, however, that the department of education shall not approve grant requests for such purposes for more than:

- I. \$6,000,000 in the biennium ending June 30, 1999.
- II. \$5,000,000 in the fiscal year ending June 30, 2000.
- III. \$5,000,000 in the fiscal year ending June 30, 2001.
- IV. \$6,500,000 in the fiscal year ending June 30, 2002.
- V. **\$2,000,000 in the fiscal year ending June 30, 2003.**
- VI. **\$4,000,000 in the fiscal year ending June 30, 2004.**

4 Kindergarten Construction Program; Bonding Amount Amended. Amend 1997, 348:7, I as amended by 1997, 351:56 to read as follows:

I. To provide funds for the appropriation made in section 6 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$22,500,000~~] **\$28,500,000** and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A; provided that bonds or notes shall not be issued in excess of:

- (a) \$6,000,000 in the biennium ending June 30, 1999.
- (b) \$5,000,000 in the fiscal year ending June 30, 2000.
- (c) \$5,000,000 in the fiscal year ending June 30, 2001.
- (d) \$6,500,000 in the fiscal year ending June 30, 2002.
- (e) **\$2,000,000 in the fiscal year ending June 30, 2003.**
- (f) **\$4,000,000 in the fiscal year ending June 30, 2004.**

5 Kindergarten Construction Program; Penalty Provision. If, within 20 years of the completion of kindergarten facilities constructed under the kindergarten construction program as set forth in RSA 198:15-r through 198:15-t, a school district or city maintaining a school department discontinues the kindergarten program or uses these classrooms for other than kindergarten, it shall be required to pay back to the state 100 percent of the kindergarten construction grant payments received under such program. Upon a showing of good cause by the school district, the commissioner of education may waive this penalty in whole or part on a case by case basis.

6 Repeal. The following are repealed:

I. RSA 198:15-s, II, relative to kindergarten construction grant eligibility for existing public kindergarten programs.

II. RSA 198:15-r through RSA 198:15-t, relative to the kindergarten construction program.

7 Effective Date.

I. Paragraph II of section 6 of this act shall take effect July 1, 2004.

II. The remainder of this act shall take effect July 1, 2001.

The signatures below attest to the authenticity of this Report on HB 354-FN-A-LOCAL, an act extending the kindergarten construction program.

*Conferees on the Part
of the Senate*

Sen. Gordon, Dist. 2
Sen. Disnard, Dist. 8
Sen. Boyce, Dist. 4

*Conferees on the Part
of the House*

Rep. Weyler, Rock. 18
Rep. Mercer, Hills. 27
Rep. Thulander, Hills. 6
Rep. Foster, Hills. 10

2001-1858-CofC

AMENDED ANALYSIS

This bill extends the kindergarten construction program through the fiscal year ending June 30, 2004 and increases by \$6,000,000 the amount of the bonded appropriation for the kindergarten construction program. The bill also removes eligibility for existing kindergarten programs, and repeals the kindergarten construction program in its entirety effective July 1, 2004.

Senator Gordon moved adoption.

SENATOR GORDON: The new committee report reflects what had been a committee agreement as far as the Committee of Conference was originally concerned, and that it provides for kindergarten construction programs to be continued, with \$2 million to be included for the fiscal year ending June 30, 2003 and \$4 million for the fiscal year ending June 30, 2004. Again, the Committee of Conference makes that report and asks the Senate to adopt the same.

Adopted.

**2001-1755-CofC
09/04**

Committee of Conference Report on SB 51, an act relative to financial holding companies; cash dispensing machines; the participation in meetings by out-of-state, nondepository trust company directors; and a clarification of the status of student loans.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 Committee to Study the Regulation of Cash Dispensing Machines.

I. There is established a committee to study the regulation of cash dispensing machines and their operators, servicing agents, and processors.

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

(1) Two members of the house of representatives, appointed by the speaker of the house.

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

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The duty of the committee shall be to study the regulation of cash dispensing machines and their operators, servicing agents, and processors.

IV. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be

called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Two members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2001.

The signatures below attest to the authenticity of this Report on SB 51, an act relative to financial holding companies; cash dispensing machines; the participation in meetings by out-of-state, nondepository trust company directors; and a clarification of the status of student loans.

*Conferees on the Part
of the Senate*

Sen. Burns, Dist. 1
Sen. Fernald, Dist. 11
Sen. Larsen, Dist. 15

*Conferees on the Part
of the House*

Rep. Hunt, Ches. 10
Rep. L. Fraser, Merr. 9
Rep. Taylor, Straf. 11
Rep. Keye, Hills. 30

Senator Burns moved adoption.

Adopted.

**2001-1821-CofC
10/03**

Committee of Conference Report on SB 53 an act relative to attorneys' fees in certain circumstances under the workers' compensation law.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 53, an act relative to attorneys' fees in certain circumstances under the workers' compensation law.

*Conferees on the Part
of the Senate*

Sen. Klemm, Dist. 22
Sen. Burns, Dist. 1
Sen. Wheeler, Dist. 21

*Conferees on the Part
of the House*

Rep. Gilman, Graf. 1
Rep. Clegg, Hills. 23
Rep. Bridle, Rock. 22
Rep. Goley, Hills. 37

Senator Burns moved adoption.

Adopted.

**2001-1697-CofC
05/10**

Committee of Conference Report on SB 68, an act relative to school district placements of children living in foster homes.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 193:28, I as inserted by section 2 of the bill by replacing it with the following:

I. The public schools of the school district that the child attended prior to placement, if continuing in the same school district is in the best interest of the child as determined by the court, if the home is within a reasonable distance of the school to be attended, and if suitable transportation can be arranged without imposing additional transportation costs on a school district or the department of health and human services; or

The signatures below attest to the authenticity of this Report on SB 68, an act relative to school district placements of children living in foster homes.

*Conferees on the Part
of the Senate*

Sen. Gordon, Dist. 2
Sen. O'Hearn, Dist. 12
Sen. Disnard, Dist. 8

*Conferees on the Part
of the House*

Rep. Dearborn, Rock. 23
Rep. Colcord, Merr. 2
Rep. Sova, Graf. 11
Rep. C. Clarke, Merr. 4

Senator Gordon moved adoption.

Adopted.

**2001-1690-CofC
03/01**

Committee of Conference Report on SB 69-FN-A-LOCAL, an act relative to a New Hampshire Legal Assistance office in Nashua and making an appropriation therefor.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

The signatures below attest to the authenticity of this Report on SB69-FN-A-LOCAL, an act relative to a New Hampshire Legal Assistance office in Nashua and making an appropriation therefor.

*Conferees on the Part
of the Senate*

Sen. Boyce, Dist. 4
Sen. Barnes, Dist. 17
Sen. O'Neil, Dist. 18

*Conferees on the Part
of the House*

Rep. Elliott, Hills. 2
Rep. Dudley, Graf. 14
Rep. Woods, Straf. 11
Rep. Rice, Belk. 7

Senator Pignatelli moved to nonconcur with the Committee of Conference Report.

SENATOR PIGNATELLI: I had asked to move nonconcurrency with this report. I think that there is probably the possibility, giving people who want to work together and want to compromise, that a compromise is available on this bill. I would ask that we nonconcur and based on the results of that nonconcurrency, I would move to ask the House to set up a new Committee of Conference and ask the Senate President to set up a new Committee of Conference within our members and try again to work out a compromise on this bill, which is very important to Nashua and the communities around Nashua.

A roll call was requested by Senator Pignatelli.

Seconded by Senator Larsen.

The following Senators voted Yes: Gordon, Boyce, Below, McCarley, Flanders, Disnard, Fernald, O'Hearn, Pignatelli, Larsen, Gatsas, Barnes, O'Neil, D'Allesandro, Wheeler, Hollingworth, Cohen.

The following Senators voted No: Burns, Johnson, Roberge, Eaton, Francoeur, Prescott, Klemm.

Yeas: 17 - Nays: 7

The motion to not adopt the Committee of Conference is adopted.

Senator Pignatelli moved that we discharge the Committee of Conference and form a new one.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference.

SENATORS: Boyce, Pignatelli, Barnes

2001-1711-CofC

05/10

Committee of Conference Report on SB 74, an act relative to providing services under the child protection act.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on SB 74, an act relative to providing services under the child protection act.

*Conferees on the Part
of the Senate*

Sen. Gordon, Dist. 2

Sen. Pignatelli, Dist. 13

Sen. Roberge, Dist. 9

*Conferees on the Part
of the House*

Rep. Lyman, Carr. 5

Rep. Gile, Merr. 16

Rep. Gargas, Hills. 22

Rep. Palermo, Rock. 21

Senator Gordon moved adoption.

Adopted.

2001-1817-CofC

03/10

Committee of Conference Report on SB 95, an act relative to campaign contribution limits.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

1 Political Calendar. Amend RSA 652:21 to read as follows:

652:21 Authority; Format. Prior to the state primary election, the secretary of state with the advice and approval of the attorney general shall prepare a political calendar for state and town elections setting forth the

dates when action required under the election laws must be taken. [~~Any action taken by any candidate or official in connection with the election laws which shall be taken in accordance with the dates set forth in said calendar shall be deemed to be duly performed for the purposes of the election laws.~~] The expense of printing said political calendar shall be a charge upon the appropriation for the office of the secretary of state.

2 Political Expenditures and Contributions; Definitions; Independent Expenditures. Amend RSA 664:2, XI to read as follows:

XI. "Independent expenditures" means expenditures by a person, political committee, or other entity [~~expressly~~] advocating the election or defeat of a clearly identified candidate which are *not* made [~~without~~] *in* cooperation or consultation *or conjunction or coordination* with any candidate, or any authorized committee or agent of such candidate, and which are not made in [~~concert~~] *coordination* with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate. As used in this paragraph, "clearly identified" means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

3 New Paragraph; Political Expenditures and Contributions; Definitions; Coordinated Expenditure. Amend RSA 664:2 by inserting after paragraph XVII the following new paragraph:

XVIII. "Coordinated expenditure" means an expenditure by a political party, a political committee of a political party, or other entity, on behalf of a candidate or candidate's committee in a state primary or general election with the consent of the candidate. Any expenditure that is not an independent expenditure or direct expenditure shall be considered to be a coordinated expenditure.

4 Prohibited Political Contributions; General Limitations. Amend RSA 664:4, V to read as follows:

V. By any person (1) if in excess of \$5,000 in value, except for contributions made by a candidate in behalf of his *or her* own candidacy, [~~or if in excess of \$1,000 in value by any person or by any political committee to a candidate or a political committee working on behalf of a candidate who does not voluntarily agree to limit his campaign expenditures and those expenditures made on his behalf as provided in RSA 664:5-a,~~] (2) if made anonymously or under a name not that of the donor, (3) if made in the guise of a loan, (4) if any other manner concealed, (5) if made without the knowledge and written consent of the candidate or [~~his~~] *the candidate's* fiscal agent, a political committee or its treasurer, or not to any one of the same.

5 Elections; Political Expenditures and Contributions; Reports; Reporting by Political Committee; Reporting by Candidates. RSA 664:6 and 664:7 are repealed and reenacted to read as follows:

664:6 Reporting by Political Committee.

I. Any political committee whose receipts of contributions or whose expenditures, including, without limitation, coordinated and independent expenditures on behalf of candidates and general operating expenditures of the committee, in support of or in opposition to a candidate, measure, or political party, exceed in the aggregate \$500, shall file with the secretary of state an itemized statement, in accordance with the provisions of RSA 664:7-b. The statement shall be signed by the chairperson and treasurer of the political committee and shall list each contribution, in alphabetical order by the last name of the contributor, with the amount of the contribution, the date it was received, all of the information as is set forth

in RSA 664:7-b, and the aggregate total for each election for each contributor. The statement shall be filed not later than the Wednesday 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period from the day of the committee registration up to and including the Monday before the statement is due. The statement shall contain the date of each expenditure, the name and address of the person or entity to whom each expenditure was made, the name of the candidate in whose behalf or against whom each expenditure was made, the amount of each expenditure, the purpose of each expenditure, and the aggregate amount of all previous expenditures.

II. An itemized statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday 3 weeks immediately preceding a primary and a general election, before 5 o'clock in the afternoon. The statement shall summarize the statement filed pursuant to paragraph I, if any, and shall itemize all receipts of contributions and expenditures made since the cutoff of the statement filed pursuant to paragraph I up until the Monday preceding the filing of the statement under this paragraph.

III. A statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday immediately preceding a primary and a general election, before 5 o'clock in the afternoon. The statement shall summarize the statements filed pursuant to paragraphs I and II, if any, and itemize all receipts of contributions and expenditures made since the cutoff of the statement filed pursuant to paragraph II up until the Monday preceding the filing of the statement under this paragraph. In addition to the reporting requirements contained in this section, the fiscal agent shall notify the secretary of state within 24 hours of any contributions exceeding \$500 that are received after the statement under this paragraph is filed and prior to the day of election.

IV. An itemized statement in the same form as in paragraph I shall be filed with the secretary of state not later than the second Wednesday after a primary and a general election, before 5 o'clock in the afternoon. The statement shall summarize the previous statements, if any, and itemize all receipts of contributions and expenditures made since the cutoff of the previous report up until the day of the primary or general election.

V. Any political committee whose receipt of contributions or expenditures in the aggregate do not exceed \$500 for a reporting period need not file. However, when a committee's accumulated receipts of contributions or expenditures for an election in the aggregate exceed \$500, the committee shall file a statement at the next reporting deadline.

VI. Any political committee that has any outstanding debt, obligation, or surplus following the election shall file reports at least once every 6 months thereafter in the same form as in paragraph I until the obligation or indebtedness is entirely satisfied or surplus deleted, at which time a final report shall be filed.

VII. In addition to the itemized statements required by paragraphs I-VI of this section, any political committee whose independent expenditures, in aggregate, exceed \$500 shall file an itemized statement with the secretary of state not later than 24 hours after such expenditures are made, and thereafter each time a further \$500 is expended. Such itemized statements shall cover the period during which independent expenditures totaling \$500 were made. Each statement shall include a certification by the political committee that the independent expenditure meets the definition in RSA 664:2, XI. Each statement shall contain the

date of each independent expenditure; the name and address of the person to whom the expenditure was made; the name of the candidate on whose behalf or against whom each expenditure was made; the amount of each expenditure; the purpose of each expenditure and the aggregate amount of all previous independent expenditures. If the independent expenditure is made in support of or to oppose more than one candidate, the statement made under this paragraph shall allocate the way in which the expenditure was made among the candidates on a reasonable basis. For the purposes of this paragraph, "reasonable basis" means a statement which reflects the benefit or the burden reasonably expected to be derived or suffered by each candidate. The filing requirements of this paragraph shall be in addition to all other filing requirements under this section, and shall not be limited to the filing periods during which expenditures must otherwise be reported.

VIII. Copies of the statements required by paragraphs I through VII of the state committee of a political party shall be filed with the secretary of state in sufficient numbers so as to provide a copy for the state committee of each party on the ballot, which they may obtain by application to the secretary of state.

IX. Any national political committee of a party as defined in RSA 652:11 may make contributions or expenditures on behalf of state candidates without complying with the requirements of paragraphs I through VII, provided that the total contribution or expenditure made in behalf of a candidate or political committee in this state whether directly or indirectly does not exceed the limit for personal contributions in RSA 664:4.

X. The provisions of this paragraph shall apply only to a political committee for an individual candidate who is seeking a federal office whose holder is chosen by the voters of this state only. Such a committee, which is required by federal law to file with the federal government reports relative to receipts of contributions and expenditures in support of such one candidate, may choose, at the time of registering under RSA 663:3, I, to file with the secretary of state copies of reports made to the federal government in accordance with the timetable established by federal laws for such reports in lieu of complying with the other reporting requirements of this section.

664:7 Reporting by Candidates.

I. Each candidate at the primary or general election for governor, councilor, state senator, representative to general court, or county officer, who receives contributions or makes expenditures in the aggregate that exceed \$500, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6, I-VI, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries. Any candidate who files expenditure reports pursuant to the provisions of this paragraph, and who pays more than \$5,000 to any person who makes expenditures on behalf of the candidate, shall file an itemized account of the expenditures made by the person on behalf of the candidate in the expenditure report filed on the Wednesday preceding the primary or general election.

II. The candidate shall report all contributions received and expenditures made for the purpose of exploring or promoting such candidacy in the first report filed.

6 New Sections; Political Expenditures and Contributions; Reports; Form of Contributions; Content of Disclosure Reports; Campaign Finance Disclosure Record. Amend RSA 664 by inserting after section 7 the following new sections:

664:7-a Form of Contributions. No contribution may be accepted unless accompanied by the disclosure information set forth in RSA 664:7-b.

664:7-b Content of Disclosure Reports. All contributions reported pursuant to RSA 664:6 or RSA 664:7 shall be listed on forms or other means prescribed by the secretary of state. The listing for each contribution exceeding \$50 shall include disclosure information. The disclosure information shall include the name; home or post office address; employer, business organization, or primary source of income; post office address of employer or business; and occupation of the contributor. Contributions shall be categorized as in-state or out-of-state. A summary of the contribution totals by category shall be included with each scheduled report. The report shall also list the aggregate total received from each contributor whose total contributions exceed \$100 and the contributor's disclosure information. All expenditures, as defined in RSA 664:2, IX and XIX, shall be reported in similar detail on forms or other means prescribed by the secretary of state.

664:7-c Campaign Finance Disclosure Record.

I. Disclosure reports required under RSA 664:6 and RSA 664:7 of candidates for governor and any disclosure reports filed by candidates for United States senator and representative to Congress may be filed in electronic format. The secretary of state shall enter these reports into an electronic campaign finance disclosure record. The secretary of state shall ensure that these disclosure reports are available through the official Internet site of the state of New Hampshire. Such reports shall also be available for paper or electronic copying at a reasonable cost.

II. The secretary of state shall compile and maintain separate cumulative disclosure reports filed under this subdivision by political committees, political committees of political parties, and candidates for executive councilor, state senator, state representative, and county office.

7 Examination of Statements of Receipts and Expenditures. Amend RSA 664:19 to read as follows:

664:19 Examination of Statements of Receipts and Expenditures. It shall be the duty of the attorney general to *obtain and* examine the returns of election receipts and expenditures which are made to the secretary of state and to compel such returns be made to comply with the law.

8 Political Expenditures and Contributions; Applicability of Chapter; Limitations Deleted. Amend RSA 664:1 to read as follows:

664:1 Applicability of Chapter. The provisions of this chapter shall apply to all state primary, general, and special elections, but shall not apply to presidential preference primaries. The provisions relating to political advertising, RSA 664:14 through 17-a, shall additionally apply to city, town, school district, and village district elections. ~~[The provisions relating to voluntary expenditure limitations, RSA 664:5-a and 664:5-b, shall additionally apply to elections for United States senator and representative to Congress.]~~

9 Political Expenditures and Contributions; Penalty. Amend RSA 664:21, IV-V to read as follows:

IV. ~~[In addition to the fines levied under paragraph I,]~~ Any person who fails to file any report or statement on the date on which the report or statement is due under this chapter shall be subject to a daily fine of \$25 for every weekday for which the report or statement is late and until the report or statement is actually filed, except that candidates for the general court shall be subject to a daily fine of \$5 under this paragraph.

V. ~~[The provisions of this paragraph shall apply to violations of this chapter other than the violation of RSA 664:5-a and 5-b, and]~~ A person

liable under the provisions of this paragraph shall not also be subject to the penalties imposed under [paragraphs I, H and **paragraph IV**. Any person who [otherwise] violates any provision of this chapter shall be guilty of a misdemeanor if a natural person or shall be guilty of a felony if any other person.

10 Nominations; Incompatible Offices; Return of Fee. Amend RSA 655:10 to read as follows:

655:10 Incompatible Offices. No person shall file declaration of candidacy or primary petitions for nomination at the primary for incompatible offices. For the purposes of this section incompatible offices shall include the offices of governor, representative to the general court, state senator, and councilor. If any person shall file for such incompatible offices, the secretary of state shall advise the person of the provisions hereof and said person shall then advise the secretary of state which of said offices [he] **the person** wishes to retain in order to seek said nomination. If [a filing fee] **an administrative assessment** has been paid for a declaration of candidacy which [he] **the person** declines the fee shall be returned to [him] **the person**. No person shall seek or hold the position as a member of the general court and county commissioner at the same time. No person shall hold 2 of the offices mentioned in RSA 655:9 at the same time, and the acceptance of one of them shall be a resignation of the others.

11 Nominations; Posting Notice of Primary; Administrative Assessment. Amend RSA 655:12 to read as follows:

655:12 Posting Notice of Primary. Each city clerk shall distribute [~~such~~] **the notices required by RSA 655:11** to the ward clerks in [his] **the** city. Each town and ward clerk shall, within 10 days after the receipt of such notice, cause notice of such primary to be posted in 2 public places in [his] **the** town or ward. Such notice shall prescribe the hour the polls are to open and the hour before which they may not close as provided in RSA 659. It shall state the offices for which candidates are to be nominated, the delegates to be elected, and any questions to be voted on, as well as the location of the central polling place and of any additional polling places. It shall also state the date before which declarations of candidacy must be filed to place names upon the ballots to be used at such primary, the officers with whom they must be filed, the [fees] **administrative assessments** to be paid at the time of filing such papers, and the number of primary petitions which may be submitted in lieu of the [filing fees] **administrative assessments**.

12 Nominations; Filing: General Provisions; Fees and Petitions Deleted. Amend RSA 655:14 to read as follows:

655:14 Filing: General Provisions. The name of any person shall not be printed upon the ballot of any party for a primary unless [he] **the person** is a registered member of that party, [he] **the person** shall have met the age and domicile qualifications for the office he **or she** seeks at the time of the general election, [he] **the person** meets all the other qualifications at the time of filing, and [he] **the person** shall file with the appropriate official between the first Wednesday in June and the Friday of the following week a declaration of candidacy as provided in RSA 655:17[~~and~~

~~I. The appropriate filing fee as provided in RSA 655:19; or~~

~~H. The appropriate number of primary petitions as provided in RSA 655:20 and 655:22 and an assent to candidacy as provided in RSA 655:25].~~

13 Nominations; Administrative Assessment, Primary Petitions, and Nomination Papers. Amend RSA 655:19-c to read as follows:

655:19-c Administrative Assessment; Primary Petitions; Nomination Papers.

I. Candidates for governor, United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of candidacy shall pay the administrative assessment in paragraph I or file primary petitions as provided in paragraph III [~~in addition to the filing fee and primary petition requirements of RSA 655:19 and 655:20~~]. Candidates for governor, United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of intent shall pay the administrative assessment in paragraph I [~~in addition to the filing fee required by RSA 655:19~~] and shall meet the requirements of RSA 655:40-45 for nomination by nomination papers. [~~Neither the administrative assessment which is paid nor the primary petitions which are filed under this section, nor the nomination papers which must be submitted under RSA 655:41 and filed under RSA 655:43, shall be waived or refunded for a candidate for any of the offices listed in this section who, pursuant to RSA 664:5-a, voluntarily accepts the expenditure limitation set forth in RSA 664:5-b.~~] At the time of filing declarations of candidacy or declarations of intent, the administrative assessment shall be as follows:

- (a) For governor and United States senator, \$100.
- (b) For representative to Congress, \$50.
- (c) For executive councilor, \$25.
- (d) For state senator, \$10.
- (e) For county officer, \$10.
- (f) For state representative, \$2.

II. The administrative assessment paid to a town or city clerk by candidates for state representative shall be forwarded to the treasurer of the town or city and shall be for the use of the town or city. The administrative assessment paid to the secretary of state shall be deposited by ~~him~~ **the secretary of state** into the general fund.

III. Any person otherwise qualified to run for office who chooses not to pay the administrative assessment as prescribed in paragraph I may have his **or her** name printed on the primary ballot of any party by filing with the appropriate official the requisite number of primary petitions made by members of the party, together with one written assent to candidacy. The number of primary petitions to be filed for each office shall be as follows: for governor and United States senator, 200; for representative in Congress, 100; for executive councilor and county officer, 50; for state senator, 20; for state representative, 5. Candidates for delegate to the state convention shall not be required to submit any primary petitions.

14 Write-In Votes and Nomination; Filing Fees Deleted. Amend RSA 659:88, I(b) to read as follows:

(b) A person whose name was not printed anywhere on the official state primary election ballot, and who receives the nomination of a party by write-in vote in a primary election and wishes to accept the nomination, shall file a declaration of candidacy with the secretary of state no later than the second Monday after the primary. The declaration of candidacy shall be filed with the understanding that, where the form says "primary election," it shall be construed to mean "general election." [A person who files a declaration of candidacy under this section shall be subject to the requirements of RSA 655:19 and 655:19-b relative to filing fees. ~~The person may have the filing fee waived if he is unable to pay the fee by reason of indigency.~~] Such person shall not[~~however,~~] be required to pay the administrative assessment under RSA 655:19-c.

15 Repeal. The following are repealed:

- I. RSA 655:19, relative to filing fees.
- II. RSA 655:19-b, relative to waiver of filing fee and primary petitions.
- III. RSA 655:20, relative to primary petitions.
- IV. RSA 655:22, relative to number of petitions.
- V. RSA 664:4, II, relative to prohibited political contributions by partnerships.
- VI. RSA 664:5-a, relative to limitations on political expenditures.
- VII. RSA 664:5-b, relative to political expenditure limitation amounts.
- VIII. RSA 664:21, I-II, relative to campaign expenditure limitation penalties.

IX. 1998, 135, relative to waiver of filing fees and petitions for state candidates.

16 Effective Date. This act shall take effect January 1, 2002.

The signatures below attest to the authenticity of this Report on SB 95, an act relative to campaign contribution limits.

*Conferees on the Part
of the Senate*

- Sen. Roberge, Dist. 9
- Sen. Barnes, Dist. 17
- Sen. Francoeur, Dist. 14

*Conferees on the Part
of the House*

- Rep. Clegg, Hills. 23
- Rep. Arndt, Rock. 27
- Rep. Pappas, Hills. 48
- Rep. Clemons, Hills. 31

2001-1817-CofC

AMENDED ANALYSIS

This bill:

- I. Defines coordinated expenditures and changes the definition of independent expenditure.
- II. Modifies the reporting requirements for political committees and candidates and defines the content of mandatory campaign finance disclosure reports.
- III. Repeals the voluntary campaign expenditure limitation and filing fee provisions.

Senator Roberge moved adoption.

SENATOR FERNALD: I just wanted to speak briefly to let people know what is going on with this Committee of Conference Report. The Senate took a position on this bill on a voice vote. The position was that we were going to lower the contribution limits for all of the offices that were below the governor, and we were going to put a maximum contribution amount on contributions to or from a PAC. That is what we sent to the House. The House Election Law Committee stripped out the whole bill and put in something else again. Then it went to Committee of Conference and what you see in the Committee of Conference Report, most of it was not in the House version or the Senate version. This Committee of Conference is recommending that we do away with the voluntary spending caps entirely, which were put in place about a dozen years ago. It also increases the maximum donation from \$1,000 to \$5,000. It does not retain any part of the Senate position. It is a huge change in our campaign finance laws. There have been no public hearings in either House or Senate on this huge change. If we are going to have this sort of discussion on whether we should get rid of the voluntary spending caps, let's have a real discussion and a real debate and let's have hearings, and let's talk about it. This is absolutely the wrong process. In my opinion,

it is the wrong way to go, as well. The voluntary spending caps, for the most part, worked. There was actually some good language in the House that would have tightened up the problem that we have where people taking the spending cap, but then they have independent spending done by somebody else, and then they evade the cap. They have some good ideas on how to plug that hole, which means that we should keep the spending caps and solve the problems, rather than just throw everything out and open it up to unlimited or almost unlimited spending. We had, I believe, last year, three Senate campaigns that raised \$75,000 or more, which means that they are raising it with a \$1,000 cap. If we adopt this Committee of Conference Report, we are going to have \$300,000 Senate campaigns next year. That is the wrong way for us to be going. All of that additional money is going to be coming from a very narrow segment of the population instead of having campaigns supported by the broad support among the people, the way that campaigns in the way that democracy should be. So I urge you to vote no on this Committee of Conference Report. Let's just kill this. We would have retained a campaign finance bill here in the Senate. We will work on the campaign finance law again next year. Let's kill this one. Thank you.

SENATOR WHEELER: We probably all received a letter from Representative Natalie Flanagan who has long been the most expert person on election law in the House. She reports that for the elections of 1992, 94, 96 and 98 that fewer than ten candidates out of the 1,400 in each cycle, did not agree to the voluntary spending cap. She goes on to say, "these are voluntary. Why are we not allowing candidates who wish to limit spending, the right to do so?" So I think that we should heed Representative Flanagan's wise advice and not adopt.

SENATOR BELOW: I rise in strong opposition to this Committee of Conference Report. This is the wrong direction. This is not campaign finance reform. It is campaign finance deformation. It gets rid of a concept which now U.S. Congressman, Charlie Bass forwarded when he was in this Senate, which is the simple idea that those candidates that wish to voluntarily limit their expenditures, could do so under a structure of the law. This gets rid of that. The voluntary expenditures are voluntary. Anybody that doesn't want to take them, and I did not take it last time, can spend whatever they want. This bill says that nobody has any voluntary limits. The notion of independent expenditures, which is redefined, becomes moot, because there are no spending limits, even for those who want to voluntarily have some. The idea of taking \$1,000 campaign contribution limit and making it \$5000 is just going to result in a radical escalation of campaign cost. People that can afford to give \$1,000, can often afford to give \$5,000. We will see those kind of contributions become the dominant contributions in our political system. It is the wrong way to go. I would urge the defeat of this Committee of Conference Report.

Question is on the adoption of the Committee of Conference Report.

A roll call was requested by Senator Hollingworth.

Seconded by Senator Cohen.

The following Senators voted Yes: Burns, Johnson, Boyce, Flanders, Roberge, Eaton, O'Hearn, Francoeur, Barnes, Prescott, Klemm.

The following Senators voted No: Gordon, Below, McCarley, Disnard, Fernald, Pignatelli, Larsen, Gatsas, O'Neil, D'Allesandro, Wheeler, Hollingworth, Cohen.

Yeas: 11 - Nays: 13

Committee of Conference report is not adopted.

2001-1849-CofC
10/09

Committee of Conference Report on SB 111-FN, an act extending the term for the payment of group health insurance premiums for certain retired members of the retirement system.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatories below attest to the authenticity of this Report on SB 111-FN, an act extending the term for the payment of group health insurance premiums for certain retired members of the retirement system.

*Conferees on the Part
of the Senate*
Sen. Francoeur, Dist. 14
Sen. Flanders, Dist. 7
Sen. Hollingworth, Dist. 23

*Conferees on the Part
of the House*
Rep. Dyer, Hills. 8
Rep. Zolla, Rock. 13
Rep. Poulin, Merr. 14
Rep. Drabinowicz, Hills. 36

Senator Francoeur moved adoption.

Adopted.

2001-1789-CofC
01/09

Committee of Conference Report on SB 118, an act relative to individual health insurance coverage.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 420-G:4, I(a)(2)(B) as inserted by section 2 of the bill by replacing it with the following:

(B) The maximum differential due to health status shall be 1.5 to 1 and the maximum differential rate due to tobacco use shall be 1.5 to 1. Rate limitations based on health status do not apply to rate variations based on an insured's status as a tobacco user.

Amend RSA 404-G:5-e as inserted by section 10 of the bill by replacing it with the following:

404-G:5-e Eligibility.

I. An individual who is a New Hampshire resident shall be eligible for coverage through the high risk pool if:

(a) The individual has applied to a carrier of individual health insurance for coverage that is substantially similar to the coverage that is available through the pool, and the carrier has refused to write or issue that coverage to that individual because of his or her health or medical condition;

(b) The individual has applied to a carrier of individual health insurance for coverage that is substantially similar to the coverage that is available through the pool, and such application has been accepted, but at a premium rate exceeding the rate available through the pool;

(c) The individual has a history of any medical or health condition that is on a list adopted by the association, or

(d) The individual is an "eligible individual" as defined in section 2741(b) of the Public Health Service Act.

II. The association shall promulgate a list of medical or health conditions for which a person shall be eligible for plan coverage without applying for health insurance coverage. Persons who can demonstrate the existence or history of any medical or health conditions on the list promulgated by the association shall not be required to provide evidence of a notice of rejection or refusal. The list shall be effective on the first day of the operation of the pool and may be amended from time to time as may be appropriate.

III. Each resident dependent of a person who is eligible for pool coverage shall also be eligible for pool coverage. If the primary insured is a child, resident family members shall also be eligible for pool coverage.

IV. New Hampshire residents who are insured through an individual policy shall be eligible for pool coverage only if the rate assessed by the individual carrier exceeds the pool rate.

V. An individual shall not be eligible for coverage under the pool if:

(a) The individual is eligible for employer sponsored health coverage, including continuation of group coverage, as either an employee or an eligible dependent; or

(b) The individual is eligible for publicly funded health insurance coverage, including Medicare, Medicaid or Title XXI; or

(c) The individual's premiums are paid for or reimbursed by the health care provider, except if the person is an "eligible individual" as defined in section 2741(b) of the Public Health Service Act.

VI. Coverage shall cease:

(a) On the date a person is no longer a resident of this state;

(b) On the date a person requests coverage to end;

(c) Upon the date a person dies;

(d) On the date state law requires cancellation of the policy; or

(e) After the second of 2 successive inquiries made by the plan concerning the person's eligibility or place of residence to which the person does not reply provided the person has 90 days to respond to each inquiry.

Amend the bill by replacing sections 16 and 17 with the following:

16 New Section; Healthy Kids Corporation Expanded. Amend RSA 126-H by inserting after section 6 the following:

126-H:6-a Healthy Kids Subcommittee Established.

I. The department of health and human services shall work with a subcommittee that is comprised of appropriate members of the board and that includes other members as follows:

(a) One member appointed by the New Hampshire Medical Society.

(b) One member appointed by the New Hampshire Nurses Association.

(c) One member appointed by the Home Care Association of New Hampshire.

(d) One member from a community health center appointed by the Bi-State Primary Care Association.

(e) One member appointed by the New Hampshire HMO Association.

(f) One member appointed by the University of New Hampshire School of Health and Human Services.

(g) Two consumers appointed by the governor and council.

II. The members appointed pursuant to subparagraph I(g) shall be appointed to a 2-year term.

III. The subcommittee shall:

(a) Review information on the characteristics of New Hampshire's uninsured population, based on the results of the New Hampshire Health Insurance Coverage and Access Survey.

(b) Identify, based on the Health Insurance Coverage and Access Survey, the population groups and geographic areas that are most appropriately targeted.

(c) Examine models for affordable health coverage, including models from other states.

(d) Identify options that would be most effective.

(e) Develop cost projections for those options.

(f) Research the level of premium contributions that eligible individuals would be willing to pay.

(g) Identify potential sources of funding.

IV. The subcommittee shall elect annually from among the members a chairperson. The first meeting of the subcommittee shall be called by the commissioner of health and human services. The department of health and human services shall provide administrative staff support. The department of health and human services and the corporation shall jointly seek funding to support the subcommittee's work.

V. The subcommittee shall make an annual report relative to its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library beginning November 1, 2002.

17 Purpose and Scope of Healthy Kids Corporation Expanded. Amend RSA 126-H:2 to read as follows:

126-H:2 Corporation Established. There is hereby created a body politic and corporate having a distinct legal existence separate from the state and not constituting a department of state government, to be known as the New Hampshire healthy kids corporation to carry out the provisions of this chapter. The corporation is hereby deemed to be a public instrumentality and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be the performance of public and essential governmental functions of the state. ~~[The corporation shall operate at no more than 5 pilot sites to be designated by the corporation, which sites may include multiple school districts.]~~ The corporation shall be a private nonprofit corporation and shall have all the powers necessary to carry out the purposes of this chapter, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source, contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of this chapter. Notwithstanding any other provision of law, any payments made by the corporation for insurance coverage for children under this chapter, either directly or indirectly, shall be exempt from the premium tax under RSA 400-A:32.

The signatures below attest to the authenticity of this Report on SB 118, an act relative to individual health insurance coverage.

*Conferees on the Part
of the Senate*

Sen. Francoeur, Dist. 14

Sen. Burns, Dist. 1

Sen. D'Allesandro, Dist. 20

*Conferees on the Part
of the House*

Rep. Hunt, Ches. 10

Rep. Martha Fuller Clark, Rock. 36

Rep. Marshall Quandt, Rock. 20

Rep. Francoeur, Rock. 22

2001-1789-CofC

AMENDED ANALYSIS

This bill establishes the health insurance risk pool for the purposes of individual health insurance coverage.

This bill also updates the mission statement of the healthy kids corporation and places the healthy kids subcommittee into the statutes.

Senator Francoeur moved adoption.

Adopted.

2001-1759

01/10

Committee of Conference Report on SB 119, an act relative to small group health insurance coverage.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 2 with the following:

3 New Paragraph; Limited Open Enrollment; Certain Small Employers. Amend RSA 420-G:8 by inserting after paragraph I the following new paragraph:

I-a. Small employers who are self-employed individuals shall have 2 open enrollment periods that shall occur during the months of March and September of each calendar year. During these periods, health carriers shall make their plans available to these employers for effective dates beginning on the first day of the month following the open enrollment period. Self-employed individuals who seek coverage during other times of the year shall be treated as late enrollees.

4 Effective Date.

I. Section 3 of this act shall take effect July 1, 2002.

II. The remainder of this act shall take effect 60 days after its passage.

The signatures below attest to the authenticity of this Report on SB 119, an act relative to small group health insurance coverage.

*Conferees on the Part
of the Senate*

Sen. Francoeur, Dist. 14

Sen. Burns, Dist. 1

Sen. D'Allesandro, Dist. 20

*Conferees on the Part
of the House*

Rep. Hunt, Ches. 10

Rep. M. Fuller Clark, Rock. 36

Rep. Herman, Hills. 13

Rep. Francoeur, Rock. 22

Senator Francoeur moved adoption.

Question is on the adoption of the Committee of Conference.

A roll call was requested by Senator Hollingworth.

Seconded by Senator Fernald.

The following Senators voted Yes: Burns, Gordon, Johnson, Boyce, Below, McCarley, Flanders, Disnard, Roberge, Eaton, Fernald, O'Hearn, Pignatelli, Francoeur, Larsen, Gatsas, Barnes, O'Neil, Prescott, D'Allesandro, Wheeler, Klemm, Hollingworth, Cohen.

The following Senators voted No:.

Yeas: 24 - Nays: 0

Adopted.

2001-1700-CofC

08/01

Committee of Conference Report on SB 130-FN, an act extending the period in which an expired electrician's license may be renewed.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

The signatures below attest to the authenticity of this Report on SB 130-FN, an act extending the period in which an expired electrician's license may be renewed.

*Conferees on the Part
of the Senate*

Sen. Prescott, Dist. 19

Sen. O'Neil, Dist. 18

Sen. Francoeur, Dist. 14

*Conferees on the Part
of the House*

Rep. Poulin, Merr. 14

Rep. C. Hall, Hills. 18

Rep. Dyer, Hills. 8

Rep. Schulze, Hills. 33

Senator Prescott moved adoption.

Adopted.

2001-1687-CofC

05/10

Committee of Conference Report on SB 139, an act relative to uniform electronic transactions.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 3 with the following:

4 Contingency. If HB 745 of the 2001 legislative session becomes law, then section 2 of this act shall not take effect. If HB 745 of the 2001 legislative session does not become law, then section 2 of this act shall take effect 60 days after its passage.

5 Effective Date.

I. Section 2 of this act shall take effect as provided in section 4.

II. The remainder of this act shall take effect 60 days after its passage.

The signatures below attest to the authenticity of this Report on SB 139, an act relative to uniform electronic transactions.

*Conferees on the Part
of the Senate*

Sen. Boyce, Dist. 4
Sen. Gordon, Dist. 2
Sen. D'Allesandro, Dist. 20

*Conferees on the Part
of the House*

Rep. Hunt, Ches. 10
Rep. L. Fraser, Merr. 9
Rep. M. Fuller Clark, Rock. 36
Rep. Langley, Rock 24

Senator Boyce moved adoption.

Adopted.

**2001-1737-CofC
05/01**

Committee of Conference Report on SB 148, an act relative to certain penalties for violations of the youth tobacco laws.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing sections 1 - 4 with the following:

1 Sale and Distribution of Tobacco Products to Minors Prohibited; License Revocation. Amend RSA 126-K:4, II to read as follows:

II. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed \$250 for the first offense and \$500 for the second offense. For the third offense, the commission shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from \$500 to \$1500. In addition, the license to sell tobacco products of the manufacturer, wholesaler, sub-jobber, vending machine operator, or retailer where the offense occurred shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commission shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from \$ 750 to \$3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the commission shall revoke any license *for the business or business entity at the location where the infraction occurred or any principal thereof for a period of one year from the date of revocation. The commission shall determine the level of the violation by reviewing the licensee's record and counting violations that have occurred within 3 years of the date of the violation being considered.*

2 Distribution of Free Samples of Tobacco Products to Minors; License Revocation. Amend RSA 126-K:5, III to read as follows:

III. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed \$250 for the first offense and \$500 for the second offense. For the third offense, the commission shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from \$500 to \$1,500. In addition, the sampler's license shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commission shall issue either an administrative fine and a suspension of a minimum

of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from \$750 to \$3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the commission shall revoke any license *for the business or business entity at the location where the infraction occurred or any principal thereof for a period of one year from the date of revocation. The commission shall determine the level of the violation by reviewing the licensee's record and counting violations that have occurred within 3 years of the date of the violation being considered.*

3 Youth Access to Tobacco Products; Special Provisions; Penalty Provisions Amended. Amend RSA 126-K:8, IV to read as follows:

IV. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed \$250 for the first offense and \$500 for the second offense. For the third offense, the commission shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from \$500 to \$1,500. In addition, the license to sell tobacco products of the manufacturer, wholesaler, sub-jobber, vending machine operator, or retailer where the offense occurred shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commission shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from \$750 to \$3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the commission shall revoke any license for the business or business entity *at the location where the infraction occurred or any principal thereof for a period of one year from the date of revocation. The commission shall determine the level of the violation by reviewing the licensee's record and counting violations that have occurred within 3 years of the date of the violation being considered.*

4 Vending Machines; License Revocation. Amend RSA 78:12-d, VII to read as follows:

VII. Violations of this section shall be civil infractions punishable by administrative action by the commissioner against the licensee. Fines for violations of paragraphs I-V shall be no more than \$100 for a first offense and no more than \$200 for a second offense. For the third offense, the commissioner shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from \$500 to \$1,500. In addition, the license to sell tobacco products shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commissioner shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from \$750 to \$3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the commissioner shall revoke any license *for the business or business entity at the location where the infraction occurred or any principal thereof for a period of one year from the date of revocation. The commission shall determine the level of the violation by reviewing the licensee's record and counting violations that have occurred within 3 years of the date of the violation being considered.*

The signatures below attest to the authenticity of this Report on SB 148, an act relative to certain penalties for violations of the youth tobacco laws.

*Conferees on the Part
of the Senate*

Sen. Roberge, Dist. 9
Sen. Fernald, Dist. 11
Sen. Prescott, Dist. 19

*Conferees on the Part
of the House*

Rep. Hunt, Ches. 10
Rep. Fraser, Merr. 21
Rep. Belanger, Rock. 26
Rep. Batchelder, Ches. 2

SENATOR WHEELER: Senate Bill 148 reflects a great deal of hard work on the part of both of the Senate Judiciary Committee and the House Commerce Committee, and the Committee of Conference. I am very excited about it. The reason that we were here to begin with is that we had a drafting error last year. So for any of you that were following along in the House record, the blurb is incorrect. Just for the permanent record, I want to make sure that we understand that in the report that we are adopting, we are changing the language in all four sections of the law that apply to youth access to tobacco. The blurb says, 'three laws' instead of four sections of the law. I just want to clarify that for the future legislative history. It is drafted correctly, it is just that the blurb is inaccurate.

Senator Roberge moved adoption.

Adopted.

**2001-1827-CofC
04/10**

Committee of Conference Report on SB 164-FN-A-LOCAL, an act establishing a comprehensive statewide accountability system concerning an adequate education.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 Statement of Purpose. The general court finds that in order to ensure a balance between education improvement and assessment and an adequate public education, it is necessary to establish a comprehensive, statewide educational accountability system that shall include:

I. Statewide performance goals for all pupils.

II. Statewide systematic measurement of school performance at the state and local levels using multiple valid measures.

III. Reporting on pupil performance at the school, school district, and state levels.

IV. The development, implementation, and evaluation, with broad input from community teams, of local education improvement and assessment plans designed to meet state goals and other criteria for making progress, and any performance goals developed locally to meet identified educational needs.

V. The opportunity for schools that are not making satisfactory progress toward statutory performance goals to receive assistance from the state.

2 New Chapter; School Performance and Accountability. Amend RSA by inserting after chapter 193-F the following new chapter:

CHAPTER 193-G

SCHOOL PERFORMANCE AND ACCOUNTABILITY

193-G:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of education.

II. "Department" means the department of education.

III. "NHEIAP" means the New Hampshire education improvement and assessment program as established under RSA 193-C.

193-G:2 Statewide Performance Goals. A school should meet, exceed, or make satisfactory progress as defined in this section, for each of the following performance goals:

I. All pupils should, at a minimum, perform at grade level on the reading component of the statewide assessment administered in grade 3 pursuant to RSA 193-C:3.

(a) For pupils with disabilities who qualify for the alternate version of the statewide assessment, performance at the adequate level shall be based on the communication component of the alternate assessment.

(b) For pupils whose native language is other than English and whose English language reading ability prevents them from participating in the statewide assessment, school districts, in conjunction with the department, should make a reasonable effort to provide an alternate assessment of each pupil's reading ability in the pupil's native language. If an alternate assessment is provided, the school district shall report pupil performance to the department of education for inclusion in school, district, and state third grade reading reports. If it is not feasible to administer the assessment in the pupil's native language, then the pupil may be excused from the assessment.

II. Pupils should, at a minimum, perform at the basic and above levels in the designated academic areas assessed on the statewide tests administered at the following grades in accordance with RSA 193-C at the following rates:

(a) 70 percent in English language arts in grade 3.

(b) 70 percent in mathematics in grade 3.

(c) 70 percent in English language arts in grade 6.

(d) 70 percent in mathematics in grade 6.

(e) 55 percent in science in grade 6.

(f) 65 percent in social studies in grade 6.

(g) 70 percent in English language in grade 10.

(h) 60 percent in mathematics in grade 10.

(i) 55 percent in science in grade 10.

(j) 50 percent in social studies in grade 10.

(k) The most recent 3-year rolling averages shall be used to determine if a school is meeting the academic-area statewide assessment performance goals that apply to it, except that if 3-year rolling averages are not available for a particular school, either 2-year averages or, if 2-year averages are not available, a single year's data shall be used for this purpose.

III. Pupils should, at a minimum, attend school at the following rates:

(a) 95 percent for elementary schools.

(b) 94 percent for middle schools and junior high schools.

(c) 92 percent for high schools.

(d) The appropriate grade-range attendance rate collected by the department at the district level shall be used as the school attendance rate in districts that have multiple schools at a particular grade range.

IV. The percentage of pupils who drop out of school annually should not exceed the following rates:

(a) 0.5 percent for middle schools and junior high schools.

(b) 5 percent for high schools.

(c) The department shall calculate and report the annual dropout rate as a percentage based on the reported number of pupils who dropped out of school and did not return during a one year period as compared to the total school population.

V. The percentage of graduating pupils who go on to post-secondary education or military service should be at least 66 percent.

VI. Each school shall comply with the applicable standards for school approval adopted by the state board pursuant to RSA 21-N:9, I.

VII. "Satisfactory progress" means that for each school, the most recent 3-year rolling average shall be an improvement over the prior year's 3-year rolling average, except that if a 3-year rolling average is unavailable for a particular school, either a 2-year average or, if a 2-year average is unavailable, 2 adjacent year's data shall be used for this purpose. The use of a 3-year rolling average shall not be required for the first 2 years in which satisfactory progress is being measured.

VIII. On May 1, 2005, and annually thereafter, the commissioner shall determine if a school has demonstrated that it is making satisfactory progress toward, or has met or exceeded the performance goals established in this section. The criteria to be used to determine if a school is making satisfactory progress shall be established as follows:

(a) Not later than May 1, 2002, and every 3 years thereafter, based on generally accepted statistical procedures, the commissioner in conjunction with the state board of education shall determine and publish the criteria for making satisfactory progress in each of the areas established in paragraphs I-V. In making these determinations, consideration shall be given to the effect of school and grade-level enrollments and other relevant demographic data on the validity and comparability of the data collected and, to the extent feasible, the performance of discrete subgroups of pupils, including pupils with disabilities, limited English proficient pupils, and low income pupils.

(1) Satisfactory progress in meeting the reading performance goal established in paragraph I shall be based on the average of the mean-scaled scores obtained on the reading component of the grade 3 statewide assessment administered in accordance with RSA 193-C:3, IV(i). If a primary school does not include grade 3, then reading performance shall be based on the performance of the pupils from that school who attend grade 3 in the elementary school attended by the majority of the pupils from said primary school.

(2) Satisfactory progress in meeting the NHEIAP performance goals established in paragraph II shall be based on the mean-scaled scores obtained in the academic areas assessed at each grade level. If a school does not include a grade assessed in NHEIAP, then NHEIAP performance shall be based on the performance of the pupils from that school who attend the next highest NHEIAP grade level assessed in the school attended by the majority of the pupils from the school that does not include a grade assessed in NHEIAP.

(3) Satisfactory progress in meeting the performance goals established in paragraphs III-V shall be based on the rolling 3-year averages of performance in these areas.

(b) A school shall be considered to be making satisfactory progress in meeting the school approval standards specified in paragraph VI, if it either has been conditionally approved or granted a delay in full compliance by the state board.

IX. On May 1, 2005, and annually thereafter, the commissioner shall compile and disseminate to the governor and council, the general court, the state board, local school board chairpersons, superintendents of schools, school principals, and the public, a list of schools that are not making satisfactory progress in meeting the statewide performance goals set forth in RSA 193-G:3.

X. No later than January 1, 2006, and every 3 years thereafter, the state board shall submit to the education committees of the house and senate a report outlining the results of the state board's review of the performance goals established in paragraphs I-VI together with any recommendations to the general court for changes in these goals that have been adopted by a majority of the state board. In conducting its review, the state board shall consider the statistical validity and comparability of using additional performance data collected at the school and district levels.

193-G:3 Aid to Schools.

I. A school district that is unable to meet or make satisfactory progress toward the statewide performance goals in RSA 193-G:2 may request assistance from the department of education, including financial assistance from the local education improvement assistance program established in RSA 193-G:4, for any school within the district. If a school district that is unable to make satisfactory progress toward meeting the statewide performance goals in RSA 193-G:2 does not request assistance, the department of education may initiate such review as it deems appropriate and, on the basis of such review, offer its assistance to the school district, but the school district shall not be required to accept such assistance.

II. A school district may request up to 3 years of assistance. A detailed plan and budget shall be submitted to the department of education. The department may offer aid in developing the plan and budget.

III. If a school district specified on the list required under RSA 193-G:2, IX has not submitted a request for assistance then, in a town, a warrant article may be presented to the school district governing body, in accordance with applicable statutory requirements in effect in the town for the petitioning of a warrant article, or, if in a city maintaining a school department within its corporate organization, a resolution may be offered to the governing body in accordance with applicable statutory requirements in effect in the city for offering a resolution, to direct the school district governing body to submit a request for assistance pursuant to this section. If a majority of the legislative body in the city or town votes in favor of requesting assistance, then that assistance shall be requested and provided in accordance with RSA 193-E:6.

IV. The department of education shall evaluate and approve proposals based on their efficacy, as determined by a cost-benefit analysis, and the extent to which school district revenues are insufficient to implement the proposed activity without adverse educational consequences.

V. Until the publication of the list pursuant to RSA 193-G:2, IX, a school district may request assistance from the department, including financial assistance from the local education improvement assistance program established in RSA 193-G:4, for any school within the district.

VI. Priority shall be given to lower-performing schools.

193-G:4 State Assistance to Local School Districts; Education Improvement Fund Established.

I. There is hereby established an education improvement fund in the department of education for the purpose of providing assistance to local school districts. This fund shall be non-lapsing and shall be administered by the department. For the biennium beginning July 1, 2001 and ending June 30, 2003, the sum of \$2,500,000 shall be transferred from the education trust fund to the education improvement fund. In order to satisfy this obligation, the governor is authorized to draw a warrant from the education trust fund to satisfy the provisions of this paragraph.

II.(a) The department is authorized to use the amount transferred to the education improvement fund for the following purposes within the following expenditure limits:

(1) For the biennium ending June 30, 2003, an amount not to exceed \$500,000 to implement and administer the pupil achievement assessment pilot program established in this act.

(2) For the biennium ending June 30, 2003, an amount not to exceed \$225,000 to collect, analyze, and report the demographic and educational improvement data.

(3) For the biennium ending June 30, 2003, an amount not to exceed \$275,000 to implement and administer the grade 3 reading assessment program set forth in RSA 193-C:3, IV(i).

(4) For the biennium ending June 30, 2003, an amount not to exceed \$75,000 for contracted assistance to study the capacity of the department of education to provide support to local schools.

(5) For the biennium ending June 30, 2003, an amount not to exceed \$780,000 to assist local school staff with the analysis and use of school performance data, and to implement local educational improvement and assessment plans.

(6) For the biennium ending June 30, 2003, an amount not to exceed \$645,000 for providing grants to school districts, provided that any amounts set forth in subparagraphs (a)(1)-(a)(5) which are unexpended as of June 30, 2003, shall be used by the department to make grants to school districts under this section.

(b) For the biennium beginning July 1, 2001 and ending June 30, 2003, appropriations from the fund shall be authorized at the class level by the legislative fiscal committee and the governor and council. For the biennium beginning July 1, 2003, and each biennium thereafter, appropriations from the fund at the class level shall be included in and authorized as part of the department's biennial operating budget.

(c) Moneys transferred to the education improvement fund shall not be transferred, diverted, or used for any purpose not specified in this section.

193-G:5 Powers of the Department of Education and State Board of Education. Notwithstanding RSA 186:5, the powers of the department and the state board relative to school performance and accountability shall be limited to the provisions of RSA 193-G:1 - 193-G:4.

3 New Subparagraphs; Statewide Education Improvement and Assessment Program; Program Goals Amended. Amend RSA 193-C:3, IV by inserting after subparagraph (h) the following new subparagraphs:

(i) At the end of grade 3, to determine if pupils are reading at grade level on a standardized reading test to be chosen by the department with the approval of the state board of education.

(j) At the school, district, and state levels, to provide performance reports on specific subgroups of pupils as required by federal law and regulations, including performance reports on pupils with disabilities, educationally disadvantaged pupils, and vocational education pupils.

4 Pupil Achievement Assessment Pilot Program Established.

I. The department of education, in consultation with the state board of education and the school administrative unit superintendents, shall establish a 4-year pupil achievement assessment pilot program in 10 selected school districts which represent a cross section of the state for the school years 2001-2002 through 2004-2005. Participation in the pilot program shall be voluntary. The pilot program shall examine the use of standardized achievement tests for pupils in grades 4 through 9 in each of the selected pilot schools as well as other techniques to measure pupil achievement over time. The purpose of the pilot program is to identify multiple measures of pupil achievement and to analyze such data from those measures to assess the extent to which such data yields valid and comparable information on the average annual rate of gain or value-added. In addition, the program would provide for a so-called gains-based statistical analysis of data collected in years 2-4 of the program for each pupil, school, and district. Upon the collection of multiple years of data, an analysis of such data may be performed to measure the average gain or value-added to an individual pupil over the course of the measurement period.

II. After 3 years, the state board of education in conjunction with the legislative oversight committee established under RSA 193-C:7 shall evaluate the potential value of the information collected under the pilot program and consider the merits of the approaches used in the pilot program to determine whether such approaches may be used as additional or alternative methods of measuring educational achievement and success.

5 Reporting on Pupil Performance. RSA 193-E:3 is repealed and reenacted to read as follows:

193-E:3 Reporting on the Delivery of Education.

I. By August 1, 2001, and annually thereafter, each school district shall report to the department of education data at the school and district levels for the previous school year on the following indicators, provided however, that the department shall develop a reasonable schedule to phase-in the reporting of data that is not being collected systematically during school year 2000-2001:

(a) Numbers and percentages of pupils with disabilities, limited English proficient pupils, pupils in advanced placement programs, and pupils eligible for free or reduced-price meals.

(b) Pupil mobility rates calculated as the percentages of pupils who transfer into or out of a school each year. These percentages shall not include pupils who enter the school on opening day at the lowest grade in the school or pupils who leave the school upon completion of the highest grade in the school.

(c) Attendance and dropout rates.

(d) Performance on statewide tests administered pursuant to RSA 193-C:3, IV(i) including the percentage of pupils reading at grade level on the reading component of the grade 3 statewide educational assessment and performance on any other standardized tests administered at local option.

(e) Percentage of graduating pupils going on to post-secondary education and military service.

(f) Average class size for instructional purposes at the primary, intermediate, and secondary levels as of October 1.

(g) Number and percentage of educators teaching one or more courses outside of the educator's certification area and the percentage of all courses being taught by educators outside their certification area.

(h) Teacher and administrator turnover rates at the school and district levels.

II. By August 1, 2001, and annually thereafter, each school district shall report to the department of education data at the school and district levels for the previous school year any other data required by federal law on the same or similar subject matter specified in subparagraphs I (b) - (g) or for any of the subgroups set forth in subparagraph I (a).

III. The department of education, with the approval of the legislative oversight committee established in RSA 193-C:7, may implement and report data on any additional indicators deemed relevant to the purposes of this section.

IV. In order to reduce school districts' administrative time and costs, the department of education shall develop and utilize user-friendly, computer forms and programs to collect the data set forth in paragraph I as well as all enrollment and cost data related to determining the cost of an adequate education. The department shall request funds as part of its biennial operating budget to develop, update, and maintain the required forms and programs.

V. Not later than December 1, 2001, and annually thereafter, the department of education shall issue a public report on the condition of education statewide and on a district-by-district and school-by-school basis. This report shall be entitled "New Hampshire School District Profiles." It shall include demographic and pupil performance data including, but not limited to, district and school performance on state tests administered pursuant to RSA 193-C, all other data provided under paragraph I, as well as other relevant statistics as determined by the department of education. Comparisons with state averages shall be provided for data reported under subparagraphs I(a)-(h). Comparisons of each district and school to itself based on its own performance for the prior school year and its most recent 3-year rolling averages shall be provided for data reported under subparagraphs I(c)-(e). Statewide rankings of each district and school shall be provided for data reported under subparagraphs I(c)-(e), including a statewide ranking of each school and school district based on the percentage increase of improvement as compared with the same school district's performance in the previous year. The report shall be organized and presented in a manner that is easily understood by the public and that assists each school district with the identification of trends, strengths, and weaknesses and the development of its local school education improvement and assessment plan.

VI. Each school district shall provide an opportunity for public discussion of the report at a meeting of its governing body. The school district shall make the report available to the public at least 10 days prior to the meeting.

VII. No later than January 1, 2003, the department of education shall prepare and submit to the education committees of the house and senate a plan for collecting and evaluating data to determine the correlation between level of academic performance and such factors as pupils' gender, socioeconomic status, cost per pupil, class size, teacher qualifications, and use of various instructional strategies as well as an in-depth study of community members' perceptions of their involvement in edu-

cation and of important educational issues. The plan shall include an estimate of the costs to the department and local school districts of collecting, analyzing, and reporting the results of these studies.

6 Statewide Education Improvement and Assessment Program; Local Education Improvement and Assessment Plans. RSA 193-C:9, I is repealed and reenacted to read as follows:

I.(a) Each school district shall be responsible for coordinating the development and implementation of a local education improvement and assessment plan. The plan shall be evaluated and reviewed annually and shall be included in the school district's annual report. The development and implementation of the plan and the annual evaluation and review shall be carried out with input from administrators, teachers, parents, employers, and other community members. The plan shall be approved by the local school board no later than October 31, 2003. At a minimum, each plan shall identify and set forth objectives for the school or each school in the district to achieve, including:

(1) Objectives and annual benchmarks for improved pupil performance in each of the statewide performance goals.

(2) Local assessment measures which focus on individual student performance.

(3) The use of local and statewide assessment results to improve instruction and enhance student learning.

(4) Methods for reporting the results of all assessment measures.

(5) Strategies to promote family and community involvement.

(6) Procedures detailing how the school district budget reflects the goals of the plan.

(b) Each plan may include the following elements:

(1) Curriculum and proficiency standards.

(2) School and district performance goals based on reported data on educational indicators listed in paragraph II of this section.

(3) Procedures for aligning curriculum and instructional practices.

(4) Role of support services and programs.

(5) Role of instructional leadership.

(6) Staff supervision and evaluation and performance-based professional development.

(7) Pupil behavior and conduct codes.

(8) Provisions for addressing individual school needs.

7 Statewide Education Improvement and Assessment Program; Local Education Improvement and Assessment Plans. RSA 193-C:9, IV is repealed and reenacted to read as follows:

IV. The department of education shall develop a model local education improvement and assessment plan which can be used by school districts. The model plan shall:

(a) Identify and set forth objectives for the school or each school in the district to achieve, including objectives and annual benchmarks for improved pupil performance in each of the applicable areas in which statewide performance goals have been established.

(b) Identify areas where improvements are needed immediately.

(c) Specify how the school or each school in the district will work to make improvements in the combined performance of all pupils enrolled in a school as well as the performance of discrete subgroups of pupils, including pupils with disabilities, limited English proficient pupils, and low income pupils.

(d) Specify the methods and assessments to be used in addition to NHEIAP assessments for the annual evaluation and review of the plan,

including data to be collected, analyzed, and reported. This shall include the data specified in RSA 193-E:3, I as well as additional data determined locally.

8 Legislative Oversight Committee; Duties Amended. Amend RSA 193-C:8 to read as follows:

193-C:8 Duties of the Legislative Oversight Committee; Report. *The oversight committee shall:*

I. [The oversight committee shall review] Review the development and implementation of the program to ensure that they are in accordance with legislative policy. Implementation of the program shall be in conjunction with the committee's review.

II. Review all of the provisions of RSA 193-G and submit a report of such review every 2 years after the effective date of this section to the speaker of the house of representatives, the president of the senate, the governor, and the chairpersons of the house and senate education committees.

III. Prepare any legislation that is needed as a result of the review of the progress and results of the policies implemented under this chapter.

IV. Identify operational principles which should guide the work of the department of education in supporting improved school performance and accountability.

V. Analyze existing department of education programs and initiatives which support improved school performance and accountability and determine the necessity of enhancing such programs and initiatives, if deemed necessary.

9 School Money; Education Trust Fund Amended. Amend the introductory paragraph of RSA 198:39, I to read as follows:

198:39 Education Trust Fund Created and Invested.

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities' school districts pursuant to RSA 198:42, and to provide education property tax hardship relief under RSA 198:55, *and to fund the education improvement fund established in RSA 193-G:4.* The state treasurer shall deposit into [this] *the education trust* fund immediately upon receipt:

10 New Paragraph; State School Organization; State Board of Education Rulemaking Authority; Rules for Appeals. Amend RSA 186:8 by inserting after paragraph V the following new paragraph:

VI. Appeals from a school board on the matter of nonrenewal of teacher contracts, providing that the appeal to the state board of education shall be limited to the record developed at the school board hearing, except where the state board of education determines that new evidence is available which could not have been reasonably discovered at the time of the school board hearing and that such evidence may have materially affected the outcome of the school board hearing. In such cases, the state board of education shall render a final decision in the matter or remand it to the school board for a new hearing.

11 School Boards, Teachers; Teacher Renewal; Reference Amended. Amend RSA 189:14-a, II to read as follows:

II. Any teacher who has a professional standards certificate from the state board of education and who has taught for 3 consecutive years or more in any school district in the state shall, after having taught for 2 consecutive years in any other school district in the state, be entitled to all of the rights for notification and hearing in [~~paragraph I(b)~~] *paragraphs I(b), III, and IV of this section.*

12 New Paragraphs; School Boards, Teachers; Teacher Renewal; Nonrenomination Procedure. Amend RSA 189:14-a by inserting after paragraph II the following new paragraphs:

III. In cases of nonrenomination because of unsatisfactory performance, the superintendent of the local school district shall demonstrate, at the school board hearing, by a preponderance of the evidence, that the teacher had received written notice that the teacher's unsatisfactory performance may lead to nonrenomination, that the teacher had a reasonable opportunity to correct such unsatisfactory performance, and that the teacher had failed to correct such unsatisfactory performance. Nothing in this paragraph shall be construed to require the superintendent or the school board to provide a teacher with remedial assistance to correct any deficiencies that form the basis for such teacher's nonrenomination.

IV. In all proceedings before the school board under this section, the burden of proof for nonrenewal of a teacher shall be on the superintendent of the local school district by a preponderance of the evidence.

13 School Boards, Teachers; Review by State Board of Education. Amend RSA 189:14-b to read as follows:

189:14-b Review by State Board.

I. A teacher aggrieved by such decision may request the state board of education for review thereof. Such request must be in writing and filed with the state board within 10 days after the issuance of the decision to be reviewed. Upon receipt of such request, the state board shall notify the school board of the request for review, and shall forthwith proceed to a consideration of the matter. Such consideration shall include a hearing if either party shall request it. The state board shall issue its decision within ~~15~~ 30 days after the request for review is filed, and the decision of the state board shall be final and binding upon both parties. *A request for review under this section shall constitute the exclusive remedy available to a teacher on the issue of the nonrenewal of such teacher.*

II. The state board of education shall uphold a decision of a local school board to nonrenew a teacher's contract unless the local school board's decision is clearly erroneous.

14 Public Employee Labor Relations; Grievance Procedures; Nonrenewal of Teacher Contract not Subject to Binding Arbitration. Amend RSA 273-A:4 to read as follows:

273-A:4 Grievance Procedures. Every agreement negotiated under the terms of this chapter shall be reduced to writing and shall contain workable grievance procedures. *No grievance resulting from the failure of a teacher to be renewed pursuant to RSA 189:14-a, shall be subject to arbitration or any other binding resolution, except as provided by RSA 189:14-a and RSA 189:14-b. Any such provision in force as of the effective date of this section shall be null and void upon the expiration date of that collective bargaining agreement.*

15 Repeal. RSA 194:23-d, relative to state financial aid, is repealed.

16 Effective Date. This act shall take effect July 1, 2001.

The signatures below attest to the authenticity of this Report on SB 164-FN-A-LOCAL, an act establishing a comprehensive statewide accountability system concerning an adequate education.

*Conferees on the Part
of the Senate*

- Sen. O'Hearn, Dist. 12
- Sen. Prescott, Dist. 19
- Sen. Johnson, Dist. 3

*Conferees on the Part
of the House*

- Rep. Henderson, Rock. 20
- Rep. Ward, Graf. 1
- Rep. Colcord, Merr. 2
- Rep. Snyder, Straf 14

2001-1827-CofC**AMENDED ANALYSIS**

This bill establishes criteria for measuring school performance standards, requires the development of a local education improvement and assessment plan in each school district, defines satisfactory progress in school performance areas, and establishes an education improvement fund in the department of education which shall be funded by a transfer from the education trust fund in the amount of \$2,500,000 for the biennium ending June 30, 2003. The bill also clarifies the process for conducting hearings before local school boards on the issue of nonrenomination of teacher contracts and for the appeal of such nonrenomination decisions to the state board of education.

Senator O'Hearn moved adoption.

Senator McCarley moved to nonconcur with the Committee of Conference Report.

SENATOR MCCARLEY: Very briefly, because I know that everybody is tired, but I would like to try and get people to listen for just a minute if I could. This is the accountability bill that has been three years in the making. A lot of good things went into this Senate effort. Just to recap quickly for this Senate, we sent to the House an accountability bill that would have set up some state performance standards for students. It would have put in place a watch list for districts that were trying to get there and making satisfactory progress. It would have provided assistance to districts that were not, and committed \$6 million to that task. This was a voice vote out of this body. A very strong vote for school accountability. The House, frankly, had no position on accountability and had no bill on accountability. They put on a very, very weak version of accountability so that they could pretend to be playing this game. Then they put on a nongermane amendment to do with teacher nonrenewal. Now teacher nonrenewal is a serious, legitimate topic. It was introduced into legislation this spring. I would point out that this Senate, in my opinion, took a loud and clear position on teacher nonrenewal. That is, we said, we are not doing it this year. We said that because Senate leadership made a decision that we were not going to do teacher nonrenewal this year. I stress that repeatedly, Senate leadership made that decision because that bill never left Senate Education. Now for those of you who are unfamiliar with the teacher nonrenewal issue, it has also been a very long one. A very hard fought battle, trying to find some compromise. That is what went to the Committee of Conference. It was made very clear that the House members had only one thing in mind, teacher nonrenewal. I say that because we managed to get with a few compromises on our side, everything that we wanted in the Senate Bill, in terms of accountability. We had to give up what I thought was critical. I thought that it was critical that we were finally not mandating an accountability for the state of New Hampshire while we spent \$881 million. But I said, Okay, and I went along with my Committee Conferees. We backed off on that. I said that we needed the money, but we backed off on that. We backed it down by \$3 million - we cut it back. But when we go to the nonrenewal it was very clear that was all that the House was in this game for. I, in the interest of trying to deal with this issue when new language was brought forward, I brought forward what I thought was compromise language, which gutted out the shortest shrift that you can imagine in a Committee of Conference, for any interest in

doing anything. So I say, somehow or another, the Senate has slipped big time here. As painful as it is to me, I think that the Senate should be holdings it position now, at this late date, and vote this Committee of Conference report down. I would urge you to support a vote of non-support for the Committee of Conference. Thank you.

SENATOR O'HEARN: I rise in objection to not adopting this Committee of Conference Report. The accountability bill, as we all know, has taken a long, hard battle over the last few years. But so has the teacher nonrenewal process taken that same long, hard battle. Because the House so strongly believes that teacher nonrenewal is also a piece of accountability, because it makes our administrators accountable for who they hire. It makes our school boards accountable for the administrators that they hire. That this is so important to the House, that the accountability piece is so important to the House as well as to the Senate, that these two pieces are well connected. It is important that we get through this piece of legislation and accept the Committee of Conference report; therefore, I ask you to reject the nonadoption motion that was just made.

SENATOR DISNARD: Mr. President and members of the Senate, I hope that you don't get upset with me again. I wish to call your attention to Senate Standing Rule #17 (e) and (h) that deals with nongermane items on a Committee of Conference bill.

SENATOR O'HEARN: I rise to support its germaneness because if teacher accountably or teacher nonrenewal is in the House version of accountability, is it germane?

SENATOR D'ALLESANDRO: Just in answer to something that Senator O'Hearn said, I think that it should be clarified. I am a local school board member. My responsibility is to the people of Manchester who elected me to the school board. I have a responsibility to make sure that those schools are run properly. In case of hiring and firing, I accept that responsibility as a member of the board. I don't need to be responsible to the New Hampshire legislature. I am responsible to the voters of Ward 10 and the city of Manchester who made me a school board member. That is who I am responsible too. Every two years, they check me out to make sure that I am doing the right or the wrong thing. So to say that school board members should be responsible to the legislature, I think, is an over statement. We are local, elected officials. Elected by the people of the city that we represent. Thank you Mr. President.

Senator Fernald moved to divide the question.

Chair ruled that the Committee of Conference Report is nondivisible.

SENATOR MCCARLEY: If there is an absolute burning desire on the part of this Senate, to deal with teacher nonrenewal, and the fact that it should have been dealt with, which is alone, and by itself, you have got that chance, because you have already asked us to rerefer the bill to come back next spring. So I would suggest that somehow or another, the Senate would like to stand by its own position on this, which we gave away in this Committee of Conference, then we should vote to not adopt here and have your chance on teacher nonrenewal next spring, just like this body said that it wanted to do by its regular votes of rereferral every time that the bill tried to come out of Senate Education.

SENATOR BELOW: I rise in favor of the motion to not adopt this Committee of Conference Report. I think that Senator McCarley has an excel-

lent idea. We could deal with both the teacher tenure question and accountability if this doesn't go forward in the bill that has been rereferred to the Senate Education Committee. I would like to vote for this. The accountability provisions are pretty good. I would like to support some version of teacher tenure reform. The concept there is that there has been a trade off. We, by law, abrogate negotiated contracts by removing the right to binding arbitration that school boards agreed to once upon a time with teacher unions. The exchange of that is that we create a single right of appeal to the state Board of Education. The issue has been what is that standard? Is there a meaningful way for appeal? The standard in this version is clearly erroneous, which is not, as far as I know, not a standard that is established in law particularly, but it is a very, very narrow standard, meaning clearly erroneous. It allows a great deal of latitude, even to the point of politically motivated firings of teachers at the local level. We know that we have a growing teacher shortage problem. We know that we rank near last in the nation in the ratio of teacher salary to private sector salaries. This is just going to make it more difficult to retain good quality teachers. On the other hand, we do want to make it easy to get rid of bad quality teachers, which is why I think some sort of reasonable compromise, some reasonable standard for one appeal makes sense. I have heard language like 'clearly erroneous, abuse of discretion or unreasonable or clearly unreasonable' those are the kinds of standards that could be in here. But just to say "clearly erroneous" unfortunately, is just too one-sided and I think that we need to find a balance here to boot both accountability and the teacher tenure reform ahead. Thank you Mr. President.

SENATOR O'HEARN: I rise to ask this body not to accept the nonadopt measure. I also would like to explain to you what happened with the rerefer on the teacher tenure piece or the teacher nonrenewal piece. This has been a piece of legislation that has been through this body a number of times, in various forms. It went to rerefer thinking that we could reach some type of agreement in finding a compromise language. Every time that we have had compromise language, we can't get agreement. We can't find the terms that will make everybody happy. I remind you that this is a Committee of Conference Report, where we make a compromise and sometimes we have to give up on one thing to gain another. It is the ability of the two bodies to compromise to enable to move things forward. I don't believe that teacher tenure will, or teacher nonrenewal will move forward next year with a compromise language. "Clearly erroneous" is a term used in law. In fact, chairman John Lewis testified on the teacher nonrenewal bill. He stated that what he would do is to open a dictionary and take a look at what "clearly erroneous" means or "unjust" and "unreasonable means". "Clearly erroneous", according to the testimony from the bill that we had on teacher nonrenewal means, "a clear mistake". "Unreasonable means" the same thing in his mind. There was a clear agreement that should be deference made to the local school board process. That is how we set it up and everybody agreed to that, the union as well. "Everybody there," the words of Chairman Lewis. The words of our governor, "It does not serve our children who deserve only highly competent teachers. It does not serve teachers themselves, who deserve in a professional environment where they are surrounded by colleagues who strive for excellence. Teachers should have no expectation of lifetime tenure." With that, the committee was **TAPE CHANGE** the exact language passed by the House this year and in previous years related to teacher tenure reform. The conferees believe that school ac-

countability to work, all parties must be accountable. The key provisions of this section are identical in language to the teacher tenure reformed legislation endorsed by the Governor, the School Boards Association and the School Administrators Association when first presented and passed by the House by large margins. Since then, in the House, it is being passed by larger margins. It is important that these two pieces stay together. Without it, accountability that we see here, that the Senate sees so important, will not be what the House sees important. I remind you that this was a Committee of Conference Report. A compromised effort. I knew how important the teacher tenure, nonrenewal piece was in order to bring forward the Senate's pieces on accountability. I ask you to overturn the not adopt motion.

SENATOR BELOW: Senator O'Hearn, you said that all party's need to be held accountable. Will a local superintendent or school board be accountable if they terminate a teacher unjustly or unreasonably?

SENATOR O'HEARN: I would expect a local school board to act appropriately when a teacher is found to be removed unjustly. That there would be action taken against that superintendent.

SENATOR BELOW: But would the teacher have any right to appeal a decision based on the grounds that it is unjust or unreasonable to the state school board?

SENATOR O'HEARN: The process that is set in place, would be an appeal to the local school board, and appeal to the state board. Further appeal to the Supreme Court, District Court or the Discrimination Court. The only piece of appeal that was removed was from the Labor Relations Board.

SENATOR FERNALD: I think that there is general agreement on the accountability issue, because I am not going to speak on that. Our focus is on the teacher tenure or the teacher nonrenewal issue. It has been one that we have discussed for many years. I think that we all agree that the current teacher nonrenewal process is a bad process, that it needs to be changed. Under the current process, if you want to nonrenew a teacher, it goes to the school board, they have a full hearing, witnesses, lawyers, the whole nine yards. If the teacher loses, they can appeal to the state and they start all over again. More witnesses, more lawyers, and they end up getting two bites at the apple. That is the current process. It is too time-consuming, too expensive, we have got to change it. This is where we get into trouble. How do we change it? Again, we have agreed that it would be a positive change. You will see it in here in the Committee of Conference Report...that to nonrenew a teacher, the school has to first show that they warned the teacher, gave them a chance to fix the problem. Then it goes to the state board and it is not a new hearing with witnesses. You don't start over from the beginning. The state board will review what the school board did. They will look at the evidence, they will look at the witnesses and who came in and said what and listen to arguments, but they won't go start the whole thing over again. Then this is where we get down to the point, when they review, can the state board overturn the school board when the school board is unreasonable or is it when they are clearly erroneous? That is where we have been for three years. Now it has been suggested today, that there is no difference between "clearly erroneous" and "unreasonable". I will tell you that is not my understanding at all as a lawyer. I am surprised to hear that other lawyers have suggested that the two could be the same.

When we say "unreasonable" we mean you look at everything from the school board hearing. The evidence for, the evidence against, you look at it all in terms of credibility and weighing the evidence, and you figure out whether this was a proper decision. "Clearly erroneous" is a different standard. What that says is that if you can find justification for the school board decision, in the record, from the school board hearing, then it is upheld. So if there are two witnesses who say that this is a terrible teacher, and there are 20 witnesses that say that this is a great teacher, you have justification for the school board decision, because you have two people who said that they are a terrible teacher. If the other 20 said that this is politically motivated, it is because the superintendent's son didn't make it onto the baseball team or whatever it might be, the teacher still loses. That is why we have been fighting about this for three years. It is a critically important difference. If we do, "clearly erroneous" teachers will basically not have any right of appeal. Now your question might be, why should they have a right of appeal? The reason is because they are in a position where politics can play a part in the renewal of their contract. Most of the time these decisions can be made on merit, but there are going to be circumstances where people with an axe to grind, nothing to do with the quality of teaching, are going to try and get a teacher removed. The appeal process is their protection. When people say, we can't have unreasonableness as a standard, that it has to be something else. What they are saying is that we want to preserve the right of the school board to make unreasonable decisions. That is what we are saying when we insist that it be "clearly erroneous" instead of "unreasonable". I say to the school boards, I say to the superintendents, I say to those people who say that they are going to support this Committee of Conference Report, what do you have to fear about being reasonable?

Recess.

Out of Recess.

SENATOR MCCARLEY: I rise for a third and I am sure you all hope, final time. I will try to keep it brief. I understand that it is in the bag. I have just been told that, but you may not have been around me as long, Senator Barnes, I don't give up all that easy in terms of...I understood that the chair of the Senate Education Committee indicated that there was never going to be a compromise on nonrenewal. That is what I have just heard on this floor. I don't believe that. I believe that Senate leadership had every intention to try and work this out, so I am going to respectfully disagree with the Chair of Senate Education that there is no hope for working this out next spring. If I don't believe that, I have to believe some real bad things. I am not prepared to do that from Senate leadership. I think that we did compromise as a Senate on this bill. We compromised going from "shall" to "should" and that is not a small compromise after three years of accountability discussions when you are spending \$881 million. That was not a small compromise by the Senate Committee. We compromised on over \$3 million. That is not a small compromise. I don't think that we should be compromising because House leadership has something that they want. Let's deal with both of them again next spring. Do it right. Do it straight, like the Senate tries to do things, rather than this kind of thing, which I freely had members in this body admit to me, both sides of the aisle, that this was the wrong way to go about something this serious. So we have a chance to close off the day, I think, actually doing the right thing. Showing that we can

work together because there was good faith on nonrenewal to work together. I don't know when it got pulled, but it was wrong. We ought to come back and do this in the spring correctly. Thank you.

SENATOR O'HEARN: I rise to speak for the last time on this piece of legislation also. Teacher nonrenewal has been an issue that has been around here a lot longer than adequacy and accountability. Finding that there have been no reasonable efforts to bring people together on this particular issue, it is time to move forward. It is time to pass accountability for all people and start the final leg of the issue that deals with an adequate education that we have all wanted to put into legislation. Thank you.

SENATOR FERNALD: We have had this three year debate on teacher nonrenewal and the language in here is not some grand compromise. It is basically, giving the teachers no protection, nothing at all. If people had agreed that school boards should be reasonable in making these decisions, we would have passed this and gotten it all done two years ago. We would have gotten it done a year ago. We would have gotten it done this year, in this Senate, if people would agree that school boards should be reasonable. It is the insistence that school boards can be unreasonable that has led to the impasse for as long as it has been.

SENATOR WHEELER: Yes, I finally decided that I had to speak because I am really disturbed that we are going to vote on something as important as the issue of teacher tenure in such a manner as an amendment, in a Committee of Conference Report, when the bill hasn't been all the way through our body. Perhaps it is the only way that we will ever pass, is to do it this way, rather than having an independent full debate where the public is aware of the fact of what is happening, and our votes are taken specifically on this so that people know where we stand. Perhaps this is the only way to pass it, which is slipping it through, but it is the wrong way to do it. I am really kind of surprised that we would consider taking away local control, taking away power from the local school boards, the decisions that they have been making very well. There is no necessity for this part of the bill. It is certainly inappropriate to do it this way. For all of the people that stand up and talk about local control all of the time, this is eliminating it.

SENATOR COHEN: Senator Wheeler mentioned that this is the wrong way to do it. I wholeheartedly agree that this is the wrong way to do it. In addition, this, as you will note, is a violation of rule #26. You look at the people who are signed on as Senate Conferees, this is one of those cases. I think that we ought to think about the impact of doing that.

Question is on the motion to nonconcur with the Committee of Conference Report.

A roll call was requested by Senator McCarley.

Seconded by Senator O'Hearn.

The following Senators voted Yes: Below, McCarley, Disnard, Fernald, Pignatelli, Larsen, O'Neil, D'Allesandro, Wheeler, Hollingworth, Cohen.

The following Senators voted No: Burns, Gordon, Johnson, Boyce, Flanders, Roberge, Eaton, O'Hearn, Francoeur, Gatsas, Barnes, Prescott, Klemm.

Yeas: 11 - Nays: 13

Motion failed.

Question is on the adoption of the Committee of Conference Report.

A roll call was requested by Senator McCarley.

Seconded by Senator Barnes.

The following Senators voted Yes: Burns, Gordon, Johnson, Boyce, Flanders, Roberge, Eaton, O'Hearn, Francoeur, Gatsas, Barnes, Prescott, Klemm.

The following Senators voted No: Below, McCarley, Disnard, Fernald, Pignatelli, Larsen, O'Neil, D'Allesandro, Wheeler, Hollingworth, Cohen.

Yeas: 13 - Nays: 11

Adopted.

HOUSE MESSAGE

The House of Representatives refuses to accede to the request of the Senate for a new Committee of Conference on the following entitled Bill: **SB 69**, relative to a New Hampshire Legal Assistance office in Nashua and making an appropriation therefor.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a new Committee of Conference on the following entitled Bill:

HB 588, relative to examination of person called as jurors.

And the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Mock, Pratt, Jean, P. Woods

**2001-1860-CofC
09/01**

Committee of Conference Report on HB 588, an act relative to examination of persons called as jurors.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 Superior Court Jury Selection Pilot Program in Rockingham and Cheshire Counties. There is established a pilot program regarding the examination in civil cases of prospective jurors by judges and counsel. In addition to the provisions of RSA 500-A:12, the following provisions shall be incorporated into jury selection for civil cases in Rockingham county superior court and Cheshire county superior court:

I. The court shall instruct the panel of prospective jurors prior to jury selection as to:

(a) The nature and purpose of the selection process.

(b) The nature of the case to be presented.

(c) The specific issues for resolution.

(d) A summary of the law to be used in their consideration of the evidence.

(e) Any controversial aspects of the trial likely to invoke bias.

II. Counsel for each party shall be allowed a reasonable amount of time to address the panel of prospective jurors for the purpose of explaining such party's claims, defenses, and concerns in sufficient detail to prompt jury reflection, probing, and subsequent disclosure of information, opinion, bias, or prejudices which might prevent a juror from attaining the requisite degree of neutrality required.

III. The trial judge shall examine the prospective jurors. Upon completion of the judge's initial examination, counsel for each party shall have the right to examine, by oral and direct questioning, any of the prospective jurors in order to enable counsel to intelligently exercise both peremptory challenges and challenges for cause. During any examination conducted by counsel for the parties, the trial judge shall permit liberal and probing examination calculated to discover bias or prejudice with regard to the circumstances of the particular case. The fact that a topic has been included in the judge's examination shall not preclude additional non-repetitive or non-duplicative questioning in the same area by counsel.

IV. The scope of the examination conducted by counsel shall be within reasonable limits prescribed by the trial judge's sound discretion. In exercising his or her sound discretion as to the form and subject matter of voir dire questions, the trial judge shall consider, among other criteria, any unique or complex elements, legal or factual, in the case and the individual responses or conduct of jurors which may evince attitudes inconsistent with suitability to serve as a fair and impartial juror in the particular case. Specific unreasonable or arbitrary time limits shall not be imposed. The trial judge shall permit counsel to conduct voir dire examination without requiring prior submission of the questions unless a particular counsel engages in improper questioning. For purposes of this section, an "improper question" is any question which, as its dominant purpose, attempts to precondition the prospective jurors to a particular result, indoctrinate the jury, or question the prospective jurors concerning the pleadings or the applicable law. A court shall not arbitrarily or unreasonably refuse to submit reasonable written questionnaires, the contents of which are determined by the court in its sound discretion, when requested by counsel.

V. Each party shall have 5 peremptory challenges with which to remove prospective jurors.

VI. There shall be a voir dire review committee comprised of 2 members of the house of representatives, appointed by the speaker of the house, and 2 members of the senate, appointed by the president of the senate. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

VII. No later than December 1, 2003, the review committee shall report its findings on this program to the president of the senate, the speaker of the house, the governor, and the state library. The report shall include a recommendation to terminate, continue, or expand the program.

2 Repeal. Section 1, establishing the superior court jury selection pilot program in Rockingham and Cheshire counties, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect December 31, 2004.

II. The remainder of this act shall take effect January 1, 2002.

The signatures below attest to the authenticity of this Report on HB 588, an act relative to examination of persons called as jurors.

*Conferees on the Part
of the Senate*

Sen. Gordon, Dist. 2
Sen. Larsen, Dist. 15
Sen. Pignatelli, Dist. 13

*Conferees on the Part
of the House*

Rep. Mock, Carr. 3
Rep. J. Pratt, Ches. 2
Rep. L. Jean, Hills. 17
Rep. Woods, Straf. 11

2001-1860-CofC

AMENDED ANALYSIS

This bill establishes a pilot program in Rockingham county superior court and Cheshire county superior court to change the procedure in civil cases for the examination of prospective jurors.

SENATOR GORDON: I rise to explain to people what has occurred. A new Committee of Conference Report addresses the concerns that were presented by Attorney Reams. His concerns in particular had to do with Rockingham county and the fact that he is engaged in criminal matters. So there was a compromise position which developed, which said that this would only go forward on civil cases as opposed to criminal cases in Rockingham county. The House...that being the case, indicated that it would like to have another, perhaps smaller county to also provide additional input. So what we have done is, we have added, made this for a civil matters only and made it for Rockingham county and Cheshire county for the trial period. I just want to reaffirm to everybody, that this sunsets at the end of two years. It goes away, hopefully.

SENATOR BARNES: Senator Gordon, are you telling me that this takes care of Attorney Reams problem?

SENATOR GORDON: I can't speak for Attorney Reams. I am sure that Attorney Reams probably would rather not have it in Rockingham county altogether, but his immediate concerns are concerns with regard to his realm of responsibility, which are criminal matters. I would let Attorney Reams speak for himself as to what he thinks about that. Although I can tell you that he was a participant in the negotiations.

SENATOR BARNES: The negotiations that just took place?

SENATOR GORDON: These were the new Committee of Conference negotiations which took place in the hallway outside of the Senate Chambers.

SENATOR BARNES: He was involved with that?

SENATOR GORDON: He was involved with that. I think that...I don't see him up there in the gallery, but, if I could express his opinion as I understood his opinion, it was that the bill was much more to his preference, as long as criminal matters weren't in it, which is his area of responsibility. He still had concerns that Rockingham county was the county that was chosen only because it might have some impact indirectly, and that civil matters involve the same jury pool at times. But I think that his immediate concerns were assuaged.

SENATOR BARNES: Well, thank you. Living in Rockingham county, there are a few other folks, too, I would like to be able to say that I helped a county attorney.

SENATOR GORDON: Yes. If that is a question, I think the answer to that question is I think that he is much relieved from the time that he arrived here this morning.

SENATOR BARNES: Thank you.

SENATOR WHEELER: Senator Gordon, clearly it was my ignorance in which I made this assumption that there would be more simple cases then criminal cases. It would be more onerous on the part of the jurors who have to wait around for the civil cases than it would be for criminal cases. I must be misunderstanding this, but you have said that this is only gong to apply to civil cases?

SENATOR GORDON: This applies only to civil cases. Now I don't know what the ratio of civil cases is to criminal cases in Rockingham county. I know that in the counties were I practice, I suspect that there are more criminal cases, substantially more criminal cases than there are civil cases.

SENATOR WHEELER: Thank you.

Senator Gordon moved adoption.

Adopted.

2001-1701-CofC

10/01

Committee of Conference Report on SB 192-FN, an act relative to the issuance of high/medium voltage licenses by the electrician's board.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 192-FN, an act relative to the issuance of high/medium voltage licenses by the electrician's board.

*Conferees on the Part
of the Senate*

- Sen. O'Neil, Dist. 18
- Sen. Prescott, Dist. 19
- Sen. Francoeur, Dist. 14

*Conferees on the Part
of the House*

- Rep. Poulin, Merr. 14
- Rep. Schulze, Hills. 33
- Rep. Goulet, Hills. 15
- Rep. Clayton, Hills. 39

Senator O'Neil moved adoption.

Adopted.

2001-1825-CofC

10/09

Committee of Conference Report on SB 197-FN, an act restructuring the judicial conduct committee as an independent judicial conduct commission and making an appropriation therefor.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

1 Intent. This act implements the recommendations of the Task Force for the Renewal of Judicial Conduct Procedures by restructuring the judicial conduct committee as an independent judicial conduct commission. The task force established the following 3 principles to guide the restructuring of the committee:

I. The judicial conduct committee should be completely independent of the New Hampshire court system and the other branches of government, and should be renamed the judicial conduct commission.

II. Members of the new judicial conduct commission should be appointed by several authorities: the governor, the senate president, the speaker of the house of representatives, the New Hampshire supreme court, and the president of the New Hampshire Bar Association.

III. In keeping with its independent status and an accompanying need for vigorous professionalism in the management of its work, the new commission must be free to hire staff and maintain its separate office.

2 Statement of Purpose. In order to maintain a healthy democracy, the legislature finds that it is vital that the citizens of New Hampshire have an independent commission able to adequately discipline the actions of judges who have breached the Code of Judicial Conduct. The general court recognizes that the judicial branch of government must act independently, in accordance with the New Hampshire constitution, in making its adjudicatory decisions. The legislature is mindful of the importance of the independence of each branch and believes that it has a duty under the constitution to insure that the judicial branch provides the citizens of New Hampshire fair, equal, impartial, and prompt justice. To meet its duty, the legislature establishes a judicial conduct commission.

3 New Chapter; Judicial Conduct Commission. Amend RSA by inserting after chapter 494 the following new chapter:

CHAPTER 494-A

JUDICIAL CONDUCT COMMISSION

494-A:1 Judicial Conduct Commission Established. A judicial conduct commission is hereby established which shall be completely independent of the New Hampshire court system and other branches of government. The commission shall be administered by an executive director, appointed under RSA 494-A:3.

494-A:2 Definitions. In this chapter:

I. "Commission" means the judicial conduct commission established under RSA 494-A:4.

II. "Executive director" means the executive director of the commission appointed under RSA 494-A:3.

III. "Judge" means supreme court justices under RSA 490:1; superior court judges under RSA 491:1; superior court marital masters; district court judges under RSA 502-A:3; and probate court judges, under RSA 547.

494-A:3 Executive Director; Appointment and Duties.

I. The commission shall select and appoint an executive director as the administrator of the commission. The executive director shall be appointed by majority vote of the commission after 30 days public notice and a public hearing. The executive director shall hold office for a term of 5 years. The executive director may be removed from office by vote of 2/3's of the commission. The executive director may be reappointed using the same procedure for appointment. The executive director shall be a non-classified state employee.

II. The executive director shall be the administrative head of the commission. The duties of the executive director shall also include:

(a) Employing and supervising commission staff, under RSA 494-A:17.

(b) Submitting an annual report to the governor, senate president, speaker of the house, and chief justice of the supreme court, by October 1 of each year, which details the performance of the commission for the preceding fiscal year. This report shall be a public document.

(c) Submitting budgets to be funded through general funds in the biennial operating budget.

(d) Acting as secretary for all commission meetings.

494-A:4 Commission Membership. The commission shall consist of the following 11 members:

I. Three judges, consisting of one judge or retired judge from each of the superior court, district court, and probate court, appointed by the chief justice of the supreme court with the concurrence of the majority of the supreme court members.

II. Two members appointed by the president of the New Hampshire Bar Association; one member to be approved by the governor and one member to be approved by the president of the senate and the speaker of the house.

III. Two public members who are not judges, attorneys, or elected or appointed public officials, appointed by the governor.

IV. Two public members who are not judges or attorneys, appointed by the senate president.

V. Two public members who are not judges or attorneys, appointed by the speaker of the house.

494-A:5 Terms of Office.

I. The initial terms of office shall be staggered as follows:

(a) For the members appointed under RSA 494-A:4, I, one member shall be appointed for 2 years, one member shall be appointed for 3 years, and one member shall be appointed for 4 years.

(b) For the members appointed under RSA 494-A:4, II, one member shall be appointed for 3 years and one member shall be appointed for 4 years.

(c) For the members appointed under RSA 494-A:4, III, one member shall be appointed for 3 years and one member shall be appointed for 4 years.

(d) For the members appointed under RSA 494-A:4, IV, one member shall be appointed for 2 years and one member shall be appointed for 3 years.

(e) For the members appointed under RSA 494-A:4, V, one member shall be appointed for 3 years and one member shall be appointed for 4 years.

II. After the initial appointment, a member may be reappointed for an additional term of 4 years. Members may not serve more than 2 consecutive terms. Members who have served 2 consecutive terms may not be reappointed until they have been off the commission for a period of 4 years.

III. Commission members shall serve without compensation for their services, but shall be reimbursed for necessary expenses incurred in the performance of their duties.

494-A:6 Vacancies.

I. A vacancy in the office of the commission occurs:

(a) At the expiration of a member's term.

(b) When a member ceases to hold the office, by submitting his or her resignation to the commission, or for some other reason.

(c) When a non-attorney or non-judge member becomes an attorney or judge.

(d) When an attorney member ceases to be a member of the New Hampshire bar, is elected or appointed to public office, or is appointed a judge.

(e) When a member ceases to be domiciled in New Hampshire.

(f) When removed by the commission as provided in RSA 494-A:16.

II. A vacancy shall be filled by the same appointing authority. The successor shall have the same qualifications as the person who is being replaced. If the vacancy results from other than expiration of the term, the successor shall hold office for the unexpired term.

494-A:7 Disqualification.

I. No member shall participate in any proceeding before the commission involving his or her conduct or in which he or she is a witness or is otherwise involved.

II. No member shall participate in any proceeding in which his or her impartiality might reasonably be questioned.

494-A:8 Numbers for Quorum and Action. Six members of the commission shall be a quorum. Six members shall be necessary to take routine action. A vote of 7 members shall be required to take or recommend any disciplinary action.

494-A:9 Election of Chairperson and Vice Chairperson. The members of the commission shall elect their own chairperson and vice chairperson.

494-A:10 Duties; Proceedings. The commission shall be responsible for addressing complaints concerning the conduct of judges in the courts of this state. The commission shall determine if a complaint constitutes conduct which violates the Code of Judicial Conduct. The commission shall adopt rules for its proceedings under this chapter. After notice and hearing, the commission may impose disciplinary actions with regard to a complaint by reprimand or censure. If the commission finds evidence of criminal acts, it shall report such evidence to the attorney general. If the commission finds that a judge's conduct warrants the removal of the judge, the commission shall refer the matter to the legislature.

II. The commission shall, by rules under RSA 494-A:12, adopt a Code of Judicial Conduct based on the Model Code of Judicial Conduct (August, 1990), as adopted by the House of Delegates of the American Bar Association on August 7, 1990.

494-A:11 Procedures for Complaints; Public Availability. The commission shall adopt rules of procedure to be followed in making its determinations which shall incorporate the following:

I. When a complaint is received by the commission, the commission shall determine if the complaint alleges a violation of the Code of Judicial Conduct. If the commission determines that the complaint on its face alleges no violation of judicial misconduct, the commission shall dismiss the complaint and respond to the complaining party, explaining the basis for its decision. If the commission determines that the complaint alleges a violation, the commission shall send a copy of the complaint to the judge and the judge shall have 21 days to respond in writing. There shall be no direct communications between the judge and the complaining party. Following the response from the judge, the commission shall send a copy of the response to the complaining party. The commission may also conduct such further investigation as it may deem necessary before ruling on the complaint. The commission shall, within 90 days of the first

meeting following receipt of the complaint, determine whether there is probable cause to believe that the judge has committed a violation of the Code of Judicial Conduct. If not, the complaint shall be dismissed. If so, the commission shall proceed to make a final determination as to whether a violation has occurred. In any event, the complaining party and the judge shall be informed of the ruling on probable cause along with a brief explanation of the basis of the decision.

II. After making a finding of probable cause, the commission shall conduct a public hearing before making a final determination. After probable cause has been found, the complaint, response, transcripts, findings, deliberations, and reports of actions taken shall be available to the public under the provisions of RSA 91-A. The exemption regarding internal personnel practices in RSA 91-A:5, IV shall be inapplicable to proceedings or documents under this paragraph relating to a complaint before the commission.

III. After notice and hearing, the commission may impose disciplinary actions with regard to a complaint by reprimand or censure. The commission may recommend that the supreme court suspend the judge.

IV. If the complaint referred to the commission alleges conduct that would constitute a crime, the commission chairperson shall immediately refer the matter to the attorney general. The referral of such a complaint to the attorney general shall not supersede the commission's jurisdiction relative to whether a violation of the Code of Judicial Conduct has occurred. However, the commission shall suspend its activities until the criminal proceedings, if any, are concluded.

V. In all cases, whether a complaint is dismissed or not, complaints received by the commission shall be made available to the administrative judge of the court in which the judge complained against holds office. Furthermore, all complaints against judges received by the administrative judges and other judges of the superior court, the district court, and the probate court shall be forwarded to the commission.

VI. The statute of limitations for any complaint shall be 3 years from the act which is the subject of the complaint or from the conclusion of the trial or appeal during which the act occurred, whichever is later.

494-A:12 Rules. The commission shall have the authority to adopt rules, after public notice and hearing, necessary to perform the objectives of this chapter. The commission shall employ the rules used by the supreme court on the effective date of this chapter as interim rules, to the extent that they are not inconsistent with this chapter. The commission shall adopt its own rules as soon as practicable which shall replace such interim rules, but in no event later than July 1, 2002. Prior to the adoption of any rule, or the amendment or repeal thereof, the commission shall publish or otherwise circulate notices of its intended action and afford interested parties the opportunity to submit comments either orally or in writing.

494-A:13 Subpoena Power. The commission shall have the powers of subpoena.

494-A:14 Appeals. An aggrieved party may appeal an order or decision of the commission to the supreme court, provided that such appeals shall be limited to consideration of matters of procedure and errors of law.

494-A:15 Funding. The commission shall prepare and administer its own budget, including funding for such items as staff, office space, and operating expenses. Funding shall be authorized by the legislature only from sources other than those appropriated for the judicial branch.

494-A:16 Removal. The chairperson, with the majority of the commission, may remove a member for cause, including unexcused absences or serious violations of a commission rule.

494-A:17 Staff and Facilities.

I. The executive director shall, with the approval of the commission, hire staff, which may include attorneys, investigators, and clerks, as may be necessary to carry out the duties of the commission. The executive director may contract for such temporary professional, administrative, and clerical services as deemed necessary by the commission. Full-time staff shall be nonclassified personnel who shall be entitled to state employee benefits.

II. The commission shall select office space, which shall be as independent as possible from other facilities of any branch of government.

4 Judicial Performance Evaluations. Amend RSA 490:32, II to read as follows:

II. The program for performance evaluation shall include, but shall not be limited to, ~~[review of records of the supreme court's committee on judicial conduct which are public records under supreme court Rule 40;]~~ a questionnaire, to be designed by the supreme court[;] and a self-evaluation form to be completed by the judge. The supreme court shall strive to achieve uniformity among court evaluation questionnaires, recognizing that the questionnaires for each court may differ due to the jurisdiction of the courts. Questionnaires shall be distributed to a representative sample of attorneys, parties, witnesses, jurors, court personnel, and others who have appeared before a judge during the evaluation period, for the purpose of evaluating the performance of the judge. The questionnaire shall include, but shall not be limited to, questions relative to the judge's performance, temperament and demeanor, judicial management skills, legal knowledge, attentiveness, bias and objectivity, and degree of preparedness. Completed forms shall be returned to the administrative judge, unsigned, within 30 days of issuance. All responses shall remain confidential.

5 Repeals. RSA 490:30, relative to the committee on judicial conduct, is repealed.

6 Date of Operation of Commission. All appointments to the judicial conduct commission shall be made prior to September 1, 2001. The initial meeting of the commission shall be called in September by the governor's first-appointed member of the commission. All necessary staffing of the judicial conduct commission shall be made prior to January 1, 2002. The commission's authority to act upon complaints shall commence on January 1, 2002.

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

8 Appropriation. The sum of \$125,000 for the fiscal year ending June 30, 2002 and the sum of \$250,000 for the fiscal year ending June 30, 2003 are hereby appropriated to the judicial conduct commission established by this act, for the purposes of the administration of the provisions of this act. The governor is authorized to draw a warrant for said sums out of any moneys not otherwise appropriated.

9 Effective Date.

I. Sections 1-4 and 6-8 of this act shall take effect July 1, 2001.

II. The remainder of this act shall take effect January 1, 2002.

The signatures below attest to the authenticity of this Report on SB 197-FN, an act restructuring the judicial conduct committee as an independent judicial conduct commission and making an appropriation therefor.

*Conferees on the Part
of the Senate*

Sen. Gordon, Dist. 2
Sen. Prescott, Dist. 19
Sen. Fernald, Dist. 11

*Conferees on the Part
of the House*

Rep. Mock, Carr. 3
Rep. Rowe, Hills. 14
Rep. Woods, Straf. 11
Rep. Wall, Straf. 9

2001-1825-CofC

AMENDED ANALYSIS

This bill restructures the judicial conduct committee as an independent judicial conduct commission. This bill also makes an appropriation to the commission.

Senator Gordon moved adoption.

Adopted.

TAKEN OFF THE TABLE

Senator Gordon moved to have **HB 748-FN-A-L**, revising the definition of an adequate education and revising the weighted pupil formula used to calculate the cost of an adequate education, taken off the table.

Adopted.

HB 748-FN-A-L, revising the definition of an adequate education and revising the weighted pupil formula used to calculate the cost of an adequate education.

Question is on the committee report of rerefer.

SUBSTITUTE MOTION

Senator Gordon moved to substitute ought to pass for rerefer.

SENATOR GORDON: I have a particular purpose and that is not necessarily to move the bill forward as it appears to you in its original form. What I am very much interested in doing is taking the contents of SB 138, which in large part became HB 351, which is a plan for educational funding, which we have had much discussion about. I would like the opportunity to send that possibly to the court to obtain an opinion in regard to its constitutionality because that is an issue which has been raised here in the Senate. So what I am going to ask you to do, if you would, is to vote ought to pass on the bill, which is the only way that it can be carried forward. Then what I will do is to offer an amendment which is...which was the old 138, which would replace the bill, and then I would like to put it back on the table, and have it there and available to send over to the court if you would concur. I would ask your indulgence and ask you to support the ought to pass motion.

SENATOR FERNALD: Is it urgent that we send it to the court? Is this a today thing?

SENATOR GORDON: No. I don't think that we are prepared with our question to ask the court to send it today. But it needs to be made available to do so. So my intention would be to send it as soon as possible, if it were up to me, but ultimately, it is up to this body to decide that.

SENATOR FERNALD: Where it is my understanding that bills on the table too long, eventually die, would we have an opportunity if we have a veto day or when would we have the opportunity to move this...to ask the question before the Supreme Court before it dies?

SENATOR GORDON: My understanding is that if we do have a veto day, it could be done at that time, or if we came back for a special purpose, it could be done at that time. For my preference, the sooner the better. I think that the answer to your question is, having explored this, ordinarily what we would do in a session, at the end of the session, we would pass a resolution basically killing all of the bills that are on the table. We haven't prepared or passed a resolution like that. So I believe that everything on the table is still alive, but for the fact that we haven't sent it over to the House and the House wouldn't accept it. If we specifically state that we are putting this on the table for the purpose of ultimately sending it to the court, it is my understanding that that preserves it and continues to make it available to us.

SENATOR FERNALD: Suspended in animation, huh?

SENATOR GORDON: Right.

Adopted.

Senator Gordon offered a floor amendment.

2001-1857s
04/10

Floor Amendment to HB 748-FN-A-LOCAL

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

AN ACT relative to instructional and operational costs of providing an adequate education.

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

1 Purpose; Intent. The general court finds that the duty of the state is to provide an opportunity for every child to receive an adequate elementary and secondary education. Educational competence is accomplished through capable and thoughtful instruction. It shall be the responsibility of the state to provide educational instruction. This responsibility includes instructional costs related to providing an adequate education including, but not limited to, classroom teachers, classroom materials, professional development, building aid, and special education costs.

2 Education Property Tax; Rate Reduced. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~\$6.60~~] **\$4.60** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

3 State Board of Education Rulemaking Authority Amended. Amend RSA 21-N:9, II (1) to read as follows:

(1) Special education programs affecting all educationally disabled individuals, as authorized by RSA 186-C:5[;] **and** 186-C:16 [~~and 186-C:18, V~~].

4 Special Education; Educationally Disabled Children in State Institutions. Amend RSA 186-C:19, II to read as follows:

II. For an educationally disabled child in a state institution, the responsible school district shall be liable for all expenses incurred in admin-

istering the law in relation to educationally disabled children except as follows: For the 1982 and 1983 fiscal years, the responsible school district's annual financial liability for a child who was enrolled at the Laconia state school and training center as of July 1, 1981, shall not exceed the applicable state average per pupil cost as determined by the state board of education, and the state shall be liable for the balance of such costs~~[, which shall in no case be taken from the \$ 10,000,000 appropriated for state aid under RSA 186-C:18].~~ If more than one school district is liable for such a child during a single fiscal year, the total annual financial liability to the school districts shall not exceed the applicable state average per pupil cost, said liability to be prorated on a per diem basis. For such a child who is enrolled at Laconia developmental services for less than a full year, the liability for such costs shall be prorated on a per diem basis by Laconia developmental services.

5 Pupils; Compulsory Attendance Amended. Amend RSA 193:1, I (c) to read as follows:

(c) The relevant school district superintendent has excused a child from attendance because the child is physically or mentally unable to attend school, or has been temporarily excused upon the request of the parent for purposes agreed upon by the school authorities and the parent. Such excused absences shall not be permitted if they cause a serious adverse effect upon the student's educational progress. Students excused for such temporary absences may be claimed as full-time pupils for purposes of calculating ~~[state aid under RSA 186-C:18 and]~~ adequate education grants under RSA 198:41.

6 Statewide Education Improvement and Assessment Program; Duties of the Legislative Oversight Committee Amended. Amend RSA 193-C:8 to read as follows:

193-C:8 Duties of the Legislative Oversight Committee. The oversight committee shall:

I. Review the development and implementation of the program to ensure that they are in accordance with legislative policy. Implementation of the program shall be in conjunction with the committee's review.

II. ***Review the provisions of RSA 198:40, in the second year of each biennial session, and recommend any legislation necessary to modify such provisions.***

7 School Money; Reimbursement Anticipation Notes Amended. Amend RSA 198:20-d to read as follows:

198:20-d Reimbursement Anticipation Notes. Notwithstanding any other provision of law to the contrary, a school district or a city with a dependent school district may incur debt in anticipation of reimbursement ~~[under RSA 186-C:18 and]~~ under RSA 198:42. The governing body, after notice and public hearing, may elect to borrow such funds and to recognize the proceeds of the borrowing as revenue for property tax rate setting purposes by providing written notification to the commissioner of the department of revenue administration stating the specific amount of borrowing to be recognized as revenue. Any borrowing under this section shall be exempt from the provisions of RSA 33, relative to debt limits.

8 School Money; State Aid for Educational Adequacy; Definition Amended. Amend RSA 198:38, X to read as follows:

X. "Average daily membership in residence" and "resident pupils" mean the average daily membership in residence as defined in RSA 189:1-d, IV except that no kindergarten pupil shall count as more than 1/2 day attendance per calendar day.

9 New Paragraph; School Money; State Aid for Educational Adequacy; Definitions Amended. Amend RSA 198:38 by inserting after paragraph XI the following new paragraph:

XI-a. "Adjusted average daily membership in residence" for a municipality shall be determined by dividing the total statewide average daily membership in residence, as calculated by adding the average daily membership in residence of each municipality in the state, by the total number of weighted pupils statewide, as calculated in paragraph VII of this section. The result shall be multiplied by the number of weighted pupils in a municipality.

10 School Money; Instructional Costs of Providing an Adequate Education. RSA 198:40 is repealed and reenacted to read as follows:

198:40 Instructional Costs of Providing an Adequate Education; State Aid.

I. For the fiscal year beginning July 1, 2002, and every fiscal year thereafter, the essential elements of an adequate education shall be:

- (a) High quality classroom teachers.
- (b) A commitment to ongoing professional development.
- (c) Sufficient classroom materials to facilitate quality instruction.
- (d) Instructional technology to facilitate quality instruction.
- (e) Special education services sufficient to provide a free and appropriate education to special needs pupils.
- (f) Supplemental assistance to needy communities.
- (g) Adequate classroom space for instruction; and including school building and educational administration building construction and renovation.

II. For the fiscal year beginning July 1, 2002, and every fiscal year thereafter, the cost of the essential elements of an adequate education as set forth in paragraph I shall be calculated as follows:

(a) The state shall be responsible for the cost of instructional services necessary to provide an adequate education to all public elementary and secondary school pupils. Each school district in the state shall receive an amount equal to \$42,500 multiplied by the most recent available adjusted average daily membership in residence for the school district, the product of which shall be divided by 20.

(b) The state shall be responsible for the cost of professional development of instructional staff. Each school district in the state shall receive an amount equal to not less than \$50 per pupil multiplied by the most recent available adjusted average daily membership in residence for the school district.

(c) The state shall be responsible for the cost of sufficient classroom materials, textbooks, and other instructional supplies. Each school district in the state shall receive an amount equal to \$100 per pupil multiplied by the most recent available adjusted average daily membership in residence for the school district.

(d) The state shall be responsible for the cost of instructional technology to facilitate quality instructional technology to facilitate quality instruction in all public elementary and secondary schools. Each school district shall receive an amount equal to not less than \$50 per pupil multiplied by the most recent available adjusted average daily membership for the school district.

(e)(1) The state shall be responsible for the cost of programs and services for educationally disabled children in public elementary and secondary schools of the state. The department of education shall determine the cost of programs and services for educationally disabled children using information from the most recent available DOE-25 report.

Ninety percent of the cost determined in this subparagraph shall be distributed to school districts on a per pupil basis as calculated by the most recent available average daily membership in residence in each school district.

(2) An extraordinary special education fund is hereby established in, and shall be administered by, the department of education. Beginning July 1, 2002, and every fiscal year thereafter, not less than 10 percent of the cost of programs and services for educationally disabled children as determined in subparagraph (e)(1) shall be transferred from the education trust fund to this fund in each fiscal year. The moneys in this fund shall be non-lapsing. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to prescribing forms to be used to apply for funds under this paragraph, administering and distributing extraordinary special education funds, and school districts applying for aid from the extraordinary special education fund. Under guidelines established by rules of the state board of education, the funds shall be used for the following purposes:

(A) School districts shall submit their extraordinary special education costs to the state board of education by June 30 of each fiscal year. The state board of education shall then verify the cost and distribute the appropriate amounts for the previous fiscal year on or before January 1 of each fiscal year.

(B) School districts shall submit their limited-English-proficient programs and services costs to the state board of education by June 30 of each fiscal year. The state board of education shall then verify the cost and distribute the appropriate amounts for the previous fiscal year on or before January 1 of each fiscal year.

(C) Upon approval of the state board of education, the department of education may use up to \$200,000 in any fiscal year from the extraordinary special education fund for administration of the extraordinary special education fund and for management and coordination of special education programs or services that are statewide in their scope. Upon approval of the state board of education, the department of education may use up to \$800,000 in any fiscal year from the extraordinary special education fund for grants to school districts for special education programs or services that are statewide in their scope.

(3) Not more than \$2,000,000 from the extraordinary special education fund in each fiscal year shall be used to provide early literacy and reading improvement assistance to school districts to help students in kindergarten through grade 3 to read and write at grade level by the end of grade 3; to provide, develop, and evaluate outcome-proven programs and courses; and to provide technical assistance and professional development activities through grants, contracts with consultants, and employment of individuals to fill authorized, program-related positions. The administration of the early literacy and reading improvement program shall involve the following:

(A) Establishing forms and procedures for districts to use for the development and submission of early literacy and reading improvement grant requests, including:

(i) A detailed plan and budget, with the opportunity to request up to 3 years of financial assistance primary school professional development; and the further opportunity to apply for additional assistance based on demonstrated need.

(ii) An assurance that grant funds will be used only to supplement and not supplant on-going local efforts.

(iii) A description, if applicable, of how grant activities were planned in consultation with, and will be implemented in coordination with the goals of the initiative.

(iv) A delineation of the geographic area to be served by the project.

(B) Providing assistance to districts in the development of grant requests.

(C) Establishing an equitable grant review process that:

(i) Includes an evaluation of each proposal's adequacy, educational appropriateness, and cost effectiveness, and the extent to which additional revenues are required to implement the proposed plan and activities.

(ii) Gives priority to districts with lower-performing schools in reading and which are proposing reasonable efforts to address early literacy needs and/or improve reading performance.

(D) Reviewing grant requests with recommendations for approval, including level of funding and, to the extent possible, balanced geographic distribution.

(E) Distributing grant payments to school districts in accordance with an established payment schedule specified in the district's grant approval notification.

(F) Monitoring the implementation of funded plans and activities.

(G) Evaluating the educational impact of the early literacy and reading improvement program on reading skill and comprehension in students in kindergarten through grade 3.

(H) The state board shall, pursuant to RSA 541-A, and not later than July 1, 2002, adopt rules relative to the administration of the early literacy and reading improvement program established in this paragraph.

(4) A school district that receives state funding for special education under this paragraph shall apply for all available federal assistance for educationally disabled pupils, including any funds available through the Medicaid program. The state board of education shall adopt rules, pursuant to RSA 541-A, to implement this requirement.

(5) Moneys from the extraordinary special education fund shall be used to reimburse school districts for the cost of transportation of vocational education pupils who reside in the district, in accordance with the distribution schedule in subparagraph (e)(2).

(f) The state shall be responsible for providing supplemental assistance to needy school districts. The department shall determine the amount of supplemental assistance to be distributed pursuant to the following formula:

(1) Divide each municipality's total equalized valuation by its average daily membership in residence. The result shall be the municipal valuation per pupil.

(2) From the list of municipal valuations per pupil calculated in subparagraph (1) where the municipal valuation per pupil is greater than zero, determine the median. This result shall be the state median municipal valuation per pupil.

(3) For each of the municipalities where the municipal valuation per pupil is less than the state median municipal valuation per pupil, subtract the municipal valuation per pupil from the state median municipal valuation per pupil and divide the result by the state median valuation per pupil. Multiply this result by the municipality's average daily membership in residence. This shall be the municipal valuation differential.

(4) Determine the sum of all municipal valuation differentials.

(5) For each of the municipalities where the municipal valuation per pupil is less than the state median valuation per pupil, divide the municipal valuation differential by the sum of all municipal valuation differentials determined in subparagraph (4) and multiply the result by 75,000,000. The product shall be the amount of supplemental assistance distributed to each school district.

(g) The state shall be responsible for making grants available under the school building aid program set forth in RSA 198:15-a through 198:15-h.

(h) The state shall be responsible for other salaries, materials, programs, or services which are deemed in legislation to be instructional in nature and necessary for the provision of an adequate education.

III. State aid for instructional costs of providing an adequate education shall be paid to school districts legally responsible for the education of pupils who attend approved schools within the district or in other districts. Payment of such state aid for instructional costs shall be made during the fiscal year in which such aid is due.

IV. State aid for instructional costs of providing an adequate education shall be disbursed to school districts in the form of block grants.

V. Beginning July 1, 2003, and every July 1 thereafter, state aid for instructional costs of providing an adequate education as defined in paragraph II of this section shall be increased by 3 percent unless the general court decides otherwise.

VI. Nothing in this section shall be construed to affect, alter, or modify the provisions of RSA 198:43 relative to additional education expenditures, and RSA 198:48, relative to maintenance of local control.

11 New Section; Operational Costs for Providing an Adequate Education. Amend RSA 198 by inserting after section 40 the following new section:

198:40-a Operational Costs of Providing an Adequate Education.

I. In addition to the provisions set forth in RSA 194, the school districts of this state shall be responsible for the operational costs of providing an education to all elementary and secondary school pupils. Such operational costs shall include, but are not limited to the following:

(a) Building maintenance.

(b) Transportation of pupils.

(c) School district administration, including the costs of maintaining a school administrative unit pursuant to RSA 194-C.

(d) Extracurricular activities.

(e) Lunch programs and other food service programs provided at the local level.

II. A school district shall be responsible for any other programs which the school district determines are necessary to meet local educational goals and objectives.

12 School Money; Determination of Adequate Education Grants Amended. Amend RSA 198:41, I to read as follows:

I. Except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the amount of the adequate education grant for the municipality as follows:

(a) ~~Multiply the average base cost per pupil of an elementary pupil by the weighted average daily membership in residence for the municipality;~~

~~(b) Add to the product of subparagraph (a), 70 percent of the municipality's apportioned transportation cost;] Add the sums resulting from the calculations set forth in RSA 198:40, II. Reimbursements made under RSA 198:40, II(d)(2) shall be counted in the school year in which such reimbursements are made.~~

[(c)] (b) Subtract from the sum of subparagraph [(b)] (a) the amount of the education property tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year.

13 Repeal. The following are repealed:

I. RSA 186-C:18, I-III, V(a)-(e), VI(a), and VII-X, relative to state aid for special education.

II. RSA 198:38, XI relative to transportation costs.

III. RSA 198:38, V-VI, relative to the definitions of "base expenditure per pupil," and "average base cost per pupil of an elementary school pupil."

IV. 1999, 338:21, relative to the repeal of the education property tax and the determination of per pupil adequate education costs.

V. 1999, 338:22, relative to the repeal of education property tax hardship relief.

VI. 1999, 338:25, I-II, relative to the effective dates of the repeals of the education property tax, the determination of per pupil adequate education costs, and the education property tax hardship relief.

14 Effective Date. This act shall take effect July 1, 2002.

2001-1857s

AMENDED ANALYSIS

This bill:

I. Provides for a division between the instructional and operational costs of providing an adequate public education and requires that the state shall be responsible for the costs of instructional services provided for an adequate education.

II. Provides that local school districts shall be responsible for the operational costs of providing an adequate education which shall include pupil transportation, building maintenance, school district administration, extracurricular activities, and school lunch programs.

III. Decreases the rate of the education property tax from \$6.60 on each \$1,000 of the value of taxable property to \$4.60 on each \$1,000 of the value of taxable property.

IV. Repeals the existing prospective repeal of the education property tax.

SENATOR MCCARLEY: Senator Gordon, which version of your bill is this?

SENATOR GORDON: This is exactly as the Senate passed it.

SENATOR MCCARLEY: Which did not include the pieces added on later? Weren't things added on later? I haven't gotten that far in the process.

SENATOR GORDON: There was discussion in the Committee of Conference of adding on other things. They were actually never added on. The Committee of Conference never agreed to do that.

SENATOR MCCARLEY: So the bill that we are talking about in the Senate, will be the bill in which we passed out of here?

SENATOR GORDON: Exactly as it came out of the Senate.

SENATOR MCCARLEY: Thank you.

SENATOR GORDON: I want to clarify that because when we passed it out of the Senate, we passed it out on 351. On 351, was also the \$2 million worth of building aid. This does not include the \$2 million worth of building aid, only the remainder of the bill.

SENATOR MCCARLEY: Nor was I trying to confuse that issue, I promise.

SENATOR GORDON: Right. I just wanted to make that clear, that was all. If we adopt this floor amendment, I will then make a motion to have the bill laid on the table for the possibility of sending it to the court at a future date.

Floor Amendment adopted.

Senator Gordon moved to have **HB 748-FN-A-L**, revising the definition of an adequate education and revising the weighted pupil formula used to calculate the cost of an adequate education, laid on the table.

Adopted.

LAI D ON THE TABLE

HB 748-FN-A-L, revising the definition of an adequate education and revising the weighted pupil formula used to calculate the cost of an adequate education.

TAKEN OFF THE TABLE

Senator Gatsas move to have **SB 198**, expanding the authority of the sweepstakes commission to establish a 2-year pilot program for video lottery games at state liquor stores and making an appropriation therefor taken off the table.

Adopted.

SB 198, expanding the authority of the sweepstakes commission to establish a 2-year pilot program for video lottery games at state liquor stores and making an appropriation therefor.

Question is on the committee report of rerefer.

Adopted.

SB 198 is rereferred to the Ways and Means Committee.

2001-1862-EBA

04/09

Enrolled Bill Amendment to HB 170-FN-A

The Committee on Enrolled Bills to which was referred HB 170-FN-A AN ACT repealing the legacies and succession tax.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 170-FN-A

This enrolled bill amendment inserts a contingency to resolve conflicts with provisions inserted by SB 111-FN, and makes certain technical corrections to the bill.

Enrolled Bill Amendment to HB 170-FN-A

Amend RSA 21-J:9-b, II as inserted by section 60 of the bill by replacing it with the following:

II. The municipality has not [~~conducted a full revaluation within 6 years~~] **complied with the provisions of RSA 75:8-a; [and].**

Amend the bill by replacing RSA 198:57, I as inserted by section 80 of the bill by replacing it with the following:

I. Pursuant to the provisions of this subdivision, eligible claimants shall be granted tax relief following the effective date of this subdivision.

Amend the bill by replacing all after section 109 with the following:

110 New Section; New Hampshire Retirement System; Payment by Retirement System-Group I; Amend RSA 100-A by inserting after section 52-a the following new section:

100-A:52-b Payment by Retirement System; Group I.

I. The New Hampshire retirement system shall pay the cost for permanent group hospitalization, hospital medical care, surgical care, and other medical and surgical benefits, in the employer-sponsored plan provided for active employees of a retiree's former employer, subject to the provisions of this section, for the following persons:

(a) Any person, who has at least 20 years of creditable service as a group I member if age 60 or older, or at least 30 years of creditable service as a group I member if age 55-59, retired on or before July 1, 2004 as a group I member of the New Hampshire retirement system on service or ordinary disability retirement, provided that such person shall be entitled to retirement on the basis of group I creditable service, or any person retired on or before July 1, 2004, as a group I member whose service retirement benefit is based upon the provisions of RSA 100-A:19-c and who has a minimum of 20 years of creditable service as a group I member.

(b) Any person who has completed no less than 20 years of group I creditable service, but who for reasons other than retirement or death ceased to be a group I member prior to attaining the age of 60, and who, as of July 1, 2004, receives a vested deferred retirement allowance and who subsequently attains the age of 60.

(c) Any person who has completed no less than 20 years of group I creditable service and who retired as a group I member prior to age 60, and who subsequently attains the age of 60, or any person who has completed no less than 30 years of group I creditable service and who retired as a group I member prior to age 55, and who subsequently attains the age of 55.

(d) The surviving spouse of a deceased retired group I member who met the qualifications of subparagraphs (a), (b) or (c), or of a deceased member who died while in service as a group I member, provided that such surviving spouse was covered as the member's spouse in the employer-sponsored plan before the member's death and is entitled to a monthly allowance under RSA 100-A:8, 100-A:9, or 100-A:13.

(e) Any certifiably dependent child with a disability living in the household and being cared for by the qualified retired member, the member's spouse, or the qualified surviving spouse.

(f) The surviving spouse and children of a deceased group I member who dies as the natural and proximate result of injuries suffered while in the performance of duty, provided that:

(1) Any such child shall be qualified under this subparagraph only if under 18 years of age, or under 23 years of age if attending school on a full-time basis; and

(2) Such surviving spouse shall cease to be qualified upon the remarriage of the surviving spouse; and

(3) No surviving spouse or child shall be qualified or continue to be qualified under this subparagraph while receiving or eligible to receive medical insurance or health care benefits from any employer's sponsored plan.

(g) Any group I member retired on or before July 1, 2004 on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty.

(h) The spouse of a qualified retiree.

II. Notwithstanding the provision of RSA 100-A:4, III-b, for the purpose of calculating creditable service for eligibility for medical benefits payment under paragraph I, each full year of job-sharing service of a teacher in a job-sharing position shall be calculated at 1/2 of one year of such service credit.

III. However, for the fiscal year beginning July 1, 2000, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not entitled to medicare benefits, and on account of each person qualified under paragraph I who is entitled to medicare benefits, shall be the same as the amount provided in RSA 100-A:52, II for group II retirees. As of July 1, 2000 and on each July 1 thereafter, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 8 percent, compounded on previous increases.

IV. In the case of group I members retired from employment by political subdivisions of the state, the amount payable by the retirement system on account of qualified persons shall be paid over to the employer, insurer, or health care administrator and used to pay for all or part of the medical benefits provided through the former employer for qualified persons. If the cost of the premium for any eligible person under paragraph I shall exceed the maximum under paragraph III, and the employer does not elect to pay the excess cost, the excess cost shall be paid by the retiree or qualified surviving spouse and may be deducted from retirement benefits as provided in RSA 100-A:51. The employer may require, as a condition for coverage, that the retiree or surviving spouse apply for deduction of such excess cost from retirement benefits as provided in RSA 100-A:51.

V. As of January 1, 2002, in the case of group I members retired from state employment before July 1, 1991, and their beneficiaries who are eligible for coverage under this subdivision and also under the provisions of RSA 21-I:26-36, the amount payable by the retirement system on account of such persons shall be paid over to the state and used to pay for all or part of the medical benefits provided under RSA 21-I:26-36 for such persons, and the balance shall be paid by the state as provided in RSA 21-I:26-36.

VI. As of January 1, 2002, in the case of group I members retired from state employment on or after July 1, 1991, and their beneficiaries who are eligible for coverage under this subdivision and also under the provisions of RSA 21-I:26-36, the amount payable by the retirement system on account of such persons shall be paid over to the state and used to pay for all or part of the medical benefits provided under RSA 21-I:26-36 for such persons, and the state shall pay its portion as provided in RSA 21-I:26-36. If the cost of the premium for any retired group I member and spouse, surviving spouse, or any other person entitled to benefits under paragraph I shall exceed the maximum under paragraph III, and the state does not elect to pay the excess cost above the amount to be paid under RSA 21-I:26-36, the excess cost shall be paid by the retiree or qualified surviving spouse and may be deducted from retirement benefits as provided in RSA 100-A:51. The state may require, as a condition for coverage, that the retiree or surviving spouse apply for deduction of such excess cost from retirement benefits as provided in RSA 100-A:51.

VII. There shall be no age limit to participate in the employer sponsored medical and health plan provided in paragraph I, and there shall be no physical examination or health statement required for such coverage, provided, however, that if an eligible retired group I member of the retirement system fails to apply for such coverage within the time required by the insurance contract, the insurer may require satisfactory evidence of insurability as a condition for becoming insured.

VIII. Any group I teacher member retired before January 1, 2000, or other eligible person under paragraph I, who would have been eligible for medical benefits under this section if this section had been in effect on the member's date of retirement, shall have the option of rejoining the medical or health plan sponsored by the retired member's former employer and of receiving benefits under this section, provided that such eligible person shall apply to the employer for such benefits before January 1, 2002. Upon receipt of such application, the former employer shall enroll such retiree or other eligible person in the employer's plan in the same manner and subject to the same conditions as enrollment of a new employee but without any benefit-waiting period which may be applicable to new employees of that employer. Neither an employer nor an employer's group plan or insurer shall be liable for any claims incurred prior to the date of enrollment under this paragraph.

IX. Any group I political subdivision employee member retired before January 1, 2001, or other eligible person under paragraph I, who would have been eligible for medical benefits under this section if this section had been in effect on the member's date of retirement, shall have the option of rejoining the medical or health plan sponsored by the retired member's former employer and of receiving benefits under this section, provided that such eligible person shall apply to the employer for such benefits before January 1, 2003. Upon receipt of such application, the former employer shall enroll such retiree or other eligible person in the employer's plan in the same manner and subject to the same conditions as enrollment of a new employee but without any benefit-waiting period which may be applicable to new employees of that employer. Neither an employer nor an employer's group plan or insurer shall be liable for any claims incurred prior to the date of enrollment under this paragraph.

X. The retirement system shall notify all group I teacher and political subdivision employee retirees and surviving spouse beneficiaries, who are currently drawing monthly allowances from the retirement system, of their possible right to rejoin and active-employee medical insurance or health plan and to receive benefits under this section.

XI. Any person who is eligible to receive group insurance or other medical benefits under the provisions of this section, but who does not need and who declines such benefits because they would be duplicative of coverage under any employer-sponsored plan, shall nevertheless continue to be eligible and, upon ceasing to be eligible for the other coverage, shall be permitted to receive the benefits allowable under this section without any waiting period.

111 New Section; New Hampshire Retirement System; Method of Financing; Group I State Employees. Amend RSA 100-A by inserting after section 53-c the following new section:

100-A:53-d Method of Financing; Group I State Employees.

I. The benefits provided under RSA 100-A:52-b shall be provided by a 401(h) subtrust of the New Hampshire retirement system. The 401(h) subtrust shall be funded by allocating 25 percent of future group I state employer contributions made for group I state employees in accordance

with RSA 100-A:16 to the subtrust until such time as the benefits are fully funded. Thereafter, the subtrust shall receive only that portion of each year's contribution as is necessary to keep the benefits fully funded.

II. All contributions made to the retirement system to provide medical benefits under RSA 100-A:52-b shall be maintained in a separate account, the 401(h) subtrust. All funds and accumulated interest shall not be used for or diverted to any purpose other than to provide said medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set forth in this chapter may be used or diverted to provide medical benefits under RSA 100-A:52-a. The funds, if any, providing medical benefits under RSA 100-A:52-b may be invested pursuant to the provisions of RSA 100-A:15.

112 New Paragraph; New Hampshire Retirement System; Medical Benefits; Application. Amend RSA 100-A:55 by inserting after paragraph I-b the following new paragraph:

I-c. It is the intent of the legislature that future group I state employee members eligible after July 1, 2004 shall be included under the provisions of RSA 100-A:52-b only if the total cost of such inclusion can be terminally funded from the special account established in RSA 100-A:16, II (h).

113 Contingency. If SB 111-FN of the 2001 legislative session becomes law, then sections 110 and 111 of this act shall take effect 60 days after the effective date of SB 111-FN and section 112 of this act shall take effect January 1, 2002 and sections 8-10 of this act shall not take effect. If SB 111-FN of the 2001 legislative session does not become law, then sections 8 and 9 of this act shall take effect 60 days after the passage of this act and section 10 of this act shall take effect January 1, 2002 and sections 110-112 of this act shall not take effect.

114 Effective Date.

I. Sections 46, 50-59, 63, 71, 72, and 84 of this act shall take effect 60 days after its passage.

II. Sections 34, 35, 38-42, 48, 64, 85, 86 and 113 of this act shall take effect upon its passage.

III. Section 15 of this act shall take effect June 30, 2001.

IV. Sections 8-10 and 110-112 of this act shall take effect as provided in section 113 of this act.

V. Section 18 of this act shall take effect April 1, 2002.

VI. Sections 65 and 66 of this act shall take effect January 1, 2003.

VII. Sections 60-62 of this act shall take effect as provided in section 64.

VIII. Sections 87, 89, 91, 93, 95, 97, 99, 100, 101, and 103-109 of this act shall take effect December 28, 2001.

IX. Sections 88, 90, 92, 94, 96, 98, and 102 of this act shall take effect December 27, 2002.

X. Sections 80-83 of this act shall take effect July 1, 2002.

XI. The remainder of this act shall take effect July 1, 2001.

Senator Pignatelli moved adoption.

Adopted.

2001-1776-EBA

06/09

Enrolled Bill Amendment to SB 152-FN

The Committee on Enrolled Bills to which was referred SB 152-FN

AN ACT relative to the regulation of business practices between motor vehicle manufacturers, distributors, and dealers.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 152-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 152-FN

Amend section 6 of the bill by replacing lines 1-5 with the following:

6 New Paragraph; Enforcement; New Hampshire Motor Vehicle Industry Board; Attorney's Fees. Amend RSA 357-C:12 by inserting after paragraph IX the following new paragraph:

X. In cases where the board finds that a violation of this chapter has occurred or there has been a failure to show good cause under RSA 357-C:7 or RSA 357-C:9, the superior court, upon petition, shall determine reasonable attorney's fees and costs and award them to the prevailing Amend RSA 357-C:12, VIII(e) as inserted by section 9 of the bill by replacing line 4 with the following:

commissioner determines that the imposition of such fee is necessary to fund the ongoing operations

Senator Pignatelli moved adoption.

Adopted.

2001-1835-EBA

08/10

Enrolled Bill Amendment to HB 547-FN

The Committee on Enrolled Bills to which was referred HB 547-FN

AN ACT authorizing participation in a regional electronic toll collection system.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 547-FN

This enrolled bill amendment renumbers the subdivision inserted by the bill to conform to proper RSA format.

Enrolled Bill Amendment to HB 547-FN

Amend section 1 of the bill by replacing lines 2 – 4 with the following: inserting after section 16 the following new subdivision:

Regional Electronic Toll Collection

237:16-a Definitions. In this subdivision:

Amend section 1 of the bill by replacing line 20 with the following:

237:16-b Regional Electronic Toll Collection Authorized. The commissioner is hereby authorized

Amend section 1 of the bill by replacing line 25 with the following:

237:16-c E-Z Pass Operations Interagency Agreement.

Amend section 1 of the bill by replacing line 38 with the following:

237:16-d Rulemaking. The commissioner may adopt such rules as are necessary to enforce the

Amend section 1 of the bill by replacing line 45 with the following:

237:16-e Confidentiality of Records. Notwithstanding any other provision of law, all information

Amend section 1 of the bill by replacing line 54 with the following:

237:16-f Immunity. Nothing in this subdivision shall be construed to constitute a waiver of the

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

(y) RSA 237:16-d, relative to the E-Z Pass Interagency Agreement for Operations.

Senator Pignatelli moved adoption.

Adopted.

2001-1837-EBA

03/10

Enrolled Bill Amendment to HB 743

The Committee on Enrolled Bills to which was referred HB 743

AN ACT transfers the department of youth development services to the department of health and human services.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 743

This enrolled bill amendment changes certain provisions of the bill to reflect changes to the RSAs previously made by HB 120 of the 2001 regular session. This enrolled bill amendment also makes technical and typographical corrections.

Enrolled Bill Amendment to HB 743

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

AN ACT transferring the department of youth development services to the department of health and human services.

Amend section 3 of the bill by replacing lines 1-2 with the following:

3 New Paragraphs; Department of Health and Human Services; Juvenile Justice Services. Amend RSA 126-A:4 by inserting after paragraph II the following new paragraphs:

Amend RSA 169-B:19, III-a(a) as inserted by section 5 of the bill by replacing line 3 with the following:

4 or more occasions and adjudicated delinquent in 4 separate adjudicatory hearings which alleged

Amend section 15 of the bill by replacing line 2 with the following:

Board. Amend the section heading of RSA 621-A:9 and RSA 621-A:9, I to read as follows:

Amend RSA 621-A:9, II(c) as inserted by section 16 of the bill by replacing line 2 with the following:

juvenile justice services *within the department*, who shall serve as an ex officio

Amend section 17 of the bill by replacing it with the following:

17 New Subparagraph; Juvenile Justice Advisory Board; Member Added. Amend RSA 621-A:9, II by inserting after subparagraph (i) the following new subparagraph:

(j) One member of the house children and family law committee, appointed by the speaker of the house.

Amend paragraph I section 21 of the bill by replacing line 1 with the following:

I. RSA 169-B:35, III(c), relative to department of youth development services' access to

Senator Pignatelli moved adoption.

Adopted.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committees of Conference to which were referred the following entitled Bills:

SB 18, relative to termination of small trusts.

SB 51, relative to financial holding companies; cash dispensing machines; the participation in meetings by out-of-state, nondepository trust company directors; and a clarification of the status of student loans.

SB 53, relative to attorneys' fees in certain circumstances under the workers' compensation law.

SB 68, relative to school district placements of children living in foster homes.

SB 74, relative to providing services under the Child Protection Act.

SB 130, extending the period in which an expired electrician's license may be renewed.

SB 139, relative to uniform electronic transactions.

SB 148, relative to certain penalties for violations of the youth tobacco laws.

SB 192, relative to the issuance of high/medium voltage licenses by the electrician's board.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committees of Conference to which were referred the following entitled Bills:

SB 95, relative to campaign contribution limits.

SB 111, extending the term for the payment of group health insurance premiums for certain retired members of the retirement system.

SB 118, relative to individual health insurance coverage.

SB 119, relative to small group health insurance coverage.

SB 164, establishing a comprehensive statewide accountability system concerning an adequate education.

SB 197, restructuring the judicial conduct committee as an independent judicial conduct commission and making an appropriation therefor.

2001-1876-EBA

08/01

Enrolled Bill Amendment to SB 139

The Committee on Enrolled Bills to which was referred SB 139

AN ACT relative to uniform electronic transactions.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 139

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 139

Amend section 1 of the bill by replacing line 6 with the following:
294-E:2 Definitions. In this chapter:

Senator D'Allesandro moved adoption.

Adopted.

2001-1868-EBA

03/10

Enrolled Bill Amendment to SB 197-FN

The Committee on Enrolled Bills to which was referred SB 197-FN
AN ACT establishing a judicial conduct commission.

Having considered the same, report the same with the following amend-
ment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 197-FN

This enrolled bill amendment corrects certain references and makes
grammatical and technical corrections.

Enrolled Bill Amendment to SB 197-FN

Amend RSA 494-A:2, I as inserted by section 3 of the bill by replacing
it with the following:

I. "Commission" means the judicial conduct commission established
under RSA 494-A:1.

Amend RSA 494-A:3, I as inserted by section 3 of the bill by replacing
line 4 with the following:

The executive director may be removed from office by vote of 2/3 of the
commission. The executive

Amend RSA 494-A:10 as inserted by section 3 of the bill by replacing line
1 with the following:

494-A:10 Duties; Proceedings.

I. The commission shall be responsible for addressing complaints

Amend RSA 494-A:11, I as inserted by section 3 of the bill by replacing
line 3 with the following:

complaint on its face alleges no violation of the Code of Judicial Conduct,
the commission shall dismiss the

Amend RSA 490:32, II as inserted by section 4 of the bill by replacing
line 3 with the following:

~~supreme court Rule 40;~~ a questionnaire, to be designed by the supreme
court[;], and a self-evaluation

Amend the bill by replacing section 5 with the following:

5 Repeal. RSA 490:30, relative to the committee on judicial conduct,
is repealed.

Amend section 8 of the bill by replacing line 4 with the following:

act. The governor is authorized to draw a warrant for said sums out of
any moneys in the treasury not otherwise

Senator D'Allesandro moved adoption.

Adopted.

2001-1881-EBA
05/01

Enrolled Bill Amendment to HB 604-FN

The Committee on Enrolled Bills to which was referred HB 604-FN
 AN ACT relative to increasing certain fees and making other changes
 to fish and game licenses.

Having considered the same, report the same with the following amend-
 ment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 604-FN

This enrolled bill amendment incorporates the statutory revisions from
 HB 471-FN (2001, 18).

Enrolled Bill Amendment to HB 604-FN

Amend the bill by replacing sections 5 and 6 with the following:

5 Special Deer Permits; Rulemaking; Maximum 2002 Fee. Amend RSA
 208:5-b to read as follows:

208:5-b Special Deer Permits. The executive director may issue special
 deer permits to a person licensed with the applicable license to hunt is-
 sued under RSA 214, or RSA 208:5 or 5-a. The executive director shall
 adopt rules pursuant to RSA 541-A relative to fixing the number and sex
 limitations for wild deer and any other conditions governing the location,
 method, and manner of taking as well as the issuance and fee for special
 deer permits. The executive director may charge a fee not to exceed [~~\$10~~]
~~\$13~~ for all applications for special deer permits

6 Special Deer Permits; Rulemaking; Maximum 2003 Fee. Amend RSA
 208:5-b to read as follows:

208:5-b Special Deer Permits. The executive director may issue special
 deer permits to a person licensed with the applicable license to hunt is-
 sued under RSA 214, or RSA 208:5 or 5-a. The executive director shall
 adopt rules pursuant to RSA 541-A relative to fixing the number and sex
 limitations for wild deer and any other conditions governing the location,
 method, and manner of taking as well as the issuance and fee for special
 deer permits. The executive director may charge a fee not to exceed [~~\$13~~]
~~\$15~~ for all applications for special deer permits

Amend the bill by replacing sections 17 and 18 with the following:

17 Hunting; Nonresident; 2002 Fee Increase. Amend RSA 214:9, VI to
 read as follows:

VI. If the applicant is a nonresident, 16 years of age or older, and
 wishes to hunt, [~~\$69.50~~] ~~\$91~~, and the agent shall thereupon issue a non-
 resident hunting license which shall entitle the licensee to hunt, shoot,
 kill and take, except by the use of traps, and to transport wild birds and
 wild animals under the restrictions of this title.

18 Hunting; Nonresident; 2003 Fee Increase. Amend RSA 214:9, VI to
 read as follows:

VI. If the applicant is a nonresident, 16 years of age or older, and
 wishes to hunt, [~~\$91~~] ~~\$102~~, and the agent shall thereupon issue a non-
 resident hunting license which shall entitle the licensee to hunt, shoot,
 kill and take, except by the use of traps, and to transport wild birds and
 wild animals under the restrictions of this title.

Senator D'Allesandro moved adoption.

Adopted.

2001-1866-EBA
05/10

Enrolled Bill Amendment to HB 279-FN-A-LOCAL

The Committee on Enrolled Bills to which was referred HB 279-FN-A-LOCAL

AN ACT relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor, and relative to retirement allowances for certain surviving spouses of group II retirement system members.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

**Explanation to Enrolled Bill Amendment to
 HB 279-FN-A-LOCAL**

This enrolled bill amendment amends the title of the bill to reflect its contents.

Enrolled Bill Amendment to HB 279-FN-A-LOCAL

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

AN ACT relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor; relative to payment of medical benefits costs for group II members of the retirement system; and relative to the election of optional allowances by certain retirement system members granted disability retirement benefits.

Senator D'Allesandro moved adoption.

Adopted.

2001-1867-EBA
05/10

Enrolled Bill Amendment to HB 274-FN

The Committee on Enrolled Bills to which was referred HB 274-FN

AN ACT banning the residential open burning of trash and relative to a dioxin emissions reduction and control program.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 274-FN

This enrolled bill amendment makes a technical correction to the bill.

Enrolled Bill Amendment to HB 274-FN

Amend RSA 125-N:3, II as inserted by section 1 of the bill by replacing line 4 with the following:

be implemented or imposed under federal authority enacted or promulgated after the effective date of this section.

Senator D'Allesandro moved adoption.

Adopted.

2001-1878-EBA**04/01****Enrolled Bill Amendment to HB 717**

The Committee on Enrolled Bills to which was referred HB 717

AN ACT establishing a committee to make recommendations on policy concerning state-operated trails and private lands used by all terrain vehicles and trail bikes and relative to increasing the resident and nonresident OHRV registration fees for snow traveling vehicles, and reclassifying certain positions within the department of resources and economic development from unclassified to classified status.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE**Explanation to Enrolled Bill Amendment to HB 717**

This enrolled bill amendment amends the title of the bill to reflect the contents of the bill and makes a technical correction to section 5 of the bill.

Enrolled Bill Amendment to HB 717

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

AN ACT establishing a committee to make recommendations on policy concerning state-operated trails and private lands used by all terrain vehicles and trail bikes and relative to increasing the resident and nonresident OHRV registration fees for snow traveling vehicles.

Amend the bill by replacing paragraph I of section 5 with the following:

I. Determine whether the state should continue to develop and operate trail systems for ATVs and trail bikes.

Senator D'Allesandro moved adoption.

Adopted.**2001-1874-EBA****03/01****Enrolled Bill Amendment to HB 332-FN-LOCAL**

The Committee on Enrolled Bills to which was referred HB 332-FN-LOCAL

AN ACT relative to resuscitation protocols for emergency medical care providers and relative to payment of autopsy expenses.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE**Explanation to Enrolled Bill Amendment to HB 332-FN-LOCAL**

This enrolled bill amendment amends the title of the bill to reflect the contents of the bill and makes a grammatical correction.

Enrolled Bill Amendment to HB 332-FN-LOCAL

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

AN ACT relative to resuscitation protocols for emergency medical care providers.

Amend RSA 153-A:5, III as inserted by section 1 of the bill by replacing line 1 with the following:

(h) Adopting statewide adult and pediatric resuscitation protocols for licensed emergency

Senator D'Allesandro moved adoption.

Adopted.

2001-1875-EBA

08/10

Enrolled Bill Amendment to HB 509

The Committee on Enrolled Bills to which was referred HB 509

AN ACT establishing a statute of limitations on spousal support orders.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 509

This enrolled bill amendment makes a technical correction to the amending language in section 2.

Enrolled Bill Amendment to HB 509

Amend section 2 of the bill by replacing line 1 with the following:

2 Divorce; Alimony; Statute of Limitations Added. Amend the introductory paragraph of RSA 458:19, I to read as follows:

Senator D'Allesandro moved adoption.

Adopted.

2001-1873-EBA

03/01

Enrolled Bill Amendment to HB 451

The Committee on Enrolled Bills to which was referred HB 451

AN ACT establishing a commission to study the impact of pay and health care benefits for child care workers on the quality of care and education for children by considering and exploring funding methods for accomplishing any recommendations.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 451

This enrolled bill amendment corrects a reference in the bill.

Enrolled Bill Amendment to HB 451

Amend subparagraph I(n) of section 3 of the bill by replacing line 1 with the following:

(n) A representative from the advisory council on child care in New Hampshire, appointed

Senator D'Allesandro moved adoption.

Adopted.

2001-1880-EBA
08/10

Enrolled Bill Amendment to HB 131

The Committee on Enrolled Bills to which was referred HB 131

AN ACT relative to the retention and disposal of certain financial disclosure forms.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 131

This enrolled bill amendment adds a contingency and resolves a conflict in an RSA section amended by another bill.

Enrolled Bill Amendment to HB 131

Amend the bill by inserting after section 11 the following and renumbering the original section 12 to read as 14:

12 Contingent Renumbering. If HB 202 of the 2001 legislative session becomes law, then RSA 14-B:6 as inserted by section 5 of this act shall be renumbered as RSA 14-B:7.

13 Duplicate Amendment Nullified; HB 579. The amendment to RSA 655:40-b as inserted by section 5 of HB 579 of the 2001 legislative session shall not take effect.

Senator D'Allesandro moved adoption.

Adopted.

2001-1879-EBA
06/01

Enrolled Bill Amendment to HB 585

The Committee on Enrolled Bills to which was referred HB 585

AN ACT relative to the membership and duties of the council on resources and development.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 585

This enrolled bill amendment makes a technical correction to section 3 of the bill.

Enrolled Bill Amendment to HB 585

Amend the bill by replacing section 3 with the following:

3 New Paragraphs; Expansion of the Responsibilities of the Council on Resources and Development. Amend RSA 162-C:2, VIII and IX to read as follows:

VIII. Provide oversight relative to the statewide public boat access program, work with the public water access advisory board and provide recommendations to the governor and executive council regarding public access; [and]

IX. Complete the annual smart growth report required under RSA 9-B:6;

X. Review and coordinate the distribution of funds by state agencies to local and regional entities to encourage consistency with and provide support for New Hampshire's smart growth policies under RSA 9-B:4;

XI. Review the following actions by state agencies and ensure, in consultation with the long range capital planning and utilization committee established by RSA 17-M:1-3, that these actions are taken into consideration in the long range capital improvement program that is updated every 2 years in conjunction with the capital budget process, and provide recommendations to the governor regarding whether the actions are consistent with New Hampshire's smart growth policies under RSA 9-B:5:

(a) Capital budget requests;

(b) Building operation and maintenance plans; and

(c) Facility location and planning; and

XII. Facilitate coordination of state agencies to support local, regional, and state planning efforts consistent with RSA 9-A:1-4.

Senator D'Allesandro moved adoption.

Adopted.

2001-1882-EBA

05/09

Enrolled Bill Amendment to HB 543-FN

The Committee on Enrolled Bills to which was referred HB 543-FN

AN ACT establishing the division of ports and harbors within the Pease development authority and transferring all functions, powers, and duties of the New Hampshire state port authority.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 543-FN

This enrolled bill amendment incorporates changes made by 2001, 158 (HB 170-FN-A) into RSA 99-D:2 as inserted by section 8 of this bill, and nullifies the provisions of 2001, chapter 48 (HB 727) which are included in this bill.

Enrolled Bill Amendment to HB 543-FN

Amend RSA 99-D:2 as inserted by section 8 of the bill by replacing it with the following:

99-D:2 Defense and Indemnification. If any claim is made or any civil action is commenced against a present or former officer, trustee, official, or employee of the state or any agency thereof, including members of the New Hampshire national guard and any justice of the district, municipal, probate, superior, or supreme court, or the clerks or bail commissioners thereof, or any harbor master appointed by the [~~New Hampshire port authority~~] **Pease development authority, division of ports and harbors**, or officials and employees of the New Hampshire housing finance authority, or directors, officers, and employees of the Pease development authority, or directors, officers, and employees of the land and community heritage investment authority seeking equitable relief or claiming damages for the negligent or wrongful acts and the officer, trustee, official, or employee requests the state to provide representation for him or her, and the attorney general, or, in the case of a claim

or civil action commenced against the attorney general, the governor and council, determines that the acts complained of were committed by the officer, trustee, official, or employee while acting within the scope of official duty for the state and that such acts were not wanton or reckless, the attorney general shall represent and defend such person with respect to such claim or throughout such action, or shall retain outside counsel to represent or defend such person, and the state shall defray all costs of such representation or defense, to be paid from funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold harmless such person from any costs, damages, awards, judgments, or settlements arising from the claim or suit. The attorney general or governor and council shall not be required to consider the request of such person that representation be provided for him or her unless within 7 days of the time such person is served with any summons, complaint, process, notice, demand, or pleading the person shall deliver the original or a copy thereof to the attorney general or, in the case of an action against the attorney general, to the governor and council. As a condition to the continued representation by the attorney general and to the obligation of the state to indemnify and hold harmless, such officer, trustee, official, or employee shall cooperate with the attorney general in the defense of such claim or civil action. No property either real or personal of the state of New Hampshire shall be subject to attachment or execution to secure payment of or to satisfy any obligations of the state created under this chapter. Upon the entry of final judgment in any action brought under this chapter, the governor shall draw a warrant for said payment out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated. The attorney general shall have the authority to settle any claim brought under this chapter by compromise and the amount of any such settlement shall be paid as if the amount were awarded as a judgment under this chapter. Indemnification by the state under this section shall be for the actual amount of costs, damages, awards, judgments, or settlements personally incurred by any such officer, trustee, official, or employee, and the state shall not pay any amounts for which payment is the obligation of any insurance carrier or company under a policy or policies of insurance or any other third party under a similar obligation.

Amend the bill by replacing all after section 21 with the following:

22 Contingent Nullification. If this act becomes law, the provisions of 2001, 48 (HB 727) are null and void.

23 Effective Date.

I. Section 8 of this act shall take effect July 1, 2001 at 12:01 a.m.

II. The remainder of this act shall take effect July 1, 2001.

Senator D'Allesandro moved adoption.

Adopted.

2001-1869-EBA

06/09

Enrolled Bill Amendment to HB 703

The Committee on Enrolled Bills to which was referred HB 703

AN ACT relative to durable powers of attorney.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 703

This enrolled bill amendment incorporates changes made by 2001, 38 (HB 377).

Enrolled Bill Amendment to HB 703

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

2 Powers of Attorney; Limitations on the Agent. Amend RSA 506:7, IV to read as follows:

IV.(a) The court may hold hearings, make orders and decrees, and take other actions that are necessary or proper in making determinations on matters presented by a petition filed under paragraph III.

(b) When a gift or transfer made by an agent is challenged in a petition filed under paragraph III of this section, the gift or transfer shall be presumed to be lawful if the durable power of attorney is accompanied by the disclosure statement and acknowledgement drafted in accordance with RSA 506:6, VI and VII, and explicitly authorizes such gifts or transfers. However, if the petitioner establishes that the agent made a transfer for less than adequate consideration, and the transfer is not explicitly authorized by a durable power of attorney drafted in accordance with RSA 506:6, VI and VII, the agent shall be required to prove by a preponderance of evidence that the transfer was authorized and was not a result of undue influence, fraud, or misrepresentation.

3 Effective Date.

I. Section 2 of this act shall take effect January 1, 2002 at 12:01 a.m.

II. The remainder of this act shall take effect January 1, 2002.

Senator D'Allesandro moved adoption.

Adopted.

2001-1883-EBA

08/10

Enrolled Bill Amendment to HB 702

The Committee on Enrolled Bills to which was referred HB 702

AN ACT relative to the duties of the committee to study the consumer protection effort in New Hampshire and relative to the membership of the long-term care board.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 702

This enrolled bill amendment corrects the title of the bill to accurately reflect the content of the bill, and corrects statutory references in the bill.

Enrolled Bill Amendment to HB 702

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

AN ACT relative to the duties of the committee to study the consumer protection effort in New Hampshire, relative to the membership of the long-term care board, and establishing a task force on privacy issues.

Amend section 1 of the bill by replacing line 1 with the following:

1 Duties. 2001, 12:3 is repealed and reenacted to read as follows:

Amend section 2 of the bill by replacing line 4 with the following:

II. RSA 126-L:3, I(i), relative to membership of a representative of the New Hampshire

Amend section 2 of the bill by replacing line 6 with the following:

III. RSA 126-L:3, I(j), relative to membership of a representative of the New Hampshire

Amend section 4 of the bill by replacing line 3 with the following:

(n) Up to 7 members appointed by the 13 members in subparagraphs (a)-(m).

Senator D'Allesandro moved adoption.

Adopted.

2001-1877-EBA

05/09

Enrolled Bill Amendment to SB 118

The Committee on Enrolled Bills to which was referred SB 118

AN ACT relative to individual health insurance coverage and extending the reporting date for the healthy kids subcommittee and clarifying the mission statement of the healthy kids corporation.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 118

This enrolled bill amendment makes grammatical and technical corrections.

Enrolled Bill Amendment to SB 118

Amend section 2 of the bill by replacing line 1 with the following:

2 Ratio Changed. RSA 420-G:4, I(a)(2) is repealed and reenacted to read as follows:

Amend RSA 404-G:3, III(i) as inserted by section 7 of the bill by replacing line 4 with the following:

of the pool with a carrier, a preferred provider organization, a health maintenance organization, or

Amend RSA 404-G:5-c, III(b) as inserted by section 10 of the bill by replacing line 1 with the following:

(b) The payment of claims and the development of procedures to ensure that each claim is

Amend RSA 404-G:5-d, II as inserted by section 10 of the bill by replacing line 2 with the following:

allowable health status factor, for health benefit plans or policies which are presently available in

Amend RSA 404-G:5-e, I(c) as inserted by section 10 of the bill by replacing line 2 with the following:

adopted by the association; or

Amend RSA 404-G:5-e, VI(e) as inserted by section 10 of the bill by replacing line 2 with the following:

eligibility or place of residence to which the person does not reply, provided the person has 90 days to

Amend RSA 404-G:5-f, II as inserted by section 10 of the bill by replacing line 1 with the following:

II. The following provisions of title 37 shall apply to the pool to the extent applicable and

Senator D'Allesandro moved adoption.

Adopted.

2001-1884-EBA

03/10

Enrolled Bill Amendment to HB 649-FN

The Committee on Enrolled Bills to which was referred HB 649-FN

AN ACT relative to compensation for time lost by state employees injured in the line of duty.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 649-FN

This enrolled bill amendment revises the text of an RSA section in the bill to reflect current law, and makes a grammatical correction to statutory provisions added by the bill in order to conform them with existing provisions of law.

Enrolled Bill Amendment to HB 649-FN

Amend RSA 21-I:43-a as inserted by section 1 of the bill by replacing line 5 with the following:

his or her position shall not be charged against annual leave or sick leave for the time lost due to the injury.

Amend RSA 106-B:18 as inserted by section 2 of the bill by replacing line 7 with the following:

~~[director of the division of state police]~~ *commissioner of safety* shall make the final determination as to whether the injury received is in line

Amend RSA 206:26-c as inserted by section 3 of the bill by replacing line 6 with the following:

to perform normal or routine duties, shall not be charged against annual leave or sick leave for the time lost

Senator D'Allesandro moved adoption.

Adopted.

2001-1872-EBA

06/09

Enrolled Bill Amendment to HB 676-LOCAL

The Committee on Enrolled Bills to which was referred HB 676-LOCAL

AN ACT establishing a committee to study the creation of a regional program for collection and marketing certain components of the municipal solid waste stream.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 676-LOCAL

This enrolled bill amendment makes a grammatical correction in the title and section 1 of the bill.

Enrolled Bill Amendment to HB 676-LOCAL

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

AN ACT establishing a committee to study the creation of a regional program for collection and marketing of certain components of the municipal solid waste stream.

Amend section 1 of the bill by replacing line 2 with the following: program for collection and marketing of certain components of the municipal solid waste stream.

Senator D'Allesandro moved adoption.

Adopted.

2001-1870-EBA

06/09

Enrolled Bill Amendment to SB 164-FN-A-LOCAL

The Committee on Enrolled Bills to which was referred SB 164-FN-A-LOCAL

AN ACT establishing a comprehensive statewide accountability system concerning an adequate education.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE**Explanation to Enrolled Bill Amendment to SB 164-FN-A-LOCAL**

This enrolled bill amendment corrects the title of the bill and makes certain grammatical and technical corrections.

Enrolled Bill Amendment to SB 164-FN-A-LOCAL

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

AN ACT establishing a comprehensive statewide accountability system concerning an adequate education and relative to non-renomination of teacher contracts.

Amend RSA 193-G:2, II as inserted by section 2 of the bill by replacing line 2 with the following:

academic areas assessed on the statewide tests administered in the following grades in accordance

Amend RSA 193-G:2 as inserted by section 2 of the bill by replacing paragraph IV with the following:

IV.(a) The percentage of pupils who drop out of school annually should not exceed the following rates:

(1) 0.5 percent for middle schools and junior high schools.

(2) 5 percent for high schools.

(b) The department shall calculate and report the annual dropout rate as a percentage based on the reported number of pupils who dropped out of school and did not return during a one-year period as compared to the total school population.

Amend RSA 193-G:2, VIII(a)(2) as inserted by section 2 of the bill by replacing line 5 with the following:

higher NHEIAP grade level assessed in the school attended by the majority of the pupils from the

Amend RSA 193-G:2, IX as inserted by section 2 of the bill by replacing line 5 with the following:
this section.

Amend RSA 193-G:2, X as inserted by section 2 of the bill by replacing line 1 with the following:

X. No later than January 1, 2006, and every 3 years thereafter, the state board shall submit

Amend RSA 193-E:3, II as inserted by section 5 of the bill by replacing line 2 with the following:

department of education data at the school and district levels for the previous school year and any other

Amend RSA 193-E:3, VII as inserted by section 5 of the bill by replacing line 1 with the following:

VII. No later than January 1, 2003, the department of education shall prepare and submit to

Amend section 9 of the bill by replacing lines 3-6 with the following:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities' school districts pursuant to RSA 198:42, [and] to provide education property tax

Senator D'Allesandro moved adoption.

Adopted.

2001-1871-EBA

03/01

Enrolled Bill Amendment to HB 738

The Committee on Enrolled Bills to which was referred HB 738

AN ACT establishing a commission to assess the operating efficiency of state government.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 738

This enrolled bill amendment corrects certain references in the bill.

Enrolled Bill Amendment to HB 738

Amend paragraph I of section 3 of the bill by replacing line 1 with the following:

I. In its study of the restructuring of state government, the 6 major objectives of the

Amend paragraph II of section 3 of the bill by replacing line 1 with the following:

II. The commission shall adopt the following methodology in order to achieve its 6 objectives:

Amend subparagraph II(c) of section 3 of the bill by replacing line 1 with the following:

(c) Third, the commission shall conduct a series of structured interviews with various

Senator D'Allesandro moved adoption.

Adopted.

2001-1859-EBA
04/01

Enrolled Bill Amendment to SB 41

The Committee on Enrolled Bills to which was referred SB 41
 AN ACT relative to technical corrections for life, accident and health
 insurance.

Having considered the same, report the same with the following
 amendment, and the recommendation that the bill as amended ought to
 pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 41

This bill makes a technical correction to section 2 of the bill.

Enrolled Bill Amendment to SB 41

Amend line 6 of section 2 of the bill by replacing it with the following:
 [(E)] (F) Extension coverage need not be provided beyond:

Senator D'Allesandro moved adoption.

Adopted.

2001-1855-EBA
03/09

Enrolled Bill Amendment to SB 48

The Committee on Enrolled Bills to which was referred SB 48
 AN ACT relative to the rental of shared living facilities.

Having considered the same, report the same with the following
 amendment, and the recommendation that the bill as amended ought to
 pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 48

This enrolled bill amendment changes the word "premise" to "premises."

Enrolled Bill Amendment to SB 48

Amend RSA 540-B:3, III as inserted by section 3 of the bill by replacing
 line 2 with the following:
 damage to the premises, or behavior of the occupant or guest of any fam-
 ily member of the occupant

Senator D'Allesandro moved adoption.

Adopted.

2001-1751-EBA
08/10

Enrolled Bill Amendment to SB 157

The Committee on Enrolled Bills to which was referred SB 157
 AN ACT relative to state government information dissemination and
 access.

Having considered the same, report the same with the following
 amendment, and the recommendation that the bill as amended ought to
 pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 157

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to SB 157

Amend RSA 202-B:2, II as inserted by section 4 of the bill by replacing line 2 with the following:
products to program libraries, or the act of making state government information products

Senator D'Allesandro moved adoption.

Adopted.

2001-1864-EBA

03/10

Enrolled Bill Amendment to SB 193-FN-A-LOCAL

The Committee on Enrolled Bills to which was referred SB 193-FN-A-LOCAL

AN ACT relative to changes in the property tax system and making an appropriation therefor.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 193-FN-A-LOCAL

This enrolled bill amendment corrects certain references in the bill.

Enrolled Bill Amendment to SB 193-FN-A-LOCAL

Amend RSA 21-J:1-a, III as inserted by section 1 of the bill by replacing it with the following:

III. The equalization standards board, established under RSA 21-J:14-c.

Amend RSA 21-J:14-b, I(b) as inserted by section 2 of the bill by replacing line 1 with the following:

(b) Standards to be followed by assessors, selectmen, and boards of assessors

Amend RSA 21-J:14-b, II as inserted by section 2 of the bill by replacing line 5 with the following:

recommended changes, in accordance with paragraph III, the board shall proceed to adopt any

Amend RSA 21-J:14-b, III as inserted by section 2 of the bill by replacing line 2 with the following:

recommendations for proposed legislation to the governor, the president of the senate, the speaker of the

Amend RSA 21-J:14-c, II(a)(1)(B) as inserted by section 2 of the bill by replacing line 1 with the following:

(B) One member nominated by the New Hampshire School Boards Association

Amend RSA 21-J:14-d, III as inserted by section 2 of the bill by replacing line 6 with the following:

board shall proceed to adopt any proposed rules.

Amend RSA 21-J:14-d, IV as inserted by section 2 of the bill by replacing line 2 with the following:
recommendations for proposed legislation to the governor, the president of the senate, the speaker of the

Amend RSA 21-J:14-g, I as inserted by section 2 of the bill by replacing lines 3-4 with the following:
of RSA 21-J:14-e and RSA 21-J:14-f or with rules adopted by the commissioner under RSA 21-J:14-f.

Amend RSA 21-J:9-c as inserted by section 17 of the bill by replacing line 3 with the following:
RSA 71-B:17:

Senator D'Allesandro moved adoption.

Adopted.

2001-1861-EBA

03/10

Enrolled Bill Amendment to SB 21

The Committee on Enrolled Bills to which was referred SB 21

AN ACT establishing a commission to develop recommendations for legislation to reduce regulatory barriers to and possible incentives for the creation of affordable housing in order to encourage the development of such housing.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 21

This enrolled bill amendment corrects certain references and makes a grammatical correction

Enrolled Bill Amendment to SB 21

Amend section 2 of the bill by replacing line 2 with the following:
legislation aimed at reducing regulatory barriers to the creation of affordable housing, and encouraging

Amend subparagraph I(e) of section 3 of the bill by replacing line 1 with the following:

(e) The executive director of the Home Builders and Remodelers Association of New Hampshire, or

Amend subparagraph I(f) of section 3 of the bill by replacing it with the following:

(f) The director of the office of state planning, or designee.

Amend subparagraph I(h) of section 3 of the bill by replacing it with the following:

(h) The executive director of the New Hampshire Association of Realtors, or designee.

Amend subparagraph I(q) of section 3 of the bill by replacing it with the following:

(q) The director of the Granite State Independent Living Foundation, or designee.

Senator D'Allesandro moved adoption.

Adopted.

2001-1832-EBA
06/09

Enrolled Bill Amendment to HB 731-FN

The Committee on Enrolled Bills to which was referred HB 731-FN
AN ACT relative to securities laws, making a change to Article 9 of the
Uniform Commercial Code, and relative to standards for
records filed with a registry of deeds.

Having considered the same, report the same with the following amend-
ment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 731-FN

This enrolled bill amendment makes certain grammatical changes to
the bill.

Enrolled Bill Amendment to HB 731-FN

Amend section 2 of the bill by replacing line 1 with the following:

2 Securities; Definition of "Federal Covered Adviser". Amend RSA 421-
B:2, V-d to read as

Amend RSA 421-B:6, II as inserted by section 4 of the bill by replacing
line 11 with the following:
broker-dealer, issuer-dealer, *federal covered adviser*, and investment
adviser shall promptly notify

Amend RSA 421-B:6, V(c) as inserted by section 6 of the bill by replac-
ing lines 3-4 with the following:

*10) examination(s) or a principal's examination applicable to the
licensee's business conducted at that location. Administration of
examinations shall be conducted by the National Association of*

Amend RSA 421-B:7, I as inserted by section 7 of the bill by replacing
line 12 with the following:

case of an investment adviser, *Form ADV, specimens of investment
adviser contracts, and* the

Amend RSA 421-B:7, I-a(e)(2) as inserted by section 7 of the bill by replac-
ing line 2 with the following:

*update information required by Form U-4 as changes occur. An
investment adviser*

Amend RSA 421-B:7, I-b as inserted by section 7 of the bill by replacing
line 5 with the following:

(*SEC*) and a Form U-2, and shall pay initial and annual fees in accord-
ance with *RSA 421-B:31*. Initial

Amend section 8 of the bill by replacing line 2 with the following:

Adviser Licensees. Amend RSA 421-B:7 by inserting after paragraph VI
the following new

Amend RSA 421-B:8, XIII(a)(3) as inserted by section 11 of the bill by
replacing line 1 with the following:

(3) An investment adviser shall deliver the disclosure statement
required by this

Amend section 12 of the bill by replacing lines 1-6 with the following:

12 Securities; Post-Licensing Provisions; Limitation on Scope of In-
vestment Adviser Discretion. Amend RSA 421-B:8, XVI(e) to read as
follows:

(e) *For purposes of these rules an investment adviser shall not be deemed to be exercising discretion when it places a trade order with a broker-dealer, pursuant to a third party trading agreement if:*

(1) *The investment adviser has executed a separate investment adviser*

Amend RSA 421-B:8, XVI(e)(2) as inserted by section 12 of the bill by replacing line 1 with the following:

(2) *The investment adviser contract specifically states that the client does not*

Senator D'Allesandro moved adoption.

Adopted.

2001-1852-EBA

03/01

Enrolled Bill Amendment to HB 126-FN

The Committee on Enrolled Bills to which was referred HB 126-FN AN ACT relative to the board of pharmacy and the regulation of pharmacists.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 126-FN

The enrolled bill amendment makes grammatical corrections and corrects certain references.

Enrolled Bill Amendment to HB 126-FN

Amend section 1 of the bill by replacing line 1 with the following:

1 Pharmacists and Pharmacies; Definitions; Pharmacist-in-Charge. Amend RSA 318:1, X to read

Amend section 2 of the bill by replacing line 1 with the following:

2 Pharmacists and Pharmacies; Definitions; Prescription. Amend RSA 318:1, XVI to read as

Amend section 3 of the bill by replacing line 1 with the following:

3 Pharmacists and Pharmacies; Definitions; Prescription Drug. Amend RSA 318:1, XVII to read

Amend RSA 318:1, XVII(a) as inserted by section 3 of the bill by replacing line 2 with the following:

be labeled with ~~either~~ **any** of the following statements:

Amend RSA 318:1, XVII(a)(2) as inserted by section 3 of the bill by replacing line 2 with the following:
veterinarian"[;], or

Amend RSA 318:38, I as inserted by section 7 of the bill by replacing line 8 with the following:

but not limited to, the compounding[;] and dispensing of medicines upon prescriptions and for the

Senator D'Allesandro moved adoption.

Adopted.

2001-1863-EBA
03/01

Enrolled Bill Amendment to HB 408-FN

The Committee on Enrolled Bills to which was referred HB 408-FN AN ACT relative to the regulation of nursing by the board of nursing.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 408-FN

This enrolled bill amendment makes certain grammatical corrections and corrects a reference in the bill.

Enrolled Bill Amendment to HB 408-FN

Amend section 1 of the bill by replacing line 2 with the following:
 REGISTERED NURSES [~~AND~~], **LICENSED** PRACTICAL NURSES,
 Amend RSA 326-B:1, I as inserted by section 2 of the bill by replacing line 7 with the following:
 nursing *or nursing-related activities*, or who represent themselves as registered nurses [~~or~~],

Amend RSA 326-B:2, I as inserted by section 3 of the bill by replacing line 2 with the following:
registered nurse practitioner, registered nurse, or licensed practical nurse or nursing-

Amend RSA 326-B:2, VIII-a as inserted by section 5 of the bill by replacing line 5 with the following:
 adopted by the board under RSA 541-A or who have successfully completed a board-approved

Amend RSA 326-B:2, XII as inserted by section 6 of the bill by replacing line 2 with the following:
 nursing as a registered nurse or licensed practical nurse *or nursing-related activities as a*

Amend RSA 326-B:2, XVI as inserted by section 8 of the bill by replacing lines 2-4 with the following:
 registered nurse practitioner, dentist, or physician, by an L.P.N. who is prepared to function as a member of the health care team by exercising sound nursing judgment based on preparation, knowledge, skills, understanding, and past nursing experience. Practical nursing by an L.P.N.

Amend section 10 of the bill by replacing line 1 with the following:
 10 Board of Nursing; New Members; Licensed Nursing Assistants. Amend RSA 326-B:3, I to

Amend RSA 326-B:6, III as inserted by section 17 of the bill by replacing line 4 with the following:
evaluation; or have graduated from a recognized Canadian nursing education program; *or be a*

Senator D'Allesandro moved adoption.

Adopted.

**2001-1854-EBA
06/01**

Enrolled Bill Amendment to HB 652

The Committee on Enrolled Bills to which was referred HB 652

AN ACT relative to the penalties for reckless or negligent operation of a motor vehicle.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 652

This amendment makes a technical change to statutory numbering in the bill.

Enrolled Bill Amendment to HB 652

Amend line 3 of section 2 of the bill to read as follows:

265:79-b Negligent Driving. Whoever upon any way drives a vehicle negligently or causes a

Senator D'Allesandro moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLD BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 1, making appropriations for the expenses of certain state departments of the state for fiscal years ending June 30, 2002 and June 30, 2003.

Senator D'Allesandro moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLD BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 170, relative to state fees, funds, revenues, and expenditures.

Senator Pignatelli moved adoption.

Adopted.

Report of Committee on Enrolled Bills

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill:

HB 126, relative to the board of pharmacy and the regulation of pharmacists.

HB 240, requiring the department of health and human services to develop a plan reducing the number of persons awaiting certain services for developmental disabilities.

HB 258, establishing a task force to conduct an ongoing study of the feasibility of re-establishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon northern passenger rail service line.

HB 260, establishing a commission to examine child care resources for parents who work hours other than first shift.

HB 288, relative to the licensure of interpreters for the deaf and hard of hearing.

HB 408, relative to the regulation of nursing by the board of nursing.

HB 475, establishing a commission for the development of a statewide protocol for interviewing victims of sexual assault crimes.

HB 588, relative to examination of persons called as jurors.

HB 652, relative to the penalties for reckless or negligent operation of a motor vehicle.

HB 707, establishing a 211 commission.

HB 731, relative to securities laws, making a change to Article 9 of the Uniform Commercial Code, and relative to standards for records filed with a registry of deeds.

SB 41, relative to technical corrections for life, accident and health insurance.

SB 48, relative to the rental of shared living facilities.

SB 157, relative to state government information dissemination and access.

Senator D'Allesandro moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLD BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 25, making appropriations for capital improvements.

HB 103, relative to the possession of deadly weapons by convicted felons or during the commission or attempted commission of a violent crime.

HB 202, relative to the legislative ethics committee.

HB 271, relative to criminal liability for the conduct of another.

HB 361, establishing a committee to study certain policies and procedures in the department of corrections.

HB 374, relative to surcharges on pay telephone use.

HB 390, relative to the Live-Birth Infants Protection Act.

HB 402, relative to the establishment of a state universal service fund.

HB 412, requiring the public higher education study committee to study the feasibility of granting state franchise rights to providers of on-line education courses.

HB 446, relative to spousal and child support enforcement.

HB 499, making state-appointed advisory committees subject to the right-to-know law.

HB 525, relative to property and casualty insurance.

HB 554, establishing a division of information technology within the department of safety.

HB 584, relative to the registration and licensure of ORHV dealers and rental agents.

HB 616, clarifying sessions to be held at the satellite district court in Durham.

HB 667, relative to certain reporting requirements and relative to meetings of the board of medicine.

HB 699, relative to the rights of non-offending parents in the context of abuse and neglect cases.

HB 764, relative to the criminal offense of kidnapping.

SB 54, relative to the transfer of funds in the community-technical college system.

SB 76, requiring attendance in an education and training program by those who obtain a liquor license and relative to applications for one-day liquor licenses.

SB 99, relative to the extension of time for filing a community benefit plan.

SB 103, changing the qualification requirements for charitable organizations that conduct bingo or lucky 7.

SB 109, implementing certain federal regulations relative to setting minimum requirements for employee benefit plan procedures pertaining to the filing of benefit claims, notification of benefit determinations, and appeal of adverse benefit determinations.

SB 149, changing the definition of "person" with respect to motor vehicle records and certification and permitting certain medical researchers access to motor vehicle records.

SB 152, relative to the regulation of business practices between motor vehicle manufacturers, distributors, and dealers.

SB 168, relative to education property tax hardship relief.

SB 170, making certain changes to excavation tax and excavation activity tax.

SB 176, establishing an equipment depository and disabled person's employment fund in the department of administrative services.

SB 184, relative to review of fees for the removal and impoundment of motor vehicles.

Senator D'Allesandro moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 131, relative to the retention and disposal of certain financial disclosure forms.

HB 132, relative to the damage or destruction of an emergency vehicle or emergency services equipment.

HB 215, relative to publication of status of cases before the supreme court.

HB 238, relative to interstate banking.

HB 256, limiting the liability of law enforcement agencies and their employees for injuries caused by dogs used in law enforcement work.

HB 259, relative to holding sessions for correction of checklists.

HB 274, banning the residential open burning of trash and relative to a dioxin emissions reduction and control program.

HB 277, clarifying the penalties for violations of statutes or ordinances where no penalty is specified.

HB 279, relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor; relative to payment of medical benefits costs for group II members of the retirement system; and relative to the election of optional allowances by certain retirement system members granted disability retirement benefits.

HB 315, relative to the registration of criminal offenders.

HB 320, relative to leasing certain portions of railroad properties and relative to the definition and taxation of amusement railroads.

HB 328, relative to fees of sheriffs and deputy sheriffs.

HB 332, relative to resuscitation protocols for emergency medical care providers.

HB 337, relative to the administration of the public utilities commission, establishing the position of executive director of the public utilities commission, and relative to the position of assistant commissioner of the department of corrections.

HB 354, extending the kindergarten construction program.

HB 357, relative to periodic payments of judgements.

HB 373, relative to surety bonds for detective agencies and security services.

HB 385, changing the name, membership and duties of the office of volunteerism.

HB 426, relative to the voluntary scrapie flock certification program.

HB 444, relative to mental health services and records.

HB 450, relative to work product and relative to attorneys' fees under the right-to-know law.

HB 451, establishing a commission to study the impact of pay and health care benefits for child care workers on the quality of care and education for children by considering and exploring funding methods for accomplishing any recommendations.

HB 509, establishing a statute of limitations on spousal support orders.

HB 543, establishing the division of ports and harbors within the Pease Development Authority and transferring all functions, powers, and duties of the New Hampshire state port authority.

HB 578, relative to requirements for nonpublic utility providers of telephone services and competitive telecommunication providers, and relative to the information technology management advisory board.

HB 585, relative to the membership and duties of the council on resources and development.

HB 603, providing the commissioner of administrative services an option to self-fund the state employee health plan and requiring a reserve fund therefor.

HB 604, relative to increasing certain fees and making other changes to fish and game licenses.

HB 643, extending the moratorium on new nursing home beds.

HB 649, relative to compensation for time lost by state employees injured in the line of duty.

HB 676, establishing a committee to study the creation of a regional program for collection and marketing of certain components of the municipal solid waste stream.

HB 702, relative to the duties of the committee to study the consumer protection effort in New Hampshire, relative to the membership of the long-term care board, and establishing a task force on privacy issues.

HB 703, relative to durable powers of attorney.

HB 717, establishing a committee to make recommendations on policy concerning state-operated trails and private lands used by all terrain vehicles and trail bikes and relative to increasing the resident and non-resident OHRV registration fees for snow traveling vehicles.

HB 723, relative to vacancies in county offices.

HB 726, relative to change of school assignment and transfers of public school pupils and relative to the voting procedures for authorizing certain capital projects in interstate school districts.

HB 738, establishing a commission to assess the operating efficiency of state government.

HB 743, transferring the department of youth development services to the department of health and human services.

HB 758, relative to the sale of gasoline containing ethers and establishing a gasoline remediation and elimination of ethers fund.

SB 21, establishing a commission to develop recommendations for legislation to reduce regulatory barriers to and possible incentives for the creation of affordable housing in order to encourage the development of such housing.

SB 118, relative to individual health insurance coverage and extending the reporting date for the health kids subcommittee and clarifying the mission statement of the health kids corporation.

SB 139, relative to uniform electronic transactions.

SB 164, establishing a comprehensive statewide accountability system concerning an adequate education and relative to nonrenomination of teacher contracts.

SB 192, relative to the issuance of high/medium voltage licenses by the electricians' board.

SB 193, relative to changes in the property tax system and making an appropriation therefor.

SB 197, establishing a judicial conduct commission.

Senator D'Allesandro moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLD BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 405, establishing a committee to study the creation of an at-home infant child care program in New Hampshire.

HB 547, authorizing participation in a regional electronic toll collection system.

SB 18, relative to termination of small trusts.

SB 51, relative to financial holding companies, establishing a cash dispensing machines study committee, and relative to the participation in meetings by out-of-state, nondepository trust company directors, and clarifying the status of student loans.

SB 53, relative to attorneys' fees in certain circumstances under the workers' compensation law.

SB 68, relative to school district placements of children living in foster homes.

SB 74, relative to providing services under the Child Protection Act.

SB 111, extending the payment of group health insurance premiums for certain retired members of the retirement system.

SB 119, relative to small group health insurance coverage.

SB 148, relative to certain penalties for violations of the youth tobacco laws and establishing a committee to study the feasibility of transferring some of the responsibilities currently held by the commissioner of the department of revenue administration under RSA 78 to the liquor commission.

Senator D'Allesandro moved adoption.

Adopted.

Recess.

Out of Recess.

VETOED BY THE GOVERNOR

Senate Bill 164, an Act establishing a comprehensive statewide accountability system concerning an adequate education.

Adjourned to the Call of the Chair.

RESOLUTION

Senator Francoeur moved that the Senate be in recess for the sole purpose of receiving House Messages, Enrolled Bills and Amendments, and that when we adjourn, we adjourn to the Call of the Chair.

Adopted.

**LATE SESSION
ANNOUNCEMENTS**

SENATOR WHEELER (Rule #44): I just wanted to publicly thank the President of the Senate for his courtesy and good humor and willingness to talk. Thank you very much for your demeanor this year.

PRESIDENT KLEMM (In the chair): Thank you very much, Senator Wheeler.

RESOLUTION

Senator Hollingworth moved that we be in recess to the Call of the Chair.

Adopted.

In recess to the Call of the Chair.

December 12, 2001

The Senate met at 10:15 a.m.

A quorum was present.

The prayer was offered by Rev. Dr. Robert E. De Wetter, Senate Guest Chaplain.

Good Morning and greetings from David Jones who will be back in the saddle on February 1. These are very difficult times we are in as a nation and as a state, and we are certainly in a time of crisis. I just want you to know in this chamber that although there is a street between this chamber and Saint Paul's Church, there is a constant bridge of prayer and you are all in our constant prayers in this difficult, tough time.

Let us pray:

Dear God. In these troubled times, we thank You for Your love and guidance. Warm our hearts when they have gone cold with fear, fill our spirits when they have been emptied because of despair, and unplug our ears when they are filled with wax of self-centeredness. Lead us this day, open our minds to follow Your will, help us to make right decisions and override them when they are not. We pray dear God, that You will guide us to fulfill the purposes You have in mind and we thank You for Your unbounded generosity, love, and grace. And we pray especially this day for those who have placed themselves in harms way so that the rest of us may live in the freedom You have given us.

Amen

Senator Prescott led the Pledge of Allegiance.

**INTRODUCTION OF GUESTS
VETO MESSAGE**

July 12, 2001

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed Senate Bill 164, an Act establishing a comprehensive statewide accountability system concerning an adequate education.

I have long supported strong school accountability legislation. Making schools accountable for their performance is critical to improving the education we provide our children.

Senate Bill 164 is advertised as a school accountability bill. Yet, it contains no provisions whatsoever to hold school districts accountable for their performance. As President George W. Bush has emphasized so strongly in his national educational reform proposal, "without consequences for failure, there is no pressure to succeed." To call SB 164, in the form in which it left the legislative committee of conference and has arrived on my desk, an "accountability" bill is disingenuous. I cannot support legislation which is more symbolic than substantive on an issue as critically important as school accountability.

Several have said to me in the last few days that SB 164 "is better than nothing." I disagree strongly. SB 164 imposes many new duties on the Department of Education, but fails to provide the Department with sufficient funding to successfully carry out those additional responsibilities. When this bill first passed the Senate on May 9, 2001, it appropriated more than double the funding it now contains. Unfortunately, the very people in the legislature who have loudly fought meaningful school accountability measures for the last four years are the same people who in conference committee removed the modest accountability provisions from the Senate version of SB 164 and slashed the resources the Department of Education would need to succeed.

As amended by the House, this legislation seeks to make teachers more accountable by making it easier to terminate teachers in about half of the school districts in this state. While I support streamlining the process for removing non-performing teachers, it makes little sense to make teachers more accountable without making school districts more accountable.

I am also concerned by the expansion of duties assigned to the so-called legislative oversight committee. This is another example of the disturbing trend of the legislative branch to interject itself into the day-to-day operations of the executive branch.

I am disappointed that Senate Bill 164 has arrived at my desk in this form, leaving me with no choice but to veto it.

Respectfully submitted,
Jeanne Shaheen
Governor

SENATOR O'HEARN: This is one of those pieces of legislation that I have worked on over a number of years as well as Senator McCarley. I am very disappointed that I am here today to try and override this veto. It is a piece of legislation that I think has been worked on, compromised on, and has had enough support from people that this is the right thing to do for our schools. The question before us today is whether or not to override the Governor's veto on SB 164, the School Accountability Bill. As the sponsor of this bill, there should be no doubt where I stand on the issue. I supported school accountability when it passed earlier this year and I support school accountability now. I firmly believe that SB 164 is a good piece of legislation. To those of my colleagues who voted in favor of the accountability once before, and are prepared to do so again today, I say thank you. I ask for your patience while I speak to our colleagues who may need a little more convincing that SB 164 is the right thing to do. In the Governor's veto message she said that making schools accountable for their performance is critical to improving the education that we provide our children. I agree completely, that is why I sponsored SB 164. That is why I worked so hard with the Senate Education Committee to fine-tune that bill. That is why I worked with the House during the Committee of Conference to fine-tune it. Senate Bill 164 may not be everything the Governor wants. It may not be everything that we

want. It certainly isn't everything that the House wants. It may not contain as much money as the Governor wants. As I have said before, and I still say today, it is a work in progress. All accountability bills across the country are works in progress. None of that takes away from the fact that it will help make things better. Accountability is being established by setting goals in reading, setting goals in the assessment test, attendance rate, dropout rates, attendance at postsecondary education and minimum standards. Every school is held accountable as they are required to have an education improvement plan. The Department of Education is held accountable in that they must provide technical assistance to our schools, and the money. It comes down to the money. I know that the Senate put in more money than the House. As we came out in a compromise, and recognizing the difficulty that we had with the budget this year, the House and the Senate, in Committee of Conference, agreed to \$2.5 million. We worked with the Department of Education on that amount of money. With the department, every department of Education recommended staff positions, each with its full funding, was included in that Committee of Conference agreement, for a total of 15 new positions. Senate Bill 164 passed the House by a 2-1 margin. It received bipartisan support in the House in a year when it was not easy to come by. Now it is the Senate's turn to show some bipartisanship and pass this important piece of legislation. I ask you to think about the school children of our state. They will be better off when we pass a law that establishes criteria for school performance that satisfies satisfactory progress or defines satisfactory progress. That expands reporting on pupils performance at the local and state level, and requires a local education improvement plan in every district. It is a plan that gives technical assistance to our schools. It is a plan that will also provide a reading program in our schools so that all of our children will be able to read. I ask you to please vote yes on school accountability.

SENATOR MCCARLEY: I would like to take a couple of minutes to encourage the Senate to maintain the position that it took on May 9 when it said that it was time for the state of New Hampshire to have an accountability program and it will be a real accountability program. On a voice vote, we passed both the funding, but more importantly, I don't even want to talk about the funding today, I want to talk about the language that we passed. What we said very clearly when we took that voice vote is that students and schools "shall" make satisfactory progress or meet and exceed a set of goals. We set it in a bipartisan way. We sent that bill to the House because we said, after three or four years, at \$825+ million, it was time to say we have got to see how our kids are doing and we have to demand some accountability. I was very proud of the state Senate that day. I enjoyed working with the chairman on that legislation. I think that a lot of people worked very hard on it. I was very disappointed that the House put in no effort on the accountability bill. They simply slapped on another amendment and simply sent it back. I was delighted to be put on the Committee of Conference. I am disappointed that I was not able to complete my task of taking the Senate position to that Committee of Conference and coming out with a Senate position, that I think, is the right position for the state of New Hampshire. I have to agree, in this case, we have ended up with what can only be considered a shell. Having said that, I like words - I like words a lot. You all would probably agree that I do like words a lot, I talk a lot. On the way over on my drive today, there were political signs, all the way over. The political signs said, and I want to get it right, "Stop Shaheen Sell-Out"

that would appear to be an issue about the Governor, but do you know what the sub-line was? "Demand school accountability." Not suggest that our students "should" do things. No, this sign said, "demand it". I think that demand and shall have a lot to do with one another. I can tell you that when I tell my kids, "you know, you really should try to do that." Let me tell you what their response often is, I am sorry to say, "ah, when I get around to it." It is wrong. It is time. It is past time for what we should be doing in terms of school accountability. While reading these political signs, I had my radio on. Guess what? (ESEA) Elementary Secondary Education Act came out of the Committee of Conference last night and guess what? The Committee of Conference said that we are going to have national standards. We are going to mandate them. We are going to go in and do something about schools that are failing our kids. It is time. Once again, a bipartisan mandated federal involvement because the world is saying that it is time to demand performance. I would encourage us to take the approach that our federal government is now taking. I would suggest that this veto should be sustained because it is past time and we need to try and get back to work. Thank you.

SENATOR COHEN: Senate Bill 164 was a good piece of legislation. It had real accountability in it. We have been talking for years about funding education. How do we fund education? People are interested in education. They recognize...the people of New Hampshire, I believe, strongly recognize that we need accountability. That if we are going to be talking about funding education that we have to talk about accountability. Education funding requires accountability. This doesn't do it. I think that we recognize that. This, I am afraid, is a toothless piece of legislation, as we have it now. To quote from the Governor's veto message, as President George W. Bush has emphasized so strongly in his national educational reform proposal, "without consequences for failure, there is no pressure to succeed." There are no consequences in this bill. We need to make sure that not just teachers, but schools are held accountable, as well. I don't think that there are any questions. The original bill is much better. We cannot stop here. This doesn't do it. I would like to quote a local newspaper editorial. "It is time to do something that could really make a difference. This doesn't do it." The danger is that if we pass this as is, that it will appear that we have done something about accountability. But it doesn't do it. It doesn't do it. We need to work on making sure that we have real accountability. That there are in fact, consequences and that the schools will be held accountable as well. I would urge my colleagues to sustain the Governors veto.

SENATOR FERNALD: Senator McCarley sort of struck a cord with me when she said that she liked words. I like words, too. I think that they have power and meaning. There are two words in politics that I see people using over and over because they have a good ring to them. Those words are accountability and reform. Everybody believes in accountability. Judges should be accountable, legislators should be accountable, schools should be accountable. They mean the opposite of not being accountable. Everyone can be against. Reform. That is another great word. Another word for it is change. When you say change, people get a little scared. But when you say "reform" people think, oh, we are doing something good, we are taking something bad and making it into something good. So this has been labeled as school accountability and teacher reform. The truth is, it is neither, and the Governor's veto is entirely proper. There is no school accountability in this bill. It does not make any failing school

accountable for their failure, other than what accountability they already have to their own voters. Now if your argument is, we need local control and therefore the state should have no role in fixing failing schools, just say that, but don't call it accountability. If we had a Senate Rule for truth in labeling, we would not be allowed to put accountability on this bill, because there is none. As for teacher tenure reform, I believe, although I haven't had 23 conversations, that everybody in this room recognizes that we need to reform the teacher tenure process. It is too cumbersome. It is too long. It needs change. But we need to do it in a way that recognizes the importance of teachers and the fact that they are in positions that can be subject to political pressure. If you are a school teacher and you flunk a volleyball player or you flunk a soccer player and they can't be on that team anymore, you can be a little bit scared as a teacher, that there may be consequences if you do that. The reason why we have a teacher tenure process, where they are allowed to appeal to the state board when there has been a termination of a teacher, is that we can weed out those cases when it has been politically motivated instead of based on performance. It all comes down to a couple of words. When you go to the state board as a teacher, and you are asking them to review the termination of a teacher, this bill says that the teacher has to show that the firing was clearly erroneous. Now understand the importance of that. Look at the alternative. The alternative that we have talked about for three years is that we have said that the firing should be "reasonable". Clearly erroneous means that there is no possible support for the decision. So if 19 people come in and say that this is a wonderful teacher and one person says that this is a lousy teacher, that is not a clearly erroneous decision to fire that teacher because you have somebody who supports the decision. Clearly erroneous means that you can fire teachers for reasons that are unreasonable, but it will still stand. This is not teacher tenure reform. It is an attempt to completely wipe out teacher tenure. If this were to become law, there is no teacher that would ever win an appeal to the state board ever again. Not with those words in it. So I hope that the press will get the word out to the people **TAPE CHANGE** in the road side. There is no accountability here and there is no reform.

SENATOR BOYCE: I rise to support Senator O'Hearn on SB 164. In her veto message, the Governor said, and I think that I heard this before, this morning, "without consequences for failure, there is no pressure to succeed." I agree. So why did the Governor veto a bill that establishes criteria for school performance, defines satisfactory progress, expands reporting on pupil performance at the state and local level, requires a local education improvement plan in each school district? How can there be consequences for failure unless the people of New Hampshire know how well their schools are doing? That is what SB 164 does. It gives the people the ability to judge how their schools are doing. Consequences for failure does not have to mean that a state bureaucracy will take over local schools. Consequences should mean having teachers, school administrators and school board members accountable to the community. Accountability should strengthen local control not eliminate it. The Governor said that she supports streamlining the process for removing nonperforming teachers. Again, I completely agree. So why then did the Governor veto a bill that contains the teacher tenure language proposed by her own task force on Teacher Nonrenewal? If we are going to hold schools accountable for classroom results, then we must give the local school boards the tools to ensure that there is a qualified and well mo-

tivated teacher in every classroom. The Governor was right when she said that making schools accountable for their performance is critical to improving the education of our children. That is why we must vote to override her veto today. Thank you.

SENATOR JOHNSON: Before I address SB 164 I just want to disclose to my colleagues that I am a school board member, but I do not consider it a conflict of interest in voting in favor of SB 164. First, SB 164 provides the Department of Education with \$2.5 million to start the process of reporting on school performance, to institute the grade three reading assessment and to build the capacity of the department to assist local school districts. Second, SB 164 includes the teacher tenure language which Senator Boyce already alluded to in proposing the Governors' task force on teacher nonrenewal. This language is the best compromise between protecting good teachers and streamlining the process of removing poorly performing teachers. If we are going to hold schools accountable for classroom results, then we must give local school boards the tools to insure that they are well qualified and well motivated in every classroom. I think that our children deserve nothing less. Thank you Mr. President.

SENATOR GORDON: I think that I agree with my colleagues that say that SB 164 leaves some things to be desired and that there are improvements that could be made. But I have long since learned in this process that the legislative process is one of compromise. That my colleagues don't always agree or have the same perspective that I do with regard to issues. That if I am going to accomplish things, it is going to be through the process of compromise, and ultimately, I won't find a product that I totally agree with, but I have to make a decision as to whether it is a product I can support. The accountability portion of this bill does some things which I think are important. One, it sets clear statewide expectations. The second thing which it does, which I think perhaps attempts in the past haven't done, is that it recognizes local effort and it does recognize those districts when they are in fact making improvement in their school districts. I think that is important. The one thing that it does leave out perhaps is the issue of what happens to failing schools? Is there a punishment built in? I know that there are people who are concerned that there isn't an adequate punishment for those schools built in. But then I guess that we have to question as to what the priority should be, setting the expectations first or setting the punishments first. My issue, Mr. President, is that I believe that this makes some effort towards progress, towards accountability. Albeit it may not be perfect, it does make progress. So the decision that comes down today is a question of this: Do you vote for some progress in supporting SB 164 or do you say that SB 164 is so flawed that no progress is acceptable? My vote today, Mr. President, is that I believe that some progress is more important than none. I am going to support the veto override on SB 164.

SENATOR LARSEN: I really think that I have decided that SB 164 is a past...is really a sheep in wolf's clothing. This bill parades as an accountability bill but it has no teeth. There are no consequences for school districts that need help. There is not enough money in it for the department to enact what we have put in there. I think that it is very curious too, and difficult currently, that at the national level we are passing testing and we are passing consequences for school districts that in fact need help. I think that it would be a difficult time right now, particularly for New Hampshire, to enact an accountability bill that parades as a wolf

but is truly a sheep, because we don't know, in fact, how the national accountability will carry through. For all of these reasons, SB 164's veto should remain and I urge all of my fellow colleagues to join us in not overriding this veto. Thank you.

SENATOR O'HEARN: I would like to remind this body that it was the Senate Education Committee that changed education standards to goals. We changed it to goals, yes, we did take the punch out of it. But remember, we were working on a compromise. As we have tried for the past four years to compromise on an issue such as this, we have to listen to all of our districts. It isn't just one sided. Last night I was asked to attend a program of teachers that teach foreign students that come to this country. Immigrants and refugees. Their comment to me was that these kids are taking the assessment test, unable to read English. Unable to comprehend from English to their language what that test is, what it means. Imagine taking a test in American history if you are from Bosnia or Somalia, and how well they do on it? They are required to take that assessment test. In that assessment test, goes the ranking of the school and how well that school does? Well you can imagine these children that can't speak the language, that have trouble interpreting the language, and are required to take this test, and where they score, and what it does to the assessment test scores of the individual schools. They're telling me that it is not fair that their school districts are being judged on that. We can see that there is considerable difference in what goes on in an inner city school in a city as compared to the suburban schools. As we have worked for the past four years trying to deal with accountability, we have asked different areas of the state, different school districts what we should be doing. They are asking us not to judge too quickly on one standard which is the NHEIAP test and that is what we are doing right now is judging on that. Let's find signs of improvement, let's find a way to start measuring. By doing nothing, there is no way to create the teeth that you need, because there is no way to determine why a school is failing. It is foolish to put teeth into a bill, have someone step into a school district and think that they can fix it when they don't even know why. The purpose of this piece of legislation was to compromise with all of those school districts that are struggling. With all of those school districts that are looking for help. To work with the Department of Education and create with them, enough people within that body in order to help our schools. If 15 people in the Department of Education isn't enough, how many people do we need at that point? I encourage you to pass this piece of legislation. I encourage you to start with something that we can work forward with. We have always said that this is a work in progress. So isn't our funding a work in progress? Everything that we are doing, we are only four years into it. Let's begin somewhere. Voting no is not the beginning, it is an end to what is good legislation. I urge you to support overriding the veto.

SENATOR MCCARLEY: I rise to speak very briefly for a second time. I think that people got a little bit confused on the bill that we passed out of the Senate. That bill was a compromise. That bill was a huge compromise. It said that we are going to set the standards, folks. We are going to give people goals, but they are going to be goals that you have to meet or are making progress toward. We did not have punishment, as mentioned by Senator Gordon. What we had was, over time, if you are not able to meet those goals, you may request assistance. You are not required to take assistance, but the Department of Education does have

the ability to go in, if you are not meeting those goals, and offer a look through and offer observations, as to why you are not meeting those goals. There was no punishment. Prior years, yes. In the bill that the Senate passed as a compromise, there was no punishment. But there was a requirement that we are finally going to say that our kids have got to start meeting these goals and it has to start now. Secondly, very quickly for the record. I feel that I need to correct something that has been said twice on the floor. The Governor's task force did not agree with the language "clearly erroneous". I am sure that Senator O'Hearn will support me in that. The legislation that was submitted did. The task force, which I served on and then did not sign onto the bill, did not agree on that standard. So I think that it is just from my perspective, it is worth correcting that for the record, regardless of when the legislation came in, a separate issue, the task force, because I served on it, could not come to agreement on the standard of review. Thank you.

SENATOR BELOW: Back in the late 1800's sometime, the state Supreme Court, in a case concerning the nature of school districts, looked at the situation and observed that the school districts were created by this legislature for the purpose of carrying out the mandate laid upon by the constitution, upon the legislature for providing public education. That is a paraphrase. As such, there is an acknowledgement from our early days in this state's history that both public education was essential and that the state was responsible for ensuring that it was provided and we created school districts to carry out that responsibility for us. It just seems pretty straightforward to have a school accountability bill, we need to have a provision that allows the state to take some affirmative actions to help ensure that the duty is being met. It is not punishment, it is about being able to, as Senator McCarley said, step in and provide some assistance in an affirmative way. I did also want to comment on the issue of so-called teacher tenure reform. That is not really a compromise. That is going from one extreme, which is perhaps the current situation, to another extreme. Currently, many school districts do have contracts that they have negotiated, that provide for binding arbitration for teachers. This was something that school boards and the Teachers Associations agreed to. The proposal here is to legislatively overturn that and replace the negotiated recourse of binding arbitration with those districts that have that, with a single recourse to the state Board of Education. On this very, very narrow grounds of "clearly erroneous", I think that there is compromised language that we can find that we could pass, but it is not to, essentially, do away with any meaningful recourse for appeal of a wrongful, unjust, unreasonable termination. In this day and age, when we are facing a serious shortage of public school teachers, where many teachers find it more attractive to work in the private sector for the salaries that are being offered, I think that it is a mistake to support an action that is so clearly...so overwhelmingly flips the tables in a way that a teacher could not even appeal on the basis of an unjust, unreasonable termination; therefor, I think that we need to sustain the Governor's veto and work towards some real compromise and progress on these issues. Thank you.

Question is notwithstanding the Governor's veto, shall the bill pass?

A roll call is required.

The following Senators voted Yes: Burns, Gordon, Johnson, Boyce, Flanders, Roberge, Eaton, O'Hearn, Francoeur, Gatsas, Barnes, Prescott, Klemm.

The following Senators voted No: Below, McCarley, Disnard, Fernald, Pignatelli, Larsen, O'Neil, D'Allesandro, Wheeler, Hollingworth, Cohen.

Yeas: 13 - Nays: 11

Veto sustained.

SENATE RULES

Senator Boyce offered the following:

PROPOSED DEADLINES 2002 SESSION

JANUARY 2, 2002	CONVENING DAY INTRODUCTION OF SENATE BILLS (Calendar with all hearing published)
FEBRUARY 21, 2002	LAST DAY TO ACT ON SENATE BILLS
FEBRUARY 24, 2002 - MARCH 5, 2002	VACATION WEEK
APRIL 18, 2002	LAST DAY TO ACT ON ALL BILLS FROM OTHER BODY
APRIL 25, 2002	LAST DAY TO FORM COMMITTEE OF CONFERENCES
MAY 2, 2002	LAST DAY TO ACT ON COMMITTEE OF CONFERENCE REPORTS

SENATOR BOYCE: I would move that the proposed deadlines, which I believe are being passed out for the year 2002, be adopted.

SENATOR MCCARLEY: I guess that the Committee is just bringing it in, but, could we get an explanation for why these deadlines are what we think are going to work for us? Just a brief explanation on the deadlines. I mean, May 2 is before my birthday and I have never been in the Senate when we haven't sung happy birthday to me on May 11. So I am just curious about the...and Senator Johnson's birthday. So if somebody could just give me a brief explanation of why these deadlines look like they will work I would appreciate it.

SENATOR FRANCOEUR: Just so that everybody knows, there are about 108 bills in the Senate this time instead of 250 or so. Also in the House, there are only between 300-400 instead of 1,100, so we expect their bills to come over a lot faster also. So we were hoping that with the schedule that is before everybody, the time will be a lot more efficient and we should be able to get out by this schedule.

Adopted.

Recess.

Out of Recess.

HOUSE MESSAGE

The House of Representatives has voted to sustain the Governor's veto on the following Bills:

HB 201, relative to voters presenting identification to obtain a ballot.

HB 399, relative to proof of qualifications for voter registration.

HB 503, relative to incompatible offices.

HB 723, relative to vacancies in county offices.

HB 738, establishing a commission to assess the operating efficiency of state government.

TAKEN OFF THE TABLE

Senator Gordon moved to have **HB 748-FN-A-L**, revising the definition of an adequate education and revising the weighted pupil formula used to calculate the cost of an adequate education, taken off the table.

Adopted.

HB 748-FN-A-L, revising the definition of an adequate education and revising the weighted pupil formula used to calculate the cost of an adequate education.

Senator Gordon moved rerefer to committee.

SENATOR MCCARLEY: I need a reminder on rereferred bills and the expectation because it is coming back to a committee that I sit on. Is the Education Committee scheduling work sessions on this rereferred bill, given where we are on the timeframe of things? I truly just need an answer.

SENATOR GORDON: It certainly is in my intention of referring it that the Senate Education Committee would in fact, consider the bill and have hearings on the bill.

SENATOR MCCARLEY: On what was just passed out, the amended bill? Because we did have hearings on this bill and I am just trying to figure out what it is for workload, if you would?

SENATOR GORDON: I speak to the bill, maybe I can answer your questions. I rise to speak to the motion. Just in terms of background and I am sure that you are familiar enough that I don't have to go into any detail, but as you know, HB 748 contains basically, the market basket approach towards education funding. The intention was, at the end of the session, when we last met in June, that we would amend the provisions of the bill, which was passed by the Senate, sent over, which was involved in a Committee of Conference, which was unsuccessful. But what we wanted to do was to address issues of constitutionality because many people said that they had concerns that the way the market basket approach and this particular bill was constructed, it would not satisfy the New Hampshire Constitution. So it was my intent to amend this particular bill, 748 and then send it to the court because I thought that made sense and ask for an advisory opinion. Unfortunately, there have been a number of things that have happened. One is we didn't meet again until December, so in essence, nearly six months have passed since our last meeting. In terms of timing, that is terribly bad timing, because if we were to send it over to the court right now, we probably wouldn't expect to get an advisory opinion back for some period of time, particularly if there were an oral argument and briefings, we might not get it back until March or April. What that does is to foreclose the possibility of discussing it in the next session or the year 2002. There is another thing that has also happened in the interim. That is that there has been a recent court ruling. This court ruling involves a current petition that is pending before the court submitted by the plaintiff towns. In that ruling, that court, in essence said, we don't want to get into the issue of deciding whether particular numbers are the numbers to be applied as far as

education funding. That can be addressed...and then you have the Superior Court, because those are factual issues. What we really want to address is the underlying constitutional issues involved in the funding plan. So many of the criticisms that this plan had when it went over to the House, was the question whether justifying \$42,500 for salary and benefits for teachers was an appropriate amount or whether that was arbitrary. As it appears, the court doesn't really want to address those types of issues, those are the types of issues which the court has said would be addressed in the Superior Court as opposed to the Supreme Court. The type of issue that the Supreme Court would want to have is whether or not a market basket approach, in itself, overall, is a constitutional approach. I certainly believe that it is. The fact that other states...or a state as close as Massachusetts, uses the market basket approach, would indicate to me, that it is in fact, a constitutional approach. My concern is...my biggest concern that I have is that if we send it over to the court right now, we are going to, in essence, lose a year to discuss this and to have this on the table. Because particularly with the timeframes that we have just adopted, in terms of considering legislation, with every issue that we ran in with the House last time – because if you remember – we ran into a stone wall with the House. We sent it over to the House and the House basically said, hey, we haven't had adequate time to consider it. We haven't had adequate time to think about it. We haven't had hearings on it; therefore, as far as we are concerned, we really are not prepared to accept it. I don't think that the debate over education funding can wait. I still hear, and I certainly have heard in the last six months from my constituents and I suspect that you have heard from your constituents too, that they are still unhappy with education funding. They still believe that we have not solved the problem. There are still some expectations on the part of our constituents that we are going to make some effort to do that. I don't want to be the one to go back to my constituents and say well, we have waited to do that until 2003. I think that we need to have that debate and we need to have that debate in the next session. I want to prosper that debate. I want to provide the agar where that debate can take place. That debate has to take place in the Senate and the House. So rather than send the bill over to the court, what I would like to do is to advance the bill. So now the question is, how do you go about doing that? The one thing that we could do is we could just vote on this bill to send it over to the House, but many of you have raised concerns in regard to the bill. Other people over the course of the summer have raised concerns about the bill, in parts of the bill. They have raised issues in regard to catastrophic aid. How should we handle that? I think that those are legitimate concerns in regard to that. I think that whatever market basket approach that we have, probably should continue the current catastrophic aid program. I have met with superintendents who like the revised way of funding special education, but they said instead of sending 90 percent of the aid out at the beginning, maybe we should send out 75 percent and keep back a greater amount for reimbursement. It makes sense for a lot of different reasons. That ought to be debated, and it ought to be debated not just in the House, but it ought to be debated in the Senate. There are questions in regard to whether the calculations on certain figures, like teachers salaries and benefits, were done correctly. I think that we ought to put those issues to rest, and we ought to try and put those issues to rest here in the Senate, as opposed to just allowing the House to do that. So for my purposes, I think that we ought to have that de-

bate, and I think that we ought to have it this year. We ought to start the debate in the Senate, and then move that debate on over to the House and let them debate it this year as well. I think that it is time for all of the reasons that we have talked about so many times before. It is time for us to act now and to move this forward. What I am asking for you to do is, basically what I am doing is, I am asking for your cooperation in doing this. I am asking for you to cooperate that we rerefer the bill back into the committee. Let the committee have an opportunity to consider that bill, to hold hearings on a bill that would flush out what we think might be an alternative approach, if we can agree that we want to do that. I have no assurances that we can all agree that we can do that, but at least we can have that discussion. I am asking my colleagues here today, to willingly participate in that process. I would ask you to vote affirmatively on rereferring 784 back to committee so that we can have the debate.

SENATOR MCCARLEY: This is a process question. I have already admitted this bill through rules a while ago. This is a House Bill. Last time that I checked, if we send this back to committee, which I believe in the end, there will be **TAPE INAUDIBLE** Senator Gordon, I would offer an observation. It would go to a Committee of Conference in the House unless the Speaker has already said no problem, we are going to handle this one differently. So if I could just have a handle on the process, because that would be the normal. **TAPE INAUDIBLE** is fine.

SENATOR GORDON: **TAPE INAUDIBLE.** I will answer this the best that I can. My concern is that if we let this die on the table today, in its current form, it will have been a bill considered and it will die for the session, which would be not only this year, but next year as well. So it is important to rerefer it. It would be my intention as well, also to ask the Rules Committee, which I understand is meeting this afternoon, to introduce a bill, which I could use as a vehicle for similar content **TAPE INAUDIBLE.** To go to a policy committee. The two bills could be heard at the same time. No one would argue that the issue was killed and dead by virtue of this. We would have a new bill then to consider in committee. I would ask that you would cooperate with that, if you would.

SENATOR MCCARLEY: Thank you Senator Gordon.

SENATOR GORDON: You're welcome.

SENATOR HOLLINGWORTH: Senator Gordon, I am a little concerned because I know that there are bills that are being introduced this session because we all agreed that our work is not done and that we can't wait. I don't think that you are alone in that. I think that every Senator feels somewhat the same. I am wondering, does this mean that your bill will have precedent over the other bills that will be being heard? That they won't have the opportunity to be all heard and be voted on, on their merit?

SENATOR GORDON: Well I certainly don't control the process. I can only express my intentions and that is that my bill shouldn't be given precedence and priority over any other bill, Senator Hollingworth.

SENATOR HOLLINGWORTH: So what you are basically saying is that you don't want this bill to die because you don't want the House to reject it as a bill that was defeated, and that is the only reason that you are rereferring this bill because you are going to come before rules and request another bill that you will be using as a vehicle?

SENATOR GORDON: As I explained. I think that there are two reasons. One is the reason which you expressed, and that is that I don't want someone to raise an issue at some point in time in the future, that the issue of a market basket approach has been discussed and dismissed. And the second, summarily, and the second issue is another issue. That is that I would in fact, want to make sure that the debate takes place. Frankly, I guess that I am not familiar enough with other legislation proposed by other Senators to know in fact whether that debate would take place. I have some concerns now as you look through the bills, that perhaps that debate won't take place. I want to make sure that it is precipitated and that it does take place, and that it takes place publicly, so that the people of the state know that we are still addressing the problem and that we are not waiting for the next budget cycle. This is particularly a concern for me. I will tell you why it is a concern for me. Having experienced this in the last **TAPE I NAUDIBLE**

SENATOR HOLLINGWORTH: I understand what Senator Gordon said, but clearly he did state that he was planning to come before Rules, which would give him the opportunity to bring in his concerns that he just stated, that he didn't want to wait until 2003. That we are going to be meeting clearly, the Rules Committee has never refused a bill being brought before the Senate, so that it could be voted up or down. So the argument as to he doesn't think that the bill would get a hearing and come before the Senate, is not one that I believe is a case. I will say that his concern to whether in fact the House would rule that it had been heard and rejected, does have some merit, but I think that this bill, unfortunately, I think, has had such a shady past, that I don't think that it is one that would come out of the committee with its title or the number. I am not sure of the value. I am not going to oppose Senator Gordon sending it back to committee, because I don't know how the House would react to a bill that **TAPE INAUDIBLE**. I certainly do think **TAPE INAUDIBLE** a problem. That we should be able to talk to the House and rather than having a piece of legislation that has had such a very clouded and shaded past, that we would even have to pass this back to the committee.

Adopted.

HB 748-FN-A-L is rereferred to the Education Committee.

ANNOUNCEMENTS

RESOLUTION

Senator Francoeur moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time.

Adopted.

LATE SESSION

Senator Hollingworth moved to adjourn Sine Die.

Adopted.

Sine Die.

SENATE JOURNAL

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license revoked, restricted probationary permit, conditions	HB 211
preliminary breath tests, applies to person under age 21; admission into evidence for purpose of showing probable cause for arrest; written notice requirement eliminated	SB 25
funeral processions	SB 84
highway construction or maintenance areas, drivers must obey flagpersons; penalties	HB 369
lights required when windshield wipers are in operation	HB 146
negligent driving defined; reckless driving, penalty clarified	HB 652
school buses	
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SB 115-FN, granting a cost of living adjustment to certain retired group II firefighters. Question, adopt motion of order to third reading. Yeas, 22; Nays, 1	148
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HB 25-FN-A, making appropriations for capital improvements. Question, adopt floor amendment. Yeas, 10; Nays, 13	967
HB 146, requiring any driver to have headlights on when continuously operating windshield wipers during inclement weather. Question, adopt committee report of ought to pass. Yeas, 8; Nays, 16	328
HB 170-FN-A, repealing the legacies and succession tax. Question, adopt sections 1-16, 21-33, 36-80 and section 82 of the amendment. Yeas, 24; Nays, 0	1321

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Question, adopt sections 17-20, 34-35, and section 81 of the amendment. Yeas, 13; Nays, 11	1323
Question, order to third reading. Yeas, 13; Nays, 11	1323
Question, adopt conference committee report. Yeas, 15; Nays, 9	1431
HB 229, relative to third person liability under the workers' compensation law. Question, adopt motion of ought to pass. Yeas, 8; Nays, 14	695-696
HB 240, requiring the department of health and human services to develop a plan reducing the number of persons awaiting certain services for developmental disabilities. Question, order to third reading. Yeas, 24; Nays, 0	187
HB 261-FN, including the judiciary as a public employer under the public employee labor relations act. Question, order to third reading. Yeas, 21; Nays, 2	1061
HB 304-FN, relative to insurance coverage for prostate cancer testing. Question, adopt motion to remove from table. Yeas, 10; Nays, 13	1259
HB 325-FN, relative to certain acts of sexual assault. Question, adopt motion of re-refer to committee. Yeas, 18; Nays, 6	894-895
HB 351-FN-A-L, requiring the state to fully fund school building aid payments for fiscal year 2001 and making an appropriation therefor. Question, adopt committee amendment. Yeas, 13; Nays, 11	790-791
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HB 354-FN-A-L, extending the kindergarten construction program. Question, adopt motion of ought to pass. Yeas, 23; Nays, 1	1069
HB 375, relative to sources of funding an adequate education. Question, adopt Below floor amendment. Yeas, 11; Nays, 13	1114
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HB 390, relative to the Born-Alive Infants Protection Act. Question, adopt majority amendment. Yeas, 11; Nays, 13	1286
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HB 412, relative to requiring the public higher education study committee to study the feasibility of granting of state franchise rights to providers of on-line education courses. Question, adopt floor amendment. Yeas, 10; Nays, 12	826
HB 429, relative to dispute resolution within the context of public employee labor relations. Question, adopt motion of re-refer to committee. Yeas, 12; Nays, 12	940
Question, adopt motion of inexpedient to legislate. Yeas, 13; Nays, 11	941
HB 469-FN, relative to the applicable minimum wage for hourly employees. Question, adopt motion of ought to pass. Yeas, 11; Nays, 13	880

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HB 503, relative to incompatible offices. Question, adopt motion of ought to pass. Yeas, 14; Nays, 9 907-908

HB 543-FN, establishing the division of ports and harbors within the Pease development authority and transferring all functions, powers, and duties of the New Hampshire state port authority. Question, lay on table. Yeas, 12; Nays, 10 690

HB 635, relative to family mutual support services. Question, adopt motion of ought to pass. Yeas, 19; Nays, 3 717

HB 679, establishing a commission to examine models of out-of-school care for children in kindergarten through grade 12. Question, adopt floor amendment. Yeas, 16; Nays, 6 831

HB 694, establishing a separate high school civics graduation requirement. Question, adopt motion of ought to pass. Yeas, 9; Nays, 15 872

HB 697, extending the reporting date for the healthy kids subcommittee and clarifying the mission statement of the healthy kids corporation. Question, lay on table. Yeas, 14; Nays, 10 662

HB 707, establishing a committee to study the usage of 211 as a uniform community service information and referral number. Question, adopt motion of order to third reading. Yeas, 21; Nays, 3 1240

HB 738, establishing a commission to assess the operating efficiency of state government. Question, lay on table. Yeas, 11; Nays, 13 743
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HB 743, transfers the department of youth development services to the department of health and human services. Question, adopt motion of ought to pass. Yeas, 19; Nays, 2 838

HB 763-L, relative to obligations of county governments. Question, ought to pass. Yeas, 24; Nays 0 92

HCR 10, supporting the electoral college. Question, adopt committee report of ought to pass. Yeas, 21; Nays, 3 606

HCR 13, calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. Question, adopt amendment. Yeas, 23; Nays, 0 629
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CACR 13, relating to terms for state senators. Providing that beginning with the 2004 general election, there shall be 4-year terms of office for state senators. Question, adopt motion of inexpedient to legislate. Yeas, 14; Nays, 10 177

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The abbreviations listed below are used in the Numerical Index.

adop	adopted
am	amended, amendment
Cap Budget	referred to Capital Budget committee
Com	re-referred to committee (S) or retained in committee (H)
conc	concurred
conf	conference committee
Econ Dev	referred to Economic Development committee
enr	enrolled
Finance	referred to Finance committee
H	House
intro	introduced, introduction
IP	indefinitely postponed
K	killed (inexpedient to legislate)
LT	laid on the table
nonconc	nonconcurred
opin	opinion
psd	passed
RC	roll call
rcmt	recommitted
recon	reconsideration, reconsidered
rej	rejected
rep	report
req	request, requested
S Ct	New Hampshire Supreme Court
SO	special order
study	referred to interim study committee
wthd	withdrawn, withdrew, withdrawal

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- SB 12**, relative to applications for the cooperative fencing program and the deprecation permit program in the fish and game department. (Sen. Disnard, Dist 8: Wildlife and Recreation)
36, psd 63, 65, H conc 685, enr 725 (Chapter 42)
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36, LT 55, psd 72-73, 86, H conc 686, enr 859 (Chapter 83)
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36, Finance 57-58, psd 74-75, 86 (H K)
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36, psd (RC) 77-80, 86, H conc 859, enr 1362 (Chapter 122)
- SB 20**, relative to possessory actions instituted on the basis of nonpayment of rent. (Sen. Barnes, Dist 17: Executive Departments and Administration)
36, am 95-96, psd 119, conc H am 860, enr 1362 (Chapter 123)
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36, am 96-97, psd 119, conc H am 1330, enr am 1555, enr 1563 (Chapter 262)

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36, am 355-357, psd 396 (H Com)
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36, am 62-63, psd 65, H conc 685, enr 752 (Chapter 63)
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36, Com 365
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36, am 60-61, psd 65, H conc 685, enr 725 (Chapter 44)
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37, psd 76, 86 (H Com)
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37, psd 61-62, 65, H conc 685, enr 725 (Chapter 45)
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37, psd 85, 86 (H Com)
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37, LT 316-319, Com 1248
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New title: relative to DNA testing of criminal offenders.
37, LT 235-239, Com 586, recon notice 597, recon & am 611-619, psd 624 (H Com)
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37, LT (RC) 177, psd (RC) 579-580, 587 (H Com)
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37, LT 205, Com 1248
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37, Finance 125-126, rcm 436-439, rules suspended & am 568-569, psd 587 (H Com)
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37, psd 80-81, 86, H conc 685, enr 725 (Chapter 51)
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37, K 97

- SB 39**, establishing the positions of director of consumer affairs and market conduct chief administrator in the insurance department. (Sen. Burns, Dist 1 et al: Insurance)
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 37, am 561, psd 587 (H Com)
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 38, psd 149, 196, H conc 685, enr 725 (Chapter 52)
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 38, psd 135-136, 138, conc H am 680, enr 859 (Chapter 85)
- SB 43**, relative to the length of time allotted for school children to consume meals. (Sen. Hollingworth, Dist 23: Education)
 38, K 142
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 38, am 76-77, psd 86, H conc 685, enr 725 (Chapter 46)
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 38, psd 295, 351, conc H am 681, enr am 753, enr 1349 (Chapter 86)
- SB 46**, relative to payments of scheduled awards under the workers' compensation law. (Sen. McCarley, Dist 6: Insurance)
 38, am 150-151, psd 196, H conc 859, enr 1362 (Chapter 124)
- SB 47**, relative to ownership of certified public accounting firms. (Sen. Johnson, Dist 3 et al: Executive Departments and Administration)
 38, psd 145-146, 196, H conc 859, enr 1362 (Chapter 96)
- SB 48**, relative to the rental of shared living facilities. (Sen. Johnson, Dist 3: Executive Departments and Administration)
 38, am (2 RCs) 538-547, psd 587, recon notice 596, recon rej 619, conc H am 1330-1331, enr am 1553, enr 1560 (Chapter 277)
- SB 49**, establishing a committee to study the creation of a landlord-tenant mediation project. (Sen. Johnson, Dist 3: Executive Departments and Administration)
 38, psd 56-57, 65, H conc 685, enr am 724, enr 752 (Chapter 64)
- SB 50**, relative to the abatement of taxes in unincorporated towns or unorganized places. (Sen. Below, Dist 5 et al: Public Affairs)
 38, psd 177, 196, H conc 685, enr 725 (Chapter 53)
- SB 51**, relative to financial holding companies. (Sen. Larsen, Dist 15; Rep. T. Reardon, Mer 23: Banks)
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Second new title: relative to financial holding companies, establishing a cash dispensing machines study committee, and relative to the participation in meetings by out-of-state, nondepository trust company directors, and clarifying the status of student loans.
 38, am 549-554, psd 587, nonconc H am, conf 1331, 1348, rep adop 1480-1481, 1539, enr 1564 (Chapter 263)
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 38, LT 211, Com 585-586

- SB 53**, relative to attorneys' fees in certain circumstances under the workers' compensation law. (Sen. Hollingworth, Dist 23 et al: Insurance)
38, am 360-361, psd 396, nonconc H am, conf 1331-1332, 1352, rep adop 1481, 1539, enr 1564 (Chapter 278)
- SB 54**, relative to the transfer of funds in the community-technical college system. (Sen. Johnson, Dist 3 et al: Education)
38, psd 126-127, 138, conc H am 1353, enr 1561 (Chapter 203)
- SB 55**, creating a commission to study the youth development center. (Sen. Hollingworth, Dist 23: Public Institutions, Health and Human Services)
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38, am 81-83, psd 86, H conc 686, enr am 754, enr 1349 (Chapter 97)
- SB 56**, relative to health care providers discontinuing service in New Hampshire. (Sen. Gatsas, Dist 16: Insurance)
39, am 151-152, psd 196 (H Com)
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39, psd 73, 86, conc H am 728-729, enr 1364 (Chapter 125)
- SB 58**, revising the requirements for a license as a bingo supplies or lucky 7 tickets distributor. (Sen. Eaton, Dist 10; Rep. Alukonis, Hil 23: Ways and Means)
39, am 85, psd 86, H conc 728, enr 1364 (Chapter 145)
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39, am 56, psd 65, H conc 686, enr 859 (Chapter 87)
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39, rcmt 177-178, LT 319-322
- SB 61**, establishing a procedure for summary administration of estates. (Sen. Gordon, Dist 2; Rep. Craig, Hil 38: Judiciary)
39, am 112-113, psd 119, conc H am 681, enr am 754-756, enr 1349 (Chapter 98)
- SB 62**, relative to guardianships. (Sen. Gordon, Dist 2; Rep. Craig, Hil 38: Judiciary)
39, am 241-242, psd 275, conc H am 756-757, enr 1364 (Chapter 146)
- SB 63**, relative to administration of estates and filing of wills by executors. (Sen. Gordon, Dist 2; Rep. Craig, Hil 38: Judiciary)
39, am 113-114, psd 119, H conc 685, enr am 626, enr 1379 (Chapter 195)
- SB 64-FN-A**, establishing a fund to pay mediators in the probate courts. (Sen. Gordon, Dist 2; Rep. Craig, Hil 38: Judiciary)
39, LT 164, psd 218-219, 220 (H Com)
- SB 65**, allowing licensed alcohol and drug counselors to obtain third party payment and establishing a committee to study levels of licensure of alcohol and drug counselors. (Sen. Wheeler, Dist 21; Rep. Taylor, Str 11: Insurance)
39, K 361-362
- SB 66-FN-A**, making an appropriation to the harbor dredging and pier maintenance fund for the dredging of Hampton Harbor, Seabrook Harbor, and the mouth of the Blackwater River. (Sen. Hollingworth, Dist 23 et al: Environment)
New title: relative to appropriations to the port authority for dredging projects.
39, am & Finance 94-95, psd 147, 196 (H Com)
- SB 67-FN**, relative to costs of locating and apprehending persons improperly at large for driving-related offenses. (Sen. Eaton, Dist 10 et al: Judiciary)
39, am & Finance 365-367, psd 439, 587 (H Com)
- SB 68**, relative to school district placements of children living in foster homes. (Sen. Gordon, Dist 2 et al: Education)
39, am 71, psd 86, nonconc H am, conf 729, 759, rep adop 1481-1482, 1539, enr 1564 (Chapter 294)

- SB 69-FN-A-LOCAL**, relative to a New Hampshire Legal Assistance office in Nashua and making an appropriation therefor. (Sen. Pignatelli, Dist. 13: Public Affairs) 39, Finance 178, am (RC) 439-441, psd 587, H am LT 757, nonconc H am, conf 1074, 1348, rep rej, new conf (RC) 1482-1483, H rej new conf 1515
- SB 70-FN-LOCAL**, relative to staffing at New Hampshire long-term health care facilities. (Sen. Johnson, Dist 3 et al: Public Institutions, Health and Human Services) 39, K 136-137
- SB 71**, relative to the New Hampshire real estate practice act and the regulation of licenses by the real estate commission. (Sen. Johnson, Dist 3 et al: Executive Departments and Administration)
New title: establishing a study committee relative to the regulation and compensation of persons licensed under the real estate practice act.
 39, am 225-227, psd 275, H conc 686, enr 752 (Chapter 65)
- SB 72-FN**, relative to payment of medical benefits costs for group II members of the retirement system. (Sen. Klemm, Dist 22: Insurance) 40, am & Finance 58, rcmt 75, psd 147, 196 (H Com)
- SB 73-FN**, relative to benefits awarded a surviving spouse of a police officer killed in the line of duty. (Sen. O'Neil, Dist 18: Insurance)
New Title: relative to benefits awarded a surviving spouse of a police officer or firefighter killed in the line of duty.
 40, am & Finance 59-60, rcmt 75, psd 147-148, 196, H nonconc 686
- SB 74**, relative to providing services under the Child Protection Act. (Sen. Gordon, Dist 2 et al: Judiciary) 40, am 164-165, psd 196, nonconc H am, conf 758, 758-759, rep adop 1483, 1539, enr 1564 (Chapter 279)
- SB 75**, relative to physicians who make a report when a person is unfit to drive a motor vehicle. (Sen. Pignatelli, Dist 13 et al: Judiciary) 40, am 114-116, psd 119, H nonconc 1349
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 40, am & Finance 270-272, psd 441, 587, H conc 859, enr am 1365, enr 1561 (Chapter 204)
- SB 77**, relative to the regulation of plumbers and plumbing. (Sen. D'Allesandro, Dist 20; Rep. Downing, Rock 26: Executive Departments and Administration) 40, am 555-557, psd 587 (H Com)
- SB 78-FN-LOCAL**, relative to the distribution of special education records to certain educationally disabled pupils. (Sen. O'Hearn, Dist 12: Education) 40, am 71-72, psd 86 (H K)
- SB 79**, relative to plumber's licenses. (Sen. Francoeur, Dist 14: Executive Departments and Administration) 40, Com 557
- SB 80-A**, making a capital appropriation to the department of regional community-technical colleges for planning of a student residence on the Berlin campus. (Sen. Burns, Dist 1 et al: Capital Budget) 40, K (RC) 521-522
- SB 81-FN-A**, regulating medication technicians under the nurse practice act. (Sen. Disnard, Dist 8 et al: Public Institutions, Health and Human Services)
New Title: regulating medication nursing assistants under the nurse practice act.
 40, am & Finance 259-262, am 441-442, psd 587 (H Com)
- SB 82**, relative to service of process in marital matters. (Sen. Gordon, Dist 2: Judiciary) 40, am 213-215, psd 220, H conc 728, enr 1364 (Chapter 147)
- SB 83**, relative to the New Hampshire film and television commission. (Sen. Johnson, Dist 3: Energy & Economic Development) 65, am 295-296, psd 351, H conc 859, enr 1362 (Chapter 126)

- SB 84**, relative to funeral processions. (Sen. Pignatelli, Dist 13 et al: Transportation)
66, am 83-84, psd 86, conc H am 860, enr am 1364-1365, enr 1379 (Chapter 196)
- SB 85**, relative to collateralization of municipal trust funds. (Sen. Gordon, Dist 2; Rep. Patten, Car 9: Banks)
66, psd 140-141, remarks 194, psd 196, H conc 685, enr 725 (Chapter 54)
- SB 86-FN**, establishing a process for reviewing judges. (Sen. D'Allesandro, Dist 20; Sen. Francoeur, Dist 14: Judiciary)
66, Com 367
- SB 87**, relative to permissible campaign contributions by business organizations and labor unions. (Sen. Below, Dist 5 et al: Public Affairs)
66, Com 562-566
- SB 88-FN-A**, establishing a travel and tourism development fund in the department of resources and economic development and making an appropriation therefor. (Sen. Johnson, Dist 3: Energy & Economic Development)
66, Finance 93, psd 359, 396 (H Com)
- SB 89**, establishing a committee to study methods of strengthening and clarifying the comprehensive shoreland protection act and its application. (Sen. Johnson, Dist 3 et al: Environment)
66, psd 73, 86, H conc 685, enr 725 (Chapter 55)
- SB 90**, relative to misdemeanor jury trials. (Sen. Cohen, Dist 24; Rep. Welch, Rock 18: Judiciary)
66, LT 215-216
- SB 91**, prohibiting persons involved in the administration or enforcement of bingo and lucky 7 laws from participating, playing, or otherwise being involved with bingo and lucky 7 games beyond the scope of their official duties, and relative to the total value of prizes that may be awarded for bingo. (Sen. Disnard, Dist 8; Sen. Eaton, Dist 10: Ways and Means)
66, K 330-331
- SB 92**, relative to the distribution of special education funds. (Sen. O'Hearn, Dist 12: Education)
66, psd 129, 138, H conc 685, enr 725 (Chapter 56)
- SB 93**, establishing a committee to study the public health and environmental benefit of requiring stationary sources that burn virgin petroleum products or coal to comply with the requirements of the air toxic control act. (Sen. Johnson, Dist 3 et al: Environment)
New Title: establishing a committee to study the public health and environmental benefit of requiring stationary and mobile sources that burn virgin petroleum products or coal to comply with the requirements of the air toxic control act.
66, LT 74, am 137-138, psd 138, H conc 687, enr 859 (Chapter 88)
- SB 94-FN-LOCAL**, relative to the New Hampshire state flag. (Sen. D'Allesandro, Dist 20: Internal Affairs)
66, K (RC) 157-159
- SB 95**, relative to campaign contribution limits and independent expenditures. (Sen. Fernald, Dist 11 et al: Public Affairs)
New title: relative to campaign contribution limits.
66, LT (RC) 178-182, 493, am 507-508, psd 587, nonconc H am, conf 1332, 1353, rep rej (RC) 1483-1492, H adop rep 1539
- SB 96-FN**, repealing the requirements for resident and nonresident licenses to carry concealed weapons. (Sen. Francoeur, Dist 14 et al: Judiciary)
66, LT 243-245, 581
- SB 97-FN**, requiring the annual registration of manufactured housing parks. (Sen. Hollingworth, Dist 23: Executive Departments and Administration)
67, LT 97
- SB 98**, relative to notice requirements prior to the sale of manufactured housing parks. (Sen. Hollingworth, Dist 23 et al: Executive Departments and Administration)
67, LT 97, am 127-129, psd 138, H conc 860, enr 1362 (Chapter 148)

- SB 99**, relative to the exemption from the community benefits law for charitable trusts. (Sen. Gordon, Dist 2 et al: Executive Departments and Administration)
New title: relative to the extension of time for filing a community benefit plan.
 67, am (3 RCs) 97-111, psd 119, conc H am 1332, enr 1561 (Chapter 205)
- SB 100**, establishing a commission to study the feasibility of creating a mental health court division. (Sen. Wheeler, Dist 21 et al: Judiciary)
New title: establishing a committee to study the feasibility of creating a mental health court division.
 67, am 165-167, psd 196, H conc 728, enr am 1351, enr 1362 (Chapter 149)
- SB 101-FN**, relative to mooring permits and fees. (Sen. Johnson, Dist 3 et al: Wildlife and Recreation)
 67, am & Finance 189, am 359-360, psd 396 (H Com)
- SB 102-A**, making a capital appropriation to support affordable housing solutions in the state of New Hampshire. (Sen. Hollingworth, Dist 23 et al: Capital Budget)
 67, Finance 522-523, rules suspended 568, psd 569, 587 (H Com)
- SB 103**, changing the qualification requirements for charitable organizations that conduct bingo or lucky 7. (Sen. Boyce, Dist 4; Rep. Boyce, Bel 5: Ways and Means)
 67, am 137, psd 138, conc H am 1333, enr 1561 (Chapter 206)
- SB 104**, relative to regional approaches to instream flow preservation. (Sen. Francoeur, Dist 14 et al: Environment)
 67, Com 354
- SB 105**, relative to instream flow plan requirements. (Sen. Francoeur, Dist 14 et al: Environment)
 67, Com 354
- SB 106**, relative to consumers' cooperative associations. (Sen. Below, Dist 5; Rep. Owen, Mer 6: Banks)
 67, am 554-555, psd 587, H conc 860, enr am 1364, enr 1380 (Chapter 197)
- SB 107-FN**, relative to violations of motor vehicle laws by foreign diplomatic and consular officers. (Sen. Gordon, Dist 2 et al: Transportation)
 67, Finance 84-85, psd 148, 196, conc H am 860-861, enr 1362 (Chapter 150)
- SB 108**, relative to the definition of "funeral home." (Sen. Eaton, Dist 10 et al: Internal Affairs)
 67, psd 75-76, 86, H nonconc 1349
- SB 109**, implementing certain federal regulations relative to setting minimum requirements for employee benefit plan procedures pertaining to the filing of benefit claims, notification of benefit determinations, and appeal of adverse benefit determinations. (Sen. Wheeler, Dist 21; Rep. M. Fuller Clark, Rock 36: Insurance)
 67, am 443-457, psd 588, conc H am 1333, enr 1561 (Chapter 207)
- SB 110-FN-A**, extending the kindergarten construction program. (Sen. O'Hearn, Dist 12 et al: Education)
 67, Finance 142-143, recon & Finance (RC) 195, am (RC) 442-443, psd 588 (H Com)
- SB 111-FN**, extending the term for the payment of group health insurance premiums for certain retired members of the retirement system. (Sen. Klemm, Dist 22 et al: Insurance)
New title: extending the payment of group health insurance premiums for certain retired members of the retirement system.
 68, Finance 152-153, psd (RC) 230-231, 275, nonconc H am, conf 1333, 1353, rep adop 1492, 1539, enr 1564 (Chapter 264)
- SB 112**, relative to voter registration forms. (Sen. Gordon, Dist 2 et al: Public Affairs)
 68, LT 182, Com 581
- SB 113**, relative to the sharing of consideration paid to persons licensed under the real estate practice act. (Sen. Larsen, Dist 15; Rep. Poulin, Mer 14: Executive Departments and Administration)
 68, K 227

- SB 114**, establishing a commission to study the nomination and appointment of judges. (Sen. Pignatelli, Dist 13 et al: Judiciary)
New title: establishing a committee to study issues relating to judicial reform, and making an appropriation therefor.
 68, am & Finance 367-369, am 501, psd 588, H nonconc 728
- SB 115-FN**, granting a cost of living adjustment to certain retired group II firefighters. (Sen. Wheeler, Dist 21 et al: Executive Departments and Administration)
 68, am & Finance 111-112, psd (RC) 148, recon & psd (RC) 194-195, 196 (H Com)
- SB 116-FN**, relative to motor vehicle offenses which result in the death or serious bodily injury of another. (Sen. Cohen, Dist 24; Rep. Welch, Rock 18: Judiciary)
 68, LT 216
- SB 117**, relative to extended school year services for educationally disabled children. (Sen. O'Hearn, Dist 12: Education)
 68, psd (RC) 204-205, 220 (H K)
- SB 118**, relative to individual health insurance coverage. (Sen. Francoeur, Dist 14 et al: Insurance)
New title: relative to individual health insurance coverage and extending the reporting date for the healthy kids subcommittee and clarifying the mission statement of the healthy kids corporation.
 68, am (RC) 457-479, psd 588, nonconc H am, conf (RC) 861-862, 1259-1260, rep adop 1492-1495, 1539, enr am 1549-1550, enr 1563 (Chapter 295)
- SB 119**, relative to small group health insurance coverage. (Sen. Francoeur, Dist 14 et al: Insurance)
 68, LT (2 RCs) 479-493, am (RC) 508-509, psd 588, nonconc H am, conf (RC) 862-863, 1260, rep adop (RC) 1495-1496, 1539, enr 1564 (Chapter 296)
- SB 120**, relative to tip pooling for certain hourly employees. (Sen. Francoeur, Dist 14 et al: Executive Departments and Administration)
 68, psd 112, 119 (H Com)
- SB 121**, relative to the advisory committee on international trade. (Sen. Cohen, Dist 24 et al: Energy and Economic Development)
 68, psd 93-94, 119, H conc 860, enr 1362 (Chapter 151)
- SB 122-FN**, relative to the license to carry a weapon. (Sen. Boyce, Dist 4; Sen. Prescott, Dist 19: Judiciary)
 68, LT 245-246, am (3 RCs) 513-520, psd 588 (H K)
- SB 123**, establishing a committee to study how information regarding private individuals is obtained, maintained, and employed by the division of children, youth and families. (Sen. Gordon, Dist 2 et al: Public Institutions, Health and Human Services)
 68, psd 83, 86, H conc 687, enr am 730, enr 1349 (Chapter 99)
- SB 124**, relative to confidentiality of hearings in abuse and neglect proceedings. (Sen. Gordon, Dist 2 et al: Judiciary)
New title: relative to confidentiality in abuse and neglect proceedings and establishing a pilot program in the courts of Grafton county.
 68, am 246-251, psd 275 (H Com)
- SB 125-FN**, relative to election of optional allowances by retirement system members granted disability retirement and relative to an exception to the 120-day requirement for payment of compensation. (Sen. Wheeler, Dist 21 et al: Insurance)
 69, am & Finance 153-154, psd 231-232, 275 (H Com)
- SB 126**, relative to the use of certain credit data in underwriting certain insurance policies. (Sen. Gordon; Dist 2 et al: Insurance)
 69, LT 211-213, psd (RC) 581-585, 588 (H Com)
- SB 127**, relative to stress-related injuries under workers' compensation. (Sen. Francoeur, Dist 14 et al: Insurance)
 69, Com 561-562
- SB 128**, relative to stress injuries under the workers' compensation law. (Sen. Hollingworth, Dist 23: Insurance)
New title: relative to stress injuries under the workers' compensation law and relative to disability retirement benefits and mental injury.
 69, am 384-387, psd 396 (H Com)

- SB 129**, establishing a minimum age for issuing a license to carry a concealed pistol or revolver. (Sen. Cohen, Dist 24 et al: Judiciary)
86, K (RC) 301-312
- SB 130-FN**, extending the period in which an expired electrician's license may be renewed. (Sen. O'Neil, Dist 18; Sen. Francoeur, Dist 14; Executive Departments and Administration)
87, Finance 134-135, psd 148-149, 196, nonconc H am, conf 759, rep adop (unable to agree) 1496, 1539
- SB 131-FN-A**, authorizing the sweepstakes commission to allow and regulate multi-hall linked bingo games. (Sen. O'Neil, Dist 18 et al: Ways and Means)
New title: establishing a study committee relative to charitable bingo operations.
87, am & Finance 331-332, psd 360, 396, H conc 687, enr am 756, enr 1349 (Chapter 100)
- SB 132**, directing the department of health and human services to coordinate a comprehensive review of demographic trends in the New Hampshire population and the impact of such trends. (Sen. McCarley, Dist 6; Rep. Teschner, Graf 5: Public Institutions, Health and Human Services)
87, am 372, psd 396, H conc 728, enr 1364 (Chapter 152)
- SB 133-FN-A**, relative to Skyhaven airport and making an appropriation therefor. (Sen. McCarley, Dist 6; Sen. Gordon, Dist 2: Transportation)
87, Finance 188, psd 501-502, 588 (H Com)
- SB 134-FN-A**, establishing a 2-year pilot program to allow businesses to use their logos on business directional signs for an added fee, and creating a committee to evaluate the program and recommend legislation. (Sen. Johnson, Dist 3; Sen. Eaton, Dist 10: Transportation)
New title: establishing a committee to study allowing the use of business logo signing on the mainline of limited access and divided highways.
87, am & Finance 323-325, psd 360, 396, H conc 728, enr 1364 (Chapter 153)
- SB 135-FN-LOCAL**, relative to kindergarten funding. (Sen. Below, Dist 5 et al: Education)
87, am & Finance (RC) 288-290, psd (2 RCs) 502-507, 588 (H Com)
- SB 136**, establishing a commission to study the use of multi-disciplinary team investigations of child abuse and neglect allegations. (Sen. Larsen, Dist 15 et al: Judiciary)
New title: establishing a committee to study the use of multi-disciplinary team investigations of child abuse and neglect allegations.
87, am 167-168, psd 196, H conc 687, enr 752 (Chapter 66)
- SB 137-FN**, relative to statements to judges. (Sen. Below, Dist 5: Judiciary)
87, K 251-252
- SB 138-FN-LOCAL**, relative to the state's responsibility to provide an adequate education. (Sen. Gordon, Dist 2; Sen. Johnson, Dist 3: Education)
New title: relative to the instructional and operational costs of providing an adequate education.
87, am & Finance 529-538, rules suspended 1075-1076, K 1288
- SB 139**, relative to uniform electronic transactions. (Sen. D'Allesandro, Dist 20: Internal Affairs)
87, am 558-559, psd 588, nonconc H am, conf 1334-1335, 1348, rep adop 1496-1497, 1539, enr am 1539-1540, enr 1563 (Chapter 265)
- SB 140-FN-LOCAL**, relative to the formula for free and reduced-price lunches. (Sen. Below, Dist 5: Education)
87, Com 353-354
- SB 141**, relative to proof of qualifications for voter registration. (Sen. Francoeur, Dist 14; Sen. Flanders, Dist 7: Public Affairs)
87, psd (RC) 182-183, 196 (H Com)
- SB 142-FN**, relative to the collection of debts owed to the state. (Sen. Roberge, Dist 9 et al: Ways and Means)
87, am & Finance 332-333, psd 509, 588 (H Com)

- SB 143-FN**, regulating home improvement contractors. (Sen. Pignatelli, Dist 13 et al: Executive Departments and Administration)
New title: establishing a study committee relative to registering and regulating home improvement contractors.
87, am 227-228, psd 275, H nonconc 728
- SB 144-L**, increasing bail commissioners' fees. (Sen. D'Allesandro, Dist 20 et al: Executive Departments and Administration)
87, psd 146-147, 196, H conc 728, enr 1364 (Chapter 154)
- SB 145**, relative to the length of stay of patients in ambulatory surgical facilities owned in whole or in part by a hospital. (Sen. D'Allesandro, Dist 20 et al: Insurance)
87, LT (RC) 154-155, K (2RCs) 206-211
- SB 146**, relative to personal watercraft. (Sen. Johnson, Dist 3 et al: Wildlife and Recreation)
87, Com 189-193
- SB 147**, relative to the calculation of stumpage value in determining the timber tax assessment. (Sen. Gordon, Dist 2 et al: Ways and Means)
88, LT 217-218, am 273, psd 275, conc H am 861, enr 1363 (Chapter 127)
- SB 148**, relative to certain penalties for violations of the youth tobacco laws. (Sen. Wheeler, Dist 21 et al: Judiciary)
New title: relative to certain penalties for violations of the youth tobacco laws and establishing a committee to study the feasibility of transferring some of the responsibilities currently held by the commissioner of the department of revenue administration under RSA 78 to the liquor commission.
88, am 312-315, psd 351, nonconc H am, conf 1335, 1348, rep adop 1497-1499, 1539, enr 1564 (Chapter 280)
- SB 149-FN**, permitting limited access to motor vehicle records for certain research purposes. (Sen. Wheeler, Dist 21; Sen. Below, Dist 5: Transportation)
First new title: permitting persons involved in motor vehicle accidents and certain medical researchers access to motor vehicle records.
Second new title: changing the definition of "person" with respect to motor vehicle records and certification and permitting certain medical researchers access to motor vehicle records.
88, am & Finance 379-380, psd 509, 588, conc H am 1335, enr 1561 (Chapter 208)
- SB 150**, relative to community services for persons with developmental disabilities. (Sen. O'Hearn, Dist 12 et al: Public Institutions, Health and Human Services)
88, psd 262-263, 275, H conc 685, enr am 753, enr 1349 (Chapter 101)
- SB 151-FN-A**, transferring and appropriating funds from the highway surplus account to the department of safety for additional staffing of evening and midnight patrols by current New Hampshire state troopers. (Sen. Eaton, Dist 10 et al: Transportation)
New title: transferring and appropriating funds to the department of safety for additional staffing of evening and midnight patrols by current New Hampshire state troopers.
88, am & Finance 265-266, Com 509
- SB 152-FN**, relative to the regulation of business practices between motor vehicle manufacturers, distributors, and dealers. (Sen. Eaton, Dist 10 et al: Transportation)
88, am & Finance 325-326, am 510, psd 588, H conc 860, enr am 1536-1537, enr 1561 (Chapter 209)
- SB 153-FN-LOCAL**, relative to adjustments to educational adequacy grants. (Sen. Below, Dist 5: Education)
88, Com 290
- SB 154-FN**, requiring criminal records check prior to the sale or transfer of firearms. (Sen. Wheeler, Dist 21 et al: Judiciary)
88, K (RC) 252-259
- SB 155-LOCAL**, limiting the liability of teachers and other educational employees. (Sen. Prescott, Dist 19; Rep. Alger, Graf 9: Education)
88, am 290-295, psd 351 (H Com)
- SB 156**, relative to the suspension of drivers licenses of persons under 20 years of age. (Sen. Gordon, Dist 2 et al: Transportation)
120, psd 188-189, 197, H conc 687, enr 859 (Chapter 89)

- SB 157**, relative to state government information dissemination and access. (Sen. D'Allesandro, Dist 20: Internal Affairs)
120, psd 159, 197, conc H am 1335, enr am 1553-1554, enr 1560 (Chapter 281)
- SB 158-FN**, relative to payment of medical benefits for certain retirement system members retiring with combined creditable service or for certain members who have dependent children. (Sen. Wheeler, Dist 21 et al: Insurance)
120, psd 398, 588 (H Com)
- SB 159-FN**, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system. (Sen. Wheeler, Dist 21 et al: Insurance)
120, psd 398-399, 588 (H Com)
- SB 160-FN-A-LOCAL**, establishing a comprehensive, statewide educational accountability system, including the provision of education improvement assistance to local school districts, and making an appropriation therefor. (Sen. McCarley, Dist 6 et al: Education)
120, K 555
- SB 161-FN-A**, relative to treatment for individuals with disabilities and making an appropriation therefor. (Sen. D'Allesandro, Dist 20 et al: Public Institutions, Health and Human Services)
120, am & Finance 372-376, psd (2 RCs) 493-500, 588 (H Com)
- SB 162-FN**, relative to privatization contracts for public service. (Sen. Wheeler, Dist 21; Sen. Below, Dist 5: Executive Departments and Administration)
120, Com 357
- SB 163-FN**, relative to salaries for New Hampshire state police. (Sen. Eaton, Dist 10 et al: Transportation)
120, am & Finance 380-381, Com 510
- SB 164-FN-A-LOCAL**, establishing a comprehensive statewide accountability system concerning an adequate education. (Sen. O'Hearn, Dist 12; Rep. Kurk, Hil 5: Education)
New title: establishing a comprehensive statewide accountability system concerning an adequate education and relative to nonrenomination of teacher contracts.
120, am & Finance 399-408, rules suspended 568, psd 569, 588, nonconc H am, conf 1335-1336, 1347, rep adop (2 RCs) 1499-1515, 1539, enr am 1551-1552, enr 1563, veto notice 1564, veto sustained (RC) 1565-1573
- SB 165-FN**, relative to the sale, registration, and use of 3-wheeled all-terrain vehicles for off-highway recreational use. (Sen. Eaton, Dist 10: Transportation)
120, am & Finance 266-267, psd 360, 396, conc H am 757-758, enr am 1351, enr 1363 (Chapter 155)
- SB 166-FN**, relative to processing applications for the children's health insurance program (CHIP). (Sen. Gordon, Dist 2 et al: Public Institutions, Health and Human Services)
120, LT 376, Com 388
- SB 167-FN-A**, relative to the medicaid payment for long-term care services. (Sen. Gordon, Dist 2 et al: Public Institutions, Health and Human Services)
120, am 408-413, psd 588, conc H am 758, enr am 1351-1352, enr 1380 (Chapter 198)
- SB 168-FN**, relative to education property tax hardship relief. (Sen. Below, Dist 5: Public Affairs)
121, psd 413, 588, conc H am 1336, enr 1561 (Chapter 210)
- SB 169-FN**, relative to the procedure for appeal of a timber yield tax assessment and relative to the notice of intent to cut. (Sen. Below, Dist 5 et al: Public Affairs)
121, am 183, psd 197, conc H am 680, enr 859 (Chapter 90)
- SB 170-FN-LOCAL**, making certain changes to the excavation tax and excavation activity tax. (Sen. Below, Dist 5 et al: Ways and Means)
121, Finance 334-335, psd 510, 588, conc H am 1336, enr 1561 (Chapter 211)
- SB 171-FN**, relative to the negotiation of cost items within the public employee collective bargaining process and relative to computation of leave for state police employees injured in the line of duty. (Sen. Below, Dist 5: Executive Departments and Administration)
121, LT (RC) 414, Com 1292-1293

- SB 172-FN**, exempting rentals of motor vehicles by governmental entities and certain nonprofit organizations from the meals and rooms tax. (Sen. Below, Dist 5 et al: Ways and Means)
121, K 567-568, recon notice 596, recon rej (RC) 619-621
- SB 173-FN-A**, creating a business profits tax credit for certain donations made for science and technology equipment and facilities to the university system of New Hampshire or any of its component institutions. (Sen. Larsen, Dist 15 et al: Ways and Means)
121, Com 414
- SB 174-FN-A**, including Martin Luther King, Jr. Civil Rights Day as a holiday for which certain state employees are entitled to holiday pay. (Sen. Larsen, Dist 15 et al: Internal Affairs)
New title: including Martin Luther King, Jr. Civil Rights Day as a holiday for which certain state employees are entitled to holiday pay and relative to employees of the department of youth development services.
121, am & Finance 414-415, rules suspended 568, psd 570, 588, H conc 860, enr 1363 (Chapter 156)
- SB 175-FN**, relative to the position of assistant commissioner of the department of corrections. (Sen. Larsen, Dist 15 et al: Insurance)
121, Finance 415-416, rules suspended 568, Com 570
- SB 176-FN-A**, establishing an equipment depository and disabled person's employment fund in the department of administrative services. (Sen. Larsen, Dist 15 et al: Public Institutions, Health and Human Services)
121, am & Finance 376-377, psd 510-511, 588, conc H am 1337, enr 1561 (Chapter 212)
- SB 177-FN-LOCAL**, relative to computation of tax increments in municipal economic development and revitalization districts. (Sen. Eaton, Dist 10 et al: Ways and Means)
121, Com 416
- SB 178**, relative to uniform computer information transactions. (Sen. D'Allesandro, Dist 20: Energy and Economic Development)
New title: establishing a committee to study the uniform computer information transactions act.
121, com changed (Internal Affairs) 125, am 559-561, psd 588, H nonconc 1349
- SB 179-FN**, relative to procedures for bid listing for state construction contracts. (Sen. O'Neil, Dist 18: Executive Departments and Administration)
121, K 548
- SB 180-FN-A**, establishing the Hooksett district court as a full-time court and making an appropriation therefor. (Sen. Barnes, Dist 17; Sen. Larsen, Dist 15: Judiciary)
121, LT (RC) 216
- SB 181**, relative to the manufacture, sale, or installation of certain smoke detectors. (Sen. Klemm, Dist 22; Sen. McCarley, Dist 6: Executive Departments and Administration)
121, psd 548-549, 588, H nonconc 1349
- SB 182-FN-A**, establishing a brain and spinal cord injury trust fund and continually appropriating a special fund. (Sen. Hollingworth, Dist. 23 et al: Executive Departments and Administration)
New title: establishing a brain and spinal cord injury trust fund and appropriating certain moneys to such fund.
139, am 416-418, psd 588 (H Com)
- SB 183-FN-A-LOCAL**, relative to distribution of certain meals and rooms tax revenue to municipalities with affordable housing. (Sen. Larsen, Dist 15 et al: Ways and Means)
139, am & Finance 335-339, am 511-512, psd 588 (H Com)
- SB 184**, relative to review of fees for the removal and impoundment of motor vehicles. (Sen. D'Allesandro, Dist 20 et al: Transportation)
139, psd 267-268, 275, conc H am 1337, enr 1561 (Chapter 213)
- SB 185**, relative to push-polling. (Sen. Fernald, Dist 11 et al: Public Affairs)
139, LT 322-323

- SB 186-FN**, relative to the powers of and classification for criminal justice and consumer protection investigators of the department of justice. (Sen. D'Allesandro, Dist 20 et al: Executive Departments and Administration)
New title: relative to the powers of and classification for criminal justice and consumer protection investigators of the department of justice and for county attorney investigators.
 139, am & Finance 418-419, rules suspended 568, Com 570, recon notice 596, recon rej (RC) 621-622
- SB 187-FN**, requiring the state to pay for an independent appraiser in eminent domain proceedings. (Sen. Gordon, Dist 2; Sen. Below, Dist 5: Executive Departments and Administration)
 139, Com 419-420
- SB 188-FN-LOCAL**, relative to abatements and appeals of betterment assessments. (Sen. Below, Dist 5; Rep. Patten, Car 9: Internal Affairs)
 139, psd 235, recon & Finance 274, psd 513, 588 (H Com)
- SB 189-FN-A**, establishing a gasoline remediation and elimination of ethers fund. (Sen. Wheeler, Dist 21 et al: Environment)
 139, am 420-433, psd 589 (H Com)
- SB 190**, dedicating the I-93 causeway at Moore Dam and the Cottage Street Bridge in Littleton. (Sen. Burns, Dist 1 et al: Transportation)
New title: dedicating the I-93 causeway at Moore Dam, the Cottage Street Bridge in Littleton, and the Smith Bridge in Plymouth.
 140, am 216-217, psd 220, conc H am 861, enr 1363 (Chapter 157)
- SB 191-FN**, extending the Eric L. settlement agreement. (Sen. Wheeler, Dist 21: Public Institutions, Health and Human Services)
 140, K 377-378
- SB 192-FN**, relative to the issuance of high/medium voltage licenses by the electricians' board. (Sen. O'Neil, Dist.18: Executive Departments and Administration)
 140, psd 433-434, 589, nonconc H am, conf 1337-1338, 1353, rep adop 1518, 1539, enr 1563 (Chapter 266)
- SB 193-FN-A-L**, relative to changes in the property tax system and making an appropriation therefor. (Sen. Below, Dist. 5 et al: Ways and Means)
 140, am & Finance 339-348, rules suspended & psd 348, 351, conc H am 1338, enr am 1554-1555, enr 1564 (Chapter 297)
- SB 194-FN**, relative to retirement allowances for certain surviving spouses of group II retirement system members. (Sen. McCarley, Dist. 6 et al: Insurance)
 203, psd 434, 589, recon notice 596 (H Com)
- SB 195-FN**, permitting the department of regional community-technical colleges to lease building space from the Pease development authority in exchange for a reduction in Pease development authority's debt owed to the state. (Sen. Johnson, Dist 3 et al: Education)
 276, Finance 434-436, rules suspended 1075-1076, LT 1288-1289
- SB 196**, relative to the review of wireless communications facility proposals of state agencies and of proposals received by local land use boards. (Sen. Below, Dist 5 et al: Public Affairs)
 276, K (RC) 566-567, recon notice 600, recon rej (RC) 622-623
- SB 197-FN**, restructuring the judicial conduct committee as an independent judicial conduct commission. (Sen. Gordon, Dist. 2; Judiciary)
First new title: restructuring the judicial conduct committee as an independent judicial conduct commission and making an appropriation therefor.
Second new title: establishing a judicial conduct commission.
 397, rules suspended & LT 520-521, am & Finance (RC) 523-528, rules suspended 568, am 570-571, psd 589, remarks 596, nonconc H am, conf 1338, 1348, rep adop 1518-1524, 1539, enr am 1540, enr 1564 (Chapter 267)
- SB 198-FN-A**, expanding the authority of the sweepstakes commission to establish a 2-year pilot program for video lottery games at state liquor stores, and making an appropriation therefor. (Sen. Gatsas, Dist. 16: Ways and Means)
 397, rules suspended 1075-1076, LT 1289, Com 1532

- SB 199**, relative to the voting procedures for authorizing certain capital projects in interstate school districts. (Sen. Below, Dist 5 et al: Education)
595, am 678-679, psd 682 (H Com)
- SB 200**, not introduced.
- SB 201-FN**, creating a dedicated fund for the job training program for economic growth and making certain changes to the program. (Sen. Burns, Dist. 1 et al: Insurance)
rules suspended, intro 597, am 643-645, psd 682 (H Com)

SENATE CONCURRENT RESOLUTIONS

- SCR 1**, urging the supreme court to expand the membership of the advisory committee on rules to include legislative members. (Sen. Gordon, Dist. 2: Judiciary)
40, adop 259, 275, H nonconc 728
- SCR 2**, urging the federal government to honor its commitment to fully fund its share of special education costs. (Sen. Hollingworth, Dist. 23 et al: Education)
New Title: calling on the President and the Congress to fully fund the federal government's share of the average per pupil expenditure in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act.
40, am 129-133, adop 138, conc H am 1329

HOUSE BILLS

- HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2002 and June 30, 2003. (Finance)
592, am (3 RCs) 969-1059, psd 1074, H nonconc, conf 1329-1330, rep adop (RC) 1431-1440, enr 1559 (Chapter 130)
- HB 2-FN**, relative to state fees, funds, revenues, and expenditures. (Finance)
392, rules suspended 1075-1076, K 1287-1288
- HB 25-FN-A**, making appropriations for capital improvements. (Capital Budget)
392, am (RC) 943-967, psd 1074, H conc 1347, enr am 1365-1366, enr 1560 (Chapter 202)
- HB 101**, requiring registered lobbyists to sign a statement concerning false statements or misrepresentation of material facts. (Internal Affairs)
224, LT 299-300
- HB 102**, allowing bankruptcy judges to perform marriages after obtaining a special license. (Executive Departments and Administration)
122, psd 205, 220, enr 275 (Chapter 11)
- HB 103**, relative to the possession of deadly weapons by convicted felons or during the commission or attempted commission of a violent crime. (Judiciary)
89, psd 885, 924, enr am 1366, enr 1560 (Chapter 214)
- HB 105-FN**, establishing an agricultural nutrient management program and making an appropriation therefor. (Environment)
593, Finance 629, psd 731, 748, enr 1363 (Chapter 103)
- HB 106**, relative to honey products. (Wildlife and Recreation)
122, psd 193, 196, enr 221 (Chapter 5)
- HB 107**, naming a certain bridge in the town of Milford. (Transportation)
New title: naming a certain bridge in the town of Milford and naming the LaMott Wing at the Glencliff Home for the Elderly.
122, am 268-269, psd 275, H conc 686, enr am 684, enr 752 (Chapter 57)
- HB 109**, establishing a committee to study the consumer protection effort in New Hampshire. (Executive Departments and Administration)
124, psd 205-206, 220, enr 275 (Chapter 12)
- HB 111**, relative to paper purchased by or for state agencies. (Environment)
124, psd 134, 138, enr 139 (Chapter 3)
- HB 112**, establishing a study committee on issues relating to hospital business practices and managed care organizations' networks. (Public Institutions, Health and Human Services)
200, am 707-708, psd 726, H conc 848, enr 1362 (Chapter 104)

- HB 113**, relative to the Nute High School and library trustees. (Education)
122, psd 204, 220, enr 276 (Chapter 13)
- HB 116**, establishing a policy for naming state highways, bridges, and buildings. (Transportation)
123, K 381-382
- HB 117**, establishing a committee to study the adoption of the uniform common interest ownership act. (Public Affairs)
124, psd 183-184, 196, enr 221 (Chapter 6)
- HB 118**, authorizing physicians who practice medicine in certain states other than the state of New Hampshire to complete certifications exempting children residing in the state of New Hampshire from immunization. (Public Institutions, Health and Human Services)
124, psd 263, 275, enr 351 (Chapter 18)
- HB 120**, relative to the membership of the department of youth development advisory board. (Judiciary)
202, psd 601-602, 624, enr 724 (Chapter 30)
- HB 121**, establishing a committee to study methods of reducing the cost of obtaining justice for low-income citizens. (Judiciary)
124, psd 316, 351, enr 586 (Chapter 20)
- HB 122-FN-L**, relative to euthanizing repeatedly vicious dogs. (Wildlife and Recreation)
89, K 193
- HB 123-FN**, relative to the retirement system classification for the director of the division of safety services, department of safety. (Executive Departments and Administration)
New title: relative to the retirement system classification for the director of the division of safety services, department of safety and relative to retirement allowances for certain state employees.
222, am & Finance 357-358, am 731, psd 748, H conc 848, enr 1362 (Chapter 105)
- HB 124**, establishing a committee to study on-line and electronic voting. (Public Affairs)
202, psd 369-370, 396, enr 586 (Chapter 21)
- HB 125**, naming New Hampshire route 12-A from West Lebanon to the Cornish-Windsor Bridge the Maxfield Parrish Highway. (Transportation)
123, psd 269-270, 275, enr 351 (Chapter 14)
- HB 126-FN**, relative to the board of pharmacy and the regulation of pharmacists. (Executive Departments and Administration)
124, LT 228-229, am 839, psd 924, H conc 1347, enr am 1557, enr 1559 (Chapter 282)
- HB 129**, relative to amending condominium instruments governing assignment of limited common areas. (Executive Departments and Administration)
123, psd 632-633, 682, enr 858 (Chapter 68)
- HB 130**, relative to the maintenance of boundaries and fences. (Public Affairs)
200, LT 370-371
- HB 131**, relative to the retention and disposal of certain financial disclosure forms. (Public Affairs)
277, am 901-902, psd 924, H nonconc, conf 1333-1334, rep adop 1440-1442, enr am 1545, enr 1561 (Chapter 231)
- HB132-FN**, relative to the damage or destruction of an emergency vehicle or emergency services equipment. (Judiciary)
89, am 885-886, psd 924, H nonconc, conf 1334, rep adop 1442-1443, enr 1561 (Chapter 283)
- HB 134**, permitting challenges to judges. (Judiciary)
202, Com 886
- HB 135**, creating a commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload. (Judiciary)
124, psd 886-887, 924, enr 1378 (Chapter 159)

- HB 140**, relative to interest on judgments. (Judiciary)
123, am 887-888, psd 924, H conc 1347, enr 1378 (Chapter 160)
- HB 141-L**, relative to regulation of junk yards. (Environment)
224, LT 354, Com 1248
- HB 142**, establishing a committee to study encryption of confidential information. (Internal Affairs)
124, am 160-161, psd 196, H conc 686, enr 724 (Chapter 31)
- HB 143**, establishing a committee to address the problem created by the shortage of health care personnel and support staff in New Hampshire. (Public Institutions, Health and Human Services)
89, am 184-185, psd 196, H conc 686, enr 724 (Chapter 32)
- HB 144**, establishing a committee to study the CHINS process. (Public Institutions, Health and Human Services)
124, psd 185, 197, enr 221 (Chapter 7)
- HB 146**, requiring any driver to have headlights on when continuously operating wind-shield wipers during inclement weather. (Transportation)
89, K (RC) 326-329, recon & Com 395
- HB 152-FN**, relative to expanding the legal methods of taking deer. (Wildlife and Recreation)
593, Finance 722, psd 881, 924, enr 1378 (Chapter 161)
- HB 153**, lowering the minimum medical cost coverage for motor vehicle liability policies. (Insurance)
200, LT 693
- HB 154**, relative to candidates of parties nominated by nomination papers and relative to vacancies for office on a party ticket. (Public Affairs)
391, Com 902-904
- HB 156**, relative to the detention of juveniles in delinquency proceedings. (Judiciary)
200, psd 888, 924, enr 1378 (Chapter 162)
- HB 157**, clarifying the immunity from liability of persons providing emergency care. (Judiciary)
202, Com 888
- HB 158**, relative to the use of an artificial light to locate moose. (Wildlife and Recreation)
594, am 676, psd 682, H conc 727, enr 1363 (Chapter 131)
- HB 160**, establishing a committee to study the issue of one-day/one-trial jurors. (Judiciary)
123, psd 888, 924, enr 1378 (Chapter 163)
- HB 162-FN**, ratifying the school board meetings and elections for Mascoma Valley Regional and Bartlett School Districts. (Public Affairs)
684, recon 724 (final action in 2002 session)
- HB 163**, establishing a committee to study opening the state house to the public on weekends. (Internal Affairs)
123, psd 161-162, 197, enr 221 (Chapter 8)
- HB 164**, relative to exceptions to the confidentiality of certain department of employment security records. (Executive Departments and Administration)
224, psd 633, 682, enr am 749-750, enr 1362 (Chapter 106)
- HB 166**, establishing a committee to study gas and hazardous substance pipeline safety. (Environment)
New title: requiring the gas utility restructuring oversight committee to study gas and hazardous pipeline safety.
89, SO 581, am 597-598, psd 624, H conc 686, enr 858 (Chapter 69)
- HB 167**, relative to the authority of the consumer advocate. (Energy and Economic Development)
89, psd 133-134, 138, enr 139 (Chapter 4)
- HB 168**, relative to transfers of ownership of cemetery plots or burial spaces. (Internal Affairs)
89, psd 162, 197, enr 221 (Chapter 9)

- HB 170-FN-A**, repealing the legacies and succession tax. (Ways and Means)
New title: relative to state fees, funds, revenues, and expenditures.
392, rules suspended 1075-1076, am (3 RCs) 1293-1323, psd 1350, H nonconc, conf 1336-1337, rep adop (RC) 1382-1431, enr am 1532-1536, enr 1559 (Chapter 158)
- HB 175-FN-L**, relative to the amount of the homestead right. (Executive Departments and Administration)
123, psd 634, 682, enr 858 (Chapter 70)
- HB 177-FN-A**, relative to the purchase of a wheelchair van for the veterans' home in Tilton and making an appropriation therefor. (Public Institutions, Health and Human Services)
593, am & Finance 708-710, psd 848, 924, recon notice 926, recon & am 1241-1242, psd 1350, H conc 1347, enr 1378 (Chapter 164)
- HB 180-FN**, relative to criminal neglect of elderly, disabled, or impaired adults. (Judiciary)
201, Com 888-889
- HB 181-FN**, relative to group II retirement system membership for police and corrections officers who become police trainers. (Executive Departments and Administration)
200, Finance 358-359, psd 731-732, 748, enr am 1325-1326, enr 1378 (Chapter 165)
- HB 183-FN**, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system. (Executive Departments and Administration)
200, Finance 634, psd 732, 748, enr am 1326-1327, enr 1378 (Chapter 166)
- HB 186-FN-A**, establishing a pesticides training program. (Environment)
391, Finance 600, psd 732, 748, enr am 1327, enr 1378 (Chapter 167)
- HB 189-FN**, increasing the facility funding limits under the oil discharge and disposal cleanup fund. (Environment)
201, Finance 297, SO 581, psd 598-599, 624, enr 724 (Chapter 33)
- HB 193**, establishing a committee to study state payments for court-ordered placements of special education pupils. (Education)
89, am & Finance 143-145, Com 1060
- HB 194**, relative to municipal budget hearings, recommendations, and reports. (Public Affairs)
202, psd 666, 682, enr 858 (Chapter 71)
- HB 196-L**, relative to the penalty for failure to license a dog or renew a dog license. (Wildlife and Recreation)
200, LT 608-610, 679, am 1249-1251, recon & LT 1293
- HB 197**, extending the reporting date of the commission to study methods for reducing violent incidents involving children and guns. (Judiciary)
124, psd 889-890, 924, enr 1378 (Chapter 168)
- HB 201**, relative to voters presenting identification to obtain a ballot. (Public Affairs)
593, psd 904-905, 924, enr 1378, H sustained veto 1573
- HB 202**, relative to the legislative ethics committee. (Internal Affairs)
221, psd 1237, 1350, enr 1560 (Chapter 215)
- HB 203**, allowing a psychiatric/mental health nurse practitioner employed under contract with the department of corrections to be indemnified and defended by the state under the same conditions as psychiatrists. (Judiciary)
202, SO 581, am 599, psd 624, H conc 686, enr 858 (Chapter 72)
- HB 204-FN**, relative to loan guarantees by the business finance authority. (Finance)
40-41, psd 57, 65, enr 65 (Chapter 1)
- HB 206-FN**, establishing an equipment depository and disabled persons employment fund in the department of administrative services. (Executive Departments and Administration)
394, Com 872
- HB 208-FN**, changing the license requirement for operators collecting the meals and rooms tax. (Ways and Means)
New title: changing the license requirement for operators collecting the meals and rooms tax and relative to a property tax exemption for the Woman's Club of Concord.
222, am 913-922, psd 924, H conc 1347, enr 1378 (Chapter 199)

- HB 210-FN**, relative to the penalties for persons convicted of subsequent DWI offenses. (Judiciary)
New title: relative to the penalties for persons convicted of subsequent DWI offenses and correcting the ignition interlock program laws.
224, am 890-891, psd 924, H conc 1347, enr 1378 (Chapter 169)
- HB 211-FN**, establishing a restricted probationary permit to drive and correcting the ignition interlock program laws. (Transportation)
89, LT 329-330, 855-858
- HB 215**, relative to publication of status of cases before the supreme court. (Judiciary)
202, am 1265, psd 1350, H nonconc, conf 1353-1354, rep adop 1443, enr 1561 (Chapter 268)
- HB 218-FN**, relative to the motor vehicle road toll law and motor vehicle registration fees. (Transportation)
594, Finance 697-698, rules suspended & psd 703-704, psd 704, enr 859 (Chapter 73)
- HB 219**, relative to the rules of the road involving school buses. (Transportation)
391, am 672, psd 682, H conc 727, enr 1363 (Chapter 132)
- HB 224**, relative to persons who may sign nomination papers. (Public Affairs)
394, psd 666, 682, enr 859 (Chapter 74)
- HB 226**, relative to instructions to voters for straight-ticket voting. (Public Affairs)
277, Com 905
- HB 228**, relative to dealing in and possessing prescription drugs by podiatrists. (Executive Departments and Administration)
123, psd 229-230, 275, enr 351 (Chapter 15)
- HB 229**, relative to third person liability under the workers' compensation law. (Insurance)
592, K (RC) 693-696, recon notice 707
- HB 230**, relative to scheduled permanent impairment awards under the workers' compensation law. (Insurance)
123, am 155-156, psd 197, H conc 686, enr 724 (Chapter 34)
- HB 232**, relative to compensability of work-related stress injuries under the workers' compensation act. (Insurance)
New title: relative to compensability of work-related stress injuries under the workers' compensation act and relative to election of remedies for wrongful termination or constructive discharge.
89, am 298-299, psd 351, H conc 586, enr 725 (Chapter 47)
- HB 233**, amending the duties of the oversight committee for the severely developmentally disabled. (Public Institutions, Health and Human Services)
90, psd 185-186, 197, enr 221 (Chapter 10)
- HB 236**, relative to the registration of deer. (Wildlife and Recreation)
202, psd 348-349, 351, enr 586 (Chapter 22)
- HB 237**, relative to filling a vacancy in an alumni trustee position on the board of trustees of the university system. (Education)
202, Com 626-627
- HB 238**, relative to interstate banking. (Banks)
90, am 141-142, psd 197, H nonconc, conf 729, rep adop 1443-1444, enr 1561 (Chapter 269)
- HB 240**, requiring the department of health and human services to develop a plan reducing the number of persons awaiting certain services for developmental disabilities. (Public Institutions, Health and Human Services)
90, am (RC) 186-187, psd 197, H nonconc, conf 729-730, rep adop 1444, enr 1559 (Chapter 270)
- HB 242**, extending the reporting deadlines for certain study committees and commissions. (Internal Affairs)
221, psd 300-301, 351, enr am 387, enr 586 (Chapter 23)
- HB 245**, relative to the duties and staff of the state geologist. (Executive Departments and Administration)
202, psd 634, 682, enr 859 (Chapter 75)

- HB 252**, relative to rules promulgated by the supreme court. (Judiciary)
593, Com 1265
- HB 254**, naming a certain bridge in the town of Charlestown. (Transportation)
201, psd 270, 275, enr 351 (Chapter 16)
- HB 255**, establishing a committee to study the practice of "body works." (Public Institutions, Health and Human Services)
277, psd 606-607, 624, enr am 684-685, enr 752 (Chapter 58)
- HB 256**, limiting the liability of law enforcement agencies and their employees for injuries caused by dogs used in law enforcement work. (Judiciary)
202, am 1266-1267, psd 1350, H nonconc, conf 1354, rep adop 1444, enr 1562 (Chapter 284)
- HB 258**, establishing a task force to conduct an ongoing study of the feasibility of re-establishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon northern passenger rail service line. (Transportation)
123, LT 672-673, am 1247-1248, psd 1350, H nonconc, conf 1360-1361, rep adop 1445, enr 1559 (Chapter 271)
- HB 259**, relative to holding sessions for correction of checklists. (Public Affairs)
592, am 905-906, psd 924, H nonconc, conf 1338-1339, rep adop 1445-1446, enr 1562 (Chapter 272)
- HB 260**, establishing a commission to examine child care resources for parents who work hours other than first shift. (Public Institutions, Health and Human Services)
202, am 668-669, psd 682, H nonconc, conf 759-760, rep adop 1447, enr 1560 (Chapter 273)
- HB-261-FN**, including the judiciary as a public employer under the public employee labor relations act. (Executive Departments and Administration)
200, LT 635, am & Finance 840, psd (RC) 1060-1061, 1074, H conc 1347, enr 1378 (Chapter 170)
- HB 263**, naming a sidewalk in Wolfeboro the Kenneth J. MacDonald Memorial Sidewalk. (Transportation)
202, psd 330, 351, enr 586 (Chapter 24)
- HB 265**, prohibiting the sale of rolling papers to minors. (Judiciary)
202, psd 891, 924, enr 1378 (Chapter 171)
- HB 270-FN**, increasing the mileage reimbursement rate for members of the legislature. (Internal Affairs)
593, Com 663-664
- HB 271**, relative to criminal liability for the conduct of another. (Judiciary)
224, psd 1267, 1350, enr 1560 (Chapter 216)
- HB 273**, relative to the purpose of state jurisdiction of fish and game regulation. (Wildlife and Recreation)
202, psd 384, 396, enr 586 (Chapter 25)
- HB 274-FN**, banning the residential open burning of trash and relative to a dioxin emissions reduction and control program. (Environment)
200, SO 581, LT 598, am 723-724, psd 726, H nonconc, conf 863, rep adop 1447, enr am 1542, enr 1562 (Chapter 285)
- HB 275**, relative to the expenditure of funds received pursuant to the Workforce Investment Act. (Executive Departments and Administration)
394, am 927, psd 1074, H conc 1347, enr 1378 (Chapter 172)
- HB 276-FN-A**, relative to reimbursement of legal fees of supreme court employees who were subpoenaed and incurred legal fees during the impeachment proceedings regarding chief justice David A. Brock and making an appropriation therefor. (Judiciary)
593, Finance 847, psd 1061, 1074, enr 1379 (Chapter 173)
- HB 277-L**, clarifying the penalties for violations of statutes or ordinances where no penalty is specified. (Judiciary)
200, am 1267-1268, psd 1350, H nonconc, conf 1354-1355, rep adop 1448-1449, enr 1562 (Chapter 274)

- HB 279-FN-A-L**, relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor. (Executive Departments and Administration)
First new title: relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor, and relative to retirement allowances for certain surviving spouses of group II retirement system members.
Second new title: relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor; relative to payment of medical benefits costs for group II members of the retirement system; and relative to the election of optional allowances by certain retirement system members granted disability retirement benefits.
592, Finance 842-843, am 1061-1066, psd 1075, H nonconc, conf 1339, rep adop 1449-1451, enr am 1542, enr 1562 (Chapter 275)
- HB 288-FN**, relative to the licensure of interpreters for the deaf and hard of hearing. (Executive Departments and Administration)
391, psd 872-873, 925, enr am 1366-1367, enr 1560 (Chapter 232)
- HB 289-FN**, implementing procedures for a hospital to assume care and custody of an abandoned child and creating an exception to the crime of endangering the welfare of a child. (Public Institutions, Health and Human Services)
391, Com 847-848
- HB 295-FN**, relative to medicaid recoveries from third party settlements. (Insurance)
592, Com 696
- HB 296-FN**, relative to receiving stolen property. (Judiciary)
90, psd 891-892, 925, enr 1379 (Chapter 174)
- HB 302-FN**, relative to an optional retirement allowance for certain spouses upon a retiree's remarriage. (Executive Departments and Administration)
277, Finance 635, psd 732, 748, enr am 1325, enr 1379 (Chapter 175)
- HB 303-FN-A-L**, relative to funding of training and certification of firefighters and emergency medical service providers programs in the department of safety, extending certain motor vehicle license expiration dates, and increasing certain motor vehicle license fees. (Ways and Means)
352, SO 581, Finance 599-600, psd 642-643, 682, enr am 750-751, enr 1349 (Chapter 91)
- HB 304-FN**, relative to insurance coverage for prostate cancer testing. (Insurance)
594, rcmt 645, LT 696-697, 1237, (RC) 1259
- HB 305-FN-A**, establishing a dedicated fund for certain fish and game funds to be expended for the purpose of operation game thief. (Wildlife and Recreation)
391, Finance 610-611, psd 732-733, 748, enr 1363 (Chapter 107)
- HB 308-FN**, relative to administrative fees added to restitution payments. (Judiciary)
201, Finance 847, psd 1066, enr 1379 (Chapter 176)
- HB 310-FN-A**, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2003. (Ways and Means)
394, rules suspended, am & Finance 698-699, rules suspended & psd 703, 704, H conc 727, enr 1363 (Chapter 108)
- HB 311-FN-A**, increasing the fees under the laws relative to sewage disposal systems to support a position at the department of environmental services to advocate for and implement long-term septage disposal solutions in partnership with New Hampshire municipalities. (Environment)
222, Finance 354-355, psd 733, 748, enr 1363 (Chapter 128)
- HB 315-FN**, relative to the registration of criminal offenders. (Judiciary)
200, am 1268-1270, psd 1350, H nonconc, conf 1355, rep adop 1452, enr 1562 (Chapter 233)
- HB 317-FN**, revising the New Hampshire Aeronautics Act. (Transportation)
389, rcmt 673, Com 852
- HB 320-FN**, relative to leasing certain portions of railroad properties and relative to the definition and taxation of amusement railroads. (Transportation)
594, am & Finance 853-854, am 1066-1067, psd 1075, H nonconc, conf 1339, rep adop 1452-1453, enr 1562 (Chapter 234)

- HB 325-FN**, relative to certain acts of sexual assault. (Judiciary)
201, Com (RC) 892-895
- HB 326-FN-A**, relative to the continuation of the New Hampshire task force on deafness and hearing loss and making an appropriation therefor. (Public Institutions, Health and Human Services)
202, Finance 378-379, am 733, psd 748, H conc 1347, enr 1379 (Chapter 177)
- HB 328-FN-L**, relative to fees of sheriffs and deputy sheriffs. (Judiciary)
594, am 895, psd 925, H nonconc, conf 1340, rep adop 1453, enr 1562 (Chapter 235)
- HB 332-FN-L**, relative to resuscitation protocols for emergency medical care providers and relative to payment of autopsy expenses. (Public Institutions, Health and Human Services)
New title: relative to resuscitation protocols for emergency medical care providers.
200, am 710, psd 726, H nonconc, conf 863-864, rep adop 1453-1454, enr am 1543-1544, enr 1562 (Chapter 236)
- HB 337-FN**, relative to the administration of the public utilities commission and establishing the position of executive director of the public utilities commission. (Executive Departments and Administration)
New title: relative to the administration of the public utilities commission, establishing the position of executive director of the public utilities commission, and relative to the position of assistant commissioner of the department of corrections.
278, Finance 635-636, am 1067-1069, psd 1075, H nonconc, conf 1340, rep adop 1454-1455, enr 1562 (Chapter 237)
- HB 339**, prohibiting the taking of deer by baiting. (Wildlife and Recreation)
389, LT 911-912, K 1235-1236
- HB 347-FN**, relative to terminal pay for certain state officials or employees. (Executive Departments and Administration)
222, Finance 636, am 733-734, psd 748, H conc 848, enr 1362 (Chapter 109)
- HB 350-FN**, relative to persons with disabilities participating in the work incentive program. (Public Institutions, Health and Human Services)
592, Finance 669-671, psd 734, 748, enr 1349 (Chapter 67)
- HB 351-FN-A-L**, requiring the state to fully fund school building aid payments for fiscal year 2001 and making an appropriation therefor. (Finance)
221, am (12 RCs) 760-822, psd 822, H nonconc, conf 1340-1341 (Died in conf)
- HB 354-FN**, extending the kindergarten construction program. (Education)
593, am & Finance 840-842, psd (RC) 1069, 1075, H nonconc, conf 1341, rep rej, new conf 1380-1382, rep adop 1478-1480, enr 1562 (Chapter 287)
- HB 357**, relative to periodic payments of judgments. (Judiciary)
201, am 1270-1271, psd 1350, H nonconc, conf 1355, rep adop 1455, enr 1562 (Chapter 238)
- HB 361**, establishing a committee to study certain policies and procedures in the department of corrections. (Judiciary)
201, am 895-896, psd 925, H conc 1347, enr am 1370, enr 1560 (Chapter 217)
- HB 362-FN**, relative to the practice of veterinary medicine. (Executive Departments and Administration)
224, rcmt 636, K 843-845
- HB 367-L**, relative to the establishment of a town forest in the town of Randolph. (Wildlife and Recreation)
New title: relative to the establishment of a town forest in the town of Randolph and relative to property of preexisting school districts.
201, am 349-350, psd 351, H conc 686, enr 725 (Chapter 35)
- HB 369**, relative to driving in highway construction and maintenance areas. (Transportation)
New title: relative to driving in highway construction and maintenance areas and utility work areas.
224, am 382-383, psd 396, H conc 686, enr 725 (Chapter 36)

- HB 370**, relative to the regulation of the trapping by the fish and game department. (Wildlife and Recreation)
New title: relative to the regulation of trapping by the fish and game department. 277, psd 676-677, 682, enr am 751, enr 1349 (Chapter 92)
- HB 371**, relative to fiscal impact statements for proposed administrative rules prepared by the legislative budget assistant. (Executive Departments and Administration)
New title: relative to fiscal impact statements for proposed administrative rules prepared by the legislative budget assistant and relative to certain time periods for review by the joint legislative committee on administrative rules. 202, am 636-638, psd 682, H conc 727, enr 1363 (Chapter 110)
- HB 373**, relative to surety bonds for detective agencies and security services. (Executive Departments and Administration)
391, am 927-936, psd 1075, H nonconc, conf 1341-1342, rep adop 1455-1456, enr 1562 (Chapter 239)
- HB 374**, relative to surcharges on pay telephone use. (Ways and Means)
201, rules suspended 1075-1076, am, recon, am rej & psd 1289-1291, psd 1350, enr 1560 (Chapter 218)
- HB 375**, relative to sources of funding an adequate education. (Ways and Means)
592, rules suspended, am & Finance 699-703, am (8 RCs) 1076-1235, rules suspended & psd 1236, H nonconc 1352
- HB 376**, allowing county commissioners serving 4-year terms to vote at state party conventions. (Public Affairs)
277, psd 602, 624, enr 725 (Chapter 37)
- HB 377**, permitting the state of New Hampshire to file petitions with the probate court seeking review of actions by a power of attorney. (Judiciary)
201, psd 369, 396, enr am 611, enr 725 (Chapter 38)
- HB 385**, changing the name, membership and duties of the office of volunteerism. (Executive Departments and Administration)
201, LT 638, am 1246-1247, psd 1350, H nonconc, conf 1355-1356, rep adop 1456, enr 1562 (Chapter 288)
- HB 387**, relative to the regulation of dentistry by the board of dental examiners. (Executive Departments and Administration)
394, psd 873, 925, enr 1379 (Chapter 178)
- HB 388**, clarifying the rights of patients of nursing facilities in the event of a proposed transfer or discharge from the facility. (Public Institutions, Health and Human Services)
201, am 710-713, psd 726, H conc 848, enr 1362 (Chapter 111)
- HB 389**, establishing a committee to study the nursing home industry in New Hampshire. (Public Institutions, Health and Human Services)
203, K 909-910
- HB 390**, relative to the Live-Birth Infants Protection Act. (Judiciary)
224, com changed (Public Institutions) 502, psd (2 RCs) 1284-1287, 1350, enr 1560 (Chapter 219)
- HB 393-FN**, relative to plant nurseries and nursery stock. (Wildlife and Recreation)
593, Finance 677, Com 734-735
- HB 394**, relative to short-term health insurance policies for certain persons. (Insurance)
391, am 645-646, psd 682, H conc 727, enr 1363 (Chapter 112)
- HB 395**, relative to the time for the first meeting for county conventions following election. (Public Affairs)
200, psd 323, 352, enr 586 (Chapter 26)
- HB 396**, relative to the practice of physicians and surgeons. (Public Institutions, Health and Human Services)
224, am 713-714, psd 726, H conc 848, enr 1362 (Chapter 113)
- HB 397**, establishing a committee to study the status of veterans in New Hampshire. (Public Affairs)
201, psd 371-372, 396, enr 586 (Chapter 27)

- HB 399**, relative to proof of qualifications for voter registration. (Public Affairs)
593, psd 906-907, 925, enr 1379, H sustained veto 1573
- HB 402**, relative to the establishment of a state universal service fund. (Executive Departments and Administration)
391, psd 873, 925, enr am 1367, enr 1560 (Chapter 220)
- HB 403**, relative to the effective date of special contracts for telephone utilities. (Executive Departments and Administration)
201, psd 638-639, 682, enr 859 (Chapter 76)
- HB 405**, establishing a committee to study the creation of an at-home infant child care program in New Hampshire. (Public Institutions, Health and Human Services)
201, SO 748, am 836-837, psd 925, H nonconc, conf 1342, rep adop 1456-1457, enr 1564 (Chapter 240)
- HB 408-FN**, relative to the regulation of nursing by the board of nursing. (Executive Departments and Administration)
224, rcmt 639-640, Finance 845, psd 1069-1070, 1075, enr am 1558, enr 1560 (Chapter 241)
- HB 412**, relative to requiring the public higher education study committee to study the feasibility of granting of state franchise rights to providers of on-line education courses. (Education)
New title: requiring the public higher education study committee to study the feasibility of granting state franchise rights to providers of on-line education courses.
391, SO 747, psd (RC) 823-827, 925, enr am 1367, enr 1560 (Chapter 221)
- HB 413**, relative to ownership of rail properties. (Transportation)
391, psd 719, 726, enr 1363 (Chapter 114)
- HB 416**, relative to fire safety inspections for foster family homes. (Executive Departments and Administration)
200, psd 640, 683, enr 859 (Chapter 77)
- HB 426**, relative to the voluntary scrapie flock certification program. (Wildlife and Recreation)
224, am 912-913, psd 925, H nonconc, conf 1342-1343, rep adop 1457-1460, enr 1562 (Chapter 242)
- HB 429**, relative to dispute resolution within the context of public employee labor relations. (Executive Departments and Administration)
391, K (2 RCs) 936-941, recon rej 941
- HB 433**, clarifying the duties of the oversight committee on health and human services. (Public Institutions, Health and Human Services)
90, am 187-188, psd 197, H conc 686, enr 725 (Chapter 39)
- HB 435**, relative to assessment of service charges by municipalities and counties that accept credit cards for payment of local taxes, utility charges, or other fees. (Public Affairs)
391, psd 666-667, 683, enr 859 (Chapter 78)
- HB 442**, establishing a study committee to examine the effects of protective custody on county correctional facilities. (Judiciary)
New title: establishing a study committee to examine the effects of protective custody on county correctional facilities and relative to the billing of counties for certain expenses by the department of health and human services and relative to costs of certain juvenile placements.
201, am 896-899, psd 925, H conc 1347, enr 1362 (Chapter 93)
- HB 443**, relative to a state energy plan. (Energy and Economic Development)
New title: relative to a state energy plan and relative to road toll fees for vehicles powered by alternate energy sources.
594, am 688-689, psd 726, H conc 848, enr 1362 (Chapter 121)
- HB 444**, relative to mental health services and records. (Judiciary)
277, am 1271-1272, psd 1350, H nonconc, conf 1356, rep adop 1460-1461, enr 1562 (Chapter 243)
- HB 446**, relative to spousal and child support enforcement. (Judiciary)
277, psd 1272-1273, 1350, enr 1560 (Chapter 222)

- HB 448**, relative to procedures for crews and provision of counseling services following a railway accident. (Executive Departments and Administration)
224, Com 640-641
- HB 450**, relative to certain work product under the right-to-know law. (Executive Departments and Administration)
New title: relative to work product and relative to attorneys' fees under the right-to-know law.
592, am 873-875, psd 925, H nonconc, conf 1343, rep adop 1461, enr 1562 (Chapter 289)
- HB 451**, establishing a commission to study the impact of pay and health care benefits for child care workers on the quality of care and education for children by considering and exploring funding methods for accomplishing any recommendations. (Public Institutions, Health and Human Services)
392, am 910-911, psd 925, H nonconc, conf 1343-1344, rep adop 1461-1462, enr am 1544, enr 1562 (Chapter 244)
- HB 452**, establishing a committee to study the reimbursement for expenses of legislators. (Internal Affairs)
592, psd 664, 683, enr 752 (Chapter 59)
- HB 453**, establishing a 4-year term for the commissioner of the department of corrections. (Executive Departments and Administration)
223, psd 875, 925, enr 1379 (Chapter 179)
- HB 459-FN**, relative to inspection requirements for antique vehicles. (Transportation)
224, am & Finance 383, psd 735, 749, H conc 848, enr 1362 (Chapter 115)
- HB 463-FN**, relative to protective services to adults. (Judiciary)
594, Com 899
- HB 466**, relative to the selection of replacement justices for supreme court justices who are disqualified to hear cases. (Judiciary)
277, Com 1273-1274
- HB 469-FN**, relative to the applicable minimum wage for hourly employees. (Executive Departments and Administration)
684, K (RC) 875-880
- HB 471-FN**, relative to fish and game licenses issued to resident and nonresident minors and relative to complimentary fishing licenses for legally blind persons. (Wildlife and Recreation)
277, Finance 677-678, psd 735, 749, enr am 1329, enr 1379 (Chapter 180)
- HB 475**, establishing a commission for the development of a statewide protocol for interviewing victims of sexual assault crimes. (Judiciary)
224, am 1274-1275, psd 1350, H nonconc, conf 1356-1357, rep adop 1462, enr 1560 (Chapter 245)
- HB 477-FN**, relative to supplemental allowances for certain retired group I members of the New Hampshire retirement system. (Executive Departments and Administration)
392, am & Finance 641-642, psd 735-736, 749, H conc 848, enr 1362 (Chapter 116)
- HB 479**, relative to dead bodies. (Public Affairs)
202, K 372
- HB 480**, relative to the divisions within the department of resources and economic development. (Energy and Economic Development)
202, psd 296, 352, enr 586 (Chapter 28)
- HB 481**, relative to access to certain communications common carrier records. (Executive Departments and Administration)
392, psd 941, 1075, enr 1379 (Chapter 181)
- HB 482**, relative to airport zoning. (Public Affairs)
278, psd 602, 624, enr 725 (Chapter 40)
- HB 485**, relative to physicians employed by hospitals. (Public Institutions, Health and Human Services)
202, Com 714-715
- HB 488**, establishing a task force to study certain issues regarding privacy. (Insurance)
392, am 646-647, psd 683, recon notice 688, recon & am 922-924, psd 925, nonconc H req for conf 1357

- HB 489**, relative to the regulation of rural electric cooperatives by the public utilities commission and relative to transition and default service. (Energy and Economic Development)
New title: relative to the regulation of rural electric cooperatives by the public utilities commission and relative to transition and default service and the sale of generation assets by Public Service Company of New Hampshire.
 223, am & psd 279-288, H conc 388, enr am 580, enr 596 (Chapter 29)
- HB 493**, exempting certain short term condominium unit owners' association rentals from the New Hampshire real estate practice act. (Executive Departments and Administration)
 277, psd 941, 1075, enr 1379 (Chapter 182)
- HB 495**, relative to judicially appointed officials. (Judiciary)
 594, Com 1275
- HB 498**, relative to standards for records filed with a registry of deeds. (Public Affairs)
 684, recon 724 (final action in 2002 session)
- HB 499**, making state-appointed advisory committees subject to the right-to-know law. (Internal Affairs)
 224, am 740, psd 749, H conc 848, enr 1560 (Chapter 223)
- HB 501**, relative to licensure of foster homes and the duties of the department of health and human services advisory board. (Public Institutions, Health and Human Services)
 389, am 671-672, psd 683, H conc 727, enr 1363 (Chapter 117)
- HB 503**, relative to incompatible offices. (Public Affairs)
 592, psd (RC) 907-908, 925, enr 1379, H sustained veto 1574
- HB 504**, establishing a committee to study the feasibility of requesting the fish and game department to develop shooting ranges in each of the wildlife management units. (Wildlife and Recreation)
 201, K 384
- HB 509**, establishing a statute of limitations on spousal support orders. (Judiciary)
 392, am 1275-1276, psd 1350, H nonconc, conf 1357, rep adop 1462-1463, enr am 1544, enr 1562 (Chapter 246)
- HB 511**, relative to continuing medical education requirements for physicians. (Executive Departments and Administration)
 592, psd 880-881, 925, enr 1379 (Chapter 183)
- HB 512**, relative to off-site improvements imposed on applicants to a planning board. (Public Affairs)
 592, Com 908-909
- HB 520**, relative to clarifying qualifications of candidates. (Public Affairs)
 594, psd 706-707, 726, enr 1363 (Chapter 118)
- HB 525**, relative to property and casualty insurance. (Insurance)
 592, am 704, psd 726, H conc 848, enr 1560 (Chapter 224)
- HB 532**, establishing a committee to study the adequacy of funding for the continued universal distribution of children's vaccines. (Public Institutions, Health and Human Services)
 202, am 263-265, psd 275, H conc 686, enr am 730-731, enr 1349 (Chapter 94)
- HB 534**, relative to "salvage" motor vehicles. (Transportation)
 592, psd 719-720, 726, enr 1363 (Chapter 119)
- HB 543-FN**, establishing the division of ports and harbors within the Pease development authority and transferring all functions, powers, and duties of the New Hampshire state port authority. (Energy and Economic Development)
 594, LT (RC) 689-690, am 1242-1246, psd 1350, H nonconc, conf 1358, rep adop 1463, enr am 1546-1547, enr 1562 (Chapter 290)
- HB 547-FN**, authorizing participation in a regional electronic toll collection system. (Transportation)
 592, Finance 849, psd 1070, 1075, enr am 1537-1538, enr 1564 (Chapter 247)
- HB 550-FN**, relative to destruction of information. (Judiciary)
 684, recon 724 (final action in 2002 session)

- HB 553-FN-L**, requiring background checks for nursing home employees. (Public Institutions, Health and Human Services)
224, Com 715
- HB 554-FN**, establishing a division of information technology within the department of safety. (Internal Affairs)
389, Finance 740, am 881-882, psd 925, H conc 1347, enr am 1368, enr 1560 (Chapter 225)
- HB 569**, establishing a committee to study the information, training, and support needs of family caregivers in New Hampshire. (Public Institutions, Health and Human Services)
389, am 607, psd 624, H conc 686, enr 752 (Chapter 60)
- HB 570-FN**, relative to the unemployment compensation law. (Insurance)
New title: relative to the unemployment compensation law and creating a dedicated fund for the job training program for economic growth and making certain changes to the program.
223, Finance 647-648, am 736-739, psd 749, H conc 848, enr 1362 (Chapter 133)
- HB 573**, relative to the role of certain advanced registered nurse practitioners in the state mental health services system. (Public Institutions, Health and Human Services)
390, psd 715, 726, enr am 1326, enr 1379 (Chapter 184)
- HB 574**, establishing a committee to study the recodification of laws relating to the joint committee on legislative facilities and the application of the right-to-know law. (Internal Affairs)
592, psd 665, 683, enr 752 (Chapter 61)
- HB 576**, establishing a committee to study laws, protocols, rules, and regulations pertaining to the various state agencies that have responsibilities relative to all aspects of the utilization of drug prescriptions in New Hampshire. (Public Institutions, Health and Human Services)
390, K 716
- HB 578**, relative to requirements for nonpublic utility providers of telephone services and competitive telecommunications providers, and relative to the information technology management advisory board. (Executive Departments and Administration)
592, am 941-942, psd 1075, H nonconc, conf 1358, rep adop 1463-1464, enr 1562 (Chapter 248)
- HB 579**, relative to nominating a political organization by nomination papers. (Public Affairs)
592, psd 707, 726, enr am 1327-1329, enr 1379 (Chapter 185)
- HB 580**, requiring health insurance carriers to provide loss information to large employers at least once every 6 months. (Insurance)
592, am 704-705, psd 726, H conc 848, enr 1362 (Chapter 120)
- HB 583**, making certain changes to the underground utility damage prevention system. (Executive Departments and Administration)
202, psd 942, 1075, enr 1379 (Chapter 186)
- HB 584-FN-A**, relative to the registration and licensure of OHRV dealers and rental agents. (Transportation)
592, Finance 720, psd 882-883, 925, enr am 1369, enr 1561 (Chapter 226)
- HB 585**, relative to the membership and duties of the council on resources and development. (Energy and Economic Development)
225, am 296-297, psd 352, H nonconc, conf 864, rep adop 1464-1465, enr am 1545-1546, enr 1563 (Chapter 249)
- HB 587-FN**, establishing a commission on the status of men. (Internal Affairs)
684, recon 724 (final action in 2002 session)
- HB 588**, relative to examination of persons called as jurors. (Judiciary)
592, am 1276-1278, psd 1350, H nonconc, conf 1359, rep rej, new conf 1465-1466, 1515, rep adop 1515-1518, enr 1560 (Chapter 250)
- HB 590**, permitting life insurance companies access to certain motor vehicle records. (Insurance)
594, psd 705, 726, enr 1363 (Chapter 134)

- HB 591**, relative to certain prescription discount cards. (Public Institutions, Health and Human Services)
592, am 716-717, psd 726, H conc 848, enr 1362 (Chapter 135)
- HB 594**, establishing a committee to study the law on justification for the use of physical force and its implications for teachers or other persons entrusted with the care and supervision of minors. (Education)
223, psd 627, 683, enr 752 (Chapter 62)
- HB 595**, relative to single producer licensing. (Insurance)
393, psd 648, 683, enr am 750, enr 1349 (Chapter 95)
- HB 596**, relative to the acquisition of land by a town. (Public Affairs)
594, psd 909, 925, enr 1379 (Chapter 187)
- HB 603-FN-A**, providing the commissioner of administrative services an option to self-fund the state employee health plan and requiring a reserve fund therefor. (Insurance)
593, Finance 705-706, am 883-884, psd 925, H nonconc, conf 1344, rep adop 1467, enr 1563 (Chapter 251)
- HB 604**, relative to increasing certain fees and making other changes to fish and game licenses. (Wildlife and Recreation)
594, am & Finance 720-721, psd 884, 925, H conc 1347, enr am 1541, enr 1563 (Chapter 252)
- HB 606**, relative to the Christa McAuliffe planetarium. (Executive Departments and Administration)
201, Finance 642, psd 739, 749, enr 1363 (Chapter 136)
- HB 610**, allowing the sale of raw milk cheese and unpasteurized apple cider in New Hampshire. (Environment)
594, am 629-630, psd 683, H conc 727, enr 1363 (Chapter 137)
- HB 612**, relative to expenditures from the dam maintenance fund by the department of environmental services. (Environment)
New title: relative to expenditures from the dam maintenance fund by the department of environmental services and extending a study committee report date.
395, am 600-601, psd 624, H conc 727, enr 1363 (Chapter 138)
- HB 614**, relative to certain duties, responsibilities, and authority of the fiscal committee. (Public Affairs)
395, LT 667
- HB 615**, relative to the duties of motor vehicle inspectors. (Transportation)
New title: relative to the duties of motor vehicle inspectors and fees payable to the department of safety.
395, am 673-674, psd 683, H conc 848, enr 1362 (Chapter 139)
- HB 616**, clarifying sessions to be held at the satellite district court in Durham. (Judiciary)
593, psd 1278-1279, 1350, enr 1561 (Chapter 227)
- HB 620**, relative to arrangements between birth parents and adoptive parents. (Judiciary)
278, psd 665, 683, enr 859 (Chapter 79)
- HB 622**, relative to the time period for the executive council to confirm nominees to the supreme court. (Judiciary)
395, Com 1279-1281
- HB 630**, establishing a committee to study the need for the regulation of professions which are alternative or complementary to existing regulated health professions. (Public Institutions, Health and Human Services)
593, K 607
- HB 635**, relative to family mutual support services. (Public Institutions, Health and Human Services)
223, psd (RC) 717, 726, enr 1363 (Chapter 140)
- HB 637-FN**, requiring annual training for members of the workers' compensation appeals board. (Insurance)
225, Finance 362, psd 739, 749, enr 1363 (Chapter 141)
- HB 639**, relative to the preparation of town ballots. (Public Affairs)
390, psd 667, 683, enr 859 (Chapter 80)

- HB 643-FN**, extending the moratorium on new nursing home beds. (Public Institutions, Health and Human Services)
201, am & Finance 718, psd 884, 925, H nonconc, conf 1344-1345, rep adop 1467, enr 1563 (Chapter 253)
- HB 648-FN**, authorizing licensing of homeless youth programs. (Public Institutions, Health and Human Services)
225, am & Finance 718-719, psd 884, 925, H conc 1347, enr 1379 (Chapter 188)
- HB 649-FN**, relative to compensation for time lost by state employees injured in the line of duty. (Executive Departments and Administration)
201, am & Finance 845-847, am 1070-1071, psd 1075, H nonconc, conf 1345, rep adop 1467-1469, enr am 1550, enr 1563 (Chapter 291)
- HB 652**, relative to the penalties for reckless or negligent operation of a motor vehicle. (Transportation)
593, psd 1287, 1350, enr am 1559, enr 1560 (Chapter 254)
- HB 653-FN**, relative to certain signs within highway rights-of-ways. (Transportation)
593, Finance 854-855, psd 1071, 1075, enr 1379 (Chapter 200)
- HB 658-FN**, relative to the homeless prevention fund. (Executive Departments and Administration)
684, recon 724 (final action in 2002 session)
- HB 659-FN**, relative to penalties for attempting to purchase firearms illegally. (Judiciary)
593, am 899-900, psd 925, H conc 1347, enr 1379 (Chapter 189)
- HB 663**, relative to lights on school buses. (Transportation)
393, psd 674-676, 683, enr 859 (Chapter 81)
- HB 667**, relative to certain reporting requirements and relative to meetings of the board of medicine. (Executive Departments and Administration)
390, psd 942, 1075, enr am 1368-1369, enr 1561 (Chapter 228)
- HB 669**, requiring certain safety devices on freight locomotives. (Transportation)
593, Com 1287
- HB 676-L**, establishing a committee to study the creation of a regional program for collection and marketing certain components of the municipal solid waste stream. (Environment)
New title: establishing a committee to study the creation of a regional program for collection and marketing of certain components of the municipal solid waste stream.
594, am 630-631, psd 683, H nonconc, conf 760, rep adop 1469, enr am 1550-1551, enr 1563 (Chapter 255)
- HB 677**, relative to certification and filing of nomination papers. (Public Affairs)
594, psd 707, 726, enr 1363 (Chapter 142)
- HB 679**, establishing a commission to examine models of out-of-school care for children in kindergarten through grade 12. (Education)
594, SO 747, am & Com (RC) 827-831
- HB 680**, relative to foreign reinsurers. (Judiciary)
393, psd 665-666, 683, enr 859 (Chapter 82)
- HB 684**, relative to the occupational therapy practice act. (Executive Departments and Administration)
390, psd 881, 925, enr 1379 (Chapter 190)
- HB 690**, relative to disclosure of nonpublic personal health information. (Insurance)
594, Com 706
- HB 694**, establishing a separate high school civics graduation requirement. (Education)
594, K (RC) 865-872
- HB 697**, extending the reporting date for the healthy kids subcommittee and clarifying the mission statement of the healthy kids corporation. (Insurance)
390, LT (RC) 659-662
- HB 698**, relative to verification of checklists. (Public Affairs)
594, psd 909, 926, enr 1379 (Chapter 191)

- HB 699**, relative to the rights of non-offending parents in the context of abuse and neglect cases. (Judiciary)
393, psd 1281, 1350, enr 1561 (Chapter 229)
- HB 702**, relative to the duties of the committee to study the consumer protection effort in New Hampshire. (Executive Departments and Administration)
First new title: relative to the duties of the committee to study the consumer protection effort in New Hampshire and relative to the membership of the long-term care board.
Second new title: relative to the duties of the committee to study the consumer protection effort in New Hampshire, relative to the membership of the long-term care board, and establishing a task force on privacy issues.
393, am 967-969, psd 1075, H nonconc, conf 1345, rep adop 1469-1471, enr am 1548-1549, enr 1563 (Chapter 256)
- HB 703**, relative to durable powers of attorney. (Judiciary)
393, LT 1281-1284, am 1291-1292, psd 1350, H nonconc, conf 1359, rep adop 1471-1473, enr am 1547-1548, enr 1563 (Chapter 257)
- HB 707**, establishing a committee to study the usage of 211 as a uniform community service information and referral number. (Internal Affairs)
New title: establishing a 211 commission.
390, am (RC) 1237-1241, psd 1350, H nonconc, conf 1359-1360, rep adop 1473-1475, enr 1560 (Chapter 258)
- HB 717**, establishing a committee to make recommendations on policy concerning state-operated trails for all terrain vehicles and trail bikes and relative to increasing the nonresident OHRV registration fees for snow traveling vehicles. (Transportation)
First new title: establishing a committee to make recommendations on policy concerning state-operated trails and private lands used by all terrain vehicles and trail bikes and relative to increasing the resident and nonresident OHRV registration fees for snow traveling vehicles, and reclassifying certain positions within the department of resources and economic development from unclassified to classified status.
Second new title: establishing a committee to make recommendations on policy concerning state-operated trails and private lands used by all terrain vehicles and trail bikes and relative to increasing the resident and nonresident OHRV registration fees for snow traveling vehicles.
594, am & Finance 849-851, am 1071-1072, psd 1075, H nonconc, conf 1346, rep adop 1475, enr am 1543, enr 1563 (Chapter 259)
- HB 719**, relative to the removal of public officials for cause. (Executive Departments and Administration)
278, psd 943, 1075, enr 1379 (Chapter 192)
- HB 720**, relative to permitting the use of certain firearms for hunting deer. (Wildlife and Recreation)
594, am 722-723, psd 726, H conc 849, enr 1362 (Chapter 143)
- HB 723**, relative to vacancies in county offices. (Public Affairs)
396, am 667-668, psd 683, H nonconc, conf 865, rep adop 1476, enr 1563, H sustained veto 1574
- HB 726-L**, relative to change of school assignment and transfers of public school pupils. (Education)
New title: relative to change of school assignment and transfers of public school pupils and relative to the voting procedures for authorizing certain capital projects in interstate school districts.
225, SO 747, am 832-836, psd 926, H nonconc, conf 1346, rep adop 1476, enr 1563 (Chapter 292)
- HB 727**, making certain changes concerning the authority and operation of the port authority. (Internal Affairs)
395, psd 601, 624, enr 725 (Chapter 48)
- HB 731**, relative to securities laws. (Executive Departments and Administration)
New title: relative to securities laws, making a change to Article 9 of the Uniform Commercial Code, and relative to standards for records filed with a registry of deeds.
393, am & Finance 851-852, am 1072-1074, psd 1075, H conc 1347, enr am 1556-1557, enr 1560 (Chapter 260)

- HB 738**, establishing a commission to assess the operating efficiency of state government. (Internal Affairs)
393, rcmt (2 RCs) 740-747, am (RC) 1260-1263, psd 1351, H nonconc, conf 1352, rep adop 1477, enr am 1552, enr 1563, H sustained veto 1574
- HB 740**, relative to decommissioning of nuclear electric generating facilities. (Energy and Economic Development)
595, psd 690-691, 726, enr am 1324-1325, enr 1379 (Chapter 193)
- HB 743**, transfers the department of youth development services to the department of health and human services. (Public Institutions, Health and Human Services)
New title: transferring the department of youth development services to the department of health and human services.
390, SO 748, psd (RC) 837-838, 926, enr am 1538-1539, enr 1563 (Chapter 286)
- HB 745**, revising Article 9 of the Uniform Commercial Code and related statutes. (Executive Departments and Administration)
593, Finance 852, psd 1074, 1075, enr am 1361, enr 1380 (Chapter 102)
- HB 748-FN**, revising the definition of an adequate education and revising the weighted pupil formula used to calculate the cost of an adequate education. (Education)
393, LT 842, am & LT 1524-1532, Com 1574-1577
- HB 753**, relative to exemptions from issuer-dealer licenses for the sale of securities. (Insurance)
394, am 662-663, psd 683, H conc 727, enr am 1324, enr 1379 (Chapter 194)
- HB 758**, relative to the sale of gasoline containing ethers. (Environment)
New title: relative to the sale of gasoline containing ethers and establishing a gasoline remediation and elimination of ethers fund.
595, SO 748, LT 836, am 1251-1259, psd 1351, H nonconc, conf 1360, rep adop 1477, enr 1563 (Chapter 293)
- HB 760-FN**, relative to the use of silencing devices for taking game. (Wildlife and Recreation)
594, Finance 721-722, psd 884-885, 926, enr 1379 (Chapter 201)
- HB 763-L**, relative to obligations of county governments.
intro, rules suspended & psd (RC) 91-92, enr 119 (Chapter 2)
- HB 764-FN**, relative to interference with custody. (Judiciary)
New title: relative to the criminal offense of kidnapping.
394, am 900-901, psd 926, H conc 1347, enr am 1369, enr 1561 (Chapter 230)
- HB 769-FN-L**, relative to fees paid by municipalities for excavating and dredging permit applications. (Environment)
595, Finance 631, psd 739-740, 749, enr 1364 (Chapter 144)

HOUSE JOINT RESOLUTIONS

- HJR 1**, urging Congress to expand eligibility for membership in the American Legion. (Internal Affairs)
123, psd 162-164, 197, enr am 274, enr 351 (Chapter 17)
- HJR 3**, encouraging the preservation of the system of locks on the Merrimack river. (Environment)
201, psd 297-298, 352, enr am 387-388, enr 586 (Chapter 19)
- HJR 5**, encouraging the use of renewable energy systems in new or rehabilitated state buildings. (Energy and Economic Development)
394, am 691-692, psd 726, H conc 849, enr 1362 (Chapter 129)

HOUSE CONCURRENT RESOLUTIONS

- HCR 1**, urging the federal government to allow military retirees to receive service-connected disability compensation benefits without requiring them to waive an equal amount of retirement pay. (Insurance)
124, adop 156-157, 197
- HCR 2**, urging the federal government to establish a new zip code for the town of Kensington. (Internal Affairs)
124, adop 159-160, 197, enr am 273

- HCR 4**, encouraging New Hampshire Public Radio to extend its broadcast signal to all of Coos county including the Connecticut River Valley area. (Energy and Economic Development)
90, adop 134, 138
- HCR 5**, urging the federal government to consider the impacts on New Hampshire and the smaller states of interstate waste legislation. (Environment)
201, am 631-632, adop 683, H conc 727, enr am 1324
- HCR 7**, urging the federal government to allow a deduction for personal credit card interest from the federal income tax. (Banks)
201, K 926-927
- HCR 9**, urging the President of the United States to increase the administration's efforts to mediate a peaceful resolution to the dispute in Cyprus between Turkey and the Republic of Cyprus. (Internal Affairs)
203, adop 235, 275
- HCR 10**, supporting the electoral college. (Public Affairs)
223, adop (RC) 602-606, 624
- HCR 11**, to evaluate regional transportation infrastructure links. (Transportation)
203, adop 383-384, 396
- HCR 12**, requesting that the federal government authorize greater state regulation of gas pipelines and pipelines carrying other hazardous substances. (Environment)
595, adop 692, 726
- HCR 13**, calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. (Education)
223, am (2 RCs) 627-629, adop 683, H conc 728

CONSTITUTIONAL AMENDMENT CONCURRENT RESOLUTIONS

- CACR 5**, relating to the rulemaking authority of the supreme court. Providing that supreme court may adopt rules that have the force and effect of law, and that the general court may regulate these matters by statute and may accept or reject any rule adopted by the supreme court, and that in the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall supersede the rule. (Judiciary)
593, Com 1263-1264
- CACR 12**, relating to the term of office for governor. Providing that beginning with the 2004 general election, there shall be a 4-year term of office for governor. (Sen. Wheeler, Dist 21 et al: Public Affairs)
69, K (RC) 168-175
- CACR 13**, relating to terms for state senators. Providing that beginning with the 2004 general election, there shall be 4-year terms of office for state senators. (Sen. Wheeler, Dist 21 et al: Public Affairs)
69, K (RC) 175-177
- CACR 16**, relating to procedure for nomination and review of judges. Providing that judges shall be nominated and selected by an independent commission and reviewed every 8 years thereafter. (Sen. Fernald, Dist 11 et al: Judiciary)
New title: relating to procedure for nomination and review of judges. Providing that judges shall be nominated and selected by an independent commission and reviewed every 10 years thereafter.
69, LT 362-365, (2 RCs) 571-579, am (2 RCs) 648-659, adop (RC) 681-682 (H Com)

TABLE OF REFERENCES FROM CHAPTER OF 2001 LAWS TO BILL NUMBER

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3	HB 111	53	SB 50	103	HB 105
4	HB 167	54	SB 85	104	HB 112
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28	HB 480	78	HB 435	128	HB 311
29	HB 489	79	HB 620	129	HJR 5
30	HB 120	80	HB 639	130	HB 1
31	HB 142	81	HB 663	131	HB 158
32	HB 143	82	HB 680	132	HB 219
33	HB 189	83	SB 13	133	HB 570
34	HB 230	84	SB 14	134	HB 590
35	HB 367	85	SB 42	135	HB 591
36	HB 369	86	SB 45	136	HB 606
37	HB 376	87	SB 59	137	HB 610
38	HB 377	88	SB 93	138	HB 612
39	HB 433	89	SB 156	139	HB 615
40	HB 482	90	SB 169	140	HB 635
41	SB 11	91	HB 303	141	HB 637
42	SB 12	92	HB 370	142	HB 677
43	SB 15	93	HB 442	143	HB 720
44	SB 25	94	HB 532	144	HB 769
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49	SB 33	99	SB 123	149	SB 100
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153	SB 134	203	SB 54	253	HB 643
154	SB 144	204	SB 76	254	HB 652
155	SB 165	205	SB 99	255	HB 676
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157	SB 190	207	SB 109	257	HB 703
158	HB 170	208	SB 149	258	HB 707
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160	HB 140	210	SB 168	260	HB 731
161	HB 152	211	SB 170	261	SB 18
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