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Contains: Committees of Conference Statements

HOUSE CALENDAR

COMMITTEE OF CONFERENCE STATEMENTS

TUESDAY, JUNE 26

SENATE BILLS

CONSENT CALENDAR

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.

The Committee of Conference report added one Senator to the study committee on cash dispensing machines and clarified the duties of the study committee to include regulation of operators, servicing agents and processors of cash dispensing machines.

Rep. John B. Hunt

SB 53, relative to attorneys' fees in certain circumstances under the workers' compensation law.

The bill provides reimbursement of legal fees for plaintiffs when the Department of Labor finds in their favor in cases of denied medical coverage for workers compensation cases. The Senate agreed to the House version of the bill.

Rep. G. Michael Gilman

SB 68, relative to school district placements of children living in foster homes.

The Committee of Conference further clarified who determines the best interest of the child by adding "as determined by the court".

Rep. Bruce L. Dearborn

SB 69-FN-A-L, relative to a New Hampshire Legal Assistance office in Nashua and making an appropriation therefor.

As a result of this meeting, the committee agreed to disagree. The Senate wanted the House to agree to an amendment which placed \$315,000 in FY 2002 and an additional \$315,000 in FY 2003 for a total of \$630,000. The House's earlier position was to pass the bill unfunded. The House conferees strongly supported that position for multiple reasons, the first of which was the passage of HB 121, which established a committee to study methods of reducing the cost of justice for low-income citizens. That bill was signed into law by the Governor on May 15th of this year. It is felt that this committee would be studying, in part, the issues brought up in SB 69. The Committee of Conference wishes to state that it is in favor of providing access to justice for its low-income citizens. However, another reason was that some members of the Committee of Conference felt that due to the lack of an education funding solution, this was not the time to be passing legislation that would increase state spending by \$630,000.

Rep. Larry G. Elliott

SB 74, relative to providing services under the Child Protection Act.

The House is acceding to the Senate position. This bill only addresses those incidents whereby a report has been made of child abuse and/or neglect against an individual by a third party. This bill permits the DCYF to make a decision that the incident is of such a nature that DCYF can give services addressing the issues without going through the "founded" court process and thus being placed on the "central registry" for seven years. This process could only be followed provided the parent/guardian agreed voluntarily to participate in the plan offered.

Rep. L. Randy Lyman

SB 130, extending the period in which an expired electrician's license may be renewed.

The members of the Committee of Conference were unable to reach an agreement on this bill which, as introduced and passed by the Senate, would have allowed electricians with expired licenses to reactivate their license without testing. The amendment passed by the House would have allowed licensees to place their licenses in an inactive status and renew that license to an active status if they had maintained a license in another state and could show proof of continuing education. All members of the Committee of Conference agreed that licensing problems of electricians and continuing credits requirements needed some corrective legislation but neither of these proposals would solve the problems. The members agreed to disagree.

Rep. David G. Poulin

SB 139, relative to uniform electronic transactions.

The Committee of Conference report only creates a contingency effective date in case another bill, HB 745, does not become law.

Rep. John B. Hunt

SB 148, relative to certain penalties for violations of the youth tobacco laws.

The Committee of Conference report adds the words "at the location where the infraction occurred" to the three laws that the bill was changing.

Rep. John B. Hunt

SB 192-FN, relative to the issuance of high/medium voltage licenses by the electricians' board.

The Senate members of the Committee of Conference receded from the position of nonconcurrence and concurred with the House amendment on this bill. The amendment, as passed by the House, requires that administrative rules be written to clarify the statement "hiring or employing another" in this bill, which sets standards for regulating high/medium voltage electricians.

Rep. David G. Poulin

SENATE BILLS

REGULAR CALENDAR

SB 18, relative to termination of small trusts.

This bill allows a probate judge to terminate a small trust (equal to or less than \$50,000), after a hearing if the court finds that the administration of the trust is impractical. The House amended the Senate bill in order to add a provision that any trust so terminated would continue to be listed in any records and notices in all municipalities in deference to the creators of trusts who had presumed that their trusts would remain in those records. The Committee of Conference revised the bill to reflect that the term "small trust" shall specifically exclude funds created and/or held by a town or other municipality under RSA 31:19 and RSA 31:19-a. This adequately addresses the House concern.

Rep. James W. Craig

SB 95, relative to campaign contribution limits.

This bill represents years of work by Republicans and Democrats in the House and Senate towards campaign finance reform. For the past two sessions, similar bills have passed the House, only to die in Conference Committee. This year, we were able to negotiate a compromise that will lead to greater disclosure. Additionally, the Conference Report contains provisions from the House position that clarify our current RSAs governing the political calendar. As with any negotiation, nobody got everything they might like out of the agreement, but the provisions of this bill will give all candidates an equal playing field to raise money and get their message to the voters.

Rep. Robert E. Clegg

SB 111-FN, extending the term for the payment of group health insurance premiums for certain retired members of the retirement system.

The Senate has concurred with the House amendment on this bill. The amendment extends the health insurance subsidy for teachers and political subdivision employees who leave state service prior to July 1, 2008 and are vested deferred retirees. Eligible employees must have been in Group I for 20 years and reach the age of 60 or for 30 years and reach the age of 55. This benefit will be fully funded by the special account of the New Hampshire Retirement System. There are sufficient funds in the special account to cover these costs. Group I state employee health benefits were addressed in HB 170. The health insurance subsidy for state employees is currently extended to retirees who retire prior to July 1, 2004.

Rep. Merton S. Dyer

SB 118, relative to individual health insurance coverage.

The Committee of Conference report changes the smoking underwriting cap to 50%. The House version was 20% and the Senate had no cap. The report also includes some technical changes to bring the new law in conformance to federal law. Finally, the mission statement for Healthy Kids was removed from the bill and the sunset of the uninsured study committee was deleted.

Rep. John B. Hunt

SB 119, relative to small group health insurance coverage.

The Committee of Conference report only changed the enrollment dates for the one person "groups" from June and December to March and September with an effective date for this enrollment limitation to be July of next year. Otherwise the Senate accepted the House version.

Rep. John B. Hunt

SB 164-FN-A-L, establishing a comprehensive statewide accountability system concerning an adequate education.

SB 164 represents the most comprehensive school accountability plan ever adopted by a Committee of Conference in New Hampshire. The bill improves access to information, increases available resources, reforms teacher tenure, has a thorough

review of the state Department of Education and improves the ability of the state to truly help schools in need while maintaining the integrity of local control over school operations.

The bill sets performance goals in reading, math, science, English and other key categories. Methods for tracking and reporting school and district performance are improved so all citizens will have reliable information on how their area schools are performing. The Department of Education will publish an annual list that ranks all public schools not only by performance scores but also by percentage of improvement, a measure some believe to be most important of all. The bill invests \$2.5 million over the biennium to fund key positions to assist local schools, limited school grants and a pilot program to try out improvements in student testing. Testing has become so important that we must be sure we're doing it in a fair and meaningful way.

The bill contains the exact language passed by the House this year and in previous years related to "teacher tenure reform". The Conferees believed that, for school accountability to work, all parties must be held accountable. The key provisions of this section are identical in language to teacher tenure reform legislation endorsed by the Governor, the NH School Boards Association and the NH School Administrators Association when first presented and passed the House by large margins that year and ever since.

Advocates of the version of SB 164 passed by the Senate set up a process by which the Department of Education could measure school performance, determine which schools weren't making "satisfactory progress" and offer added help to those schools. They indicated that their intent was not to set up a "state takeover" of local schools but to have clear performance goals and a support system for schools that couldn't meet those goals. We agree with that approach. The conferees clarified the language of the bill to make sure it couldn't be grounds for a state takeover but kept standards, the system of measurement and the type of state aid made available consistent with that version of the bill largely intact.

SB 164 as passed by the House also called for a thorough review of the Department of Education so that we may know better what are the strengths and weaknesses of the Department. It makes no sense to give vast new powers to an agency that may not have the staff, resources or focus to get the job done. Our approach, which we believe to be simply a sound management practice, is intact in the Committee of Conference report. We don't prejudge the Department in any way; we just want to get the facts.

On balance, the House conferees to SB 164 believe that the Committee of Conference report, if adopted, will go a long way toward school improvement and education reform by making the state, as we have said before, "a partner, not a boss" to our schools. We urge its adoption by the House.

Rep. Warren C. Henderson

SB 197-FN, restructuring the judicial conduct committee as an independent judicial conduct commission and making an appropriation therefor.

After six hours over a two day period the Senate and House conferees agreed on a new chapter in statute (RSA 494-A) establishing an independent Judicial Conduct Commission. The end result follows very closely the House passed version. The make-up of the commission members changed to reflect the following appointing authorities: 3 from the Supreme Court, 3 from the Governor and 5 from the Speaker of the House and President of the Senate. All members are to be appointed by September 1, 2001 and the commission, with an executive director, is to be up and running by January 1, 2002. The bill takes effect upon passage. Most changes were stylistic in nature – others improved the overall final product.

Rep. Henry P. Mock

HOUSE BILLS

CONSENT CALENDAR

HB 131, relative to the retention and disposal of certain financial disclosure forms.

This bill, which is the result of a study Committee from the 1999 session, creates a uniform policy for disposal of various election and disclosure forms. The House concurred with the Senate amendment which added several additional forms not included in the House bill. The House also agreed to Senate language which allows the cities of Manchester and Keene to hold upcoming special elections for House seats on the same date as upcoming city elections.

Rep. Douglass P. Teschner

HB 132-FN, relative to the damage or destruction of an emergency vehicle or emergency services equipment.

This bill established a specific penalty for damage or destruction of an emergency vehicle or a vehicle used to transport emergency equipment. The Senate removed the section that required restitution. The Committee of Conference could not agree that all levels of damage should rise to a level of Class B felony. The final result and agreement eliminated both House and Senate amendments and restored the requirement for restitution to the injured party.

Rep. William V. Knowles

HB 215, relative to publication of status of cases before the supreme court.

This bill requires the Supreme Court to make available to the public a record of cases pending before the court. The record shall be updated and printed quarterly. The minor Senate amendment added the term "docket" number and changed the effective date from January 1 to July 1, 2002 awaiting computerization updates.

Rep. Henry P. Mock

HB 238, relative to interstate banking.

The Committee of Conference report makes a technical correction in the bill by placing the words "national bank" before "federal savings bank" and coupling it with "state" so as to include all state chartered savings banks and trust companies. The original language was somewhat confusing.

Rep. John B. Hunt

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.

The result of the Committee of Conference was that the Senate agreed with the House position. Both House and Senate members of the committee agreed to the similarity in the intent of the bill as passed by the House. It should be on record that the intent of the House version and Senate interpretation is that the method to reduce the waitlist over a period of five years or less and to reduce the waiting period to ninety days.

Rep. Peter L. Batula

HB 256, limiting the liability of law enforcement agencies and their employees for injuries caused by dogs used in law enforcement work.

The House conferees concurred with the Senate amendment which required that the police officer and the police dog received training together. The bill grants limited liability to an enforcement officer or agency for damages resulting from injuries caused by a dog in effectuating an arrest or conduct within the provisions of RSA 627:5.

Rep. Henry P. Mock

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.

The Committee of Conference has concurred with the bill as amended by the Senate. The only change made by the Senate was to move the initial reporting date of December 1, 2000 to December 1, 2001.

Rep. George N. Katsakiores

HB 259, relative to holding sessions for correction of checklists.

This bill reduces by one hour – from two hours to one - the required time the supervisors must be in session for additions and corrections to the checklist. The Senate agreed with the House version of the bill. The Committee of Conference amendment changed one word in the bill. "Additional" hours becomes "extended" hours.

Rep. C. Donald Stritch

HB 260, establishing a commission to examine child care resources for parents who work hours other than first shift.

The Senate had amended the bill hoping that the DHHS advisory committee could delve into the issues at hand. However, the advisory committee chairwoman and the vice chairwoman were present and informed us that this topic was not under their purview. Hence, the Senate acceded to the House position.

Rep. Patricia A. Dowling

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

The Senate amendment which continues to allow the burning of household paper products was agreed to by the House conferees. The Committee of Conference amendment places a limit on possible fines for backyard burning of household trash of \$100 for a first offense and \$250 for subsequent offenses.

Rep. Jeb E. Bradley

HB 277, clarifying the penalties for violations of statutes or ordinances where no penalty is specified.

The Senate amendment to this bill, which deals with existing municipal ordinances that do not have any enforceable penalties attached to the ordinance, requires that each "continuing" day of violation "after notice" shall constitute a separate offense. Also the Senate added the House policy from HB 196 which deals with the forfeiture of a fine when a dog owner does not license his/her pet. The House version made the fine "not to exceed \$100" and the Senate version changed the fine "not to exceed \$50." The House policy also allowed the local municipality to decide whether or not to take the offender to court by changing a "shall" to "may." The conferees agreed to the amendments that clarify penalties and give local control back to the municipalities.

Rep. Betsey L. Patten

HB 315, relative to the registration of criminal offenders.

The bill specifies procedures for reporting by nonresident 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.

The original wording of this bill would have required all out-of-state students to register in the sex offender registry. This amendment, a technical correction, requires only those students convicted as sex offenders to register.

Rep. Karl I. Gilbert

HB 320-FN, relative to leasing certain portions of railroad properties and relative to the definition and taxation of amusement railroads.

The House conferees agreed in part with the Senate version of this bill which includes a fee increase from \$5 to \$25 per foot on leased state owned railway land and also defines "amusement" railroad. The Senate provision for the banning of future leases was removed from the bill.

Rep. Sherman A. Packard

HB 328-FN-L, relative to fees of sheriffs and deputy sheriffs.

The conferees have voted to concur with the Senate amendment, which changed the word "shall" with regard to collecting fees in advance, to "may." Although the House conferees felt that the method of collection of fees in some counties is an important issue, they thought the bill should go forward even without that provision. The fee increases are important and the counties are already anticipating them.

Rep. Christopher P. Reid

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

The Committee of conference on this bill recommends that the House concur with the Senate amendment to delete references to autopsy expenses and retain requirements in Section 1 to adopt protocols for resuscitation by emergency medical providers.

Rep. Peter L. Batula

HB 337-FN, relative to the administration of the public utilities commission and establishing the position of executive director of the public utilities commission.

The House conferees acceded to the Senate position which moves the existing position of Assistant Commissioner of Corrections from a classified to an unclassified position. Seven Department of Corrections senior staff including four wardens are all unclassified and have reported to a classified Assistant Commissioner. Fiscal impact is about \$20,000 annually due to an increase in pay grade. Passage of this bill will better enable the Department of Corrections to recruit to fill this position which has been vacant for several months.

Rep. Jeb E. Bradley

HB 357, relative to periodic payments of judgments.

As passed by the House this bill required a court hearing whenever a court modified an order for periodic payments. The Senate replaced the House version by requiring that no writ of execution shall be issued by a court until prior notice has been given to a defendant who has an order for periodic payment. The House conferees agreed to adopt the Senate version.

Rep. Henry P. Mock

HB 373, relative to surety bonds for detective agencies and security services.

The Committee of Conference agreed to remove the Senate amendment to the bill. In addition a portion of the House amendment dealing with bail recovery agents liability insurance was removed.

Rep. Robert K. Dodge

HB 405, establishing a committee to study the creation of an at-home infant child care program in New Hampshire.

After discussion of what individuals, officers, and Advisory Council members should be represented on the committee investigating the Minnesota model of at-home child care, the Senate agreed to the bill as passed by the House.

Rep. Thomas I. Arnold, Jr.

HB 444, relative to mental health services and records.

The Senate made two acceptable amendments with which the conferees agree. The first requires a district or probate court order for involuntary admission to the state mental health system or at the secure psychiatric unit. The second defines "mental retardation" in accordance with the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. The House conferees agreed to the Senate version of the bill.

Rep. Henry P. Mock

HB 450, relative to certain work product under the right-to-know law.

The Senate amended this bill to add a section concerning frivolous and vexatious suits to which the House conferees agreed. The Senate also added a section on work papers, which was in the original House Bill. The House position was that the holding of the Supreme Court which HB 450 addresses related to the LBA only. The conferees agreed that the House and Senate should work further in future sessions to clarify the legislative intent in RSA 91-A with respect to work papers and drafts.

Rep. Christopher P. Reid

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.

The Senators acceded to the House amended version of the bill which establishes a commission. The Health and Human Services Advisory Council on Child Care felt the amended Senate version of the bill would be beyond their scope and ability.

Rep. David A. Bickford

HB 475, establishing a commission for the development of a statewide protocol for interviewing victims of sexual assault crimes.

The amendment to this bill replaces a Finance Committee member with a member from Children and Family Law Committee on the commission and the amendment also deletes a member from Families Advocating Inmate Retention as a commission member. The amendment also replaces a reference to County Attorneys, with Law Enforcement officials, as the initial official interviewing a victim of alleged sexual assault under the proposed procedures.

Rep. Karl I. Gilbert

HB 509, establishing a statute of limitations on spousal support orders.

This bill limits the time alimony can be rewarded upon a final decree of divorce or nullity to five years after the divorce has been granted. Currently there is no time limit. The House's position was two years, the Senate five years. Good reason was stated as to the five years.

Rep. Patricia A. Dowling

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.

The Senate acceded to the House position with the inclusion of a technical amendment regarding E911.

Rep. John H. Thomas

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.

The House members agreed to concur with the Senate amendment to this bill which required administrative services to consult with the Fiscal Committee of the General Court prior to exercising the option to "self-fund" state employee insurance coverage.

Rep. Andrew R. Peterson

HB 643-FN, extending the moratorium on new nursing home beds.

The Committee of Conference agrees that the amendment added by the Senate was redundant and not necessary to the bill's content. The Senate acceded to the House position on extending the moratorium on new nursing home beds.

Rep. Peter L. Batula

HB 649-FN, relative to compensation for time lost by state employees injured in the line of duty.

It was agreed by the members of the Committee of Conference that the Commissioner of the Department of Safety rather than the Director, Division of State Police should be assigned the duty of making the first determination as to whether an injury was received in the line of duty and due to a hostile or overt act. It was also agreed that the wording referring to hostile or overt acts should be expanded to include "acts caused by another during the performance of duties which are considered dangerous in nature" for all state employees in each category.

Rep. Ray F. Langer

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.

The bill establishes a study committee for the creation of a regional program for collection and marketing certain components of the municipal waste stream. House conferees agreed with the Senate that the state may, rather than shall, provide reimbursement of costs to municipalities in subsequent legislative proposals resulting from recommendations of the study committee.

Rep. Timothy D. O'Connell

HB 707, establishing a committee to study the usage of 211 as a uniform community service information and referral number.

The House position called for a legislative study regarding possible implementation of 211 telephone dialing information and referral service. The Committee of Conference report creates a 211 Commission similar to the 911 Commission that was created

several years ago prior to implementation of that service. The 211 Commission would make recommendations to the Public Utilities Commission (PUC) relative to the design, operation, and funding of possible 211 service in New Hampshire. The 211 Commission will consist of 3 House members, 3 Senate members, 3 members representing existing information and referral service providers, and single members representing the telephone industry, the 911 Bureau, the Health and Human Service Department, and the Office of Consumer Advocate. The bill instructs the PUC to suspend its existing docket relative to implementing 211 service. PUC representatives testified that they believed the PUC had existing statutory authority to implement 211 service in New Hampshire and fund it, possibly through a surcharge on customers bills. Upon receipt of the final report of the 211 Commission, the PUC could resume its deliberations on implementing 211 service. However, the legislation also makes very clear that prior to the PUC imposing any customer surcharge, the legislature must authorize such a surcharge in subsequent legislation.

Rep. Jeb E. Bradley

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.

The House passed version of this bill, established a study committee to review the statutory provisions of administrative rules, and other policies relating to trails for all terrain vehicles and trail bikes. The bill also established a moratorium on the adoption by the Department of Resources and Economic Development of any new policies, rules or plans concerning the trail systems until the completion of the study and the issuance of recommendations concerning the status of the moratorium and whether the state should continue its involvement in the development and operation of trail systems. The conferees agreed to extend the study committee report date from November 1, 2001 to November 1, 2002.

The Senate amended the bill with the addition of provisions increasing the resident and nonresident snowmobile registration fees. The House conferees agreed with this amendment.

The Senate further amended this bill with the addition of a provision changing the positions of administrator of ski area marketing and services and mountain manager at Cannon Mountain from unclassified to classified positions. The House conferees did not agree with this provision and it was deleted from the final Committee of Conference report.

Rep. H. Charles Royce

HB 723, relative to vacancies in county offices.

This bill removes the authority of the Superior Court to fill vacancies in county offices and designates the county delegation as the appointing authority. The Senate amendment required that the person elected by the delegation be a member of the same party as the person vacating the office. After considerable discussion, the House conferees agreed with the Senate version.

Rep. Robert M. Brundige

HB 726, relative to change of school assignment and transfers of public school pupils.

The House conferees acceded to the Senate version except for the following amendment: delete the phrase in line 11 and 12 "without further approval from the school board." In addition, the Senate version adds an amendment to authorize interstate school districts to adopt official ballot voting up to 60% majority rule for incurring of debt. The Dresden school district which serves Hanover and Norwich requested this amendment.

Rep. John R.M. Alger

HB 738, establishing a commission to assess the operating efficiency of state government.

The House conferees agreed to concur with the Senate version of the bill. It differed from the House version by establishing the number of private sector members on the commission and removing the political sub-divisions of the state from the list of agencies required to provide information deemed necessary. This was as a result of concerns that the bill as written might have created some Article 28-A issues.

Rep. David G. Poulin

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

This bill deals with MtBE and other ethers as additives in gasoline. The Senate amendment consists of sections 7-22 of the bill,

which is the body of SB 189. This Senate amendment is substantially similar to SB 189 which was approved by the Science, Technology and Energy Committee, passed the House, and was referred to Division I of the Finance Committee. SB 189 deals with re-mediation of MtBE in groundwater. Division I of Finance held several work sessions on SB 189 and voted to recommend an amendment to SB 189. The Senate used the work of Division I on SB 189 and attached that to HB 758. Where the Senate had adopted language that had been extensively worked on by House committees, the House conferees voted to accede to the Senate position.

HB 758, as amended by the Senate, establishes a separate MtBE (and other gasoline ethers) re-mediation fund. This is funded by transfer of $\frac{1}{4}$ of a cent of the 1.5 cent per gallon fee that is already levied on all gasoline from the Oil Discharge and Disposal Fund into the MtBE re-mediation fund. Thus there is no gasoline fee increase to the consumer. There was testimony that adequate resources exist so that fees do not need to increase in order to fund a specific MtBE re-mediation effort. Previous re-mediation efforts had relied upon another fund, the Oil Pollution Control Fund, and there were gaps in re-mediation coverage. The major change that Division I recommended was that oversight of the newly established fund should remain with the Oil Fund Disbursement Board rather than the Department of Environmental Services. This board has legislators serving on it. The Senate amendment mad no changes to Sections 1-6 of the bill which deals with efforts to reduce or eliminate the presence of MtBE in gasoline.

Rep. Jeb E. Bradley

HOUSE BILLS

REGULAR CALENDAR

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.

The report of the Committee of Conference on HB 1-A provides for a balanced two-year budget for New Hampshire. It funds the state's responsibilities at appropriate levels -- \$3.85 billion in total funds for FY 02 and \$3.95 billion in FY 03. Of those amounts, general fund spending is set at \$1.164 billion in FY 02 and \$1.223 billion in FY 03, compared with \$1.102 billion in FY 01. This represents an increase of 5.6% in the first year and 5.1% in the second.

The entire expected surplus from the current biennium goes into the "Rainy Day" fund; none is used to balance the new budget.

The budget also meets our constitutional obligation to provide an adequate public education to our children at the House-passed funding levels of \$881 million in FY 02 and \$897 million in FY 03, up from the \$825 million appropriated for FY 01.

The report proposes changes to the House-passed budget. While the Senate budget appropriated some \$25 million more in general funds than the House budget, the conferees agreed to eliminate \$15.7 million of this. Key changes to the House-passed budget include: (1) \$3.5 million more in general funds for a new property tax enforcement program in response to the court decision upholding the statewide property tax; (2) \$3 million more in general funds (in addition to the \$25 million already in the budget) in order to cover state worker pay and health insurance cost increases; (3) \$260,000 more in general funds to continue the Department of Corrections' Academy program; (4) \$1.4 million more from highway and turnpike funds to replace road salt; (5) \$650,000 more in general funds for the children's immunization (vaccine) program; (6) \$575,000 more in general funds for a new Kids' Cabinet home visiting program; (7) \$936,000 more in general funds for Health and Human Services computer maintenance; (8) \$193,000 more in general funds for home nursing services; (9) \$673,000 more in general funds for mental health family support services; (10) \$1.5 million more in general funds to expand sites to care for chronically ill children; (11) \$3.5 million more in general funds for Granite State Scholars and Incentive Grants scholarship programs; (12) \$2.1 million more in general funds for increased kindergarten grants (up from \$750 per pupil to \$1200 per pupil); (13) \$3 million less in general funds to support LCHIP (at \$12 million, down from the House position of \$15 million); (14) \$8.8 million less in general funds by continuing our current practice of bonding computers and software; and (15) \$360,000 less in general funds for vocational school tuition and transportation. Authority is granted to the Department of Health and Human Services to increase provider rates. This compromise resolves the direct care worker wage pass-through issue.

The budget also provides funding for legislative appropriations that were made in bills other than HB 1-A (the so-called "legislative specials"), including the school accountability bill (SB 164), which

appropriates \$2.5 million in assistance to requesting school districts, and the independent judicial conduct committee bill (SB 197), which appropriates \$375,000 to administer the program.

Rep. Neal M. Kurk

HB 170-FN-A, repealing the legacies and succession tax.

This bill serves as the budget companion bill, which provides changes to law that make the state operating budget work efficiently. Additionally the bill contains the revenue package which completely and permanently funds general and education trust funds for the upcoming biennium.

The bill includes the following provisions: extension of the telecommunications tax; establishment of the travel and tourism development fund; several retirement system efficiency proposals; limits the use of LCHIP moneys for administrative purposes; extends the lapse date of the telecommunications initiative; provides authority to the commissioner of HHS to fill authorized unfunded positions; lapses unused tobacco use prevention funds; establishes a tax amnesty program; provides several statutory changes which will improve the statewide property tax assessment in accordance with the recent property tax court decision; increases per pupil adequacy grants for pupils in new kindergartens from \$750 to \$1200; provides for any surplus funds to be deposited into the revenue stabilization reserve account (rainy day fund); eliminates any education trust fund deficit in the current year; provides limited authority to the commissioner of HHS to expend unbudgeted revenues which the department may receive; allows for the award of \$250,000 annually in scholarships to New Hampshire college students; establishes strict controls regarding the administration and maintenance of funds collected for the purposes of low income assistance pursuant to the electric rate restructuring orders; grants certain rights to laid-off state employees; allows the commissioner of HHS to create unclassified positions relating to the transfer of the department of youth development services to HHS; provides for a long term lease for the Stratham Community Technical College at Pease; provides for improvements to the tramway at Cannon Mountain; provides \$350,000 for the construction of networking computer lab at the Claremont Community Technical

The bill implements the collective bargaining agreement for classified state employees for the biennium as well as provides for similar increases for nonclassified executive and legislative employees, and other state employees not in the unclassified system. The bill also implements the recommendations of the study issued by the Hay Group relative to restructuring the unclassified salary system.

In order to fill the budget gap which would otherwise be estimated at \$155 million, this bill provides for an increase of .25 % in the business enterprise tax rate, .5 % in the business profits tax rate, 1.5% in the communications services tax rate, and closes a loophole in the real estate transfer tax. Additionally the statewide education property tax is reduced to \$5.80 in 2003, the prospective repeal is eliminated and the legacy and successions tax is repealed. The bill expands a successful low and moderate income hardship relief program to homeowners throughout the state.

Finally the bill appropriates \$2 million to fully and completely fund the state's obligation to school building aid for the current year.

Rep. David J. Alukonis

HB 279-FN-A-L, relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor.

A compromise was reached with the Senate conferees whereby the original HB 279, as introduced by the House, was kept intact and the Senate amendments incorporating SB 72 and SB 125, both passed by the House and retained by the House Finance Committee were added. Both bills were released and incorporated into the final negotiations with the permission of the Finance chair. Other Senate amendments not included in the compromise were SB 17, SB 115 and SB 194, all related to the NH Retirement System.

This bill, as negotiated, will now allow the bonding of an unfunded liability from previous years in the amount of \$5,250,000 at an interest rate of 9% to a revised interest rate of approximately 4-4½% over a 20 year amortization period. SB 72 extends the years of eligibility of active and retired Group II members for the payment of medical benefit costs by the retirement system. SB 125 allows the Retirement Board to extend the 120 day period for inclusion of compensable income at retirement if through no fault of the retiree compensable income could not be calculated due to problems and/or litigation with the employer.

Rep. William R. Zolla

HB 351-FN-A-L, requiring the state to fully fund school building aid payments for fiscal year 2001 and making an appropriation therefor. **NO REPORT FILED**

HB 354-FN-A-L, extending the kindergarten construction program.

This bill extends the five year kindergarten construction program to six years. It also adds more limits to the grants. At its inception this incentive program targeted 100 schools that did not have public kindergarten. Now there are only 20 schools left without a public program. This has been a successful plan. With only 3,600 students left and most of those in districts where the voters have defeated proposals at least twice, it was not felt that this program warranted the same funds as previously applied. Thus, two million dollars is appropriated for the sixth year, FY 2003. Those funds are further restricted by only being available for new programs, and only 75% of the equipment or construction, not allowing other building aid to be included in the kindergarten project. The program ends June 30, 2003, but the penalty for conversion continues for twenty years.

Rep. Kenneth L. Weyler

HB 385, changing the name, membership and duties of the office of volunteerism.

The Senate amendment stipulated that the services or activities of Volunteers NH shall not be used in the enforcement of any law, or in any civil or criminal investigation. The House version would have allowed them to be used in an information-gathering capacity. The House conferees agreed to the Senate version.

Rep. Albert W. Hamel

HB 426, relative to the voluntary scrapie flock certification program.

The Committee of Conference agreed to accept the House version with three changes: 1. Delete the definition section as either redundant or inconsistent with federal definitions. 2. Modify the meeting schedule of the certification board from "quarterly on or about the fifteenth of the month" to "at least once annually and quarterly if necessary on or about the fifteenth of the month" to be more responsive to the current need. 3. Substitute the Senate version of the confidentiality section to remove a conflict with the RSAs on quarantine. We all believed that the bill with these changes would provide assured implementation of the voluntary certification program.

Rep. Harold P. Melcher

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.

This House bill puts the Port Authority under the Pease Development Authority. The bill passed the House and went to the Senate without complete agreement among all parties involved. Work continued fine tuning the rough edges and after the final Senate amendment all parties were satisfied that this legislation would improve the current situation. The sponsors, Governor's office, Pease Development Authority and the Port Authority worked on the final amendment.

Rep. Edwin O. Smith

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

This act amends the structure and charges of the Council on Resources and Development (CORD) to better facilitate a coordinated and comprehensive effort by state agencies to encourage smart growth. The House version added the commissioner or a member of the senior management team to be sure a decision maker was on the council. The Senate amendment added a provision that the council would review certain actions by the state agencies and that these are incorporated into the long range capital improvement plan. The conferees replaced the words "are incorporated in the plan" with "are considered for incorporation into the long range capital improvement plan". The Commissioner of Health and Human Services was added to the section dealing with the office of community health representatives.

Rep. Merton S. Dyer

HB 588, relative to examination of persons called as jurors.

The Senate amended the House version by limiting the practice of voir dire (questioning of prospective jurors) by attorneys to Merrimack County as a pilot project. The Committee of Conference settled on Rockingham County. The Senate further amended the bill by setting up a voir dire review committee comprising of two House members appointed by the Speaker and two Senators appointed by the President of the Senate. The review committee shall submit a report no later than December 1, 2003 which shall include a recommendation to terminate, continue, or expand the program. The pilot program shall terminate on December 31, 2004 unless future legislative action directs otherwise.

Rep. Henry P. Mock

HB 702, relative to the duties of the committee to study the consumer protection effort in New Hampshire.

The original purpose of the Committee of Conference was to change the effective date of the Senate amendment. The new amendment is the House version of HB 488 establishing a task force to study certain issues regarding privacy. The Senate had refused to go to a Committee of Conference on HB 488 as requested by the House, and therefore killed the bill. Although the amendment is non germane, the House conferees were able to convince the Senate of the need for this commission.

Rep. John B. Hunt

HB 703, relative to durable powers of attorney.

The purpose of this bill is to notify agents, acting under a durable power of attorney, as to their responsibilities and liabilities. The House version of the bill mandated certain notice provisions by the principal and an acknowledgement by the agent. The Senate amendment changed the mandatory "shall", to "may". This Senate position was firm. The House committee members acceded to the Senate version as they believe the discretionary provisions of the bill will serve the public far more with the Senate amended bill than if no bill was passed.

Rep. Robert H. Rowe