

HOUSE RECORD

**Second Year of the 156th Session of the General
Court**

Calendar and Journal of the 2000 Session

Vol. 22

Concord N.H.

Thursday, May 18, 2000

No. 46

HOUSE JOURNAL No. 16 (cont.)

Wednesday, May 17, 2000

Rep. John Flanders moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 17

Thursday, May 18, 2000

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

Prayer was offered by House Chaplain, Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Surprising and Expectant Creator of all that is seen and unseen, who has woven our world like a multi-colored tapestry of beauty and grace, bless the work and deliberations of this House that we may rightly use the loom of our free and democratic process to enhance and protect the lives of all citizens in our beloved New Hampshire. Amen.

Rep. Durham led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Patricia Cote, DeChane, Hoadley, LaMott, Langer, Nichols, Perkins, Schanda and Searles, the day, illness.

Reps. Bridle, Chabot, Dearborn, Desrosiers, Dudley, Emerton, Eugene Gagnon, Langone, Lent, Lerandau, Martin, Morse, Picconi, Neil Reardon, Riley, Robb-Theroux, Ruffner, Ronald Russell, Salatiello, Sarette, Edwin Smith, and Whittier, the day, important business.

Rep. Tate, the day, illness in the family.

INTRODUCTION OF GUESTS

Jennifer Shultis, guest of Rep. Shultis. Barbara Brewster and Audrey Shaefer, wife and guest of Rep. Brewster. Michael Glenn, guest of Rep. O'Hearn. Doris Johnson, mother of Rep. Nancy Johnson. Christy Greene, guest of Rep. Avery. New Hampshire mothers who took part in the Million Mom March in Washington, guests of Rep. Hansen.

special guests

The Bow Girls' State Class M Championship Basketball Team and the Bow Girls' State Championship Gymnastics Team, guests of the House.

(Clerk's Note)

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

senate messages

requests concurrence with amendments

HB 1188-FN-L, relative to alternative kindergarten programs. (Amendment printed SJ 5/11/00)

Rep. O'Hearn moved that the House nonconcur and request a Committee of Conference.

Adopted by the necessary two-thirds.

The Speaker appointed Reps. O'Hearn, Kurk, Belvin and Snyder.

HB 1259-FN, establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth. (Amendment printed SJ 5/11/00)

Rep. Hess moved that the House nonconcur and request a Committee of Conference.

Adopted by the necessary two-thirds.

The Speaker appointed Reps. Alukonis, Brundige, Leber and Vaughn.

REGULAR CALENDAR

SB 334, relative to credit unemployment insurance. OUGHT TO PASS

Rep. Tim S. McGough for Commerce: This bill authorizes insurers to sell credit unemployment insurance. This insurance product is similar in nature to credit life and disability insurance commonly offered by credit card companies and banks in conjunction with credit card and loan accounts. It provides for payment of credit accounts in case of loss of employment. The practice of offering this product is common and has been overseen by the Department of Insurance but no statutory authority exists so this bill was submitted to clarify that this product can be offered and is subject to the constraints and controls of any insurance product sold in New Hampshire. Although the product has already been sold commonly in our state, in order to protect the consumer the majority of the committee felt that it was important to include this type of insurance under the purview of the insurance department and to formally mention it in statute. Vote 14-5.

Adopted by the necessary two-thirds.

SB 353, relative to sales of insurance by financial institutions. OUGHT TO PASS WITH AMENDMENT

Rep. Sheila T. Francoeur for Commerce: This bill amends the laws regulating the sale of insurance by financial institutions and removes the restriction on financial institutions offering insurance products in communities exceeding populations of 5000. The bill also includes provisions regarding the separation of banking and insurance activities. The amendment gives the Commissioner of Insurance rule-making authority for the administration of any provision or provisions required by the Gramm-Leach-Bliley Act of 1999 (public law 106-102) which relates to insurance. Vote 11-7.

Amendment (4286h)

Amend the bill by inserting after section 11 the following and renumbering the original sections 12-13 to read as 13-14, respectively:

12 Rules and Regulations. Amend RSA 400-A:15, I to read as follows:

I. The commissioner shall have full power and authority to make, promulgate, amend and rescind reasonable rules and regulations for, or as an aid to, the administration or effectuation of any provision or provisions of this title ***or of the Gramm-Leach-Bliley Act of 1999 (public law 106-102) which relate to insurance*** and such other rules and regulations as are reasonably necessary to implement ~~[the]~~ ***such*** provisions ~~[of this title]~~.

Adopted by the necessary two-thirds.

(Clerk's Note)

The constitutionally required two-thirds of the membership was declared present.

sb 353 (cont'd.)

Rep. Kurk offered a floor amendment.

Floor Amendment (4554h)

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

AN ACT relative to sales of insurance by financial institutions and the disclosure of customer financial information by financial institutions.

Amend the bill by replacing all after section 12 with the following:

13 Findings and Purpose.

I. It is the policy of this state to protect the privacy of customers of financial institutions without unduly inhibiting the free flow of commerce or legitimate law enforcement activities.

II. Privacy is a fundamental right of the citizens of the state of New Hampshire. The evolution of information technology, including the means of collecting, analyzing and transmitting data, now permits uses of personal information that severely threaten the privacy of the citizens of this state.

III. The sale, exchange, and dissemination of information relating to customers of financial institutions, for purposes not directly related to providing services customers have purchased or applied for, have caused significant harm to the people and the economy of this state. Such sale, exchange, and dissemination of information subjects consumers to fraudulent, misleading, deceptive, or intrusive telephone, direct mail, or internet solicitations; to fraud and abuse, including identity theft and unauthorized charges; and to discrimination in the offer or sale of products or services.

IV. Customers' relations with financial institutions are based on trust and confidence. Such trust and confidence are severely threatened by lack of adequate information concerning such institutions' privacy policies and information practices and by lack of customer control over the use and dissemination of their personal information. The customer trust necessary to the proper functioning of financial institutions depends on customers understanding and having opportunities to prevent disclosure of personal information for purposes not directly related to providing the services customers choose to purchase or apply for.

14 New Chapter; Disclosure of Customer Financial Information by Financial Institutions.
Amend RSA by inserting after chapter 383 the following new chapter:

CHAPTER 383-A

disclosure of customer financial information

383-A:1 Definitions. In this chapter:

I. "Affiliate" means "affiliate" as defined in the federal Financial Services Modernization Act of 1999.

II. "Credit reporting agency" means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of reporting to third parties on the credit rating or creditworthiness of any consumer.

III. "Customer" means any person who deposits, borrows, invests, or insures with a financial institution, including a surety or a guarantor on a loan.

IV. "Financial information" means an original or copy of, or information derived from:

(a) A document that grants signature authority over a deposit or share account;

(b) A statement, ledger card, or other record of a deposit or share account that shows transactions in or with respect to that deposit or account;

(c) A check, clear draft, or money order that is drawn on a financial institution or issued and payable by or through a financial institution;

(d) Any item, other than an institutional or periodic charge, that is made under an agreement between a financial institution and another person's deposit or share account;

(e) Any information that relates to a deposit or share account, an application for a deposit or share account, a loan account or an application for a loan; or

(f) Evidence of a transaction conducted by electronic or telephonic means.

(g) Any information that relates to an insurance policy or application for such policy including in each case health information and medical and family history however obtained.

(h) Any information that relates to a securities account or an application for such account.

(i) Any information that relates to a customer of an affiliate of a financial institution.

V. "Financial institution" means a bank, savings and loan association, credit union, bank subsidiary, lender, loan servicer, loan or mortgage broker, sales finance company, or similar organization licensed or required to be licensed pursuant to the laws of New Hampshire, or under

the laws of the United States, or under the laws of any other state or territory of the United States, and an affiliate of any of them, including any institution which sells, services or underwrites insurance or insurance products, or securities or securities products.

VI. "Mercantile agency" means any person, which for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating business credit information or other information on businesses for the purpose of reporting to third parties on the credit rating or creditworthiness of any business.

383-A:2 Disclosure of Financial Records Prohibited. Except as otherwise expressly provided in this chapter, a financial institution, its officers, employees, agents, and directors shall not disclose to any person any financial information relating to a customer who has elected to bar such disclosure. A customer shall be notified of the right to so elect in the same form and timing as is provided for similar elections in the Financial Services Modernization Act of 1999. A financial institution may not refuse to do business with a customer or potential customer who makes such an election.

383-A:3 Exceptions.

I. The provisions of this chapter shall not prohibit any of the following activities with respect to disclosures of financial information of a customer who has elected to bar disclosure of financial information pursuant to RSA 383-A:2:

- (a) Disclosure of information to the customer after proper identification.
- (b) Disclosure of information sought by the department of health and human services, office of child support pursuant to its authority and obligations under RSA 161-C:3-a, or by an agency of similar function of another state, pursuant to similar authority.
- (c) Disclosure of information sought by the department of health and human services pursuant to its authority and obligations regarding public assistance under RSA 167.
- (d) Disclosure sought by higher education loan corporations pursuant to the authority and obligations under RSA 195-E.
- (e) The preparation, examination, handling, or maintenance of financial records by any officer, employee, or agent of a financial institution that has custody of the records.
- (f) The examination of financial records by a certified public accountant while engaged by the financial institution to perform an independent audit.
- (g) The disclosure of information to a collection agency, its employees or agents, or to any person engaged by the financial institution to assist in recovering an amount owed to the financial institution, if such disclosure is made in the furtherance of recovering such amount.
- (h) The examination of financial records by, or the disclosure of financial records to, any officer, employee, or agent of a state or federal regulatory agency under authority of state or federal law for use only in the exercise of that person's duties as an officer, employee, or agent.

(i) The publication of information derived from financial records if the information cannot be identified to any particular customer, deposit, or account.

(j) The making of reports, disclosures, or returns required by federal or state laws.

(k) The disclosure of any information permitted to be disclosed under the laws governing dishonor of negotiable instruments.

(l) The exchange, in the regular course of business, of credit information between a financial institution and a credit reporting agency, provided such exchange is in compliance with the fair credit reporting act, RSA 359-B, and the federal Fair Credit Reporting Act, 15 U.S.C. section 1681 et. seq.

(m) The exchange, in the regular course of business, of information between a financial institution and a mercantile agency, provided such exchange is solely for the purpose of reporting to third parties on the credit rating or creditworthiness of any business, and is in compliance with the fair credit reporting act, RSA 359-B, and the federal Fair Credit Reporting Act, 15 U.S.C. section 1681 et. seq.

(n) The exchange of loan information that specifically affects a sale, foreclosure, or loan closing, provided such exchange is for the purpose of accomplishing such sale, foreclosure, or loan closing.

(o) The disclosure to civil or criminal law enforcement authorities for use in the exercise of such authority's duties, or the sharing of information, within an industry network, of suspected criminal activities.

(p) Disclosures requested pursuant to a summons for trustee process.

(q) Disclosure requested pursuant to subpoena or civil investigative demand, provided that no disclosure shall be made until 10 days after the financial institution has notified the customer that financial information has been requested by subpoena or civil investigative demand. Such notice shall be served by first class mail to the customer at the most recent address known to the financial institution. The provisions of this chapter shall not apply where the subpoena or civil investigative demand is issued by or on behalf of a regulatory, criminal, or civil law enforcement agency.

(r) Disclosure required by order of court.

(s) Disclosure of customer financial information among directors, officers, employees, or agents of affiliated financial institutions, provided that such disclosure is limited to information necessary or appropriate to the fulfillment of any such persons' duties and responsibilities to the financial institution or institutions to facilitate transactions or the delivery of services requested by a customer or otherwise necessary to provide services in connection with applications for or existing contractual or service relationships between a customer and a financial institution.

(t) Disclosure of customer financial information of one financial institution to another financial institution in connection with a proposed merger, consolidation, acquisition or other reorganization transaction involving such institution, provided that no further disclosure is made except in compliance with this chapter, and provided further that such disclosure is made in

compliance with the fair credit reporting act, RSA 359-B, and the federal Fair Credit Reporting Act, 15 U.S.C. section 1681 et. seq.

(u) Disclosure sought by the department of revenue administration pursuant to its authority and obligations under RSA 21-J or by federal or other state taxing or revenue authorities

II. This section shall not be construed to:

(a) Require any financial institution to make any disclosure not otherwise required by law.

(b) Require or encourage any financial institution to alter any procedures or practices not inconsistent with this chapter.

(c) Expand or create any authority in any person or entity other than a financial institution.

383-A:4 Rulemaking. The bank commissioner and the insurance commissioner may adopt separate and/or joint rules, pursuant to RSA 541-A, relative to the administration and enforcement of this chapter.

383-A:5 Penalties; Civil Actions.

I. In addition to any authority granted to the bank commissioner under this title, the bank commissioner may impose an administrative penalty of not less than \$1,000 for each violation of this chapter resulting from willful conduct, or from a failure by a financial institution to reasonably supervise its employees to prevent violations of this chapter.

II. A customer of a financial institution whose customer information was negligently or willfully disclosed in violation of this chapter may recover in a civil action the actual damages and any attorneys' fees, provided that a customer prevailing in such an action shall be awarded not less than \$1,000.

15 Effective Date.

I. Sections 13-14 of this act shall take effect January 1, 2001.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill makes changes to the laws regulating sale of insurance by financial institutions, including removing the "place of 5,000" restriction on insurance sales, changing provisions regarding the separation of banking and insurance activities, and repealing certain rulemaking provisions.

This bill also limits the disclosure of information relating to a customer by financial institutions to certain specified activities and establishes penalties for willful or negligent disclosure of customer financial information.

Rep. Kurk spoke in favor and yielded to questions.

Rep. Hunt spoke against.

Rep. Vachon spoke in favor.

Rep. Hunt requested a roll call; sufficiently seconded.

The question being the adoption of the floor amendment.

YEAS 178 NAYS 135

YEAS 178

BELKNAP

Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Johnson, James
Millham, Alida	Rice, Thomas	Rosen, Ralph	Russell, David
Wendelboe, Francine	Wood, Jane		

CARROLL

Babson, David Jr	Dickinson, Howard	Howard, Godfrey	Lyman, L Randy
Mock, Henry	Philbrick, Donald	Sullivan, P Judith	Torressen, Gary

CHESHIRE

Burnham, Daniel	Doucette, Richard	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Richardson, Barbara
Roberts, William			

COOS

Davis, Perley	Gallus, John	Mears, Edgar	Pratt, Leighton
Woodward, David			

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Copenhaver, Marion	Gilman, G Michael	Hall, David	Harmon, Hobart
Johnson, Gary	Mirski, Paul	Weber, Phil	

HILLSBOROUGH

Ahern, Richard	Andrews, Frederick	Arnold, Thomas Jr	Baroody, Benjamin
Batula, Peter	Beaupre, Roland	Belvin, William	Bergeron, Lucien
Bruno, Pierre	Carlson, Donald	Christiansen, Lars	Cote, David
Daniels, Gary	Dokmo, Cynthia	Durham, Susan	Dwyer, Paul Sr
Fenton, James	Fletcher, Richard	Foster, Linda	Garrish, Linda
Ginsburg, Ruth	Goulet, Maurice	Haley, Robert	Hall, Betty
Holley, Sylvia	Hunter, Bruce	Jean, Loren	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Leishman, Peter	Leonard, Peter
MacGillivray, Jeffrey	Martel, Andre	McCarthy, William	McRae, Karen
Melcher, Harold	Messier, Irene	Milligan, Robert	Moran, Edward
Mosher, William	O'Connell, Timothy	Pepino, Leo	Reeves, Sandra
Rowe, Robert	Thulander, O Alan	Vaillancourt, Steve	Wall, Nancy
White, Donald			

MERRIMACK

Anderson, Eric	Bouchard, Candace	Chase, George	Gile, Mary
Kennedy, Richard	Larrabee, David Sr	Lavoie, Gerard	Leber, William
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Maxfield, Roy
Poulin, Dave	Rodd, Beth	Rosenfield, Jay	Seldin, Gloria
St Cyr, Gerard			

ROCKINGHAM

Abbott, Dennis	Beaulieu, Jon	Bishop, Franklin	Case, Margaret
Clark, Vivian	Cox, Russell	Dalrymple, Janeen	Fesh, Robert
Flanders, David	Gibbons, Paul	Gleason, John	Grant, Kenneth
Griffin, Mary	Hamel, Albert	Hutchinson, Karen	Johnson, Robert
Kane, Cecelia	Kelley, William	Kobel, Rudolph	Letourneau, Robert
Lovejoy, Marian	McKinney, Betsy	Mikowski, Walter	Moore, Benjamin
Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard	O'Keefe, Patricia
O'Neil, Michael	Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Raynowska, Bernard
Sabella, Norma	Stickney, Nancy	Stritch, C Donald	Tufts, J Arthur
Varrell, Thomas	Weatherspoon, Jackie	Weyler, Kenneth	Zolla, William

STRAFFORD

Bickford, David	Brown, George	Brown, Julie	Cossette, Larry
Domingo, Baldwin	Dunlap, Patricia	Gilmore, Gary	Heon, Richard
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
McKinley, Robert	Rogers, Rose Marie	Smith, Marjorie	Spang, Judith
Spear, Barbara	Vachon, Dennis	Wall, Janet	Woods, Phyllis

SULLIVAN

Flint, Gordon Sr	Leone, Richard	Phinizy, James	Tuthill, John
Wiggins, Celestine			

NAYS 135

BELKNAP

Boriso, Thomas	Holbrook, Robert	Pilliod, James	Thomas, John
Turner, Robert			

CARROLL

Bradley, Jeb	Chandler, Gene	Kenney, Joseph	Patten, Betsey
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CHESHIRE

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Hunt, John
Lynch, Margaret	Lynott, Margaret	Robertson, Timothy	Rose, William
Royce, H Charles	Zerba, Roger		

COOS

Guay, Lawrence	Horton, Lynn	Landers, Dana	Merrill, Gerald
Rodrigue, Robert	Tholl, John Jr		

GRAFTON

Cobb, John	Densmore, Jessica	Eaton, Stephanie	Guest, Robert
Marshall, Gene	Nordgren, Sharon	Phinney, William	Scanlan, David

HILLSBOROUGH

Alukonis, David	Arthur, Rose	Brundige, Robert	Buckley, Raymond
Burkush, James	Calawa, Leon Jr	Clegg, Robert Jr	Clemons, Jane
Cote, Peter	Coughlin, Pamela	Curran, James	Daigle, Robert
Dalianis, Griffin	Drabinowicz, A Theresa	Dyer, Merton	Fields, Dennis
Flora, Kathleen	Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse
Hansen, Herbert	Herman, Keith	Herman, Richard	Jean, Claudette
Johnson, Lionel	Keye, Harvey	Konys, Christine	LaPorte, George
Lessard, Rudy	Lozeau, Donnalee	Lynde, Harold	McCarty, Winston
McColgan, Philip Jr	McDonough-Wallace, Alice	McGough, Tim	Mendenhall, Leslie
Mercer, Robert	Moriarty, Mary	Murphy, Robert	Nolan-Piteri, Dawn
O'Hearn, Jane	Pappas, Marc	Peterson, Andrew	Reidy, Frank
Sargent, Maxwell	Turgeon, Roland	White, John	Williams, Carol

MERRIMACK

Brewster, Richard	Crosby, Toni	Daneault, Gabriel	Davis, Francis
Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn	French, Barbara
Moore, Carol	Owen, Derek	Potter, Frances	Reardon, Tara
Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane	Whalley, Michael
Yeaton, Charles			

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn	Clark, Martha
Cooney, Richard	Downing, Michael	Flanagan, Natalie	Flanders, John Sr
Francoeur, Sheila	Henderson, Warren	Hutchinson, Rebecca	Langley, Jane
Major, Norman	Norelli, Terie	Shelton, Richard	Shultis, Elizabeth
Stone, Joseph	Weare, Everett	Welch, David	

STRAFFORD

Berube, Roger	Brennan, William	Callaghan, Frank	Estabrook, Iris
Grassie, Anne	Lundborn, Raymond	Musler, George	Pelletier, Arthur

Rollo, Michael
Vincent, Francis

Taylor, Kathleen

Torr, Franklin

Twardus, Joseph

SULLIVAN

Allison, David
Jones, Constance

Burling, Peter

Cloutier, John

Donovan, Thomas Jr

and the floor amendment was adopted.

Report adopted and ordered to third reading.

reconsideration

Having voted with the prevailing side, Rep. Kurk moved that the House reconsider its action whereby it ordered to third reading **SB 353**, relative to sales of insurance by financial institutions, and spoke against.

Rep. Hunt spoke in favor.

On a division vote, 132 members having voted in the affirmative and 182 in the negative, reconsideration failed.

regular calendar (cont'd.)

SB 363, relative to the sale of malt beverages. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen G. Avery for Commerce: This legislation will give the police and liquor enforcement personnel an important tool in helping find people who supply alcohol to minors. It requires that all kegs of beer that are sold directly to consumers have identification on them so that if a keg is found at an underage drinking party, it can be traced to the purchaser. While all direct purchasers are now required to produce identification and to register when purchasing kegs of beer, there has been no way to trace particular kegs. Also in this bill is an easing of the requirements for out-of-state alcohol beverage manufacturers and importers to register for in-state direct shipping, and a reorganization of wine vendor fees and the repeal of the registration requirement of wine brand sizes. This bill is strongly supported by the Liquor Commission, Police Chiefs Association, and colleges and universities within the state. Vote 15-1.

Amendment (4424h)

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

AN ACT relative to the sale of malt beverages, direct shipper permits, and registration requirements for wine and liquor licenses.

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

1 New Section; Alcoholic Beverages; Enforcement, Requirements, and Penalties; Kegs of Malt Beverages. Amend RSA 179 by inserting after section 5 the following new section:

179:5-a Sale of Kegs of Malt Beverages; Penalty.

I. The commission by rule shall require the identification of kegs of malt beverages sold directly to consumers who are not licensees of the commission and the signing of a receipt therefor by the purchaser in order to allow the kegs to be traced if the contents are consumed in violation of the Title XIII. The keg identification shall be in a form prescribed by the commission which identifies the seller and which is removable or obliterated when the keg is processed for refilling. The receipt shall be on a form prescribed and supplied by the commission and shall include the purchaser's name, address, and motor vehicle operator's license number, if any. The receipt shall contain a statement that shall be signed by the purchaser that, under penalty of unsworn falsification, the purchaser shall not allow consumption of any malt beverage in the keg in violation of the provisions of RSA 179:5. A copy of the receipt shall be given to the purchaser and the seller shall retain the original receipt for such period as the commission by rule may require.

II. Possession of a keg containing malt beverage, which is not identified as required by paragraph I of this section, shall be a violation.

III. Any person, other than a beverage manufacturer or wholesaler, who removes the identification prescribed by paragraph I shall be guilty of a violation.

IV. A person who signs a receipt described in paragraph I in order to obtain a keg, knowing the receipt to be false, or who falsifies any information required on the receipt, is guilty of unsworn falsification as prescribed by RSA 641:3.

V. As used in this section, "keg" means any brewery-sealed, individual container of malt beverage having a liquid capacity of more than 7 gallons.

2 Liquor Licenses and Fees; Direct Shippers; Permits. Amend RSA 178:14-a, I to read as follows:

I.**(a)** Notwithstanding any law, rule or regulation to the contrary, any person currently licensed in its state of domicile as an alcohol beverage manufacturer, importer, wholesaler or retailer shall apply for a registration permit from the liquor commission [~~as a direct shipper for a fee of \$228 per year~~].

(b) Applicants for a direct shipper permit shall be exempt from the requirement of RSA 178:1, I, which requires registration with the secretary of state, if the applicant is duly organized and registered to do business under the laws of the state in which the applicant is domiciled.

3 Liquor Licenses and Fees; Direct Shippers; Permits; Rulemaking. Amend RSA 178:14-a, VI (a) to read as follows:

(a) The application procedures [~~and~~], form, ***and fee*** for the direct shipper registration permit authorized under paragraph I.

4 Liquor Licenses and Fees; Annual Wine and Liquor Licenses. Amend 178:27, V(c) to read as follows:

(c) Wine vendors:

(1) ~~[Initial license, \$228]~~ ***Sales of less than 1,000 cases per year, \$300.***

(2) ~~[Sales of less than 1,000 cases per year, \$228]~~ ***Sales of between 1,000 and 5,000 cases per year, \$1,500.***

(3) Sales of between ~~[1,000]~~ ***5,000*** and ~~[5,000]~~ ***10,000*** cases per year, ~~[\$1,140]~~ ***\$3,000.***

(4) Sales of between ~~[5,000 and]~~ 10,000 ***and 25,000*** cases per year, ~~[\$2,256]~~ ***\$6,000.***

(5) Sales of ~~[over 10,000 cases per year, \$4,800]~~ ***between 25,000 and 50,000 cases per year, \$9,000.***

(6) Sales of over \$50,000 cases per year, \$12,000.

5 Repeal. RSA 179:36, relative to registration of wine brand sizes, is repealed.

6 Effective Date. This act shall take effect January 1, 2001.

AMENDED ANALYSIS

This bill:

I. Requires the identification of kegs of malt beverages sold directly to consumers.

II. Requires that consumers who purchase kegs of malt beverages sign a receipt prescribed by the liquor commission and makes falsification of the receipt a crime.

III. Amends the requirements governing direct shipper permits for alcohol beverage manufacturers and distributors.

IV. Amends the fee requirements for annual wine and liquor licenses and repeals the registration requirement of wine brand sizes.

Rep. Kurk requested that Section 1. of the amendment be voted on separately. The Speaker ruled the question was divisible.

Rep. Kurk spoke against.

Rep. Avery spoke in favor and yielded to questions.

Rep. Avery requested a roll call; sufficiently seconded.

The question being the adoption of Section 1.

YEAS 232 NAYS 84

YEAS 232

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Holbrook, Robert	Millham, Alida
Pilliod, James	Turner, Robert	Wendelboe, Francine	Wood, Jane

CARROLL

Bradley, Jeb	Chandler, Gene	Howard, Godfrey	Kenney, Joseph
Lyman, L Randy	Patten, Betsey	Philbrick, Donald	

CHESHIRE

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
Doucette, Richard	Hunt, John	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	Meader, David	Mitchell, McKim	Pratt, Irene
Richardson, Barbara	Roberts, William	Robertson, Timothy	Rose, William
Royce, H Charles	Zerba, Roger		

COOS

Davis, Perley	Horton, Lynn	Mears, Edgar	Merrill, Gerald
Pratt, Leighton	Rodrigue, Robert	Tholl, John Jr	

GRAFTON

Alger, John	Almy, Susan	Brothers, Richard	Cobb, John
Copenhaver, Marion	Densmore, Jessica	Guest, Robert	Ham, Bonnie
Harmon, Hobart	Marshall, Gene	Nordgren, Sharon	Phinney, William
Scanlan, David	Ward, Brien		

HILLSBOROUGH

Ahern, Richard	Arnold, Thomas Jr	Arthur, Rose	Baroody, Benjamin
Bergeron, Lucien	Brundige, Robert	Buckley, Raymond	Burkush, James

Carlson, Donald	Clegg, Robert Jr	Clemons, Jane	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Curran, James
Daigle, Robert	Dalianis, Griffin	Dawe, Eileen	Drabinowicz, A Theresa
Durham, Susan	Dwyer, Paul Sr	Dyer, Merton	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Foster, Linda	Franks, Suzan
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty	Hansen, Herbert
Herman, Richard	Holley, Sylvia	Jean, Claudette	Johnson, Lionel
Keye, Harvey	Konys, Christine	L'Heureux, Robert	LaPorte, George
LaRose, Richard	Leishman, Peter	Leonard, Peter	Lozeau, Donnalee
Lynde, Harold	MacGillivray, Jeffrey	Martel, Andre	McCarthy, William
McCarty, Winston	McColgan, Philip Jr	McDonough-Wallace, Alice	Melcher, Harold
Mendenhall, Leslie	Messier, Irene	Milligan, Robert	Moriarty, Mary
Mosher, William	Murphy, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy
O'Hearn, Jane	Pappas, Marc	Pepino, Leo	Reeves, Sandra
Reidy, Frank	Rowe, Robert	Turgeon, Roland	White, John
Williams, Carol			

MERRIMACK

Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	Gile, Mary	Hess, David	Larrabee, David Sr
Lavoie, Gerard	Leber, William	Marshall, Kenneth	Maxfield, Roy
Potter, Frances	Poulin, Dave	Reardon, Tara	Rodd, Beth
Rosenfield, Jay	Wallin, Jean	Wallner, Mary Jane	Whalley, Michael
Yeaton, Charles			

ROCKINGHAM

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Blanchard, MaryAnn
Case, Margaret	Clark, Martha	Clark, Vivian	Cooney, Richard
Cox, Russell	DiFruscia, Anthony	Downing, Michael	Flanagan, Natalie
Flanders, David	Flanders, John Sr	Francoeur, Sheila	Gleason, John
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hutchinson, Rebecca

Johnson, Robert	Langley, Jane	Lovejoy, Marian	Major, Norman
McKinney, Betsy	Moore, Benjamin	Norelli, Terie	Noyes, Richard
O'Keefe, Patricia	O'Neil, Michael	Pantelakos, Laura	Pitts, Jacqueline
Priestley, Anne	Quandt, Marshall	Sabella, Norma	Shelton, Richard
Shultis, Elizabeth	Stickney, Nancy	Stone, Joseph	Stritch, C Donald
Tufts, J Arthur	Weare, Everett	Weatherspoon, Jackie	Welch, David
Weyler, Kenneth			

STRAFFORD

Berube, Roger	Brown, George	Callaghan, Frank	Cossette, Larry
Domingo, Baldwin	Estabrook, Iris	Gilmore, Gary	Grassie, Anne
Heon, Richard	Johnson, Nancy	Knowles, William	Lundborn, Raymond
McKinley, Robert	Musler, George	Pelletier, Arthur	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Spear, Barbara	Taylor, Kathleen	Torr, Franklin	Twardus, Joseph
Vachon, Dennis	Vincent, Francis	Wall, Janet	

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	Jones, Constance	Leone, Richard	Wiggins, Celestine

NAYS 84

BELKNAP

Boyce, Robert	Czech, Stanley	Johnson, James	Rice, Thomas
Rosen, Ralph	Russell, David	Thomas, John	

CARROLL

Babson, David Jr	Dickinson, Howard	Mock, Henry	Sullivan, P Judith
Torressen, Gary			

CHESHIRE

McGuirk, Paul

COOS

Gallus, John	Guay, Lawrence	Landers, Dana	Woodward, David
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GRAFTON

Akins, Ralph	Eaton, Stephanie	Hall, David	Johnson, Gary
Mirski, Paul	Weber, Phil		

HILLSBOROUGH

Alukonis, David	Andrews, Frederick	Batula, Peter	Beaupre, Roland
Belvin, William	Bruno, Pierre	Calawa, Leon Jr	Christiansen, Lars
Daniels, Gary	Fenton, James	Goulet, Maurice	Herman, Keith
Hunter, Bruce	Jean, Loren	Kurk, Neal	Lessard, Rudy
McGough, Tim	McRae, Karen	Mercer, Robert	Moran, Edward
Sargent, Maxwell	Thulander, O Alan	Vaillancourt, Steve	Wall, Nancy
White, Donald			

MERRIMACK

Anderson, Eric	Kennedy, Richard	Lockwood, Priscilla	Marple, Richard
Owen, Derek	St Cyr, Gerard	Virtue, Carolyn	

ROCKINGHAM

Abbott, Dennis	Bishop, Franklin	Dalrymple, Janeen	Fesh, Robert
Gibbons, Paul	Grant, Kenneth	Hutchinson, Karen	Kelley, William
Kobel, Rudolph	Letourneau, Robert	Mikowski, Walter	Nowe, Mary Lou
Nowe, Ronald	Packard, Sherman	Putnam, Ed II	Raynowska, Bernard
Rubin, George	Sapareto, Frank	Varrell, Thomas	Zolla, William

STRAFFORD

Bickford, David	Brennan, William	Brown, Julie	Dunlap, Patricia
Kaen, Naida	Keans, Sandra	Woods, Phyllis	

SULLIVAN

Phinizy, James

Tuthill, John

and Section 1 was adopted.

The question now being the adoption of the remainder of the amendment.

Adopted.

Report adopted and ordered to third reading.

SB 409-FN, relative to health insurance coverage of qualified clinical trials. OUGHT TO PASS
WITH AMENDMENT

Rep. Sheila T. Francoeur for Commerce: This bill, as amended, requires a policy, plan or contract to provide coverage for all medically necessary, routine patient care costs, when the covered person is participating in Phase III or Phase IV clinical trials for cancer, or if the treatment is being provided for any other life-threatening condition. Coverage for Phase I or Phase II clinical trials shall be decided on a case by case basis. Routine patient care costs are those for which the health plan regularly reimburses its members and would not include the cost of drugs and devices subject to the clinical trial. The amendment specifies that a clinical trial must meet certain criteria. The bill also requires that the health plans and the providers participating in clinical trials develop a process to share clinical and financial data on the progress and outcome of clinical trials. Also, the member's primary care provider shall be informed of the clinical data. The amendment also provides for the establishment of a committee to study whether mandatory insurance coverage for autologous bone marrow transplants for treatment of breast cancer should continue. Recent data suggests that this treatment is not effective and this new legislation would cover the current application on this previously passed mandate. The committee felt that this issue should be reviewed in-depth this summer for potential repeal next year. Vote 18-0.

Amendment (4346h)

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

AN ACT relative to health insurance coverage of qualified clinical trials and establishing a committee to study the coverage for autologous bone marrow transplants.

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

1 New Section; Coverage for Qualified Clinical Trials. Amend RSA 415 by inserting after section 18-j the following new section:

415:18-k Coverage Required for Qualified Clinical Trials.

I. In this section:

(a) "Clinical trials of emerging technologies" mean Phase I and Phase II clinical trials.

(b) "Clinical trials of leading therapeutic or diagnostic alternatives" mean Phase III and Phase IV clinical trials.

(c) "Cooperative group" means a formal network of facilities that collaborate on research projects and have an established National Institute of Health (NIH) approved peer review program operating within the group.

(d) "FDA" means the federal Food and Drug Administration.

(e) "Member" means the policyholder, subscriber, insured, or certificate holder, or a covered dependent of a policyholder, subscriber, insured, or certificate holder.

(f) "Multiple project assurance contract" means a contract between an institution and the federal Department of Health and Human Services, that defines the relationship of the institution to the federal Department of Health and Human Services and sets out the responsibilities of the institution and the procedures that will be used by the institution to protect human subjects.

(g) "NIH" means the National Institutes of Health.

(h) "Non-routine patient care cost" means:

(1) The cost of an investigational new drug or device that is not approved for market for any indication by the FDA.

(2) The cost of a non-health care service that a member may be required to receive as a result of the treatment being provided for the purposes of the clinical trial.

(3) The costs of services that are clearly inconsistent with widely accepted and established regional or national standards of care for a particular diagnosis.

(4) Costs associated with managing the research associated with the clinical trial.

(5) Non-covered costs under the member's policy, plan, or contract.

(i) "Routine patient care cost" means the cost of any medically necessary health care service that is incurred as a result of the treatment being provided to a member of a health plan. Routine costs are those for which the health plan regularly reimburses its members, health care providers, or health care institutions subject to the terms and conditions of the member's policy and the provider's service agreement with the insurer.

II. A policy, plan, or contract subject to this section shall provide coverage for all medically necessary routine patient care costs incurred as a result of a treatment being provided in accordance with a clinical trial to the extent such costs would be covered for noninvestigational treatments if the treatment is being provided or the studies are being conducted in a phase I, phase II, phase III, or phase IV clinical trial for cancer or the treatment is being provided for any other life-threatening condition. Coverage for phase I or phase II clinical trials shall be decided on a case by case basis.

III. The coverage required under paragraph II shall be required if:

(a) The treatment is being provided to the member in a clinical trial approved by:

- (1) One of the National Institutes of Health;
 - (2) An NIH cooperative group or an NIH center;
 - (3) The FDA in the form of an investigational new drug application or exemption;
 - (4) The federal department of Veterans Affairs or Defense; or
 - (5) An institutional review board of an institution in this state that has a multiple assurance contract approved by the Office of Protection from Research Risks of the NIH.
- (b) Standard treatment has been or would be ineffective, does not exist, or there is no superior non-investigational treatment alternative;
 - (c) The facility and personnel providing the treatment are capable of doing so by virtue of their experience, training, and volume of patients treated to maintain expertise; and
 - (d) The available clinical or preclinical data provide a reasonable expectation that the treatment will be at least as effective as the non-investigational alternative.

IV. A policy, plan, or contract subject to this section shall provide coverage for routine patient care costs incurred for drugs and devices provided to the member during the clinical trial, which are not the subject of the clinical trial, provided that those drugs or devices have been approved for sale by the FDA, whether or not the FDA has approved the drug or device for use in treating the member's particular condition. Nothing in this section shall be construed to abrogate the provisions of RSA 415:6-g or RSA 420-J:7-b. This coverage shall include coverage for reasonable and medically necessary services necessary to administer the drug or use the device under evaluation in the clinical trial.

V. The provisions of this section shall apply to group hospital and medical expense policies subject to RSA 415, health service corporations under RSA 420-A, health maintenance organizations under RSA 420-B, and managed care organizations under RSA 420-J.

VI. For the purposes of this section, providers participating in clinical trials shall obtain a patient's informed consent for participation in the clinical trial in a manner that is consistent with current legal and ethical standards. Such document shall be available to the health insurer upon request.

VII. Health plans providing coverage under this section and the providers participating in those same clinical trials shall develop a mutually agreed upon process to share appropriate aggregate clinical and financial data on the progress and outcome of clinical trials subject to this section. Health plans and the providers participating in clinical trials shall establish reasonable requirements for communication with the member's primary care provider regarding the member's clinical data.

VIII. The provisions of this section shall not apply to a policy, plan, or contract paid for under the federal Medicare program nor the state children's health insurance program.

2 Committee Established. There is established a committee to study insurance coverage for autologous bone marrow transplants.

3 Membership and Compensation.

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

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

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

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

4 Duties. The committee shall study whether mandatory insurance coverage for autologous bone marrow transplants for treatment of breast cancer under RSA 415:18-c, RSA 420-A:13, and RSA 420-B:8-e should continue. Specifically, the committee's study shall include, but not be limited to, whether the treatment is standard treatment, the effectiveness of the treatment, and the results of recent trials.

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

6 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, 2000.

7 Effective Date.

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

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires insurers, including managed care plans and health service corporations, to provide coverage for certain routine patient care costs incurred as a result of treatment provided to a patient in certain clinical trials.

This bill also establishes a committee to study the coverage for autologous bone marrow transplants for treatment of breast cancer.

Adopted.

Report adopted and ordered to third reading.

special order

SB 459, relative to underinsured motorists. INEXPEDIENT TO LEGISLATE

Rep. Griffin T. Dalianis for Commerce: The Committee found no evidence that consumers were disadvantaged in any way by the existing system. Even the proponents of this bill acknowledged that the problem, if it exists, is very rare, and the Committee felt that the solution proposed was worse than the problem. Vote 16-0.

Rep. Craig spoke against.

Rep. DiFruscia spoke in favor and yielded to questions.

Rep. Hunt requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 165 NAYS 159

YEAS 165

BELKNAP

Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Lawton, David	Pilliod, James	Rice, Thomas	Rosen, Ralph
Russell, David	Thomas, John	Turner, Robert	Wendelboe, Francine

CARROLL

Bradley, Jeb	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	Patten, Betsey	Philbrick, Donald	

CHESHIRE

Avery, Stephen	Hunt, John	Manning, Joseph	Roberts, William
Rose, William	Royce, H Charles		

COOS

Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	Tholl, John Jr	Woodward, David	

GRAFTON

Akins, Ralph	Alger, John	Eaton, Stephanie	Gilman, G Michael
Hall, David	Harmon, Hobart	Hinman, Harry	Marshall, Gene
Mirski, Paul	Phinney, William	Scanlan, David	Ward, Brien

HILLSBOROUGH

Alukonis, David	Arnold, Thomas Jr	Arthur, Rose	Batula, Peter
Beaupre, Roland	Brundige, Robert	Calawa, Leon Jr	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Daigle, Robert	Dalianis, Griffin
Daniels, Gary	Dawe, Eileen	Drabinowicz, A Theresa	Dyer, Merton
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Franks, Suzan
Garrish, Linda	Goulet, Maurice	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Hunter, Bruce	Jean, Loren	Johnson, Lionel
Keye, Harvey	Kurk, Neal	L'Heureux, Robert	Lessard, Rudy
MacGillivray, Jeffrey	McGough, Tim	Mendenhall, Leslie	Mercer, Robert
Messier, Irene	Milligan, Robert	Mosher, William	Nolan-Piteri, Dawn
O'Connell, Timothy	O'Hearn, Jane	Pappas, Marc	Pepino, Leo
Reeves, Sandra	Rowe, Robert	Sargent, Maxwell	Thulander, O Alan
Wall, Nancy			

MERRIMACK

Anderson, Eric	Crosby, Toni	Davis, Francis	Feuerstein, Martin
Fortnam, Janet	Hager, Elizabeth	Hess, David	Larrabee, David Sr
Lavoie, Gerard	Leber, William	Lockwood, Priscilla	Marple, Richard
Marshall, Kenneth	Maxfield, Roy	Poulin, Dave	Virtue, Carolyn
Whalley, Michael			

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Case, Margaret	Christie, Andrew Jr	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	DiFruscia, Anthony	Fesh, Robert
Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila	Gibbons, Paul
Gleason, John	Grant, Kenneth	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hutchinson, Karen	Katsakiores, George	Kelley, William

Kobel, Rudolph
Major, Norman
Nowe, Ronald
Rubin, George
Tufts, J Arthur
Weyler, Kenneth

Langley, Jane
McKinney, Betsy
Noyes, Richard
Stickney, Nancy
Varrell, Thomas
Zolla, William

Letourneau, Robert
Moore, Benjamin
Priestley, Anne
Stone, Joseph
Weare, Everett

Lovejoy, Marian
Nowe, Mary Lou
Putnam, Ed II
Stritch, C Donald
Welch, David

STRAFFORD

Callaghan, Frank
McKinley, Robert

Dunlap, Patricia
Rollo, Michael

Kaen, Naida
Taylor, Kathleen

Lundborn, Raymond
Woods, Phyllis

SULLIVAN

Young, David

NAYS 159

BELKNAP

Boriso, Thomas

Johnson, James

Millham, Alida

Wood, Jane

CARROLL

Babson, David Jr
Torressen, Gary

Lyman, L Randy

Mock, Henry

Sullivan, P Judith

CHESHIRE

Batchelder, Robert
Lynch, Margaret
Mitchell, McKim
Zerba, Roger

Blaisdell, Michael
Lynott, Margaret
Pratt, Irene

Burnham, Daniel
McGuirk, Paul
Richardson, Barbara

Doucette, Richard
Meader, David
Robertson, Timothy

COOS

Gallus, John

Landers, Dana

Mears, Edgar

Rodrigue, Robert

GRAFTON

Almy, Susan	Brothers, Richard	Cobb, John	Copenhaver, Marion
Densmore, Jessica	Guest, Robert	Ham, Bonnie	Johnson, Gary
Nordgren, Sharon	Weber, Phil		

HILLSBOROUGH

Ahern, Richard	Andrews, Frederick	Baroody, Benjamin	Belvin, William
Bergeron, Lucien	Bruno, Pierre	Buckley, Raymond	Burkush, James
Carlson, Donald	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Curran, James	Durham, Susan	Dwyer, Paul Sr
Fenton, James	Foster, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty
Herman, Richard	Jean, Claudette	Konys, Christine	LaPorte, George
LaRose, Richard	Lefebvre, Roland	Leishman, Peter	Leonard, Peter
Lozeau, DonnaLee	Lynde, Harold	Martel, Andre	McCarthy, William
McCarty, Winston	McColgan, Philip Jr	McDonough-Wallace, Alice	McRae, Karen
Melcher, Harold	Moran, Edward	Moriarty, Mary	Murphy, Robert
Reidy, Frank	Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve
White, Donald	White, John	Williams, Carol	

MERRIMACK

Bouchard, Candace	Brewster, Richard	Chase, George	Daneault, Gabriel
Fraser, Marilyn	French, Barbara	Gile, Mary	Kennedy, Richard
Owen, Derek	Potter, Frances	Rodd, Beth	Rosenfield, Jay
St Cyr, Gerard	Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn	Clark, Martha	Clark, Vivian	Downing, Michael
Flanders, David	Hutchinson, Rebecca	Johnson, Robert	Mikowski, Walter
Norelli, Terie	O'Keefe, Patricia	O'Neil, Michael	Packard, Sherman
Pantelakos, Laura	Pitts, Jacqueline	Quandt, Marshall	Raynowska, Bernard
Sabella, Norma	Sapareto, Frank	Shelton, Richard	Vaughn, Charles
Weatherspoon, Jackie			

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Cossette, Larry	Domingo, Baldwin	Estabrook, Iris
Gilmore, Gary	Grassie, Anne	Heon, Richard	Johnson, Nancy
Knowles, William	Musler, George	Pelletier, Arthur	Rogers, Rose Marie
Smith, Marjorie	Snyder, Clair	Spang, Judith	Spear, Barbara
Torr, Franklin	Twardus, Joseph	Vachon, Dennis	Vincent, Francis
Wall, Janet			

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	Jones, Constance	Leone, Richard	Phinizy, James
Tuthill, John	Wiggins, Celestine		

and the report was adopted.

reconsideration

Having voted on the prevailing side, Rep. Hunt moved that the House reconsider its action whereby it voted Inexpedient to Legislate on **SB 459**, relative to underinsured motorists and spoke against.

On a division vote 168 members having voted in the affirmative and 152 in the negative, reconsideration prevailed.

motion to lay on the table

Rep. Hunt moved that **SB 459**, relative to underinsured motorists be laid on the table.

Rep. Hunt requested a roll call; sufficiently seconded.

YEAS 153 NAYS 171

YEAS 153

BELKNAP

Bartlett, Gordon
Pilliod, James
Wendelboe, Francine

Boyce, Robert
Rosen, Ralph

Holbrook, Robert
Thomas, John

Lawton, David
Turner, Robert

CARROLL

Bradley, Jeb
Kenney, Joseph

Chandler, Gene
Patten, Betsey

Dickinson, Howard
Sullivan, P Judith

Howard, Godfrey

CHESHIRE

Avery, Stephen
Rose, William

Hunt, John
Royce, H Charles

Manning, Joseph

Roberts, William

COOS

Davis, Perley
Merrill, Gerald

Gallus, John
Tholl, John Jr

Guay, Lawrence
Woodward, David

Horton, Lynn

GRAFTON

Akins, Ralph
Gilman, G Michael
Mirski, Paul

Alger, John
Harmon, Hobart
Phinney, William

Brothers, Richard
Hinman, Harry
Scanlan, David

Eaton, Stephanie
Marshall, Gene
Ward, Brien

HILLSBOROUGH

Alukonis, David
Carlson, Donald
Coughlin, Pamela
Dawe, Eileen
Fields, Dennis
Goulet, Maurice
Hunter, Bruce
Kurk, Neal
MacGillivray, Jeffrey
Milligan, Robert
Pappas, Marc

Batula, Peter
Christiansen, Lars
Daigle, Robert
Drabinowicz, A Theresa
Fletcher, Richard
Hansen, Herbert
Jean, Loren
LaRose, Richard
Mendenhall, Leslie
Mosher, William
Pepino, Leo

Bergeron, Lucien
Clegg, Robert Jr
Dalianis, Griffin
Durham, Susan
Flora, Kathleen
Herman, Keith
Johnson, Lionel
Lessard, Rudy
Mercer, Robert
Nolan-Piteri, Dawn
Reeves, Sandra

Brundige, Robert
Cote, Peter
Daniels, Gary
Dyer, Merton
Franks, Suzan
Holley, Sylvia
Keye, Harvey
Lozeau, Donnalee
Messier, Irene
O'Hearn, Jane
Sargent, Maxwell

Turgeon, Roland

Wall, Nancy

White, Donald

MERRIMACK

Anderson, Eric

Crosby, Toni

Davis, Francis

Feuerstein, Martin

Fortnam, Janet

French, Barbara

Hager, Elizabeth

Hess, David

Larrabee, David Sr

Lavoie, Gerard

Leber, William

Lockwood, Priscilla

Marple, Richard

Maxfield, Roy

Poulin, Dave

St Cyr, Gerard

Whalley, Michael

ROCKINGHAM

Abbott, Dennis

Arndt, Janet

Beaulieu, Jon

Belanger, Ronald

Bishop, Franklin

Case, Margaret

Christie, Andrew Jr

Cooney, Richard

Cox, Russell

Dalrymple, Janeen

DiFruscia, Anthony

Fesh, Robert

Flanagan, Natalie

Flanders, John Sr

Francoeur, Sheila

Gleason, John

Griffin, Mary

Henderson, Warren

Hutchinson, Karen

Katsakiores, George

Langley, Jane

Letourneau, Robert

Lovejoy, Marian

Major, Norman

McKinney, Betsy

Moore, Benjamin

Nowe, Mary Lou

Nowe, Ronald

Noyes, Richard

Rubin, George

Stickney, Nancy

Stone, Joseph

Tufts, J Arthur

Varrell, Thomas

Vaughn, Charles

Weare, Everett

Welch, David

Weyler, Kenneth

STRAFFORD

Brown, George

Callaghan, Frank

Dunlap, Patricia

Gilmore, Gary

Lundborn, Raymond

McKinley, Robert

Spear, Barbara

Taylor, Kathleen

Tsiros, William

Woods, Phyllis

SULLIVAN

None

NAYS 171

BELKNAP

Boriso, Thomas

Czech, Stanley

Johnson, James

Millham, Alida

Rice, Thomas

Russell, David

Wood, Jane

CARROLL

Babson, David Jr
Torressen, Gary

Lyman, L Randy

Mock, Henry

Philbrick, Donald

CHESHIRE

Batchelder, Robert
Lynch, Margaret
Mitchell, McKim
Zerba, Roger

Blaisdell, Michael

Lynott, Margaret

Pratt, Irene

Burnham, Daniel

McGuirk, Paul

Richardson, Barbara

Doucette, Richard

Meadar, David

Robertson, Timothy

COOS

Landers, Dana

Mears, Edgar

Rodrigue, Robert

GRAFTON

Almy, Susan

Guest, Robert

Nordgren, Sharon

Cobb, John

Hall, David

Weber, Phil

Copenhaver, Marion

Ham, Bonnie

Densmore, Jessica

Johnson, Gary

HILLSBOROUGH

Ahern, Richard

Baroody, Benjamin

Buckley, Raymond

Cote, David

Fenton, James

Goley, Jeffrey

Hall, Betty

L'Heureux, Robert

Leonard, Peter

McCarty, Winston

McRae, Karen

Andrews, Frederick

Beaupre, Roland

Burkush, James

Craig, James

Foster, Linda

Gorman, Mary

Herman, Richard

LaPorte, George

Lynde, Harold

McColgan, Philip Jr

Melcher, Harold

Arnold, Thomas Jr

Belvin, William

Calawa, Leon Jr

Curran, James

Garrish, Linda

Haettenschwiller,
Alphonse

Jean, Claudette

Lefebvre, Roland

Martel, Andre

McDonough-Wallace,
Alice

Moran, Edward

Arthur, Rose

Bruno, Pierre

Clemons, Jane

Dwyer, Paul Sr

Ginsburg, Ruth

Haley, Robert

Konys, Christine

Leishman, Peter

McCarthy, William

McGough, Tim

Moriarty, Mary

Murphy, Robert
Simon, Anthony
Williams, Carol

O'Connell, Timothy
Thulander, O Alan

Reidy, Frank
Vaillancourt, Steve

Rowe, Robert
White, John

MERRIMACK

Bouchard, Candace
Fraser, Marilyn
Owen, Derek
Virtue, Carolyn

Brewster, Richard
Gile, Mary
Potter, Frances
Wallin, Jean

Chase, George
Kennedy, Richard
Rodd, Beth
Wallner, Mary Jane

Daneault, Gabriel
Marshall, Kenneth
Rosenfield, Jay
Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn
Flanders, David
Hutchinson, Rebecca
Mikowski, Walter
Packard, Sherman
Putnam, Ed II
Sapareto, Frank
Zolla, William

Clark, Martha
Gibbons, Paul
Johnson, Robert
Norelli, Terie
Pantelakos, Laura
Quandt, Marshall
Shelton, Richard

Clark, Vivian
Grant, Kenneth
Kelley, William
O'Keefe, Patricia
Pitts, Jacqueline
Raynowska, Bernard
Stritch, C Donald

Downing, Michael
Hamel, Albert
Kobel, Rudolph
O'Neil, Michael
Priestley, Anne
Sabella, Norma
Weatherspoon, Jackie

STRAFFORD

Berube, Roger
Cossette, Larry
Heon, Richard
Musler, George
Smith, Marjorie
Twardus, Joseph

Bickford, David
Domingo, Baldwin
Johnson, Nancy
Pelletier, Arthur
Snyder, Clair
Vachon, Dennis

Brennan, William
Estabrook, Iris
Kaen, Naida
Rogers, Rose Marie
Spang, Judith
Vincent, Francis

Brown, Julie
Grassie, Anne
Knowles, William
Rollo, Michael
Torr, Franklin
Wall, Janet

SULLIVAN

Allison, David
Flint, Gordon Sr
Tuthill, John

Burling, Peter
Jones, Constance
Wiggins, Celestine

Cloutier, John
Leone, Richard
Young, David

Donovan, Thomas Jr
Phinizy, James

and the motion failed.

The question now being the adoption of the report, Inexpedient to Legislate.

Reps. Vachon and Burling spoke against.

Rep. Keith Herman spoke in favor.

Rep. Hunt spoke in favor and yielded to questions.

motion to special order

Rep. Chandler moved that **SB 459**, relative to underinsured motorists, be made a Special Order for the end of the day's calendar.

Rep. Burling spoke in favor.

On a division vote, 250 members having voted in the affirmative and 76 in the negative, the motion was adopted.

regular calendar (cont'd.)

SB 469, relative to mutual insurance holding companies. OUGHT TO PASS

Rep. Griffin T. Dalianis for Commerce: This bill authorizes mutual insurance companies in New Hampshire to convert to stock ownership and establish a holding company. The bill requires an affirmative vote of policyholders and approval of the Insurance Commissioner following a public hearing. This is important legislation for the handful of mutual insurance companies incorporated in New Hampshire. This bill creates opportunities for those companies to raise capital to become stronger. Under the provisions of the Gramm, Leach, Bliley Act, states are encouraged to pass this legislation; if a state does not have such a law, its domestic mutual insurance companies can leave the state, preempting state laws to the contrary. Half the states have already enacted this legislation, most recently the State of Maine. The Committee believes this legislation will encourage existing insurers to stay in New Hampshire and may make our state more attractive to other insurers. The Insurance Department participated in the drafting of this bill and strongly supports it. Vote 13-3.

Adopted and ordered to third reading.

Without objection, the Speaker called for consideration of Senate Bill 401.

SB 401-FN-A-L, establishing the New Hampshire land and community heritage investment program and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. David J. Alukonis for Finance: Senate Bill 401 is landmark legislation which establishes the Land and Community Heritage Investment Program (LCHIP). The Finance Committee concurs with the overwhelming House vote previously taken on this bill in now unanimously recommending this proposal as ought to pass with amendment. The most important component of the committee amendment regards the initial appropriation for the program. Rather than being funded with a

bonded appropriation, the amendment calls for an appropriation of \$3,000,000 from the New Hampshire Economic Development Fund. This money has recently been realized and received from a significant return on investments made by the fund over the past nine years. The state's general fund was the original source of the funds which were so wisely invested in venture capital funds which had invested in New Hampshire. The \$3,000,000 will be transferred to the fund upon passage, but will not be available for distribution until April 1, 2001. This delay will allow the LCHIP Authority to organize itself and to accept private and federal funds. In addition, and most importantly, this time lag will allow our local communities to go through an annual town meeting and budget cycle prior to the actual distribution of funds. This puts all potential applicants (cities, towns, and non profits) on equal footing with the equal opportunity to be "at the door when the store opens." The administrative funding remains as previously passed by the House with the exception that the authority may draw no more than \$200,000 annually from the conservation plate fee fund for the purposes of administration of the authority. The committee amendment also requires that the \$3,000,000 appropriation "and any interest thereon, shall not be for administrative purposes." The amendment also requires that any interest earned on the fund accrue to the fund and not to the general fund.

Numerous technical and minor changes were also made to the bill in order to clarify the legislation and to accurately reflect the intent of this noteworthy legislation. These changes were made in consultation with the sponsors of the bill as well as with its champions and supporters. The Finance Committee amendment also adds a "recapture clause" which requires that any LCHIP funds invested in a property be returned to the LCHIP Fund upon the sale or transfer of any interest in such property to an otherwise not eligible applicant. Vote 24-0.

Amendment (4497h)

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

1 New Chapter; Land and Community Heritage Investment Program. Amend RSA by inserting after chapter 227-L the following new chapter:

CHAPTER 227-M

Land and Community Heritage Investment Program

227-M:1 Purpose. The general court finds that in order to maintain New Hampshire's quality of life and economic vitality for its citizens, growth and development should be balanced with careful protection of the state's most important natural, cultural, and historical resources. Permanent protection of these resources, through acquisition of lands, buildings, and other physical assets, or interests in these assets, must be accomplished along with their planned long-term stewardship. The general court further recognizes the importance of public-private partnerships to achieve these ends. To protect and preserve New Hampshire's natural, cultural, and historical resources for this and future generations, the general court establishes in this chapter the New Hampshire land and community heritage investment program. The intent of the program is to conserve and preserve this state's most important natural, cultural, and historical resources through the acquisition of lands, and cultural and historical resources, or interests therein, of local, regional, and statewide significance, in partnership with the state's municipalities and the private sector, for the primary purposes of protecting and ensuring the perpetual contribution of these resources to the state's economy, environment, and overall quality of life.

227-M:2 Definitions. In this chapter:

I. "Authority" means the New Hampshire land and community heritage investment authority.

II. "Board" means the board of directors of the New Hampshire land and community heritage investment authority.

III. "Building" means a construction made by humans and created to shelter human activity.

IV. "Easement interests" means conservation, historic preservation, or scenic easements, development rights, or any other similar protective interest in real property held in perpetuity.

V. "Eligible resource" means a natural, cultural, or historical resource including archaeological sites; historic buildings and structures which house cultural events and programs; historic properties including buildings and structures; historic and cultural lands and features; ecologically significant lands; existing and potential public water supply lands; farmland; forestland; habitat for rare species or important wildlife; lands for recreation; riverine, lake, estuarine, and ocean shorelands; scenic areas and viewsheds; and wetlands and associated uplands.

VI. "Monitoring" means the regular and systematic gathering of information about a resource asset to identify changes to the property over time to ensure that it is being used in accordance with any easement interest restrictions or other legal obligations entered into under this chapter.

VII. "Resource asset" means the lands, buildings, structures, and other physical assets or the easement interests in the lands, buildings, structures, and other physical assets that comprise the real property of an eligible resource.

VIII. "Stewardship" means planning for and taking the necessary actions over the long term to successfully preserve and protect the natural, cultural, or historical value of a resource asset. Such actions include, as applicable, managing the resource asset in accordance with all legal obligations entered into under this chapter, performing regular maintenance and upkeep, providing for necessary monitoring, educating or informing those that might negatively impact upon the resource asset about the need and/or legal obligation to protect and preserve it, paying tax or in-lieu-of tax obligations, obtaining liability insurance, and securing sufficient levels of financial resources to carry out all such necessary actions.

227-M:3 Land and Community Heritage Investment Program Established. There is hereby established the New Hampshire land and community heritage investment program. The program shall acquire resource assets, through voluntary negotiations with property owners and utilization of all available federal, state, local, private, and other matching funds and incentives. The program shall also provide funding for restoration and rehabilitation of cultural and historical resources and for certain costs associated with the acquisition of resource assets. All deeds or other documents evidencing purchase of any fee interest or other easement interest in resources under this chapter shall be drawn and held in the name of the municipality, other political subdivision, or qualified publicly-supported nonprofit corporation purchasing the interest through the use of program funds. All easement interests and legal obligations that are attached in perpetuity to any property shall be recorded in the deed. The state of New Hampshire shall hold an executory interest in all easement interests acquired by the program and held by municipalities, other political subdivisions, or qualifying nonprofit corporations. There shall be no power by the state of New Hampshire to take any resource by eminent domain, nor shall any funds made available by this program be used to take

by eminent domain except in cases involving the voluntary quieting of title. All acquisition projects shall involve a willing seller and willing buyer, or a willing donor of resource assets.

227-M:4 New Hampshire Land and Community Heritage Authority Established; Board of Directors.

I. There is hereby established the New Hampshire land and community heritage investment authority, a body corporate and politic. The authority is constituted a public instrumentality of the state. 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. The authority shall be a nonprofit corporation organized under RSA 292.

II. The authority shall be governed by a board of directors composed of 18 members. Voting members shall not appoint designees to act in their places. The chairperson shall be elected from among the public members. Board membership shall be as follows:

- (a) Two members of the senate, to be appointed by the senate president.
- (b) Two members of the house of representatives, to be appointed by the speaker of the house.
- (c) Eight public members, to be appointed by the governor and council:
 - (1) Two of whom shall represent cultural and historic resource interests;
 - (2) One of whom shall represent natural resources interests;
 - (3) One of whom shall represent outdoor recreation interests;
 - (4) One of whom shall represent business or real estate interests;
 - (5) One of whom shall represent municipal interests;
 - (6) One of whom shall represent local planning interests; and
 - (7) One of whom shall represent regional planning commissions.
- (d) The director of the office of state planning, or designee.
- (e) The commissioner of the department of cultural resources, or designee.
- (f) The commissioner of the department of resources and economic development, or designee.
- (g) The commissioner of the department of environmental services, or designee.
- (h) The commissioner of the department of agriculture, markets, and food, or designee.

(i) The executive director of the department of fish and game, or designee.

III. Members appointed under subparagraphs II(d) through II(i) shall be advisory, non-voting members.

IV.(a) The terms of the state agency members and the members of the senate and the house of representatives shall be coterminous with their respective terms in office. Members appointed by the governor and council under subparagraph II(c) shall serve a 4-year term, and may serve no more than 10 successive years.

(b) Members appointed by the governor and council may be removed from office for cause, by the governor and council. Cause for removal shall include, but not be limited to, incapacity or failure to perform the duties of a member of the board of directors. Vacancies shall be filled for the unexpired term of the office in the same manner as the original appointment. Legislative members shall be entitled to mileage reimbursement at the legislative rate.

V. Seven voting members shall constitute a quorum. Decisions shall be made by a majority of those present and voting. Each member appointed under subparagraphs II(a) through (c) shall have one vote on matters coming before the board. The board shall meet quarterly and at such other times as may be deemed necessary by the chairperson.

VI. Board members shall not be subject to civil liability for acts performed in accordance with their duties under this chapter.

227-M:5 Powers and Duties of the Authority. The authority shall have all the powers necessary and convenient to carry out and effectuate the purposes and provisions of this chapter and shall:

I. Adopt bylaws for the regulation of its affairs and the conduct of its business.

II. Adopt criteria and guidelines for:

(a) The acquisition of resource assets;

(b) The restoration or rehabilitation of cultural and historical buildings or structures; and

(c) The stewardship and monitoring of resource assets on which program funds are expended.

III. Adopt definitions deemed important or necessary to carry out the purposes of this chapter.

IV. Oversee and direct the expenditure of funds deposited in the trust fund of the New Hampshire land and community heritage investment program in accordance with the purposes of this chapter. This includes, but is not limited to, the authority to draw upon funds for acquisition of resource assets, or related program purposes, and for the administrative costs of the program.

V. Make and execute contracts for services necessary to carry out the purposes of this chapter or necessary and convenient for the exercise of its powers and functions.

VI. Temporarily acquire real property or interests in real property, only when such acquisition is necessary or appropriate to protect or secure any investment in which the authority has an interest.

VII. 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, and the governor and council, and filed with the state library. The report shall detail the activities of the program during the past year including a listing of all resource assets acquired and restoration and rehabilitation projects undertaken, along with the associated expenditures. All administrative costs shall be provided, as well as a complete financial accounting of the trust fund established under RSA 227-M:7. The report shall also include a historical summary of the program's activities to date. A copy of the report shall be made available to any interested person. The authority shall cause an audit by an independent certified public accountant of its books and accounts to be made each fiscal year.

VIII. In addition, the authority may:

(a) Adopt an official seal.

(b) Maintain an office and hire staff.

(c) Apply for and accept from any source gifts and donations of: money, including money from appropriate fundraising activities; labor, equipment, and supplies; land and other real property; interests in land and other real property; federal, local, private, and other matching funds and incentives; and other assets to be deposited in the fund for the purposes of this chapter and to aid the authority in the conduct of its affairs.

227-M:6 Executive Director. The board of directors shall nominate one or more persons for appointment by the governor and council to serve as executive director. The executive director shall serve a term of 5 years, with reappointment or a vacancy to be filled in the same manner as the original appointment. At the request of the board, the governor and council may remove the executive director for cause. The executive director shall:

I. Coordinate the activities of state agencies directly involved with the administration of the program in accordance with this chapter.

II. Evaluate the eligible resources proposed for protection or restoration under this program, and determine if these resources meet the criteria of the program, subsequent to instruction by the board.

III. At the direction of the board, administer the affairs of the program and be directly responsible for executing all policies of the board.

227-M:7 Trust Fund Established; Administration.

I. There is established in the office of the state treasurer the trust fund for the New Hampshire land and community heritage investment program. Moneys in the fund and any interest earned on the fund shall be used for the purpose of this chapter and shall not be used for any other purpose. The trust fund shall be non-lapsing.

II. The state treasurer is instructed to invest the sums deposited in the fund in a prudent manner consistent with the purposes of this chapter. Interest earned on moneys in the fund shall accrue to the fund to the extent allowed under federal law.

III. No funds of any state agency shall be transferred to the trust fund without specific authorization from the general court. Federal funds accepted by the fiscal committee and governor and council for purposes similar to those of this chapter may be deposited in the trust fund.

227-M:8 Program Administration; Eligible Applicants; Matching Funds.

I. The authority shall distribute funds to further the purposes of this chapter only to eligible applicants. Eligible applicants shall include:

(a) Municipalities or other political subdivisions of the state; and

(b) Publicly-supported nonprofit corporations exempt from federal income taxation under section 501(c) of the Internal Revenue Code.

II. Other parties wishing to participate in the program may partner with one or more eligible applicants. The applicant must demonstrate the commitment of the owner of the assets to participate in the proposed action.

III. Financial assistance to eligible applicants shall be provided through grants and block grants (grants to another organization for re-granting). Financial assistance may only be expended on eligible resources for the following purposes:

(a) Acquisition of real property in fee simple.

(b) Acquisition of easement interests in real property.

(c) Restoration or rehabilitation of buildings or structures which are publicly-owned, or which are owned by a qualified publicly-supported nonprofit corporation.

(d) Surveys, appraisals, title work, and other legal or ancillary work necessary to carry out acquisitions .

(e) Resource inventories and planning.

(f) Other professional services.

IV. The authority shall not fund more than 50 percent of the appraised market value of any resource asset acquisition or more than 50 percent of any other expense eligible for financial assistance under RSA 227-M:8, III(c)-(f).

V. All eligible applicants are required to provide a level of matching resources that is no less than 50 percent of the appraised market value for any resource asset acquisition and that is no less than 50 percent of any other expense for which financial assistance is sought under RSA 227-M:8, III(c)-(f). A minimum of one half of the applicant's minimum match requirement must be provided in cash to be used in the purchase or preservation of the resource asset. Nothing shall prevent the eligible applicant from using all cash to fulfill the match requirements of the program. The balance, if any, of the non-cash match requirement may be met through any combination of:

(a) In-kind services;

(b) The appraised market value of donated real property or interest in real property, provided such real property is located in the municipality or municipalities in which the applicant property is located;

(c) Expenses specified under RSA 227-M:8, III(c)-(f), incurred or to be incurred; or

(d) A one-time investment in a stewardship endowment fund established by the applicant for the resource asset.

VI. Qualifying matching funds from the applicant may include, but are not limited to, municipal appropriations, private donations, federal funds, and monies from a conservation fund established under RSA 36-A:5.

VII. Matching beyond the minimum shall be encouraged of all applicants. The board is authorized, for a particular project, to either reduce the applicant's minimum match requirements under paragraph V or exceed the amount of financial assistance allowed under paragraph IV, but only by an affirmative vote of 9 voting members.

227-M:9 Acquisition, Restoration, and Protection Criteria and Guidelines.

I. The criteria and guidelines adopted pursuant to RSA 227-M:5, II for acquiring resource assets shall include, but shall not be limited to, the following:

(a) Imminence of threat to the land or property, such that the preservation of endangered structures and land conservation projects in densely developed or rapidly developing areas of the state shall receive a higher ranking;

(b) Uniqueness or significance of the resource;

(c) Proximity to other protected resources;

(d) Extent to which project meets multiple objectives of the program (natural, historic, and cultural);

(e) Strength of local support, such that project applications accompanied by an affirmative vote of the governing body of the municipality or governing bodies of the municipalities in which the project is located shall receive a higher ranking;

(f) Strength of private support;

(g) Cooperation between or among communities;

(h) Extent of leverage (ability of state funds to attract other public and private funds in a cost-share arrangement);

(i) Demonstrated ability and qualifying stewardship plan of eligible applicant to provide stewardship for the resource being protected; and

(j) Extent to which benefits can be conserved only through fee acquisition of the resource asset, weighed against acquisition through easement interest.

II. Nothing in this section shall be construed to require that each acquisition of a resource asset under this chapter must meet all the criteria listed in this section.

227-M:10 Management. Any owner of a resource asset acquired in fee simple under this chapter or for which program funds have been expended for restoration or rehabilitation work, shall manage such asset in accordance with any stewardship plan approved for the asset and any legal obligations entered into under this chapter pertaining to the resource asset. The program shall not manage any resource asset, except to the extent permissible under RSA 227-M:5, VI.

227-M:11 Stewardship. All applications submitted for funding resource asset acquisitions or restoration or rehabilitation projects must contain a stewardship plan. Applicants shall be allowed flexibility in devising such plans, but the authority shall make an affirmative finding that the stewardship plan is acceptable before awarding funds. Applications to the program for activities such as resource inventories and engineering studies are not required to include stewardship plans.

227-M:12 Monitoring Endowment.

I. For every eligible resource protected under this chapter by an easement interest, a percentage of funds from the program or contributions from the applicant, as specified by the authority, shall be provided to the monitoring endowment established under RSA 162-C:8.

II. Funds added to the monitoring endowment pursuant to RSA 227-M:12, I shall be used to support monitoring by state agencies, local municipalities, and qualifying nonprofit corporations of easement interests acquired under this chapter. Such monitoring shall be to ensure that the resource protected through the program will be managed according to the legal agreements concerning easement interests in the resource.

227-M:13 Road Expansion.

I. Notwithstanding any other provisions of this chapter, the New Hampshire land and community heritage authority shall recognize that the interest and public safety and welfare may, from time to time, require minor expansion, minor modification, or minor alteration of existing roads within the state highway system. After review and approval by the authority, and notwithstanding RSA 227-M:14, the department of transportation may obtain interests in lands acquired by the authority under this chapter adjacent to state highways. Permissible expansion, modifications, or alterations under this section shall include drainage easements, slope easements, lane widening, the addition of a passing, climbing, or turning lane, or similar adjustments, but shall not include construction of a new highway or portion thereof, construction of a bypass for an existing highway, or similar major alterations. Approval shall not be granted if reasonable and prudent alternatives exist nor if individual or cumulative approvals are likely to materially impair the conservation or preservation purposes for which the parcel was originally protected. Projects determined by the authority to be outside of the scope permitted by this chapter shall require approval from the general court.

II. The department of transportation shall submit a written request to the authority with plans and supporting documentation to demonstrate compliance with the provisions of this chapter. The authority shall hold a public hearing within 90 days of receipt of a complete request to release land and community heritage investment program interests. The authority shall provide at least 10 calendar days notice in advance of such hearing. Notification shall be made, at the expense

of the department, to the landowner, local governing body and conservation commission, abutters, the Society for the Protection of New Hampshire Forests, the Nature Conservancy, the Audubon Society of New Hampshire, the New Hampshire Wildlife Federation, the New Hampshire Preservation Alliance, the local historic district commission or the local heritage commission, or both, and the county conservation district, or their successors. Notification of the public hearing shall be published, by the department, in a paper of general circulation in the municipality and shall be posted, by the department, in at least 2 public places. At the hearing or within 15 days after the hearing, a majority of the authority's voting members shall vote to approve or deny the application, unless a time extension is requested by the department. Aggrieved parties, which include all parties who must be notified under this paragraph, may appeal the authority's decision to the superior court in the same manner as planning board decisions are appealed under RSA 677:15.

III. Compensation for any interest in land obtained by the department of transportation under this section shall be at the appraised full fair market value of those property interests at the time of the department's acquisition. Alternative forms of compensation such as replacement land with comparable conservation value, or a combination of monetary compensation and replacement land may be considered in appropriate circumstances, provided all parties owning an interest in the property agree to such terms.

IV. Compensation due to municipalities and nonprofit organizations shall be dedicated to the acquisition, managing, or monitoring of protected lands consistent with the purposes of this chapter. Compensation due landowners shall be as specified in the deed or as otherwise negotiated. Any party aggrieved by the amount of compensation may file a petition with the superior court in the same manner as damage appeals are filed from the board of tax and land appeals under RSA 498-A:27.

227-M:14 Public Trust. Resource assets acquired under this chapter through the use of the trust fund for the program shall be held in public trust and used and applied for the purposes of this chapter. Notwithstanding any other provision of law relating to the disposal of publicly-owned real estate, no deviation in the uses of any resource asset so acquired to uses or purposes not consistent with the purposes of this chapter shall be permitted. The sale, transfer, conveyance, or release of any resource asset from public trust is prohibited, except as provided in RSA 227-M:13.

227-M:15 Public Access; Liability. Lands and interests in lands purchased with funds from this program by any eligible applicant shall be open in perpetuity for passive recreational purposes. Language to be used in easement interests secured through the program shall approximate the intent of the following:

I. There is hereby conveyed pedestrian access to, on, and across the property for hunting, fishing, and transitory passive recreational purposes, but not camping, by members of the public. A grantor may reserve the right to post against vehicles, motorized or otherwise and against hunting on active livestock fields, against access to agricultural cropland during planting and growing season, and against access to forest land during harvesting or establishment of plantations.

II. The authority shall have the discretion to limit or prohibit passive recreational use on a case-by-case basis, where this activity would be inconsistent with the purpose for protecting the property and/or when public safety would be at risk. Additionally, the authority may stipulate, as a condition of funding, on a case-by-case basis where appropriate, that certain lands or interests in lands be available for motorized recreational uses.

III. No person, or successor in title, who has granted or sold rights of public access by virtue of an easement, right-of-way, development right, or other means in accordance with the

purposes of this chapter shall be liable to a user of that right of access for injuries suffered on that portion of the access unless those injuries are caused by the willful or wanton misconduct of the grantor or successor in title.

227-M:16 Recapture. If property is sold, by a seller who has received funds under this program regarding such property, to a non-eligible applicant, the program trust fund's cash investment in the property shall be returned to the program trust fund by the property seller. This section shall not apply to a sale between eligible applicants.

227-M:17 Receipt of Grant Recorded in Registry of Deeds. Receipt of a grant award under this program and conditions of such award shall be recorded in the registry of deeds for the county in which the property is located.

2 Land Conservation Investment Program; Management. Amend RSA 162-C:6, VII to read as follows:

VII. Compensation due to the state under this section shall be ~~[maintained in a separate, non-lapsing land acquisition fund to be managed by the state treasurer. The council, as successors to the land conservation investment program board of directors, shall develop rules pursuant to RSA 541-A, whereby agencies and/or municipalities, shall have access to these funds from time to time as resources permit. Such funds must be used for the acquisition of land, or interests in land, consistent with the purposes of this chapter]~~ ***deposited in the trust fund of the New Hampshire land and community heritage investment program established under RSA 227-M and used for the purposes of that program.*** Compensation due to municipalities shall be dedicated to the acquisition or monitoring of protected lands consistent with the purposes of this chapter. Compensation due to landowners of conservation easement lands shall be as specified in the conservation easement, deed, or as otherwise negotiated. Any party aggrieved by the amount of compensation may file a petition with the superior court in the same manner as damage appeals are filed from the board of tax and land appeals under RSA 498-A:27.

3 Land Conservation Investment Program; Office of State Planning; Powers and Duties. Amend RSA 162-C:7 to read as follows:

162-C:7 Powers and Duties. The council shall oversee, direct, and expend funds in the monitoring endowment of the former New Hampshire land conservation investment program in accordance with the purposes of this subdivision ***and RSA 227-M:12.*** This includes, but is not limited to, the authority to draw upon funds for the administrative costs of the endowment.

4 Land Conservation Investment Program; Monitoring Endowment. Amend RSA 162-C:8, I-III to read as follows:

I. The monitoring endowment established by the board of directors pursuant to former RSA 221-A:5, III shall be maintained in perpetuity and shall be utilized by the council only for the purposes of monitoring and enforcing the property rights of persons with ownership interests in property acquired through the former land conservation investment program ***and for the purposes of RSA 227-M:12.***

II. The principal of the endowment shall be managed by the state treasurer for the sole purpose of providing interest earnings for the purposes set forth in this subdivision ***and RSA 227-M:12,*** and expenditures from the endowment for those purposes shall be limited to the interest earned thereon.

III. Any interest earned on the endowment principal which is not used for the purposes set forth in this subdivision **and RSA 227-M:12** within the fiscal year in which it is earned shall be added to the principal amount. The state treasurer is authorized to accept gifts, donations, and grants, including federal gifts, donations, and grants, for the purposes set forth in this chapter, and such gifts, donations and grants shall be added to the principal amount.

5 Motor Vehicles; Certificates of Title and Registration; Conservation Number Plates; Fee. Amend RSA 261:97-a, I to read as follows:

I. The director is hereby authorized to issue special conservation number plates, in lieu of other number plates. The design of these special plates shall be determined as provided in RSA 261:97-d. The plates shall retain the "live free or die" logo. Such plates shall be issued only upon application and upon payment of a [~~\$25~~] **\$30** fee that shall be in addition to the regular motor vehicle registration fee and any other number plate fees otherwise required.

6 Motor Vehicles; Certificates of Title and Registration; Conservation Number Plates; Fee. Amend RSA 261:97-a, III to read as follows:

III. Plates shall be renewed on an annual basis for [~~\$25~~] **\$30** per set. Of this sum, the department shall retain an amount as is necessary to recover production and administrative costs as approved by the fiscal committee of the general court. The remaining funds shall be paid to the state treasurer and distributed as provided in RSA 261:97-b. The cost of replacement number plates shall be identical to the cost of initial number plates and the revenue from replacement number plates shall be distributed in the same manner as revenue derived from initial number plates.

7 Motor Vehicles; Certificates of Title and Registration; Conservation Number Plate Trust Fund; Distribution of Funds. Amend RSA 261:97-b, I to read as follows:

I. There is hereby established a conservation number plate trust fund under the administration of the state treasurer. The fund shall be used for the promotion, protection, and investment in the state's natural, cultural, and historic resources. The fund shall be nonlapsing. The state treasurer shall distribute the funds annually on July 1, ***except as provided in paragraph I-a***, as follows: \$5,000 of every \$100,000 received, up to a total of \$50,000, shall be distributed to the department of transportation for the expanded wild flower establishment program for use in planting native wild flowers; the remainder shall be distributed equally among the department of cultural resources, the department of fish and game, the department of resources and economic development, [~~and~~] the state conservation committee, ***and the New Hampshire land and community heritage investment authority***.

I-a. The state treasurer shall distribute the share of funds due the New Hampshire land and community heritage investment authority, pursuant to RSA 261:97-b, I, on the first day of each month. The total amount shall not exceed \$200,000 per fiscal year.

8 Motor Vehicles; Certificates of Title and Registration; Conservation Number Plate Trust Fund; Use of Funds. Amend RSA 261:97-c, V-VI to read as follows:

V. The funds transferred to the New Hampshire land and community heritage investment authority shall be used for the administration of the New Hampshire land and community heritage investment program.

[~~V.~~] ***VI.*** The funds transferred to the department of transportation shall be used for the expanded wildflower establishment program to be used in maintenance districts.

~~[VII]~~ **VII.** Any funds transferred from the conservation number plate trust fund which remain unexpended at the end of the fiscal year shall be non-lapsing.

9 Initial Appointees. The terms of the initial appointees by the governor and council to the New Hampshire land and community heritage investment authority under RSA 227-M:4, II(c) shall be staggered as follows:

I. The member representing regional planning commissions and the member representing business or real estate interests shall serve a one-year term.

II. The member representing municipal interests and the member representing local planning interests shall serve a 2-year term.

III. The member representing outdoor recreation interests and the member representing natural resources interests shall serve a 3-year term.

IV. The members representing cultural and historic resource interests shall each serve a 4-year term.

10 Transfer. The sum of \$3,000,000 from the New Hampshire economic development fund established under RSA 12-A:2-e, I shall be transferred to the trust fund established under RSA 227-M:7, I upon passage of this act, but shall not be available for distribution until April 1, 2001. This sum, and any interest earned thereon, shall not be used for administrative purposes.

11 Appropriation; Administrative Costs. The sum of \$50,000 is appropriated to the New Hampshire land and community heritage authority established in section 1 of this act, for the purpose of funding administrative costs of the authority for the biennium ending June 30, 2001. The source of funds for the \$50,000 shall be as follows:

I. Notwithstanding the purpose of RSA 227-G:5, \$40,000 from the forest management and protection fund, established in RSA 227-G:5.

II. \$5,000 from PAU 02, 03, 01, class 20, department of agriculture, markets, and food funds for the fiscal year 2000.

III. \$5,000 from PAU 02, 03, 05, 01, class 24, department of agriculture, markets, and food funds for fiscal year 2000.

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

AMENDED ANALYSIS

This bill:

I. Establishes the New Hampshire land and community heritage investment program.

II. Establishes the New Hampshire land and community heritage investment authority, and establishes its powers, duties, and authority.

III. Establishes membership on the authority's board of directors.

IV. Establishes criteria for acquisition of lands and other natural, cultural, and historical resources.

V. Increases the fee charged for the issuance of special conservation number plates from \$25 to \$30.

VI. Provides that a portion of funds received in the conservation numbers plate trust fund shall be distributed monthly to the New Hampshire land and community heritage investment authority for the purpose of administering the New Hampshire land and community heritage investment program.

VII. Provides a \$50,000 appropriation for the purpose of administering the program for the biennium ending June 30, 2001, with such funds being transferred from the forest management and protection fund and the department of agriculture, markets, and food.

VIII. Provides for a transfer of \$3,000,000 to the program from the New Hampshire economic development fund.

IX. Transfers responsibility for the administration of the land conservation investment program and monitoring endowment under RSA 162-C to the office of state planning.

Adopted.

Reps. Kennedy and Fuller Clark spoke in favor.

Rep. Fuller Clark requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 326 NAYS 9

YEAS 326

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Czech, Stanley	Holbrook, Robert
Lawton, David	Millham, Alida	Pilliod, James	Rice, Thomas
Rosen, Ralph	Russell, David	Thomas, John	Wendelboe, Francine
Wood, Jane			

CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Lyman, L Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith	Torressen, Gary	

CHESHIRE

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
Doucette, Richard	Hunt, John	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meader, David	Mitchell, McKim
Pratt, Irene	Richardson, Barbara	Roberts, William	Robertson, Timothy
Rose, William	Royce, H Charles	Zerba, Roger	

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Merrill, Gerald	Pratt, Leighton
Rodrigue, Robert	Tholl, John Jr	Woodward, David	

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Cobb, John	Copenhaver, Marion	Densmore, Jessica	Eaton, Stephanie
Gilman, G Michael	Guest, Robert	Ham, Bonnie	Harmon, Hobart
Hinman, Harry	Johnson, Gary	Marshall, Gene	Nordgren, Sharon
Phinney, William	Scanlan, David	Solow, Martha	Ward, Brien
Weber, Phil			

HILLSBOROUGH

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Arthur, Rose	Baroody, Benjamin	Batula, Peter	Beaupre, Roland
Belvin, William	Bergeron, Lucien	Bergin, Peter	Brundige, Robert
Bruno, Pierre	Buckley, Raymond	Burkush, James	Calawa, Leon Jr
Carlson, Donald	Christiansen, Lars	Clegg, Robert Jr	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Curran, James	Daigle, Robert	Dalianis, Griffin	Daniels, Gary
Dawe, Eileen	Desmarais, Vivian	Dokmo, Cynthia	Drabinowicz, A Theresa
Durham, Susan	Dwyer, Paul Sr	Dyer, Merton	Fenton, James
Fields, Dennis	Flora, Kathleen	Foster, Linda	Franks, Suzan
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary

Goulet, Maurice	Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty
Hansen, Herbert	Herman, Keith	Herman, Richard	Holley, Sylvia
Hunter, Bruce	Jean, Claudette	Jean, Loren	Johnson, Lionel
Keye, Harvey	Konys, Christine	Kurk, Neal	L'Heureux, Robert
LaPorte, George	LaRose, Richard	Lasky, Bette	Lefebvre, Roland
Leishman, Peter	Leonard, Peter	Lessard, Rudy	Lozeau, Donnalee
Lynde, Harold	MacGillivray, Jeffrey	Martel, Andre	McCarthy, William
McCarty, Winston	McColgan, Philip Jr	McDonough-Wallace, Alice	McGough, Tim
McRae, Karen	Melcher, Harold	Mendenhall, Leslie	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	Moriarty, Mary
Mosher, William	Murphy, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy
O'Hearn, Jane	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Reeves, Sandra	Reidy, Frank	Rowe, Robert	Sargent, Maxwell
Simon, Anthony	Thulander, O Alan	Turgeon, Roland	Wall, Nancy
White, Donald	White, John	Williams, Carol	

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Crosby, Toni	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fortnam, Janet	Fraser, Marilyn	French, Barbara	Gile, Mary
Hager, Elizabeth	Hess, David	Jacobson, Alf	Kennedy, Richard
Larrabee, David Sr	Lavoie, Gerard	Leber, William	Lockwood, Priscilla
Marple, Richard	Marshall, Kenneth	Maxfield, Roy	Moore, Carol
Owen, Derek	Potter, Frances	Poulin, Dave	Rodd, Beth
Rosenfield, Jay	Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Wallner, Mary Jane	Whalley, Michael	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Blanchard, MaryAnn	Case, Margaret	Christie, Andrew Jr
Clark, Martha	Clark, Vivian	Cooney, Richard	Cox, Russell
Dalrymple, Janeen	DiFruscia, Anthony	Downing, Michael	Fesh, Robert
Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila	Gibbons, Paul

Gleason, John	Grant, Kenneth	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Katsakiores, George	Kelley, William	Kobel, Rudolph
Langley, Jane	Letourneau, Robert	Lovejoy, Marian	Major, Norman
McKinney, Betsy	Mikowski, Walter	Moore, Benjamin	Norelli, Terie
Noyes, Richard	O'Keefe, Patricia	O'Neil, Michael	Packard, Sherman
Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Raynowska, Bernard	Rubin, George	Sabella, Norma
Sapareto, Frank	Shelton, Richard	Shultis, Elizabeth	Stickney, Nancy
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas
Vaughn, Charles	Weare, Everett	Welch, David	Weyler, Kenneth
Zolla, William			

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Callaghan, Frank	Cossette, Larry	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Grassie, Anne
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Lundborn, Raymond	McKinley, Robert	Musler, George
Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Spear, Barbara	Taylor, Kathleen
Torr, Franklin	Tsiros, William	Twardus, Joseph	Vachon, Dennis
Vincent, Francis	Wall, Janet	Woods, Phyllis	

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	Jones, Constance	Kibbey, David	Leone, Richard
Phinizy, James	Tuthill, John	Wiggins, Celestine	Young, David

NAYS 9

BELKNAP

Boyce, Robert	Johnson, James	Turner, Robert
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CARROLL

None

CHESHIRE

None

COOS

None

GRAFTON

Hall, David

HILLSBOROUGH

Fletcher, Richard

Vaillancourt, Steve

MERRIMACK

None

ROCKINGHAM

Flanders, David

Nowe, Mary Lou

Nowe, Ronald

STRAFFORD

None

SULLIVAN

None

and the report was adopted.

SUSPENSION OF RULES

Reps. Chandler and Burling move that the Rules be so far suspended as to permit third reading and final passage at the present time of ***SB 401-FN-A-L***, establishing the New Hampshire land and community heritage investment program and making an appropriation therefor.

Adopted by the necessary two thirds.

Motion on SB 401

Rep. Chandler moved that ***SB 401-FN-A-L***, establishing the New Hampshire land and community heritage investment program and making an appropriation therefor, be read a third time and passed.

Adopted.

Third reading and final passage

SB 401-FN-A-L, establishing the New Hampshire land and community heritage investment program and making an appropriation therefor.

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

senate message

concurrence

HB 1548, abolishing the death penalty.

RECESS

(Speaker Sytek in the Chair)

(Clerk's Note)

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

senate messages

requests concurrence with amendments

HB 1309, relative to wood-to-energy rate order buydowns. (Amendment printed SJ 5/11/00)

Rep. Bradley moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

HJR 21, calling for changes in the federal Clean Air Act regarding best available control technology and lowest achievable emission rate. (Amendment printed SJ 4/27/00)

Rep. Bradley moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

HJR 24, urging the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE additive and to promptly eliminate Clean Air Act requirements for oxygenates in gasoline. (Amendment printed SJ 4/27/00)

Rep. Bradley moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

HB 1146-L, relative to tax increment financing. (Amendment printed SJ 5/11/00)

Rep. Hess moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

HCR 27, requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes and urging the federal government to allow states to exercise greater control over state-specific banking interests. (Amendment printed SJ 5/11/00)

Rep. Tufts moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

regular calendar (cont'd.)

SB 419-FN, establishing the crime of negligent storage of a firearm. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.

Rep. Beth Rodd for Criminal the Majority of Justice and Public Safety: The committee agreed that the original version of the bill was unnecessarily punitive towards negligent gun owners, criminalizing behaviors that could be better addressed through education. The amended version removes the incarceration penalty, a class A misdemeanor, and replaces it with a violation with a possible fine of up to 1,000 dollars. It also lowers the age of a "child" under the bill from 18 years to less than 16 years old. Youths who have passed the state hunter education course can obtain a hunting license at age 16. The added language, section V (a), is true to the original intent of the bill because it focuses primarily on education and safety to prevent harm or loss of life without interfering with the right of gun owners to constitutionally protected rights to keep and bear arms. The amended version of this bill more fairly and sensibly addresses issues associated with the negligent storage of firearms and accessibility by children, protects responsible gun owners and

holds negligent owners responsible for their failure to ensure the safety of children if a child obtains access to an easily accessible firearm. Existing statutes allow for civil penalties when harm is done. Vote 11-3.

Rep. John E. Tholl, Jr. for the Minority of Criminal Justice and Public Safety: Last year, SB 163 was enacted into law. It established a commission (reducing violent incidence involving children and guns commission) to study ways to reduce violence with children and guns. This commission is made up of a broad spectrum of members from legislators, medical professionals, mental health professionals, educators, firearms manufacturers and sportsmen's clubs among others. The commission has been meeting and is not due to report until November 2000. Rather than wait for its recommendations, the prime sponsor of SB 163 filed several bills pertaining to the subject, including SB 419. The filing of these bills was premature since the commission wasn't due to file its report for at least 11 months. SB 419 will not prevent injuries or deaths, it will only punish. The minority of the Criminal Justice and Public Safety Committee feels that SB 419 should be referred for Interim Study.

Amendment (4356h)

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

1 New Chapter; Negligent Storage of Firearms. Amend RSA by inserting after chapter 650-B the following new chapter:

CHAPTER 650-C

Negligent Storage of Firearms

650-C:1 Negligent Storage of Firearms.

I. Nothing in this section shall be construed to reduce or limit any existing right to purchase and own firearms or ammunition, or both, or to provide authority to any state or local agency to infringe upon the privacy of any family, home or business except by lawful warrant.

II. As used in this section, "child," "juvenile" or "youth" shall mean any person under 16 years of age.

III. Any person who stores or leaves on premises under that person's control a loaded firearm, and who knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or guardian, is guilty of a violation if a child gains access to a firearm and:

(a) The firearm is used in a reckless or threatening manner;

(b) The firearm is used during the commission of any misdemeanor or felony;

or

(c) The firearm is negligently or recklessly discharged.

IV. Any person who violates paragraph III shall be fined not more than \$1,000.

V. This section shall not apply whenever any of the following occurs:

(a) The child has completed firearm safety instructions by a certified firearms safety instructor or has successfully completed a certified hunter safety course.

(b) The firearm is kept secured in a locked box, gun safe, or other secure locked space, or in a location which a reasonable person would believe to be secure, or is secured with a trigger lock or similar device that prevents the firearm from discharging.

(c) The firearm is carried on the person or within such a close proximity thereto so that the individual can readily retrieve and use the firearm as if carried on the person.

(d) The child obtains or obtains and discharges the firearm in a lawful act of self-defense or defense of another person.

(e) The person who keeps a loaded firearm on any premises which are under such person's custody or control has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.

(f) The child obtains the firearm as a result of an illegal entry of any premises by any person or an illegal taking of the firearm from the premises of the owner without permission of the owner.

VI. A parent or guardian of a child who is injured or who dies of an accidental shooting shall be prosecuted under this section only in those instances in which the parent or guardian behaved in a grossly negligent manner.

VII. Licensees shall conspicuously post at each purchase counter the following warning in bold type not less than one inch in height: "IT IS IMPORTANT THAT THE OWNER OF A FIREARM SEEK FIREARM SAFETY INSTRUCTIONS FROM A CERTIFIED FIREARMS INSTRUCTOR AND KEEP FIREARMS SECURED FROM UNAUTHORIZED USE." A licensee failing to display this warning to the purchaser of a firearm shall be guilty of a violation.

2 Effective Date. This act shall take effect January 1, 2001.

Rep. McGough requested a roll call; sufficiently seconded.

The question being the adoption of the majority amendment.

YEAS 236 NAYS 29

YEAS 236

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Millham, Alida	Pilliod, James	Rosen, Ralph
Thomas, John	Turner, Robert	Wendelboe, Francine	

CARROLL

Bradley, Jeb	Chandler, Gene	Howard, Godfrey	Kenney, Joseph
Lyman, L Randy	Patten, Betsey	Philbrick, Donald	Sullivan, P Judith

CHESHIRE

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Doucette, Richard
Hunt, John	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Richardson, Barbara
Roberts, William	Robertson, Timothy	Rose, William	Royce, H Charles
Zerba, Roger			

COOS

Davis, Perley	Horton, Lynn	Mears, Edgar	Merrill, Gerald
Pratt, Leighton			

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Cobb, John
Copenhaver, Marion	Densmore, Jessica	Eaton, Stephanie	Gilman, G Michael
Guest, Robert	Hall, David	Ham, Bonnie	Harmon, Hobart
Johnson, Gary	Marshall, Gene	Nordgren, Sharon	Scanlan, David

HILLSBOROUGH

Ahern, Richard	Alukonis, David	Arnold, Thomas Jr	Baroody, Benjamin
Belvin, William	Bergeron, Lucien	Brundige, Robert	Bruno, Pierre
Buckley, Raymond	Calawa, Leon Jr	Carlson, Donald	Clegg, Robert Jr
Clemons, Jane	Cote, David	Cote, Peter	Curran, James
Daigle, Robert	Dalianis, Griffin	Daniels, Gary	Dawe, Eileen
Drabinowicz, A Theresa	Durham, Susan	Flora, Kathleen	Ford, Nancy
Foster, Linda	Franks, Suzan	Garrish, Linda	Haettenschwiller, Alphonse
Haley, Robert	Hall, Betty	Hansen, Herbert	Herman, Keith
Herman, Richard	Holley, Sylvia	Jean, Claudette	Johnson, Lionel
Keye, Harvey	Konys, Christine	Kurk, Neal	LaPorte, George
LaRose, Richard	Lefebvre, Roland	Leishman, Peter	Leonard, Peter

Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston
Melcher, Harold	Mendenhall, Leslie	Messier, Irene	Moran, Edward
Mosher, William	Murphy, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy
O'Hearn, Jane	Pappas, Marc	Reidy, Frank	Rowe, Robert
Sargent, Maxwell	Simon, Anthony	Thulander, O Alan	Turgeon, Roland
Vaillancourt, Steve	White, Donald	White, John	Williams, Carol

MERRIMACK

Anderson, Eric	Asplund, Bronwyn	Chase, George	Daneault, Gabriel
Davis, Francis	Feuerstein, Martin	Fraser, Marilyn	Gile, Mary
Hess, David	Kennedy, Richard	Lavoie, Gerard	Leber, William
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Maxfield, Roy
Moore, Carol	Owen, Derek	Potter, Frances	Poulin, Dave
Rodd, Beth	Rosenfield, Jay	Seldin, Gloria	St Cyr, Gerard
Virtue, Carolyn	Wallin, Jean	Whalley, Michael	Whittemore, James
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Blanchard, MaryAnn	Christie, Andrew Jr	Clark, Martha
Clark, Vivian	Cooney, Richard	Dalrymple, Janeen	DiFruscia, Anthony
Dowling, Patricia	Fesh, Robert	Flanagan, Natalie	Flanders, John Sr
Francoeur, Sheila	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Kane, Cecelia	Katsakiores, Phyllis	Kelley, Jane
Kobel, Rudolph	Langley, Jane	Letourneau, Robert	Major, Norman
Mikowski, Walter	Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard
O'Keefe, Patricia	O'Neil, Michael	Packard, Sherman	Pantelakos, Laura
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Rubin, George
Sabella, Norma	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Stone, Joseph	Tufts, J Arthur	Varrell, Thomas	Verani, Giovanni
Weare, Everett	Weatherspoon, Jackie	Welch, David	Weyler, Kenneth
Zolla, William			

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Callaghan, Frank	Cossette, Larry	Kaen, Naida	Knowles, William
Lundborn, Raymond	Musler, George	Pelletier, Arthur	Rogers, Rose Marie
Snyder, Clair	Spear, Barbara	Taylor, Kathleen	Torr, Franklin
Tsiros, William	Twardus, Joseph	Vincent, Francis	Wall, Janet

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	Jones, Constance	Phinizy, James	Wiggins, Celestine
Young, David			

NAYS 29

BELKNAP

Johnson, James	Rice, Thomas
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CARROLL

Babson, David Jr	Mock, Henry	Torressen, Gary
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CHESHIRE

None

COOS

None

GRAFTON

Brothers, Richard	Mirski, Paul
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HILLSBOROUGH

Andrews, Frederick	Beaupre, Roland	Christiansen, Lars	Desmarais, Vivian
Fletcher, Richard	Jean, Loren	Lessard, Rudy	McCarthy, William
Reeves, Sandra	Wall, Nancy		

MERRIMACK

Jacobson, Alf

ROCKINGHAM

Cox, Russell

Gibbons, Paul

Grant, Kenneth

Hutchinson, Karen

Johnson, Robert

Kelley, William

Raynowska, Bernard

Stickney, Nancy

Vaughn, Charles

STRAFFORD

Heon, Richard

Rollo, Michael

SULLIVAN

None

and the majority amendment was adopted by the necessary two-thirds.

Reps. Fields, McGough and Phyllis Woods did not vote and wished to be recorded in favor.

(Clerk's Note)

The constitutionally required two-thirds of the membership was declared present.

The question now being the adoption of the majority report.

Reps. Mirski, Weber, and Pepino spoke against and yielded to questions.

Reps. Rodd and Fuller Clark spoke in favor.

Rep. Welch spoke in favor and yielded to questions.

Rep. McGough requested a roll call; sufficiently seconded.

YEAS 194 NAYS 149

YEAS 194

BELKNAP

Boriso, Thomas

Millham, Alida

Pilliod, James

Russell, David

Turner, Robert

Wood, Jane

CARROLL

Bradley, Jeb

Howard, Godfrey

CHESHIRE

Avery, Stephen

Batchelder, Robert

Burnham, Daniel

Doucette, Richard

Hunt, John

Lynch, Margaret

Lynott, Margaret

Manning, Joseph

Meador, David

Mitchell, McKim

Pratt, Irene

Pratt, John

Richardson, Barbara

Robertson, Timothy

Zerba, Roger

COOS

Davis, Perley

Glines, Sara

Horton, Lynn

Landers, Dana

Mears, Edgar

Rodrigue, Robert

Woodward, David

GRAFTON

Almy, Susan

Copenhaver, Marion

Densmore, Jessica

Guest, Robert

Ham, Bonnie

Johnson, Gary

Marshall, Gene

Nordgren, Sharon

Solow, Martha

HILLSBOROUGH

Ahern, Richard

Arthur, Rose

Baroody, Benjamin

Bergeron, Lucien

Bergin, Peter

Buckley, Raymond

Burkush, James

Clemons, Jane

Cote, David

Cote, Peter

Curran, James

Daigle, Robert

Dawe, Eileen

Dokmo, Cynthia

Dyer, Merton

Fields, Dennis

Flora, Kathleen

Ford, Nancy

Foster, Linda

Franks, Suzan

Garrish, Linda

Ginsburg, Ruth

Gorman, Mary

Haettenschwiller,
Alphonse

Haley, Robert

Hall, Betty

Hansen, Herbert

Herman, Richard

Holley, Sylvia

Jean, Claudette

Johnson, Lionel

Keye, Harvey

Konys, Christine

LaPorte, George

LaRose, Richard

Lasky, Bette

Leishman, Peter

Leonard, Peter

Lynde, Harold

McCarthy, William

McColgan, Philip Jr

McDonough-Wallace,
Alice

Melcher, Harold

Mendenhall, Leslie

Mercer, Robert	Messier, Irene	Milligan, Robert	Moriarty, Mary
Mosher, William	Murphy, Robert	O'Connell, Timothy	O'Hearn, Jane
Reidy, Frank	Rowe, Robert	Sargent, Maxwell	Simon, Anthony
Turgeon, Roland	White, John	Williams, Carol	

MERRIMACK

Bouchard, Candace	Chase, George	Crosby, Toni	Daneault, Gabriel
Davis, Francis	Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Hess, David
Lavoie, Gerard	Moore, Carol	Owen, Derek	Potter, Frances
Poulin, Dave	Rodd, Beth	Rosenfield, Jay	Seldin, Gloria
St Cyr, Gerard	Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Bishop, Franklin	Blanchard, MaryAnn	Case, Margaret
Christie, Andrew Jr	Clark, Martha	Cooney, Richard	Cox, Russell
Dalrymple, Janeen	Downing, Michael	Flanagan, Natalie	Francoeur, Sheila
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hutchinson, Rebecca	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Langley, Jane	Lovejoy, Marian
Norelli, Terie	Noyes, Richard	O'Keefe, Patricia	O'Neil, Michael
Pantelakos, Laura	Pitts, Jacqueline	Sabella, Norma	Shelton, Richard
Shultis, Elizabeth	Splaine, James	Stone, Joseph	Stritch, C Donald
Tufts, J Arthur	Vaughn, Charles	Weatherspoon, Jackie	Welch, David

STRAFFORD

Berube, Roger	Brennan, William	Brown, George	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Grassie, Anne
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Lundborn, Raymond	Musler, George	Pelletier, Arthur
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis
Vincent, Francis	Wall, Janet		

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	Wiggins, Celestine		

NAYS 149

BELKNAP

Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Lawton, David	Rice, Thomas	Rosen, Ralph
Thomas, John	Wendelboe, Francine		

CARROLL

Babson, David Jr	Chandler, Gene	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald
Sullivan, P Judith	Torressen, Gary		

CHESHIRE

Blaisdell, Michael	McGuirk, Paul	Roberts, William	Rose, William
Royce, H Charles			

COOS

Gallus, John	Guay, Lawrence	Merrill, Gerald	Pratt, Leighton
Tholl, John Jr			

GRAFTON

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Eaton, Stephanie	Gilman, G Michael	Hall, David	Harmon, Hobart
Hinman, Harry	Mirski, Paul	Phinney, William	Scanlan, David
Ward, Brien	Weber, Phil		

HILLSBOROUGH

Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr	Beaupre, Roland
Belvin, William	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr

Carlson, Donald	Christiansen, Lars	Clegg, Robert Jr	Dalianis, Griffin
Daniels, Gary	Desmarais, Vivian	Drabinowicz, A Theresa	Durham, Susan
Fenton, James	Fletcher, Richard	Goley, Jeffrey	Goulet, Maurice
Herman, Keith	Hunter, Bruce	Jean, Loren	Kurk, Neal
L'Heureux, Robert	Lefebvre, Roland	Lessard, Rudy	Lozeau, Donnalee
MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston	McDonald, James Sr
McGough, Tim	McRae, Karen	Moran, Edward	Nolan-Piteri, Dawn
Ouellette, Dean	Pappas, Marc	Pepino, Leo	Reeves, Sandra
Thulander, O Alan	Vaillancourt, Steve	Wall, Nancy	White, Donald
Withee, Dennis			

MERRIMACK

Anderson, Eric	Asplund, Bronwyn	Brewster, Richard	Kennedy, Richard
Larrabee, David Sr	Leber, William	Lockwood, Priscilla	Marple, Richard
Marshall, Kenneth	Maxfield, Roy	Virtue, Carolyn	Whalley, Michael
Whittemore, James			

ROCKINGHAM

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Clark, Vivian
DiFruscia, Anthony	Dowling, Patricia	Fesh, Robert	Flanders, John Sr
Gibbons, Paul	Grant, Kenneth	Hutchinson, Karen	Johnson, Robert
Kelley, William	Letourneau, Robert	Major, Norman	McKinney, Betsy
Mikowski, Walter	Nowe, Mary Lou	Nowe, Ronald	Packard, Sherman
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Raynowska, Bernard
Rubin, George	Sapareto, Frank	Stickney, Nancy	Varrell, Thomas
Verani, Giovanni	Weare, Everett	Weyler, Kenneth	Zolla, William

STRAFFORD

Bickford, David	Brown, Julie	Callaghan, Frank	Cossette, Larry
McKinley, Robert	Spear, Barbara	Torr, Franklin	Tsiros, William
Woods, Phyllis			

SULLIVAN

Jones, Constance	Kibbey, David	Leone, Richard	Phinizy, James
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Tuthill, John

Young, David

and the majority report was adopted.

Ordered to third reading.

Rep. David Flanders declared a conflict and did not participate.

SUSPENSION OF RULES

Reps. Chandler and Burling move that the Rules be so far suspended as to permit third reading and final passage at the present time of **SB 353**, relative to sales of insurance by financial institutions, **SB 363**, relative to the sale of malt beverages, **SB 409-FN**, relative to health insurance coverage of qualified clinical trials and **SB 419-FN-L**, establishing the crime of negligent storage of a firearm.

Adopted by the necessary two thirds.

Motion on senate bills

Rep. Chandler moved that, **SB 353**, relative to sales of insurance by financial institutions, **SB 363**, relative to the sale of malt beverages, **SB 409-FN**, relative to health insurance coverage of qualified clinical trials and **SB 419-FN-L**, establishing the crime of negligent storage of a firearm, be read a third time and passed.

Adopted.

Third reading and final passage

SB 353, relative to sales of insurance by financial institutions.

SB 363, relative to the sale of malt beverages.

SB 409-FN, relative to health insurance coverage of qualified clinical trials.

SB 419-FN-L, establishing the crime of negligent storage of a firearm.

regular calendar (Cont'd.)

SB 445-FN, relative to methadone maintenance treatment. OUGHT TO PASS WITH AMENDMENT

Rep. Kathleen M. Flora for Criminal Justice and Public Safety: This bill, as amended, closes a loophole in current law by repealing RSA 318-B:10, VII under which methadone detoxification

treatment programs for heroin addiction have been allowed to operate without the oversight of state rules. The amendment requires the Commissioner of Health and Human Services to adopt rules relative to methadone detoxification and methadone maintenance treatment for heroin addiction by June 30, 2001. In addition, SB 445, as amended, allows methadone maintenance treatment programs to operate in New Hampshire once rules are adopted. These rules will require that methadone maintenance be provided within a rehabilitative framework. This brings New Hampshire law for the treatment of heroin addiction in line with the most current recommendations of the National Institute of Health, the National Institute on Drug Abuse, the New Hampshire State Medical Society and our own division of Alcohol, Drug Abuse Prevention and Recovery as an effective treatment modality for this addiction. Testimony from the medical community strongly supports this action to enable the addicted persons to return as quickly as possible to contributing members of society. Patients on methadone are able to become functional members of their families and communities. They are able to maintain employment and get the necessary counseling, needed to achieve long term success in defeating their addiction. Law enforcement officials including the New Hampshire Attorney General supported enforcement, education and treatment as a three pronged approach to eradicate illegal drug use in the State of New Hampshire. Studies have demonstrated a decrease in criminal activity corresponding to the initiation of methadone treatment. We have a growing, statewide heroin problem in New Hampshire. SB 445, as amended, allows for the provision of well-regulated comprehensive treatment and rehabilitation for heroin addiction. Vote 13-2.

Amendment (4358h)

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

1 Methadone Maintenance Treatment; Rulemaking. RSA 318-B:10, VII is repealed and reenacted to read as follows:

VII.(a) The department of health and human services is hereby declared to be the state methadone authority.

(b) The commissioner of the department of health and human services shall, on or before June 30, 2001, adopt and have in effect rules, pursuant to RSA 541-A, relative to detoxification and methadone maintenance programs as follows:

(1) Application procedure and standards for approval for certification and re-certification of providers to operate detoxification and methadone maintenance programs, including certification period, for each type of certification.

(2) Eligibility of individuals for admission to such programs.

(3) Qualifications of program personnel.

(4) Program content, including, but not limited to, services to be offered by the program.

(5) Mandatory records and reports to the department.

(6) Security measures to prevent diversion of methadone to illegal use.

(7) Confidentiality and disclosure of identifying information, records and reports.

(8) Financial responsibility.

(9) Any other provisions necessary to implement the purposes of this paragraph.

(c) Providers may operate a methadone detoxification or methadone maintenance program, or both, in the state of New Hampshire only if the providers are certified to operate pursuant to rules adopted under subparagraph VII(b). In implementing subparagraph VII(b), the commissioner shall not use the interim rulemaking process in RSA 541-A:19.

(d) For the purposes of this paragraph:

(1) "Heroin" means an illegal semi-synthetic drug produced from the morphine contained in sap of the opium poppy, and known to have the potential for devastating addictive properties in vulnerable individuals.

(2) "Methadone" means a legal drug, methadone hydrochloride, which is a synthetic opiod that has been demonstrated to be an effective treatment agent for heroin abuse and dependence.

(3) "Methadone detoxification treatment" means the dispensing of methadone or similar substance in decreasing doses to an individual in order to reduce or eliminate adverse physiological or psychological effects incident to the withdrawal from the sustained use of heroin.

(4) "Methadone maintenance program" means a substance abuse treatment program substituting methadone or any of its derivatives, over time, to relieve withdrawal symptoms of heroin dependence, to reduce craving, and to permit normal functioning and engagement in rehabilitative services.

(e) Nothing in this paragraph shall prohibit a licensed health care practitioner from administering, prescribing, or dispensing a controlled drug under paragraph I.

2 Applicability. Notwithstanding RSA 318-B:10, VII(c) as inserted by section 1 of this act, methadone detoxification programs licensed pursuant to federal statute and regulations may operate without certification under paragraph VII for up to 90 days after the effective date of rules adopted under RSA 318-B:10, VII(b) as inserted by section 1 of this act.

3 Applicability.

I. Notwithstanding the above, nothing in this act shall be construed as prohibiting or limiting the provision of methadone detoxification treatment or from prohibiting or limiting treatment for those persons in treatment under RSA 318-B:10, VIII. Any other methadone detoxification treatment shall cease to operate on June 30, 2001 if the rules required under section 1 of this act have not been adopted.

II. Any provider under this section may provide treatment as long as the provider meets Commission on Accreditation of Rehabilitation Facilities (CARF) accreditation standards and

is licensed by the federal Food and Drug Administration and the federal Drug Enforcement Administration, and otherwise meets all applicable state and federal laws and regulations.

4 New Paragraph; Definition Added. Amend RSA 318:1 by inserting after paragraph VII the following new paragraph:

VII-a. "Limited retail drug distributor" means federally funded clinics operated under contract with the department of health and human services and drug abuse treatment centers, where legend and controlled drugs are held, stored or dispensed to patients pursuant to the order of an authorized practitioner.

5 New Section; Licensing of Limited Retail Drug Distributors Required.

318:51-b Licensing of Limited Retail Drug Distributors Required.

I. No person shall operate as a limited retail drug distributor, as defined in RSA 318:1, VII-a, without first having obtained a license to do so from the board. Such license shall expire annually on June 30. An application together with a reasonable fee as established by the board shall be filed annually on or before July 1.

II. No license shall be issued under this section unless the applicant has furnished proof satisfactory to the board that:

(a) The applicant is of good moral character or, if that applicant is an association or corporation, that the managing officers are of good moral character.

(b) The applicant has sufficient space and security equipment as to properly carry on the business described in the application.

(c) The license granted by this chapter shall at all times be displayed in a conspicuous place in the facility for which it is issued.

(d) The applicant has a written contract with a pharmacist licensed in the state to serve as a consultant on all matters relating to the storage and dispensing of prescription drugs.

III. No license shall be granted to any person who has within 5 years been convicted of a violation of any law of the United States, or of any state, relating to drugs, as defined in this chapter or RSA 318-B, or to any person who is a drug-dependent person.

IV. Any person licensed pursuant to this section is subject to the provisions of RSA 318:29.

6 Licensure Required. RSA 318:42, VII(d) is repealed and reenacted to read as follows:

(d) The clinic, except for clinics operated directly by the department of health and human services, possesses a current limited retail drug distributor's license under RSA 318:51-b.

7 Repeal. RSA 318:42, VII(e), relative to drug wholesaler's license is repealed.

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

AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services to adopt rules relative to methadone maintenance treatment.

This bill also requires limited retail drug distributors to be licensed by the New Hampshire pharmacy board.

Adopted.

Report adopted and ordered to third reading.

enrolled bills report

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill 1548 and Senate Bills 143 and 376.

Rep. Ronald Nowe for the Committee

regular calendar (cont'd.)

CACR 20, relating to the election of governor and senators. Providing that beginning with the 2002 general election, and every 4 years thereafter, the governor and senators shall be elected.

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

Rep. Lynn C. Horton for the Majority of Election Law: The majority of the committee feels that the present system of having to be elected every two years for governor and senators keeps them closer to the people and more accountable for their actions. Vote 11-6.

Rep. Christine M. Konys for the Minority of Election Law: The minority of the committee feels that the state of New Hampshire would be better served with four-year terms for governor and senators. Instead of spending a great part of their second year in office focusing on running a campaign, those officials could instead take the necessary time to thoroughly explore and address complex issues facing the legislature.

Rep. Arndt requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

YEAS 212 NAYS 111

YEAS 212

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Pilliod, James
Rice, Thomas	Rosen, Ralph	Russell, David	Thomas, John
Turner, Robert	Wendelboe, Francine		

CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Lyman, L Randy	Mock, Henry	Patten, Betsey
Sullivan, P Judith			

CHESHIRE

Avery, Stephen	Doucette, Richard	Hunt, John	Lynott, Margaret
Roberts, William	Rose, William	Royce, H Charles	

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Merrill, Gerald	Tholl, John Jr	Woodward, David	

GRAFTON

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Copenhaver, Marion	Eaton, Stephanie	Gilman, G Michael	Hall, David
Harmon, Hobart	Marshall, Gene	Mirski, Paul	Phinney, William
Scanlan, David	Ward, Brien	Weber, Phil	

HILLSBOROUGH

Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr	Baroody, Benjamin
Beaupre, Roland	Belvin, William	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Christiansen, Lars	Clegg, Robert Jr
Clemons, Jane	Cote, David	Cote, Peter	Daigle, Robert
Dalianis, Griffin	Daniels, Gary	Dawe, Eileen	Durham, Susan
Dyer, Merton	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Ford, Nancy	Foster, Linda	Franks, Suzan	Gorman, Mary
Goulet, Maurice	Haley, Robert	Hansen, Herbert	Herman, Keith

Holley, Sylvia	Hunter, Bruce	Jean, Loren	Johnson, Lionel
Keye, Harvey	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Lefebvre, Roland	Leishman, Peter	Lozeau, Donnalee	MacGillivray, Jeffrey
Martel, Andre	McCarthy, William	McCarty, Winston	McColgan, Philip Jr
McDonald, James Sr	McGough, Tim	Melcher, Harold	Mendenhall, Leslie
Mercer, Robert	Milligan, Robert	Moran, Edward	Mosher, William
Murphy, Robert	O'Connell, Timothy	O'Hearn, Jane	Pepino, Leo
Reeves, Sandra	Rowe, Robert	Sargent, Maxwell	Thulander, O Alan
Turgeon, Roland	Vaillancourt, Steve	Wall, Nancy	Withee, Dennis

MERRIMACK

Asplund, Bronwyn	Chase, George	Daneault, Gabriel	Davis, Francis
Feuerstein, Martin	Fraser, Marilyn	Gile, Mary	Hess, David
Kennedy, Richard	Lavoie, Gerard	Leber, William	Lockwood, Priscilla
Marple, Richard	Marshall, Kenneth	Poulin, Dave	Rodd, Beth
Virtue, Carolyn	Wallin, Jean	Whalley, Michael	Whittemore, James

ROCKINGHAM

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Case, Margaret
Christie, Andrew Jr	Clark, Vivian	Cooney, Richard	Cox, Russell
DiFruscia, Anthony	Dowling, Patricia	Downing, Michael	Fesh, Robert
Flanagan, Natalie	Flanders, David	Flanders, John Sr	Francoeur, Sheila
Gleason, John	Grant, Kenneth	Griffin, Mary	Hamel, Albert
Henderson, Warren	Johnson, Robert	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Kelley, William	Kobel, Rudolph	Letourneau, Robert
Major, Norman	McKinney, Betsy	Mikowski, Walter	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	O'Neil, Michael	Packard, Sherman
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Raynowska, Bernard
Shultis, Elizabeth	Splaine, James	Stone, Joseph	Stritch, C Donald
Tufts, J Arthur	Varrell, Thomas	Vaughn, Charles	Verani, Giovanni
Welch, David	Weyler, Kenneth	Zolla, William	

STRAFFORD

Berube, Roger	Bickford, David	Brown, Julie	Callaghan, Frank
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Dunlap, Patricia
McKinley, Robert
Taylor, Kathleen

Gilmore, Gary
Musler, George
Tsiros, William

Kaen, Naida
Rollo, Michael
Wall, Janet

Knowles, William
Spear, Barbara
Woods, Phyllis

SULLIVAN

Cloutier, John
Young, David

Flint, Gordon Sr

Kibbey, David

Phinizy, James

NAYS 111

BELKNAP

Millham, Alida

Wood, Jane

CARROLL

Kenney, Joseph

CHESHIRE

Batchelder, Robert
Manning, Joseph
Pratt, Irene

Blaisdell, Michael
McGuirk, Paul
Richardson, Barbara

Burnham, Daniel
Meador, David
Robertson, Timothy

Lynch, Margaret
Mitchell, McKim
Zerba, Roger

COOS

Glines, Sara

Landers, Dana

Mears, Edgar

Rodrigue, Robert

GRAFTON

Almy, Susan
Hinman, Harry

Densmore, Jessica
Johnson, Gary

Guest, Robert
Nordgren, Sharon

Ham, Bonnie

HILLSBOROUGH

Ahern, Richard
Burkush, James
Fenton, James

Arthur, Rose
Curran, James
Garrish, Linda

Bergeron, Lucien
Desmarais, Vivian
Ginsburg, Ruth

Buckley, Raymond
Drabinowicz, A Theresa
Goley, Jeffrey

Haettenschwiller, Alphonse	Hall, Betty	Herman, Richard	Jean, Claudette
Konys, Christine	LaPorte, George	Leonard, Peter	Lynde, Harold
McDonough-Wallace, Alice	Messier, Irene	Moriarty, Mary	Nolan-Piteri, Dawn
Reidy, Frank	Simon, Anthony	White, Donald	White, John
Williams, Carol			

MERRIMACK

Anderson, Eric	Bouchard, Candace	Crosby, Toni	Fortnam, Janet
French, Barbara	Hager, Elizabeth	Larrabee, David Sr	Maxfield, Roy
Moore, Carol	Owen, Derek	Potter, Frances	Rosenfield, Jay
Seldin, Gloria	St Cyr, Gerard	Wallner, Mary Jane	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Gibbons, Paul
Hutchinson, Rebecca	Kelley, Jane	Langley, Jane	Lovejoy, Marian
Norelli, Terie	Pitts, Jacqueline	Rubin, George	Sabella, Norma
Sapareto, Frank	Shelton, Richard	Stickney, Nancy	Weare, Everett
Weatherspoon, Jackie			

STRAFFORD

Brennan, William	Brown, George	Cossette, Larry	Domingo, Baldwin
Estabrook, Iris	Heon, Richard	Johnson, Nancy	Pelletier, Arthur
Rogers, Rose Marie	Smith, Marjorie	Snyder, Clair	Spang, Judith
Torr, Franklin	Twardus, Joseph	Vachon, Dennis	Vincent, Francis

SULLIVAN

Allison, David	Burling, Peter	Donovan, Thomas Jr	Jones, Constance
Leone, Richard	Tuthill, John	Wiggins, Celestine	

and the majority report was adopted.

Rep. Clemons voted Nay and intended to vote Yea.

Reps. Copenhaver and David Cote voted Yea and intended to vote Nay.

Rep. Pappas did not vote and wished to be recorded in favor.

SB 303, relative to campaign contributions by business organizations. OUGHT TO PASS WITH AMENDMENT

Rep. Robert J. Letourneau for Election Law: As amended, this bill is the work of a bipartisan subcommittee of Election Law. It also has the unanimous support from the Election Law Committee. The bill, as amended, is true campaign finance reform. A recent court decision declared New Hampshire's longstanding ban on corporate contributions unconstitutional. The judge also noted that a similar ban on union contributions was likely unconstitutional, but has yet to be challenged in court. This area is also addressed in this bill. During testimony on these bills, the Election Law Committee also heard a need to further refine our laws concerning campaign finance. The committee amendment provides that both corporate and union contributions must come from segregated accounts (PAC's). Neither can force employees or members to contribute to the PAC, nor can dues or deductions be placed in the PAC without the permission of the employee or member. Candidates under the amended bill will now be required to report all money received and expended. The bill also addresses the practice of not reporting certain contributions until after the election. In addition, the bill provides that all candidates must report any new contributions and expenditures within 24 hours during the week before the primary or general elections. As under current law, candidates who do not receive or spend \$500 on the campaign would not have to file a report. Now voters will know who or what special interest is financing the campaign before they go to the ballot box. The committee also heard complaints about the costs of voter lists. With the advent of technology, lists are now computerized. The cost to copy the list onto disk or tape is far less than the old method of employees going to the copy machine. Under the amended version, no checklist of voters in a community will cost more than \$25. The committee feels this amended bill is true campaign finance reform which members of both parties have been requesting for years. The voters should go to the ballot box with full knowledge of whose interests will be served. A knowledgeable voter means a better government. Vote 17-0.

Amendment (4383h)

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

AN ACT relative to campaign finance reporting requirements, availability of voter checklists on computer disks, and permissible campaign contributions by business organizations.

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

1 New Paragraphs; Political Expenditures and Contributions; Definitions; Segregated Accounts; Coordinated Expenditure. Amend RSA 664:2 by inserting after paragraph XVII the following new paragraphs:

XVIII. "Segregated accounts" mean accounts funded by contributions solicited from a business organization's, labor union's, or group of labor unions' employees, officers, shareholders, directors, partners, or members for political purposes.

XIX. "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.

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 cooperation or consultation]~~ **in 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 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 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 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 secretary of state shall be notified by the fiscal agent within 24 hours of any contribution, contributions or expenditures exceeding \$500 in the aggregate that are received after the statement under this paragraph is filed and prior to the day of primary election. No more than one report to the secretary of state shall be required within a 24 hour period.

IV. An itemized statement in the same form as in paragraph I, summarizing the previous statements, if any, and itemizing all receipts of contributions and expenditures made since the cutoff of the previous report up until the Monday preceding the filing of the statement, shall be filed with the secretary of state before 5 o'clock in the afternoon on each of the following days: the Wednesday one week after the primary election; the Wednesdays 4 weeks, 2 weeks, and immediately preceding the general election; and the Wednesday 2 weeks after the general election. In addition to the reporting requirements contained in this section, during the last week before the general election, the secretary of state shall be notified by the fiscal agent within 24 hours of any contribution, contributions, or expenditures exceeding \$500 in the aggregate that are received after the statement under this paragraph is filed and prior to the day of the general election. No more than one report to the secretary of state shall be required within a 24 hour period.

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. Copies of the statements required by paragraphs I through VI 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.

VIII. Any national political party 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 VI, 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.

IX. 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.

II. Candidates for the offices of speaker of the house, president of the senate, secretary of state, state treasurer, clerks, assistant clerks, and sergeants-at-arms of the house and senate shall report contributions and expenditures exceeding \$500 in the aggregate in like manner

and detail as prescribed in RSA 664:6, I, except that the filing of statements for these offices shall be limited to the Wednesdays one week and 3 weeks after the general election and the Wednesday one week after the election for these offices.

III. The candidate shall report all contributions received and expenditures made for the purpose of exploring or promoting such candidacy in the first report filed.

4 New Sections: Elections; 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 \$25 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 XVII, 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, county office, and the offices referenced in RSA 664:7, II.

5 Voters and Checklists, Availability of Checklist. Amend RSA 654:31 to read as follows:

654:31 Availability of Checklist.

I. The checklist as corrected by the supervisors shall be open for the examination of any person at all times before the opening of a meeting or election at which the list is to be used. The supervisors shall furnish one or more copies of the most recent checklist to any person requesting such copies. If the supervisors maintain or have access to the checklist or information from which the checklist was derived in more than one form, the person requesting copies shall be furnished copies in any of those forms according to his **or her** preference. The supervisors may charge a reasonable fee for copies that is based on the actual costs incurred when reproducing an existing checklist, except that in no event shall the fee for paper copies of any single town or ~~[ward]~~ **city** checklist be less than \$5 nor more than \$25 per checklist. ~~[The fee charged for checklists on computer disk or~~

~~tape, or in any form other than paper, shall be based solely on the additional costs incurred to provide such checklist to the individual requesting it.] The fee shall be for the use of the town or city.~~

II. If a town or city maintains a voter checklist on computer files, a person may request a copy of such files on computer disk or tape. For purposes of this paragraph, the checklist shall include all registered voters in a town or city. The fee charged for copies of the checklist on computer disk or tape shall not be more than \$25.

6 Prohibited Political Organizations; Business Organizations. RSA 664:4, I is repealed and reenacted to read as follows:

I. By any business organization, officer, director, executive, agent, partner or employee acting in behalf of such business organization. This shall not prohibit the establishment or administration of a separate, segregated account which shall constitute a political committee as defined in RSA 664:2, III that operates independently of the business organization to be used for making political contributions and expenditures if the account consists only of voluntary contributions solicited from an individual who is an employee, officer, shareholder, director, partner, or member of the business organization. The provisions of this section shall not apply to sole proprietorships.

7 Political Expenditures and Contributions; Prohibited Political Contributions; Segregated Account Exception. Amend RSA 664:4, III to read as follows:

III. By any labor union or group of labor unions, or by any officer, director, executive, agent or employee acting in behalf of such union or group of unions; or by any organization representing or affiliated with any such union or group of unions, or by any officer, director, executive, agent or employee acting in behalf of such organization. ***This shall not prohibit the establishment or administration of a separate, segregated account which shall constitute a political committee, as defined in RSA 664:2, III, that operates independently of the labor union to be used for making political contributions and expenditures if the account consists only of voluntary contributions solicited from an individual who is an employee, officer, shareholder, director, partner, or member of the labor union.***

8 Repeal. RSA 664:4, II, relative to prohibited political contributions by partnerships, is repealed.

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

Rep. Clegg requested that Section 5 of the amendment be voted on separately. The Speaker ruled the question was divisible.

The question now being the adoption of Section 5 of the amendment.

Rep. Almy spoke against.

Rep. Buckley spoke in favor and yielded to questions.

Rep. Vaillancourt spoke against and yielded to questions.

On a division vote, 141 members having voted in the affirmative and 160 in the negative, Section 5 of the amendment failed.

The question now being on the remainder of the amendment.

Rep. Kennedy spoke against.

Rep. Splaine spoke against and yielded to questions.

Reps. Buckley, Clemons and Clegg spoke in favor and yielded to questions.

Rep. Clegg requested a roll call; sufficiently seconded.

The question being the adoption of the remainder of the amendment.

YEAS 238 NAYS 74

YEAS 238

BELKNAP

Boriso, Thomas	Boyce, Robert	Holbrook, Robert	Johnson, James
Millham, Alida	Pilliod, James	Rosen, Ralph	Russell, David
Thomas, John	Turner, Robert	Wood, Jane	

CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Howard, Godfrey
Kenney, Joseph	Lyman, L Randy	Mock, Henry	Patten, Betsey
Sullivan, P Judith			

CHESHIRE

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
Doucette, Richard	Hunt, John	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	Meador, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Roberts, William	Robertson, Timothy
Rose, William	Royce, H Charles	Zerba, Roger	

COOS

Glines, Sara	Horton, Lynn	Landers, Dana	Mears, Edgar
Merrill, Gerald	Rodrigue, Robert	Tholl, John Jr	

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Copenhaver, Marion	Densmore, Jessica	Guest, Robert	Hall, David
Hinman, Harry	Johnson, Gary	Marshall, Gene	Mirski, Paul
Nordgren, Sharon	Phinney, William		

HILLSBOROUGH

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Arthur, Rose	Beaupre, Roland	Bruno, Pierre	Buckley, Raymond
Burkush, James	Calawa, Leon Jr	Christiansen, Lars	Clegg, Robert Jr
Clemons, Jane	Cote, David	Curran, James	Daigle, Robert
Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian	Drabinowicz, A Theresa
Durham, Susan	Dyer, Merton	Fenton, James	Flora, Kathleen
Ford, Nancy	Foster, Linda	Franks, Suzan	Garrish, Linda
Ginsburg, Ruth	Gorman, Mary	Haettenschwiller, Alphonse	Hansen, Herbert
Herman, Keith	Herman, Richard	Jean, Claudette	Jean, Loren
Keye, Harvey	Konys, Christine	Kurk, Neal	Leishman, Peter
Lozeau, DonnaLee	Lynde, Harold	McCarty, Winston	McColgan, Philip Jr
McDonough-Wallace, Alice	McGough, Tim	Melcher, Harold	Mendenhall, Leslie
Mercer, Robert	Messier, Irene	Milligan, Robert	Moran, Edward
Moriarty, Mary	Mosher, William	Murphy, Robert	Nolan-Piteri, Dawn
O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean	Pappas, Marc
Pepino, Leo	Reeves, Sandra	Reidy, Frank	Sargent, Maxwell
Thulander, O Alan	Wall, Nancy	White, John	Williams, Carol
Withee, Dennis			

MERRIMACK

Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Chase, George	Daneault, Gabriel	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Gile, Mary	Jacobson, Alf
Larrabee, David Sr	Leber, William	Lockwood, Priscilla	Marshall, Kenneth
Maxfield, Roy	Moore, Carol	Owen, Derek	Potter, Frances
Poulin, Dave	Rosenfield, Jay	Seldin, Gloria	Wallin, Jean

Wallner, Mary Jane

Whalley, Michael

Whittemore, James

Yeaton, Charles

ROCKINGHAM

Abbott, Dennis

Arndt, Janet

Belanger, Ronald

Bishop, Franklin

Christie, Andrew Jr

Clark, Martha

Clark, Vivian

Cooney, Richard

Cox, Russell

DiFruscia, Anthony

Dowling, Patricia

Downing, Michael

Fesh, Robert

Flanders, David

Flanders, John Sr

Francoeur, Sheila

Gleason, John

Grant, Kenneth

Griffin, Mary

Hamel, Albert

Henderson, Warren

Hutchinson, Rebecca

Kane, Cecelia

Kelley, Jane

Kelley, William

Kobel, Rudolph

Langley, Jane

Letourneau, Robert

Lovejoy, Marian

McKinney, Betsy

Mikowski, Walter

Norelli, Terie

Nowe, Mary Lou

Nowe, Ronald

Noyes, Richard

O'Neil, Michael

Packard, Sherman

Pantelakos, Laura

Pitts, Jacqueline

Priestley, Anne

Quandt, Marshall

Sabella, Norma

Shelton, Richard

Stickney, Nancy

Stone, Joseph

Tufts, J Arthur

Weare, Everett

Weatherspoon, Jackie

Welch, David

Weyler, Kenneth

STRAFFORD

Berube, Roger

Bickford, David

Brennan, William

Brown, George

Brown, Julie

Callaghan, Frank

Estabrook, Iris

Heon, Richard

Johnson, Nancy

Keans, Sandra

Knowles, William

Rogers, Rose Marie

Rollo, Michael

Smith, Marjorie

Snyder, Clair

Spang, Judith

Spear, Barbara

Taylor, Kathleen

Torr, Franklin

Tsiros, William

Twardus, Joseph

Vachon, Dennis

Vincent, Francis

Woods, Phyllis

SULLIVAN

Burling, Peter

Cloutier, John

Donovan, Thomas Jr

Jones, Constance

Tuthill, John

Wiggins, Celestine

Young, David

NAYS 74

BELKNAP

Bartlett, Gordon

Czech, Stanley

Lawton, David

Wendelboe, Francine

CARROLL

Dickinson, Howard

CHESHIRE

None

COOS

Davis, Perley

Gallus, John

Guay, Lawrence

Pratt, Leighton

Woodward, David

GRAFTON

Ham, Bonnie

Harmon, Hobart

Ward, Brien

HILLSBOROUGH

Belvin, William

Bergeron, Lucien

Brundige, Robert

Carlson, Donald

Cote, Peter

Fields, Dennis

Goley, Jeffrey

Goulet, Maurice

Haley, Robert

Hall, Betty

Holley, Sylvia

Hunter, Bruce

Johnson, Lionel

L'Heureux, Robert

LaPorte, George

LaRose, Richard

Lefebvre, Roland

Leonard, Peter

MacGillivray, Jeffrey

Martel, Andre

McCarthy, William

Rowe, Robert

Simon, Anthony

Turgeon, Roland

Vaillancourt, Steve

White, Donald

MERRIMACK

Davis, Francis

Lavoie, Gerard

Marple, Richard

St Cyr, Gerard

Virtue, Carolyn

ROCKINGHAM

Beaulieu, Jon

Blanchard, MaryAnn

Case, Margaret

Flanagan, Natalie

Gibbons, Paul

Johnson, Robert

Katsakiores, George

Katsakiores, Phyllis

Major, Norman

Putnam, Ed II

Raynowska, Bernard

Rubin, George

Sapareto, Frank

Shultis, Elizabeth

Splaine, James

Stritch, C Donald

Varrell, Thomas

Vaughn, Charles

Zolla, William

STRAFFORD

Cossette, Larry	Domingo, Baldwin	Dunlap, Patricia	Gilmore, Gary
Kaen, Naida	Pelletier, Arthur	Pelletier, Marsha	Wall, Janet

SULLIVAN

Kibbey, David	Leone, Richard	Phinizy, James
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and the remainder of the amendment was adopted.

reconsideration

Having voted on the prevailing side, Rep. Franks moved that the House reconsider its action whereby it failed to adopt Section 5 of the amendment.

Rep. Clegg spoke in favor.

Rep. Vaillancourt requested a roll call; not sufficiently seconded.

On a division vote, 172 members having voted in the affirmative and 140 in the negative, reconsideration prevailed.

The question again being the adoption of Section 5.

Rep. Buckley spoke in favor and yielded to questions.

Rep. Vaillancourt spoke against and yielded to questions.

Rep. Almy offered a floor amendment.

Floor Amendment (4542h)

Amend the bill by replacing section 5 with the following:

5 Voters and Checklists, Availability of Checklist. Amend RSA 654:31 to read as follows:

654:31 Availability of Checklist.

I. The checklist as corrected by the supervisors shall be open for the examination of any person at all times before the opening of a meeting or election at which the list is to be used. The supervisors shall furnish one or more copies of the most recent checklist to any person requesting such copies. If the supervisors maintain or have access to the checklist or information from which the checklist was derived in more than one form, the person requesting copies shall be furnished copies in any of those forms according to his *or her* preference. The supervisors may charge a reasonable

fee for copies that is based on the actual costs incurred when reproducing an existing checklist, except that in no event shall the fee for paper copies of any single town or ward checklist be less than \$5 nor more than \$25 per checklist. ~~[The fee charged for checklists on computer disk or tape, or in any form other than paper, shall be based solely on the additional costs incurred to provide such checklist to the individual requesting it.]~~ The fee shall be for the use of the town or city.

II. If a town or city maintains a voter checklist on computer files, a person may request a copy of such files on computer disk or tape. For purposes of this paragraph, the checklist shall include all registered voters in a town or city. The fee charged for copies of the checklist on computer disk or tape shall not be more than \$25.

AMENDED ANALYSIS

This bill:

I. Defines segregated accounts and coordinated expenditures and changes the definition of independent expenditure.

II. Describes the reporting requirements for political committees and candidates and defines the content of mandatory campaign finance disclosure reports.

III. Requires the secretary of state to maintain an electronic database of certain finance disclosure records.

IV. Addresses the availability of obtaining copies of voter checklists on computer disks.

V. Creates an exception to the prohibition on political contributions by business organizations through the use of segregated accounts for voluntary contributions by members of the business organization.

Rep Almy spoke in favor.

Adopted.

Report adopted and ordered to third reading.

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

SB 465-FN-L, relative to the definition of "sugar orchard" for purposes of the timber yield tax.
REFER FOR INTERIM STUDY

Rep. Suzan L R Franks for Environment and Agriculture: The Environment and Agriculture Committee agrees it is important to define "sugar orchard" for purposes of clarifying current law. However, it was found to require more time than was allotted and therefore recommends interim study. Vote 11-1.

Adopted.

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

SB 181-FN, relative to the licensure of geologists. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.

Rep. Alida I. Millham for the Majority of Executive Departments and Administration: This bill establishes the board of professional geologists and authorizes the regulations of the practice, examination, licensure, and discipline of professional geologists. The professional geologists will become part of the joint board of professional engineers, architects, land surveyors, foresters and natural scientists. The amendment reflects a carefully crafted approach to "grandfathering" of geologists. The amendment was agreed to by the professional engineers and the professional geologists Vote 14-3.

Rep. Carolyn A. Virtue for the Minority of Executive Departments and Administration: SB 181-FN establishes licensure for professional geologists, a profession not currently regulated in New Hampshire. The requirements for licensure (RSA 310-A:125,I(a)) includes in addition to education, presentation of "evidence suitable to the board of at least 5 years of experience in the practice of geology, of which at least 3 years must have been under the supervision of a licensed professional geologist or a geologist who otherwise meets the requirements of a licensed professional geologist as determined by the board." The "grandfather clause" (RSA 310-A:125,II) states "Following the effective date of the initial adoption by the board of rules under RSA 541-A, the board may issue licenses without examination to applicants whose applications for licensure have been received during a one-year period following the effective date of adoption of rules and who either meet the education and experience requirements of subparagraph I(a) of this section, or who provide evidence satisfactory to the board of knowledge and experience equivalent to such requirements" (which is also referenced in (RSA 310-A:125,I(b))). "Experience in the practice of geology, obtained before the expiration of the period described in paragraph II of this section, may count towards the experience in the practice of geology under the supervision of a professional geologist required in subparagraph I (a) of this section if the supervising geologist met the education and experience qualifications of paragraph II at the time of the relevant experience. For purposes of this section, experience in the practice of geology does not include routine sampling, laboratory work or geological drafting." The minority is very concerned that few, if any, geologists currently practicing in New Hampshire would meet these requirements. SB 181-FN also provides for certificates and seals and requires that they be applied to all documents involving the practice of geology when issued or filed for public record. This requirement will be just another bureaucratic expense for the residents of New Hampshire. The issue of the grandfather clause and expense to the citizens deserves further consideration, while the geologists continue to practice in New Hampshire, just as they have been.

Amendment (4300h)

Amend RSA 310-A:121, I as inserted by section 3 of the bill by replacing it with the following:

I. The board shall adopt rules, pursuant to RSA 541-A, relative to:

- (a) The application procedure for a license to practice under this subdivision;
- (b) The qualifications of applicants in accordance with applicable statutes, and the ethical standards required for licensure;
- (c) The examination procedures in accordance with applicable statutes, including the time and place of the examination;
- (d) License renewal, including requirements for continuing education;

(e) Ethical and professional standards required to be met by each holder of a license under this subdivision and how disciplinary actions by the board shall be implemented for violations of these standards;

(f) Procedures for the conduct of hearings consistent with the requirements of due process;

(g) The design of an official seal;

(h) What constitutes geology experience for the purposes of RSA 310-A:125;

(i) Procedures for a waiver of the fundamentals of geology examination under RSA 310-A:129; and

(j) Interstate licensure and temporary permits under RSA 310-A:131.

Rep. Goulet spoke against.

The amendment failed.

Rep. Goulet offered a floor amendment.

Floor Amendment (4527h)

Amend RSA 310-A:121, I as inserted by section 3 of the bill by replacing it with the following:

I. The board shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The application procedure for a license to practice under this subdivision;

(b) The qualifications of applicants in accordance with applicable statutes, and the ethical standards required for licensure;

(c) The examination procedures in accordance with applicable statutes, including the time and place of the examination;

(d) License renewal, including requirements for continuing education;

(e) Ethical and professional standards required to be met by each holder of a license under this subdivision and how disciplinary actions by the board shall be implemented for violations of these standards;

(f) Procedures for the conduct of hearings consistent with the requirements of due process;

(g) The design of an official seal;

(h) What constitutes geology experience for the purposes of RSA 310-A:125;

(i) Procedures for a waiver of the fundamentals of geology examination under RSA 310-A:129; and

(j) Interstate licensure and temporary permits under RSA 310-A:131.

Amend RSA 310-A:130 as inserted by section 3 of the bill by replacing it with the following:

310-A:130 Certificates; Seals. The board shall issue a license, upon payment of the licensing fee established by the board, to any applicant who has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee, have a serial number, and be signed by the chairperson and the secretary of the board under seal of the board. The issuance of a license by the board shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed professional geologist while the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "Licensed Professional Geologist." All papers or documents involving the practice of geology affecting public health, safety, and welfare, under this subdivision, when issued or filed for public record, shall be dated and bear the signature and seal of the licensed professional geologist who prepared or had responsibility for and approved them.

Amend RSA 310-A:132 as inserted by section 3 of the bill by replacing it with the following:

310-A:132 License Expiration and Renewals.

I. All licenses issued by the board shall expire on the last day of the licensee's month of birth the second year following the year of issuance, or upon such other biennial date as the board may adopt. The board shall cause notification of the impending license expiration to be sent to each licensee at least one month prior to the expiration of the license, along with a request for payment of a renewal fee. Licensees in good standing may renew their licenses by paying the renewal fee prior to the expiration date of the license, and by presenting evidence satisfactory to the board of completion of the continuing education requirements. If properly renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or revoked by the board for just cause.

II. Failure to remit the renewal fee when due shall automatically suspend the license. A person whose license is canceled for such failure may reinstate the license by paying, within one year of suspension, all fees due, plus a late fee as established by the board.

III. If the renewal fee is not submitted within one year of the expiration date, an application for reinstatement shall be required and approved by the board to reinstate the license.

Amend RSA 310-A:134, I as inserted by section 3 of the bill by replacing it with the following:

I. Any employee of the board engaged in making any investigation shall have the power to administer oaths to persons pertaining to any investigation. All files of an investigation in progress shall be confidential and exempt from the provisions of RSA 91-A.

Amend RSA 310-A:139, I(a) as inserted by section 3 of the bill by replacing it with the following:

(a) The practice of officers and employees of the government of the United States or the state while engaged within this state in the practice of geology for the federal government or the state.

Amend the bill by replacing section 4 with the following:

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

Adopted.

(Clerk's Note)

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

The question now being the adoption of the majority report.

Rep. Virtue spoke against and yielded to questions.

Rep. Millham spoke in favor.

Rep. Virtue requested a roll call; not sufficiently seconded.

On a division vote 174 members having voted in the affirmative and 91 in the negative, the majority report failed lacking the necessary two-thirds.

Rep. Wallin moved Refer for Interim Study.

Adopted by the necessary two-thirds.

Reps. Arnold and Bruno declared conflicts of interest and did not vote.

(Clerk's Note)

The constitutionally required two-thirds of the membership was declared present.

SB 458, increasing the salary of the executive secretary of the retirement system and changing the title to executive director. OUGHT TO PASS

Rep. Michael O'Neil for Executive Departments and Administration: This bill will change the salary range of the executive secretary of the New Hampshire Retirement System from Group N (\$50,323-\$64,036) to Group S (\$66,325-\$83,477). The salary will be paid from the administrative account of the New Hampshire Retirement System and will not effect the state general fund or local expenditures. The bill also changes the title from executive secretary to executive director and the deputy executive secretary to deputy executive director. Vote 11-5.

On a division vote, 194 members having voted in the affirmative and 79 in the negative, the report was adopted.

Ordered to third reading.

SB 128, replacing the housing assistance fund trust fund with a homeless prevention fund, and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. William S. Belvin for Finance: This bill replaces the current Housing Assistance Trust Fund with a more narrowly focused Homeless Prevention Fund. Its purpose is to recognize the growing pressures on persons with minimum incomes to find affordable housing. The Finance Committee amendment removes the following provisions: a drafting error with an unused definition is deleted, as is an unconstitutional reference to months of New Hampshire residency. Also removed is a landlord refund process which would be awkward to administer. Finally, references to the general fund, and an appropriation of \$1 were taken out. Testimony was received that the Department of Health and Human Services was pursuing federal dollars through Temporary Assistance to Needy Families (TANF). Language that allows other funding sources was retained. No additional provisions were added by the amendment. Homelessness remains as a serious New Hampshire problem, and the bill advances possible solutions to this issue . Vote 21-5.

Amendment (4293h)

Amend RSA 204-C:81 and RSA 204-C:82 as inserted by section 2 of the bill by replacing them with the following:

204-C:81 Definitions. In this subdivision:

I. "Fund" means the homeless prevention fund.

II. "Housing assistance payments" means rent subsidies, security deposit advances, mortgage assistance payments, and any other shelter cost-related payments made on behalf of very low income households.

III. "Minor child" means a person under 18 years of age.

IV. "Severely rent burdened" means a household for which the monthly rent and utility costs exceed 50 percent of the gross monthly income.

V. "Very low income households" means individuals or families whose gross income is 50 percent or less of the median income, adjusted for household size, as published periodically by the United States Department of Housing and Urban Development.

204-C:82 Fund Established.

I. There is hereby established within the authority a homeless prevention fund. The fund shall be comprised of donations from private persons or entities, grants, set-asides, and other appropriations authorized by law. All sums from government appropriations or grants shall be credited to the fund, but such sums shall not be deemed to be money received on account of the state, and nothing in this subdivision shall be understood as pledging the faith and credit of the state.

II. The authority shall use moneys deposited in the fund for the following purposes:

(a) Direct housing assistance payments to eligible very low income persons or households.

(b) The provision and coordination of services, such as jobs, training, financial counseling, and other supportive services, which are made available to very low income households participating in the homeless prevention program.

(c) The creation of new or rehabilitated dwelling units to be made available to very low income households assisted under this subdivision.

(d) Matching grants to units of local government or local housing authorities established under RSA 203 to support homeless prevention programs for very low income households.

(e) The purchase of existing single family homes by or on behalf of low income households or to prevent the household occupants from becoming homeless.

Amend RSA 204-C:83 as inserted by section 2 of the bill by deleting RSA 204-C:83, IV and renumbering the original paragraphs V-VIII to read as IV-VII.

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

Adopted.

Report adopted and ordered to third reading.

SB 206-FN-A-L, relative to distribution of tobacco settlement funds. OUGHT TO PASS

Rep. Francine Wendelboe for Finance: This bill designates that the first \$3,000,000 of the tobacco settlement money be used to fund the tobacco use prevention fund established in RSA 126-K:15. The allocation of the funds are established under HB 1594 which designated prevention program categories. The tobacco settlement funds remaining go to the education trust fund in the amount of \$40 million. If there is still a balance remaining, the money goes to the general fund. The majority of the committee felt that the funding required by statute very appropriately should come from tobacco settlement funds rather than a general fund appropriation. Vote 21-2.

Adopted and ordered to third reading.

SB 210-FN-L, relative to payment by the state for certain court-ordered placements of special education students. REFER FOR INTERIM STUDY

Rep. Bruce F. Hunter for Finance: This bill would require that the state pay the full cost of special education services provided to all court-ordered, out-of-district placements of special education pupils and would additionally require that the department of education seek reimbursement for all such costs from the sending districts. In theory, the bill appears to present a fiscal impact which is neutral. Upon further review, crucial questions were raised regarding the ability of the state department of education to take on this responsibility and its capacity to act as a bill collector responsible for billing and collecting funds from the local school districts. The answers to the questions raised by the committee could have a significant fiscal impact on the state and cannot accurately be determined or identified at this time. The committee believes that the proposal has merit and should be completely investigated to identify its true fiscal impact. Vote 17-5.

Adopted.

SB 379-FN, relative to lottery scratch tickets. OUGHT TO PASS

Rep. Jean R. Wallin for Finance: This bill increases the price the Sweepstakes Commission may charge for instant scratch tickets to \$10. The current limit is \$5 per ticket. In order to prevent the

decline of net profits from instant ticket sales, it is necessary to keep the games exciting by matching price competition in adjoining states. When Vermont introduced higher priced tickets for the 1999 holiday session they were sold out by the first of the year. The commission plans to market a \$7 ticket in December 2000 that would be replaced by a \$10 ticket in December 2002. Scratch tickets represent the largest profit center for the commission with sales of \$120,000,000 of the total \$198,000,000 sold. Vote 18-7.

On a division vote, 195 members having voted in the affirmative and 74 in the negative, the report was adopted.

Ordered to third reading.

SB 397-FN-A-L, making an appropriation from the education trust fund for public kindergarten programs and relative to the adequate education grant amount and property tax warrant for the town of Orange. OUGHT TO PASS WITH AMENDMENT

Rep. Susan W. Almy for Finance: This bill appropriates \$950,000 from the Education Trust Fund for kindergarten programs the legislature had thought it appropriated in HB 117 (Chapter 17, 1999) last year, and corrects the property tax warrant of the small town of Orange, which, inadvertently included a state park and had burdened the citizens of that town with a higher state property tax than deserved. The effect of the latter correction is to increase our Education Trust Fund deficit by \$22,786 in this biennium. The amendment fixes two errors to maintain the intent of the bill. Vote 21-3.

Amendment (4362h)

Amend the bill by replacing section 1 with the following:

1 Appropriation from Education Trust Fund. Notwithstanding the provisions of RSA 198:39, the sum of \$950,000 is hereby appropriated, for the biennium ending June 30, 2001, from the education trust fund to the department of education for the purpose of funding public kindergarten programs pursuant to 1999, 65:9 as amended by 1999, 281:16. The governor is authorized to draw a warrant for said sum from any moneys available in the education trust fund.

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

I. Notwithstanding RSA 198:40 through RSA 198:42, for the fiscal year ending June 30, 2000, the total adequate education grant for the town of Orange shall be \$127,287. In addition to the provisions of 1999, 17:52, I, an additional payment of \$11,398 shall be distributed to the town of Orange by June 30, 2000 from the education trust fund for an adequate education grant total of \$127,287.

AMENDED ANALYSIS

This bill makes an appropriation of \$950,000, for the biennium ending June 30, 2001, from the education trust fund to the department of education for the funding of public kindergarten programs pursuant to 1999, 65:9 as amended by 1999, 281:16. This bill also adjusts the adequate education grant amount for the town of Orange for fiscal year 2000, and adjusts the property tax warrant in the town of Orange for the tax year beginning April 1, 2000.

Adopted.

Report adopted and ordered to third reading.

SB 421-FN-A, establishing a child day care program credit against the business profits tax and the business enterprise tax. REFER FOR INTERIM STUDY

Rep. Charles L. Vaughn for Finance: Questions raised by a proposal -- having state government subsidizing child care programs for business, large, medium or small, by tax reductions in their business profits tax and the business enterprise tax -- engendered lengthy debate by the Finance Committee. The scepter of socialism, unfair business competition, tax breaks to large corporations and supporters of laissez-faire, on the one side. Creation of incentives for private employers to subsidize costs of child care by providing tax credits; discussion of shortages of affordable, high-quality child care creating difficulties for working parents as well as employers; with suggestions of joint business/state cooperatives on the other. Both sides of the issue agreed that businesses, large and small, as well as child care advocates, should be engaged in a discussion of the availability and affordability of child care in New Hampshire. Vote 22-4.

Adopted.

SB 449-FN, clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises. OUGHT TO PASS

Rep. Marjorie K. Smith for Finance: This bill attempts to correct an unintended and inequitable consequence of the passage of HB 32 by which the legislature gave the then-Commissioner of Health and Human Services unprecedented power to reorganize.

Despite the sunset provisions of HB 32 and the restoration of seniority rights to DHHS employees, 24 employees were moved to lower grades and, in part because of long service (averaging twenty-four years), their salaries were frozen. They have already missed the 5% pay raise in June, 1998 and the 3% raise in October, 1999 which every other employee, whether classified or unclassified, received. Indeed, Chapter Law 225:43 currently authorizes downgraded state employees to continue to receive cost of living increases. Nothing in their work histories or job evaluations suggest anything less than satisfactory work. A number of these workers have continued to do the same work they did before reclassification.

This bill would permit this limited number of employees who are still working at DHHS, but at the lower grade, to receive certain salaries and raises. The cost from June 1998 through FY 2001 is approximately \$173,000, about half of which represents federal funds. Vote 22-2.

Rep. Burling spoke against and yielded to questions.

Rep. Kurk spoke against.

The report failed.

suspension of rules

Reps. Chandler and Burling moved that the Rules be so far suspended as to permit consideration of a non-germane amendment to **SB 449-FN**, clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

Adopted by the necessary two-thirds.

Rep. Kurk moved Ought to Pass with Amendment.

Rep. Burling offered a floor amendment.

Floor Amendment (4588h)

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

AN ACT clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises; increasing certain appropriations to the legislative branch for consultants; and making fiscal year 2000 legislative branch appropriations nonlapsing until June 30, 2001.

Amend the bill by replacing section 2 with the following:

2 Legislative Branch; Senate. Amend 1999, 159:1.01, 02, 01, 01 as follows:

	<u>FY 2000</u>	<u>FY 2001</u>
Strike out:		
46 Consultants	33,000	33,000
Insert in place thereof:		
46 Consultants	333,000	33,000
Strike out:		
Total	1,347,509	1,369,735
Estimate source of funds for		
Senate		
General fund	1,347,509	1,369,735
Total	1,347,509	1,369,735
Insert in place thereof:		
Total	1,647,509	1,369,735
Estimated source of funds for		
Senate		
General fund	1,647,509	1,369,735

Total	1,647,509	1,369,735
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3 Legislative Branch; House. Amend 1999, 159:1.01, 02, 01, 02 as follows:

	<u>FY 2000</u>	<u>FY 2001</u>
Strike out:		
46 Consultants	2,000	2,000
Insert in place thereof:		
46 Consultants	302,000	2,000
Strike out:		
Total	2,741,217	2,864,330

Estimated source of funds for

House

General fund	2,741,217	2,864,330
Total	2,741,217	2,864,330

Insert in place thereof:

Total	3,041,217	2,864,330
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Estimated source of funds for

House

General fund	3,041,217	2,864,330
Total	3,041,217	2,864,330

4 Lapse Date. Legislative Branch Appropriations. Amend 1999, 159:1 by replacing the totals and estimated source of funds for legislative branch with the following:

	<u>FY 2000</u>	<u>FY 2001</u>
Total	11,513,802	10,587,326

Estimated source of funds for

Legislative branch

General fund	10,311,002	10,184,526
Other funds	1,202,800	402,800
Total	11,513,802	10,587,326

All funds appropriated to the legislative branch for fiscal year 2000 which would otherwise lapse on June 30, 2000 shall not lapse until June 30, 2001.

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

AMENDED ANALYSIS

This bill clarifies that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

The bill also increases appropriations to the house and senate for consultants' fees and provides that funds appropriated to the legislative branch for fiscal year 2000 shall not lapse until June 30, 2001.

Rep. Burling spoke in favor.

Adopted.

Ought to Pass with Amendment adopted and ordered to third reading.

SB 323, relative to ambulatory surgical facilities in service areas of rural hospitals. OUGHT TO PASS WITH AMENDMENT

Rep. James P. Pilliod for Health, Human Services and Elderly Affairs: SB 323 as amended preserves the House position on clarifying the determination of project costs and thresholds as well as the process of licensure of ambulatory surgical centers. Vote 12-6.

Amendment (4420h)

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

AN ACT establishing a legislative oversight committee to review the procedures of the health services planning and review board.

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

1 Legislative Findings.

I. The regulatory structure for New Hampshire's health care delivery system was established within the Federal Health Service Act of 1974. The federal legislation was intended to stop unnecessary health facility construction and acquisition of expensive major medical equipment and was predicated on the idea that the most satisfactory means of controlling health care costs was the allocation of health care resources by government through a highly centralized health planning mechanism.

II. Although supporters of the program believed it helped curb rising health care expenditures, others opposed government intervention and control of supply as unnecessary. Critics prevailed during Congressional debate in 1986, when federal mandates for state health planning agencies were repealed. Since that time, 13 states (Arizona, California, Colorado, Idaho, Kansas, Minnesota, New Mexico, North Dakota, Pennsylvania, South Dakota, Texas, Utah, and Wyoming) have abolished their health planning agencies all together. Recognizing the sweeping changes in the health care industry, several more states are considering similar action or, at the very least, liberalizing the requirements of these agencies, which, if they remain as originally charged, will become obsolete.

III. A highly regulated environment has evolved into a market-based means of controlling costs. Notably, the growth of managed care, restructured repayment mechanisms, and the rapid development of new medical techniques and innovations in medical technology exposed the inefficiencies inherent in centralized health care planning, which was unable to respond quickly to the changing needs of the health care system.

IV. The state of New Hampshire's health services planning and review board has substantive expertise in the health care services market. Decisions relative to health care services, the acquisition of medical technology, and the expansion of facilities have been carried out by the board with all due deliberation.

V. For reasons of maintaining the quality of certain health care services, to protect the role of certain institutions, whose importance to the statewide health care delivery system is essential, and to guard against the closing of important facilities and the transfer of services from facilities in a manner which is harmful to the public interests, the role of the health services planning and review board is valuable.

VI. Nevertheless, the general court remains concerned that the regulatory structure of the health services planning and review board, operating under its current rules of engagement, is not as adaptable as the rapidly changing world of medical technology, choice of health care services, and expansion of medical facilities dictates.

VII. Because it is essential that New Hampshire promote the greatest efficiency in the state's health care delivery system and because the structure of the current system remains protracted, the general court hereby establishes a joint committee on health care oversight.

2 New Section; Oversight Committee Established. Amend RSA 151-C by inserting after section 15 the following new section:

151-C:16 Legislative Oversight Committee Established; Duties.

I. There is hereby established a legislative oversight committee to review the policies and procedures of the board.

II. The committee shall consist of 6 members, 3 of whom shall be members of the house of representatives, appointed by the speaker of the house, and 3 of whom shall be senators appointed by the president of the senate. Members shall be appointed for their term of office. All members shall be eligible for reappointment so long as they are qualified under this section. Members shall be appointed no later than December 30 of the year of their election to the general court, except that vacancies shall be filled for an unexpired term within 30 days of the creation of such vacancy, and the initial appointments under this section shall be made within 30 days of the effective date of this section. The members shall choose from their number a chairperson, provided

that the chair shall rotate biennially between the house and senate members. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall consider the need to review the policies and procedures of the board and shall make recommendations as it deems necessary. The committee may also investigate the possibility of requiring the executive branch to create an additional appeal mechanism.

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

AMENDED ANALYSIS

This bill establishes a legislative oversight committee to review and make recommendations relative to the policies and procedures of the health services planning and review board.

This bill is a result of the committee established in 1999, 235.

Adopted.

Report adopted and ordered to third reading.

SB 358, relative to court reporting services. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Terri C. Dudley for the Majority of Judiciary: The committee felt that court reporters, as officers of the court, should be completely impartial and neutral. Court reporters who enter into exclusive contractual relationships with insurance companies could become partial or could be perceived to be partial. The committee felt that an affiliation arrangement with insurance companies should be prohibited. This will help to insure independence and balance in this aspect of the judicial process. No person or entity should control the process or should have a financial interest in the outcome. Vote 10-2.

Rep. Sandra B. Keans for the Minority of Judiciary: This bill appears to be a restraint of trade issue which does not safeguard against potential improprieties that proponents claim could happen. Court reporters have a code regulating behavior and are subject to sanctions if they're in violation. What it does do is restrict with whom a court reporter can sign a contract for employment. Is that the proper jurisdiction of the legislature?

Rep Keans spoke against.

Rep. Mock spoke in favor and yielded to questions.

Majority report adopted and ordered to third reading.

SB 468, relative to the family division of the courts and relative to the jurisdiction of the family division in Rockingham county. OUGHT TO PASS WITH AMENDMENT

Rep. Tony F. Soltani for Judiciary: This bill establishes the family division of the courts as a permanent entity. The committee was impressed with the success of the pilot program in Rockingham and Grafton counties. However, the Senate bill eliminated certain requirements which

were previously passed by the House; i.e. relative to the appointment of marital masters. The committee hopes to resolve the different versions of the bill in a committee of conference. Vote 9-3.

Amendment (4434h)

Amend RSA 490:35 as inserted by section 2 of the bill by inserting after paragraph III the following new paragraph:

IV. The governor shall nominate and the council shall confirm all new marital masters. The governor and council shall approve those seeking a renewed contract term and the terms and conditions of the marital master contract.

AMENDED ANALYSIS

This bill establishes a family division of the courts in Rockingham and Grafton counties and requires the supreme court to expand the family division to 2 other counties during the biennium beginning July 1, 2001. The bill also establishes a committee to study implementation of a statewide family division.

The bill provides that family division matters arising in the towns of Deerfield, Northwood and Nottingham shall be heard in the Rockingham county courthouse in Brentwood. Currently, such matters arising in those towns are heard in the Auburn district court. The bill allows the supreme court to designate a location other than the Portsmouth district court within the Portsmouth or Hampton district for the hearing of family division matters.

This bill also establishes certain qualifications for marital masters selected to serve in the family division. The bill requires marital masters to be nominated by the governor and confirmed by the executive council. The bill also requires the governor and council to approve marital master contracts.

Rep. Mock spoke against.

The amendment failed.

The question now being the motion Ought to Pass.

Rep. Jacobson spoke against and yielded to questions.

Rep. Soltani spoke against.

Reps. John Pratt and Rowe spoke in favor.

Rep. Soltani requested a roll call; sufficiently seconded.

YEAS 229 NAYS 44

YEAS 229

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Holbrook, Robert	Millham, Alida
Pilliod, James	Rosen, Ralph	Russell, David	Thomas, John
Turner, Robert	Wendelboe, Francine	Wood, Jane	

CARROLL

Bradley, Jeb	Chandler, Gene	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey		

CHESHIRE

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
Doucette, Richard	Hunt, John	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Roberts, William
Robertson, Timothy	Royce, H Charles	Zerba, Roger	

COOS

Davis, Perley	Gallus, John	Horton, Lynn	Pratt, Leighton
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GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Copenhaver, Marion
Densmore, Jessica	Guest, Robert	Ham, Bonnie	Hinman, Harry
Johnson, Gary	Marshall, Gene	Nordgren, Sharon	Phinney, William
Solow, Martha			

HILLSBOROUGH

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Arthur, Rose	Bergeron, Lucien	Brundige, Robert	Bruno, Pierre
Buckley, Raymond	Calawa, Leon Jr	Carlson, Donald	Cote, Peter
Craig, James	Curran, James	Daigle, Robert	Desmarais, Vivian
Dokmo, Cynthia	Drabinowicz, A Theresa	Durham, Susan	Dyer, Merton
Fenton, James	Fields, Dennis	Ford, Nancy	Foster, Linda
Franks, Suzan	Garrish, Linda	Ginsburg, Ruth	Goulet, Maurice

Haettenschwiller, Alphonse	Hall, Betty	Herman, Richard	Jean, Claudette
Jean, Loren	Keye, Harvey	Konys, Christine	L'Heureux, Robert
LaRose, Richard	Lasky, Bette	Lefebvre, Roland	Leishman, Peter
Leonard, Peter	Lozeau, Donnalee	Lynde, Harold	MacGillivray, Jeffrey
Martel, Andre	McCarty, Winston	McColgan, Philip Jr	McDonough-Wallace, Alice
McGough, Tim	Melcher, Harold	Mendenhall, Leslie	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	Moriarty, Mary
Mosher, William	Murphy, Robert	O'Connell, Timothy	O'Hearn, Jane
Pappas, Marc	Reeves, Sandra	Reidy, Frank	Rowe, Robert
Sargent, Maxwell	Thulander, O Alan	White, Donald	White, John

MERRIMACK

Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Chase, George	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fortnam, Janet	French, Barbara	Hess, David	Larrabee, David Sr
Leber, William	Lockwood, Priscilla	Marshall, Kenneth	Moore, Carol
Owen, Derek	Potter, Frances	Poulin, Dave	Rosenfield, Jay
Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Whalley, Michael	Whittemore, James	

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Bishop, Franklin
Case, Margaret	Clark, Martha	Clark, Vivian	Cooney, Richard
Cox, Russell	DiFruscia, Anthony	Flanagan, Natalie	Flanders, John Sr
Francoeur, Sheila	Gibbons, Paul	Gleason, John	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hutchinson, Rebecca	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Lovejoy, Marian	Major, Norman	McKinney, Betsy	Norelli, Terie
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Pitts, Jacqueline
Priestley, Anne	Quandt, Marshall	Sabella, Norma	Shelton, Richard
Shultis, Elizabeth	Splaine, James	Stickney, Nancy	Stone, Joseph
Stritch, C Donald	Tufts, J Arthur	Weare, Everett	Weatherspoon, Jackie
Welch, David	Weyler, Kenneth	Zolla, William	

STRAFFORD

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	Cossette, Larry	Domingo, Baldwin	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Torr, Franklin	Twardus, Joseph	Vachon, Dennis	Vincent, Francis
Wall, Janet	Woods, Phyllis		

SULLIVAN

Burling, Peter	Cloutier, John	Donovan, Thomas Jr	Jones, Constance
Leone, Richard	Phinizy, James	Tuthill, John	Young, David

NAYS 44

BELKNAP

Czech, Stanley	Johnson, James
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CARROLL

Babson, David Jr	Dickinson, Howard	Howard, Godfrey	Sullivan, P Judith
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CHESHIRE

Rose, William

COOS

Woodward, David

GRAFTON

Hall, David	Harmon, Hobart	Mirski, Paul	Ward, Brien
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HILLSBOROUGH

Beaupre, Roland	Belvin, William	Clegg, Robert Jr	Daniels, Gary
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Gorman, Mary	Hansen, Herbert	Hunter, Bruce	Johnson, Lionel
Kurk, Neal	LaPorte, George	Ouellette, Dean	Pepino, Leo
Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve	

MERRIMACK

Jacobson, Alf	Kennedy, Richard	Marple, Richard	Soltani, Tony
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ROCKINGHAM

Blanchard, MaryAnn	Flanders, David	Grant, Kenneth	Johnson, Robert
Kelley, William	Letourneau, Robert	Mikowski, Walter	Nowe, Mary Lou
Nowe, Ronald	Putnam, Ed II	Raynowska, Bernard	Sapareto, Frank
Varrell, Thomas			

STRAFFORD

None

SULLIVAN

None

and the report was adopted.

Ordered to third reading.

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

(Clerk's Note)

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

SB 132, requiring a review of public safety communications requirements regarding the summit of Mount Kearsarge, establishing an advisory committee regarding the review, and placing a moratorium until July 1, 2001 on new leases, use permits, or extensions of lease or permit terms for telecommunication facilities on the summit of Mount Kearsarge. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael D. Whalley for the Majority of Resources, Recreation and Development: This bill, as amended, requires the commissioner of Resources and Economic Development and Commissioner of Safety to retain an independent, outside consultant with appropriate expertise to review the technical requirements for public safety and quasi-public communications on the summit of Mount

Kearsarge and alternatives to the existing 180-foot tower. The Commissioner of Resources and Economic Development and Commissioner of Safety shall report on any findings including any funding needs for any plan for removal or alteration to the tower on Mt. Kearsarge to the Senate President and Speaker of the House on or before November 1, 2001. The original bill required the Commissioner of Resources and Economic Development and the Commissioner of Safety to undertake a review of the tower on their own, with advice from an advisory committee made up of three members of the Senate, three members of the House and ten other members representing five surrounding towns, Merrimack County, the NH State Troopers Association, the NH Fish and Game Department, Save Our Mountain, and the NH Society for the Protection of Forests. Upon completion of their review, the commissioners would report any findings and recommendations for legislative action. To make certain that the study be done without prejudice, the committee amendment replaces the advisory committee with an independent, outside consultant who has the technical expertise, which the advisory committee would not have, to advise the state and the legislature on the issues revolving around the tower on Mount Kearsarge. Vote 13-3.

Rep. Judith T. Spang for the Minority of Resources, Recreation and Development: In a straw poll of the committee, a majority supported an amendment to reinstate the original bill's public advisory committee to participate in this study process. Because of committee time constraints, this is now being offered as a minority amendment to the committee amendment. The minority amendment will allow for both the technical expertise and public involvement which should have been brought to bear in the approval of this tower to begin with. The due date of the report is extended to allow more time for the research and the advisory committee will also sunset on that date.

Majority Amendment (4363h)

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

AN ACT requiring the commissioner of resources and economic development and commissioner of safety to retain a consultant to review of the requirements for public safety and quasi-public communications on the summit of Mount Kearsarge.

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

1 Study by the Commissioner of Resources and Economic Development and Commissioner of Safety. The commissioner of resources and economic development and commissioner of safety shall retain a qualified, independent consultant to conduct a review of the technical requirements for public safety and quasi-public communications on the summit of Mount Kearsarge and alternatives to the existing 180-foot tower, including facilities on a location other than the current parcel of land where the tower is located. The consultant shall review, study and report to the commissioner of resources and economic development and commissioner of safety on whether communication needs for public health, safety, and emergency services can be provided with a less obtrusive and smaller tower than the existing 180-foot tower and what the costs and technical requirements would be for alternatives that would assure the same or similar level of service to both public safety officials and the general public. The fiscal committee of the general court shall approve funds not otherwise appropriated to cover the cost in assisting the commissioners in conducting the review and in hiring the consultant. The commissioner of resources and economic development and commissioner of safety shall report on any findings, including funding needs for any plan of removal or alteration, to the senate president and the speaker of the house on or before November 1, 2001.

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

AMENDED ANALYSIS

This bill requires the commissioner of resources and economic development and commissioner of safety to undertake a review of the technical requirements for public safety and quasi-public communications on the summit of Mount Kearsarge and alternatives to the existing 180-foot tower.

Adopted by the necessary two-thirds.

Rep. Spang offered the minority amendment.

Minority Amendment (4469h)

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

AN ACT requiring the commissioner of resources and economic development and commissioner of safety to retain a consultant to review the requirements for public safety and quasi-public communications on the summit of Mount Kearsarge; and establishing an advisory committee regarding the review.

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

2 Mount Kearsarge Telecommunications Tower Advisory Committee. There is established an advisory committee to advise and consult with the department of resources and economic development and department of safety as to a technical review of requirements for public safety and quasi-public safety communications on the summit of Mount Kearsarge, including possible alternatives to the existing 180-foot tower.

3 Members and Compensation.

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

- (a) Three members of the senate, appointed by the senate president.
- (b) Three members of the house of representatives, appointed by the speaker of the house.
- (c) One representative each from Warner, Sutton, Wilmot, Andover, and New London, appointed by the selectmen from each respective town.
- (d) One representative of Merrimack county, appointed by the county commissioners.
- (e) One representative of the New Hampshire State Troopers Association, appointed by the Association.
- (f) One representative of the department of fish and game, appointed by the executive director of fish and game.
- (g) One representative of Save Our Mountain, appointed by the organization.
- (h) One representative of the Society for the Protection of New Hampshire Forests, appointed by the organization.

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

4 Chairperson; Quorum. The members of the advisory 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. Eight members of the committee shall constitute a quorum.

5 Repeal. Sections 2-4 of this act, relative to the Mount Kearsarge telecommunications advisory committee, are repealed.

6 Effective Date.

I. Section 5 of this act shall take effect November 1, 2001.

II. The remainder of this act shall take effect 30 days after its passage.

AMENDED ANALYSIS

This bill requires the commissioner of resources and economic development and commissioner of safety to hire a consultant and to undertake a review of the technical requirements for public safety and quasi-public safety communications on the summit of Mount Kearsarge and alternatives to the existing 180-foot tower. This bill establishes an advisory committee for the review.

Reps. Spang and Jacobson spoke in favor.

Reps. Royce and Whalley spoke against.

On a division vote, 123 members having voted in the affirmative and 142 in the negative, the minority amendment failed.

Rep Kurk offered a floor amendment.

Floor Amendment (4541h)

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

AN ACT requiring the commissioner of resources and economic development and commissioner of safety to retain a consultant to review of the requirements for public safety and quasi-public communications on the summit of Mount Kearsarge.

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

1 Study by the Commissioner of Resources and Economic Development and Commissioner of Safety. The commissioner of resources and economic development and commissioner of safety shall retain a qualified, independent consultant to conduct a review of the technical requirements for public safety and quasi-public communications on the summit of Mount Kearsarge and alternatives to the existing 180-foot tower, including facilities on a location other than the current parcel of land where the tower is located. The consultant shall review, study and report to the commissioner of resources and economic development and commissioner of safety on whether communication needs

for public health, safety, and emergency services can be provided with a less obtrusive and smaller tower than the existing 180-foot tower and what the costs and technical requirements would be for alternatives that would assure the same or similar level of service to both public safety officials and the general public. The department of resources and economic development and the department of safety shall make transfers, pursuant to RSA 9:16-a, from within their existing budgets sufficient to cover the cost in assisting the commissioners in conducting the review and in hiring the consultant. The commissioner of resources and economic development and commissioner of safety shall report on any findings, including funding needs for any plan of removal or alteration, to the senate president and the speaker of the house on or before November 1, 2001.

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

AMENDED ANALYSIS

This bill requires the commissioner of resources and economic development and commissioner of safety to undertake a review of the technical requirements for public safety and quasi-public communications on the summit of Mount Kearsarge and alternatives to the existing 180-foot tower.

Rep. Kurk spoke in favor and yielded to questions.

Adopted by the necessary two thirds.

On a division vote, 243 members having voted in the affirmative and 21 in the negative, the report was adopted by the necessary two-thirds.

Ordered to third reading.

SCR 6, a resolution urging the President and Congress to address the challenge of high prescription medication prices. **WITHOUT RECOMMENDATION**

Rep. Tufts moved Ought to Pass with Amendment.

Floor Amendment (4464h)

Amend the resolution by replacing the ninth paragraph after the title with the following:

Whereas, the federal government should aggressively recover any subsidies from pharmaceutical manufacturers; and

Amend the resolution by inserting after the tenth paragraph after the title the following new paragraph:

Whereas, current laws relative to the pharmaceutical industry need to be updated in an effort towards cost reduction of prescription medications; and

Rep. Quandt spoke in favor.

Adopted by the necessary two-thirds.

Rep. Franks requested a roll call; not sufficiently seconded.

Report adopted and ordered to third reading by the necessary two-thirds.

special order

SB 459, relative to underinsured motorists. INEXPEDIENT TO LEGISLATE

Rep. Griffin T. Dalianis for Commerce: The Committee found no evidence that consumers were disadvantaged in any way by the existing system. Even the proponents of this bill acknowledged that the problem, if it exists, is very rare, and the Committee felt that the solution proposed was worse than the problem. Vote 16-0.

Rep. Burling spoke against.

The report failed.

Rep. Hunt moved Ought to Pass with Amendment and offered a floor amendment.

Floor Amendment (4605h)

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

AN ACT relative to uninsured or underinsured motorist insurance coverage.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Uninsured or Hit-and-Run Motor Vehicle Coverage; Waiver of Coverage..
Amend RSA 264:15 by inserting after paragraph IV the following new paragraph:

V. Every document tendered to settle a claim for bodily injury which may be the subject of coverage under this section shall prominently contain, in substance, the following language: "Warning – signing this document may affect your right to claim benefits under your uninsured or underinsured motorist coverage. Check with you own automobile insurance company or insurance agent before signing."

AMENDED ANALYSIS

This bill requires a disclosure of the potential waiver of a motorist's claim benefits when settling automobile insurance claims for bodily injury.

Reps. Hunt and Burling spoke in favor.

Adopted by the necessary two-thirds.

Rep. Letourneau requested a roll call; not sufficiently seconded.

The report was adopted and ordered to third reading by the necessary two-thirds.

removed from the table

Rep. Patten moved that **HB 1625**, requiring the attorney general to initiate a declaratory judgment action concerning record title matters related to the Green Hills subdivision in the town of Raymond. (Pending question: Refer for Interim Study)

Adopted by the necessary two-thirds.

suspension of rules

Rep. Chandler moved that the Rules be so far suspended as to permit consideration of the Committee Report on House Bill 1625 after the deadline.

Adopted by the necessary two-thirds.

consideration of hb 1625

HB 1625, requiring the attorney general to initiate a declaratory judgment action concerning record title matters related to the Green Hills subdivision in the town of Raymond. REFER FOR INTERIM STUDY

Adopted by the necessary two-thirds.

senate messages

requests concurrence with amendments

HB 542-FN-A, repealing the legacies and succession tax. (Amendment printed SJ 5/18/00)

Rep. McGuirk moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

HB 733, relative to a state master plan for the deployment of personal wireless service facilities. (Amendment printed SJ 5/18/00)

Rep. Bradley moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

HB 1240, requiring insurers to make prompt payments. (Amendment printed SJ 5/18/00)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

HB 1251, relative to driver education training reimbursement. (Amendment printed SJ 5/18/00)

Rep. Packard moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

HB 1308, relative to nomination paper requirements. (Amendment printed SJ 5/18/00)

Rep. Arndt moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

HB 1331, relative to campaign contributions by corporations. (Amendment printed SJ 5/18/00)

Rep. Arndt moved that the House nonconcur.

Rep. Clegg spoke in favor.

Adopted by the necessary two-thirds.

RESOLUTION

Rep. Chandler offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 31, 2000 at 10:00 a.m.

Adopted by the necessary two-thirds.

LATE SESSION

Third reading and final passage

SB 334, relative to credit unemployment insurance.

SB 469, relative to mutual insurance holding companies.

SB 445-FN, relative to methadone maintenance treatment.

SB 303, relative to campaign contributions by business organizations.

SB 458, increasing the salary of the executive secretary of the retirement system and changing the title to executive director.

SB 128, replacing the housing assistance fund trust fund with a homeless prevention fund, and making an appropriation therefor.

SB 206-FN-A-L, relative to distribution of tobacco settlement funds.

SB 379-FN, relative to lottery scratch tickets.

SB 397-A-L, making an appropriation from the education trust fund for public kindergarten programs and relative to the adequate education grant amount and property tax warrant for the town of Orange.

SB 449-FN, clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

SB 323, relative to ambulatory surgical facilities in service areas of rural hospitals.

SB 358, relative to court reporting services.

SB 468, relative to the family division of the courts and relative to the jurisdiction of the family division in Rockingham county.

SB 132, requiring a review of public safety communications requirements regarding the summit of Mount Kearsarge, establishing an advisory committee regarding the review, and placing a moratorium until July 1, 2001 on new leases, use permits, or extensions of lease or permit terms for telecommunication facilities on the summit of Mount Kearsarge.

SCR 6, a resolution urging the President and Congress to address the challenge of high prescription medication prices.

SB 459, relative to underinsured motorists.

reconsideration

Having voted on the prevailing side, Rep. James Johnson moved that the House reconsider its action whereby it voted to Refer to Interim Study ***SB 181-FN***, relative to the licensure of geologists.

Rep. Dickinson spoke against.

Rep. Wendelboe spoke in favor.

On a division vote, 145 members having voted in the affirmative and 115 in the negative, reconsideration failed lacking the necessary two-thirds.

unanimous consent

Reps. Burling, David Russell, Pepino and Lefebvre addressed the House.

Rep. Buckley moved that the poem read by Rep. Lefebvre be printed in the Journal.

Adopted by the necessary two thirds.

For our Golden Donna:

SPEAKER

Your loyalty, dedication, love and leadership
Under unusual conditions of personal hardship
Three roads divided –
never traveled together over rocks and grit;
Self was forgotten whereas commander of this ship
You endured demanding conditions of leadership;
With humility and grace you did guide this ship
With absolute confidence you held a firm grip.
That exemplified your heart, mind and spirit
‘Twas your spirited being so precious ingrained,
That united us in a manner as never entertained.
You have earned affection love with those that served
Wishing you could remain to continue to preserve
Our state our house our love you so richly deserve
The flame you sparked into our hearts
Shall be preserved.

RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of receiving Senate Messages, forming Committees of Conference, enrolled bill amendments and enrolled bill reports only.

Rep. Keans moved that the recess motion be amended to delete the reference to forming Committees of Conference and spoke in favor.

Rep. Lozeau spoke against.

Rep. Keith Herman requested a roll call; sufficiently seconded.

YEAS 74 NAYS 188

YEAS 74

BELKNAP

Millham, Alida

CARROLL

Dickinson, Howard

CHESHIRE

Burnham, Daniel

Lynott, Margaret

Mitchell, McKim

Richardson, Barbara

Robertson, Timothy

COOS

None

GRAFTON

Copenhaver, Marion

Densmore, Jessica

Guest, Robert

Johnson, Gary

Nordgren, Sharon

Solow, Martha

HILLSBOROUGH

Arthur, Rose

Bergeron, Lucien

Curran, James

Daigle, Robert

Drabinowicz, A Theresa

Ford, Nancy

Foster, Linda

Franks, Suzan

Garrish, Linda

Ginsburg, Ruth

Gorman, Mary

Hall, Betty

Jean, Claudette

Keye, Harvey

McDonough-Wallace,
Alice

Melcher, Harold

Mendenhall, Leslie

Messier, Irene

Moriarty, Mary

Reidy, Frank

Simon, Anthony

Vaillancourt, Steve

White, John

MERRIMACK

Bouchard, Candace

Chase, George

Daneault, Gabriel

French, Barbara

Lockwood, Priscilla	Moore, Carol	Owen, Derek	Potter, Frances
Poulin, Dave	Rosenfield, Jay	Seldin, Gloria	Virtue, Carolyn
Wallin, Jean	Wallner, Mary Jane	Whittemore, James	

ROCKINGHAM

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Hutchinson, Rebecca
Langley, Jane	Sabella, Norma	Sapareto, Frank	

STRAFFORD

Brennan, William	Brown, Julie	Callaghan, Frank	Dunlap, Patricia
Estabrook, Iris	Keans, Sandra	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Taylor, Kathleen	Twardus, Joseph
Vachon, Dennis			

SULLIVAN

Donovan, Thomas Jr	Phinizy, James	Tuthill, John
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NAYS 188

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Czech, Stanley	Holbrook, Robert
Johnson, James	Pilliod, James	Rosen, Ralph	Russell, David
Thomas, John	Turner, Robert	Wendelboe, Francine	Wood, Jane

CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Howard, Godfrey
Kenney, Joseph	Lyman, L Randy	Mock, Henry	Patten, Betsey
Sullivan, P Judith			

CHESHIRE

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Doucette, Richard
Hunt, John	Manning, Joseph	McGuirk, Paul	Meader, David
Pratt, Irene	Pratt, John	Roberts, William	Rose, William

Royce, H Charles

Zerba, Roger

COOS

Davis, Perley

Gallus, John

Horton, Lynn

Pratt, Leighton

Tholl, John Jr

Woodward, David

GRAFTON

Akins, Ralph

Alger, John

Almy, Susan

Hall, David

Ham, Bonnie

Harmon, Hobart

Hinman, Harry

Marshall, Gene

Mirski, Paul

Phinney, William

Ward, Brien

HILLSBOROUGH

Ahern, Richard

Alukonis, David

Andrews, Frederick

Arnold, Thomas Jr

Beaupre, Roland

Belvin, William

Brundige, Robert

Bruno, Pierre

Buckley, Raymond

Calawa, Leon Jr

Carlson, Donald

Clegg, Robert Jr

Cote, Peter

Craig, James

Dalianis, Griffin

Daniels, Gary

Desmarais, Vivian

Dokmo, Cynthia

Durham, Susan

Dyer, Merton

Fenton, James

Fields, Dennis

Goulet, Maurice

Haettenschwiller,
Alphonse

Hansen, Herbert

Herman, Keith

Herman, Richard

Hunter, Bruce

Jean, Loren

Johnson, Lionel

Konys, Christine

Kurk, Neal

L'Heureux, Robert

LaRose, Richard

Lefebvre, Roland

Leishman, Peter

Leonard, Peter

Lozeau, Donnalee

Lynde, Harold

MacGillivray, Jeffrey

Martel, Andre

McCarty, Winston

McColgan, Philip Jr

McGough, Tim

Mercer, Robert

Milligan, Robert

Moran, Edward

Mosher, William

Murphy, Robert

O'Connell, Timothy

O'Hearn, Jane

Ouellette, Dean

Pappas, Marc

Reeves, Sandra

Rowe, Robert

Sargent, Maxwell

Thulander, O Alan

Turgeon, Roland

White, Donald

MERRIMACK

Anderson, Eric

Asplund, Bronwyn

Brewster, Richard

Davis, Francis

Feuerstein, Martin

Fortnam, Janet

Hess, David

Kennedy, Richard

Larrabee, David Sr

Leber, William

Marple, Richard

Marshall, Kenneth

St Cyr, Gerard

Whalley, Michael

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Christie, Andrew Jr
Clark, Vivian	Cooney, Richard	Cox, Russell	DiFruscia, Anthony
Flanagan, Natalie	Flanders, David	Flanders, John Sr	Francoeur, Sheila
Gibbons, Paul	Gleason, John	Grant, Kenneth	Griffin, Mary
Hamel, Albert	Henderson, Warren	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Letourneau, Robert	Major, Norman
McKinney, Betsy	Mikowski, Walter	Nowe, Mary Lou	Nowe, Ronald
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Pitts, Jacqueline
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Raynowska, Bernard
Shelton, Richard	Splaine, James	Stickney, Nancy	Stone, Joseph
Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas	Weare, Everett
Weatherspoon, Jackie	Welch, David	Weyler, Kenneth	Zolla, William

STRAFFORD

Brown, George	Cossette, Larry	Domingo, Baldwin	Johnson, Nancy
Kaen, Naida	Knowles, William	Spang, Judith	Torr, Franklin
Wall, Janet	Woods, Phyllis		

SULLIVAN

Burling, Peter	Cloutier, John	Jones, Constance	Leone, Richard
Young, David			

and the motion to amend the recess motion failed.

The question now being the adoption of the recess motion as offered by Rep. Chandler.

Adopted by the necessary two-thirds.

The House recessed at 7:20 p.m.

RECESS

(Rep Clegg in the Chair)

The Committee on Enrolled Bills has examined and found correctly enrolled House Joint Resolution 22, House Bills 312, 427, 522, 1102, 1107, 1130, 1195, 1209, 1244, 1335, 1338, 1457, 1467, 1468 and 1562 and Senate Bills 315 and 360.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

senate messages

concurrences

HB 405-FN, relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs and relative to an effectiveness study of such programs.

HB 1210-L, relative to capital reserve funds.

HB 1216, relative to petitions for warrant articles.

HB 1343-FN-A, appropriating available funds for fiscal year 2000 to provide funding to support research monitoring groundwater at reclamation sites that have had sludge applied.

HB 1592, relative to the display of the United States flag.

HJR 26, a resolution urging Congress to pass legislation ensuring improved access to local television for households in unserved and underserved rural areas.

nonconcurrence

HB 1224, relative to the process for nonrenewal of teacher contracts.

HB 1470, relative to divestiture of electric utility assets.

HB 1510-FN, relative to establishing a medical savings account plan for providing state employee health care benefits.

CACR 2, Relating to: supreme court rules. Providing that: supreme court rules may not be inconsistent with statutes.

requests concurrence with amendments

HB 413-FN-A, relative to the renovation of regional vocational education centers, and making an appropriation therefor. (Amendment printed SJ 5/18/00)

Rep. Letourneau moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Leber, McCarty, Cloutier and Alukonis.

HB 417-FN-A, relative to the rehabilitation of the Walker building at New Hampshire hospital and making an appropriation therefor. (Amendment printed SJ 5/18/00)

Rep. Letourneau moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Calawa, McCarty, White-Bouchard and Major.

HB 648-FN, relative to a sludge testing program. (Amendment printed SJ 5/18/00)

Rep. Letourneau moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Leishman, Messier, Betty Hall and Almy.

HB 1329, relative to the termination of residential electric or gas utility service, the public utility commission's rulemaking authority, and the establishment of a gas utility restructuring oversight committee. (Amendment printed SJ 5/11/00)

Rep. Letourneau moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Arnold, Bradley, Bergeron and Lynde.

HB 1418-FN-L, relative to mercury-containing products. (Amendment printed SJ 5/18/00)

Rep. Letourneau moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Scanlan, Melcher, Messier and Lynde.

HB 1471, relative to the department of employment security's power to approve building projects. (Amendment printed SJ 5/18/00)

Rep. Letourneau moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Calawa, Cloutier, Daigle and Leber.

HB 1521, relative to the definition and administration of an adequate education. (Amendment printed SJ 5/18/00)

Rep. Letourneau moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. O'Hearn, Ward, Hoadley and Henderson.

HB 1552-FN-A, establishing a telecommunications development initiative in New Hampshire and making an appropriation therefor. (Amendment printed SJ 5/11/00)

Rep. Letourneau moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Major, Bradley, Thomas and Naida Kaen.

HB 1569-FN, requiring the department of environmental services to propose a voluntary testing program of public water supplies of methyl tertiary butyl ether (MTBE), and to study the amount of MTBE in gasoline in the state. (Amendment printed SJ 5/11/00)

Rep. Letourneau moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Maxfield, Norelli, MacGillivray and Almy.

RECESS

(Rep. Letourneau in the Chair)

senate messages

concurrences

HB 1139, establishing a committee to study involuntary emergency admission hearings.

HB 1250, allowing an advanced registered nurse practitioner to declare a personal safety emergency and to transfer an inmate for a psychiatric inpatient emergency.

HB 1319, extending the reporting date of the committee studying negotiated risk agreements and requiring the department of health and human services to conduct a study.

HB 1369-FN-L, clarifying authority to regulate asbestos.

HB 1438-FN, relative to transportation of children for involuntary emergency admissions.

HB 1582, establishing a committee to study workplace policies and practices of small businesses for their effect on New Hampshire employees and their families.

HB 1602-FN, establishing the New Hampshire task force on deafness and hearing loss.

HB 1627, relative to the exchange of certain land in the town of Rindge.

HJR 20, a resolution urging the United States Congress to fully fund the Ricky Ray Hemophilia Relief Fund Act for HIV victims.

HCR 35, a resolution urging the United States Food and Drug Administration to defer its proposed rules requiring pasteurization for apple cider and consider adoption of alternative processing standards.

nonconcurrences

HB 723-FN, relative to standby and emergency guardianship proxies.

HB 1113, raising the maximum price for lucky 7 tickets.

HB 1144-FN, establishing a committee to study the exemption from property taxes for not-for-profit hospitals.

HB 1203-L, relative to the adoption of rules by the commissioner of cultural resources regarding public libraries.

HB 1253, establishing a 4-year term for the commissioner of the department of corrections.

HB 1371, relative to allocation and distribution of funds for community-based prevention and diversion programs for children and juveniles.

HB 1469, establishing a department of youth development services, advisory board, and relative to changing the name of juvenile services officers.

HB 1506, extending the reporting date of the committee studying ambulatory surgical facilities and relative to the threshold limit for certain new health facilities under RSA 151-C.

HB 1621-FN, allowing administrative home confinement for habitual offenders.

RECESS

(Rep. Clegg in the Chair)

senate messages

requests concurrence with amendments

HB 297-FN, permitting a jury trial in the superior court for alleged violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission. (Amendment printed SJ 5/18/00)

Rep. Konys moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Mock, Loren Jean, Craig and Woods.

HB 690-FN-L, relative to charter schools and open enrollment districts. (Amendment printed SJ 2/10/00)

Rep. Konys moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Konys, Durham, Alger, Cox and Hunt.

HB 725-L, relative to rulemaking under the administrative procedures act. (Amendment printed SJ 5/18/00)

Rep. Konys moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Dickinson, Dyer, Torr and Virtue.

HB 1189-FN, relative to benefit amounts, fees assessed and the application of the state unemployment compensation law. (Amendment printed SJ 5/18/00)

Rep. Konys moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Daniels, Clegg, Wall and Jane Kelley.

HB 1349-L, authorizing the department of environmental services to collect the costs of administering air pollution control from polluters at different rates for different pollutants, and relative to the mercury emissions reduction program and ash landfill study. (Amendment printed SJ 5/11/00)

Rep. Konys moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Thomas, Gilmore, Anderson and Major.

HB 1573, relative to the funding of the salary of the director of emergency medical services and making an appropriation therefor. (Amendment printed SJ 5/18/00)

Rep. Konys moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Holbrook, Vivian Clark, Robert Johnson and Dwyer.

HB 1589, prohibiting the use of genetic testing for certain insurance policies. (Amendment printed SJ 5/18/00)

Rep. Konys moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Hunt, Francoeur, Kurk and Crosby.

nonconcurrence

HB 1241, relative to third person liability under the workers' compensation law.

HB 1342, directing the department of environmental services to adopt concentration limits for certain compounds in land applied sludge.

concurrence with amendment

SB 401-FN-A-L, establishing the New Hampshire land and community heritage investment program and making an appropriation therefor.

RECESS

(Speaker Sytek in the Chair)

senate message

nonconcurrs with amendment

requests committee of conference

SB 472, relative to final authorization of electric rate reduction financing and commission action.

The President appointed Sens. Frederick King, Below and Hollingworth.

Rep. Bradley moved that the House Accede.

Adopted.

The Speaker appointed Reps. Bradley, Guay, Norelli and MacGillivray. (Alternates: Reps. Naida Kaen and Maxfield)

RECESS

(Rep. Clegg in the Chair)

senate message

concurrence

HB 1177, relative to the effective date of legislation establishing a chaptered or statutory legislative committee.

requests concurrence with amendments

HB 1202, making technical corrections to 1999. 17 as amended and relative to fixing and mailing procedures in the administration and appeal of state and local taxes. (Amendment printed SJ 5/18/00)

Rep. Emerton moved that the House nonconcur and request a Committee of Conference

Adopted.

The Chair appointed Reps. Kurk, Alukonis, Vaughn and Clegg.

HB 1463, making technical corrections related to the mental health system and guardianship hearings. (Amendment printed SJ 5/18/00)

Rep. Emerton moved that the House nonconcur and request a Committee of Conference

Adopted.

The Chair appointed Reps. Dowling, Richardson, Arnold and Thulander.

HB 1563-FN-L, establishing the Wolfeboro Airport Authority. (Amendment printed SJ 5/18/00)

Rep. Emerton moved that the House nonconcur and request a Committee of Conference

Adopted.

The Chair appointed Reps. Hess, Patten, Bradley and Simon.

HB 1571-FN, relative to claims arising from clinical services provided to the department of corrections. (Amendment printed SJ 5/18/00)

Rep. Emerton moved that the House nonconcur and request a Committee of Conference

Adopted.

The Chair appointed Reps. Mock, Rowe, Dokmo and Mitchell.

HB 1622-L, eliminating the requirement that a deputy town clerk have his or her domicile within the town. (Amendment printed SJ 5/18/00)

Rep. Emerton moved that the House nonconcur and request a Committee of Conference

Adopted.

The Chair appointed Reps. Patten, Griffin, Simon and Lockwood.

RECESS

(Speaker Sytek in the Chair)

senate messages

requests concurrence with amendments

HB 618-FN-A, establishing a voucher program for smoking cessation. (Amendment printed SJ 5/18/00)

Rep. Buckley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Emerton, Batula, Haettenschwiller and Wendelboe.

HB 628, relative to the relocation of the principal residence of a child. (Amendment printed SJ 5/18/00)

Rep. Buckley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dowling, Moran, Jones and Ginsburg.

HB 1106, making the widening of Interstate 93 from Manchester to the Massachusetts border a state priority. (Amendment printed SJ 5/18/00)

Rep. Buckley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Calawa, McCarty, Morse and Ahern.

HB 1414, authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or not MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, requiring a certification of understanding by certain municipal electric utilities, and relative to ambient groundwater quality standards. (Amendment printed SJ 5/18/00)

Rep. Buckley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Bradley, Thomas, Lynde and Norelli.

HB 1464, relative to the licensing process for new health care facility construction. (Amendment printed SJ 5/18/00)

Rep. Buckley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Emerton, Batula, Pilliod and Donovan.

HB 1579-FN, establishing certain penalties for violations of the youth tobacco laws and clarifying a definition under the indoor smoking act. (Amendment printed SJ 5/18/00)

Rep. Buckley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hunt, Francoeur, Kurk and Taylor.

HB 1611, recodifying the state's DWI laws. (Amendment printed SJ 5/18/00)

Rep. Buckley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Reps. Christie, Welch, Avery and Hunt.

HB 1620-FN, relative to driver record information. (Amendment printed SJ 5/18/00)

Rep. Buckley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Packard, Letourneau, Hunt and Kurk.

HB 2000-FN-L, relative to a 10-year transportation plan and establishing a committee to study the transportation plan projects. (Amendment printed SJ 5/18/00)

Rep. Buckley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Calawa, McCarty, Daigle and Alukonis.

RECESS

(Rep. Clegg in the Chair)

enrolled bill amendments

SJR 1, concerning the status of the White Mountain National Forest within the US. Forest Service's forest management plan. (Amendment printed SJ 5/18/00)

Adopted.

SB 318-FN, relative to proposed joint maintenance agreements. (Amendment printed Js 5/18/00)

Adopted.

RECESS

(Rep. Letourneau in the Chair)

senate messages

nonconcurs with amendments

requests committee of conference

SB 132, requiring a review of public safety communications requirements regarding the summit of Mount Kearsarge, establishing an advisory committee regarding the review, and placing a moratorium until July 1, 2001 on new leases, use permits, or extensions of lease or permit terms for telecommunications facilities on the summit of Mount Kearsarge.

The President appointed Sens. Below, Trombly and Krueger.

Rep. Whalley moved that the House accede.

Adopted.

The Chair appointed Reps. Royce, Whalley, Downing and Cooney.

SB 226-FN, relative to the real estate practice act and the powers and duties of the real estate commission.

The President appointed Sens. Cohen, Larsen and Francoeur.

Rep. Whalley moved that the House accede.

Adopted.

The Chair appointed Reps. Goulet, Stickney, Millham and Murphy.

SB 303, relative to campaign contributions by business organizations.

The President appointed Sens. Trombly, Below and Krueger.

Rep. Whalley moved that the House accede.

Adopted.

The Chair appointed Reps. Clegg, Arndt, Reeves and Buckley.

SB 326, relative to the joint health council.

The President appointed Sens. Squires, Wheeler and Krueger.

Rep. Whalley moved that the House accede.

Adopted.

The Chair appointed Reps. Goulet, Stickney, Holley and Murphy.

SB 436-FN, relative to permanent revocation of drivers' licenses for causing a fatality or serious bodily injury while driving intoxicated.

The President appointed Sens. Trombly, Brown and Pignatelli.

Rep. Whalley moved that the House accede.

Adopted.

The Chair appointed Reps. Christie, Welch, Tholl and Knowles.

SB 439-FN, relative to motor vehicle offenses resulting in serious bodily injury.

The President appointed Sens. Gordon, Trombly and Pignatelli.

Rep. Whalley moved that the House accede.

Adopted.

The Chair appointed Reps. Christie, Welch, Knowles and Packard.

SB 470, relative to the administrative authority of the board of trustees for the regional community-technical colleges.

The President appointed Sens. McCarley, D'Allesandro and Johnson.

Rep. Whalley moved that the House accede.

Adopted.

The Chair appointed Reps. O'Hearn, Henderson, Larrabee and John White.

SB 471, relative to authorizing the town of Seabrook to establish a reserve fund for tax stabilization related to the decommissioning of the Seabrook nuclear plant and ratifying article 12 of the 1999 Seabrook annual town meeting.

The President appointed Sens. Trombly, Cohen and Roberge.

Rep. Whalley moved that the House accede.

Adopted.

The Chair appointed Reps. Patten, Griffin, Leone and Simon.

requests concurrence with amendments

HB 1504, relative to submission of biennial budget estimates by agencies. (Amendment printed SJ 5/23/00)

Rep. Whalley moved that the House concur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Kurk, Clegg, Thulander and Knowles.

HB 1510-FN, relative to establishing a medical savings account plan for providing state employee health care benefits. (Amendment printed SJ 5/18/00)

Rep. Whalley moved that the House concur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Goulet, Millham, Stickney and Murphy.

HB 1621-FN, allowing administrative home confinement for habitual offenders. (Amendment printed SJ 5/23/00)

Rep. Whalley moved that the House concur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Christie, Welch, Knowles and Rodd.

RECESS

(Rep. Welch in the Chair)

senate messages

nonconcurs with amendments

requests committee of conference

SB 323, relative to ambulatory surgical facilities in service areas of rural hospitals.

The President appointed Sens. Squires, McCarley and Wheeler.

Rep. Christie moved that the House accede.

Adopted.

The Chair appointed Reps. Emerton, Wendelboe, Batula and Donovan.

SB 353, relative to sales of insurance by financial institutions.

The President appointed Sens. Fraser, McCarley and Wheeler.

Rep. Christie moved that the House accede.

Adopted.

The Chair appointed Reps. Hunt, Francoeur, Kurk and Taylor.

SB 448, establishing a guardians ad litem board.

The President appointed Sens. Pignatelli, Gordon and Trombly.

Rep. Christie moved that the House accede.

Adopted.

The Chair appointed Reps. Bickford, Martel, Moran and Almy.

SB 449-FN, clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

The President appointed Sens. Squires, Below and Larsen.

Rep. Christie moved that the House accede.

Adopted.

The Chair appointed Reps. Kurk, Clegg, Thulander and Knowles.

SCR 6, urging the President and Congress to address the challenge of high prescription medication prices.

The President appointed Sens. Wheeler, Klemm and Hollingworth.

Rep. Christie moved that the House accede.

Adopted.

The Chair appointed Reps. Fields, Quandt, McDonough-Wallace and Priestley.

RECESS

(Rep. Clegg in the Chair)

senate messages

accedes to requests for committees of conference

HB 226-L, establishing municipality bond payment schedules and percentages.

The President appointed Sens. Fraser, Wheeler and Klemm.

HB 297-FN, permitting a jury in the superior court for alleged violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission,

The President appointed Sens. Squires, Trombly and Gordon.

HB 413-FN-A, relative to the renovation of regional vocational education centers, and making an appropriation therefor.

The President appointed Sens. Larsen, McCarley and Squires.

HB 417-FN-A, relative to the rehabilitation of the Walker building at New Hampshire hospital and making an appropriation therefor.

The President appointed Sens. Larsen, John King and Senator Russman.

HB 505-FN, establishing a special license plate for veterans.

The President appointed Sens. Gordon, Roberge and Below.

HB 618-FN-A, establishing a voucher program for smoking cessation.

The President appointed Sens. Squires, Fernald and Wheeler.

HB 628, relative to the relocation of the principal residence of a child.

The President appointed Sens. Squires, Gordon and Klemm.

HB 648-FN, relative to a sludge testing program.

The President appointed Sens. Cohen, Wheeler and Brown.

HB 690-FN-L, relative to charter schools and open enrollment districts.

The President appointed Sens. McCarley, Johnson and Disnard.

HB 713-FN, relative to penalties for multiple DWI offenses.

The President appointed Sens. Brown, Trombly and Squires.

HB 725, relative to rulemaking under the administrative procedures act.

The President appointed Sens. Larsen, D'Allesandro and Klemm.

HB 1106, making the widening of Interstate 93 from Manchester to the Massachusetts border a state priority.

The President appointed Sens. Russman, Pignatelli and Below.

HB 1188-FN-L, relative to alternative kindergarten programs.

The President appointed Sens. McCarley, Below and Gordon.

HB 1189-FN, relative to benefit amounts, fees assessed and the application of the state unemployment compensation law.

The President appointed Sens. Wheeler, McCarley and Fraser.

HB 1202-L, making technical corrections to 1999, 17 as amended and relative to fixing and mailing procedures in the administration and appeal of state and local taxes.

The President appointed Sens. Below, Fraser and McCarley.

HB 1259-FN, establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth.

The President appointed Sens. Frederick King, Hollingworth and Cohen.

HB 1329, relative to the termination of residential electric or gas utility service, the public utility commission's rulemaking authority, and the establishment of a gas utility restructuring oversight committee.

The President appointed Sens. Below, Fraser and Frederick King.

HB 1349-L, authorizing the department of environmental services to collect the costs of administering air pollution control from polluters at different rates for different pollutants, and relative to the mercury emissions reduction program and ash landfill study.

The President appointed Sens. Disnard, Johnson and Frederick King.

HB 1414, authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, requiring a certification of understanding by certain municipal electric utilities, and relative to ambient groundwater quality standards.

The President appointed Sens. Below, Russman and Wheeler.

HB 1418-FN-L, relative to mercury-containing products.

The President appointed Sens. Wheeler, Below and Russman.

HB 1463, making technical corrections related to the mental health system and guardianship hearings.

The President appointed Sens. Wheeler, Trombly and McCarley.

HB 1464, relative to the licensing process for new health care facility construction.

The President appointed Sens. Squires, McCarley and Wheeler.

HB 1471, relative to the department of employment security's power to approve building projects.

The President appointed Sens. D'Allesandro, Larsen and Gordon.

HB 1504, relative to submission of biennial budget estimates by agencies.

The President appointed Sens. Frederick King, Below and McCarley

HB 1510-FN, relative to establishing a medical savings account plan for providing state employee health care benefits.

The President appointed Sens. Frederick King, Below and McCarley.

HB 1521-FN-L, relative to the definition and administration of an adequate education.

The President appointed Sens. McCarley, D'Allesandro and Larsen.

HB 1552-FN-A, establishing a telecommunications development initiative in New Hampshire and making an appropriation therefor.

The President appointed Sens. D'Allesandro, Below and Frederick King.

HB 1563-FN-L, establishing the Wolfeboro Authority.

The President appointed Sens. Gordon, Roberge and Trombly.

HB 1569-FN, requiring the department of environmental services to propose a voluntary testing program of public supplies for methyl tertiary butyl ether (MTBE), and to study the amount of MTBE in gasoline in the state.

The President appointed Sens. Wheeler, Below and Cohen.

HB 1570-FN, requiring parolees and probationers from other states to comply with the Interstate Compact on Parole in order to be lawfully present in New Hampshire.

The President appointed Sens. Brown, Cohen and Trombly.

HB 1571, relative to claims arising from clinical services provided to the department of corrections.

The President appointed Sens. Squires, Wheeler and Krueger.

HB 1573-FN, relative to the funding of the salary of the director of emergency medical services and making an appropriation therefor.

The President appointed Sens. Frederick King, Larsen and Gordon.

HB 1579-FN, establishing certain penalties for violations of the youth tobacco laws and clarifying a definition under the indoor smoking act.

The President appointed Sens. Fraser, Klemm and Wheeler.

HB 1589, prohibiting the use of genetic testing for certain insurance policies.

The President appointed Sens. Wheeler, McCarley and Fraser.

HB 1611, recodifying the state's DWI laws.

The President appointed Sens. Gordon, Pignatelli and Squires.

HB 1617-FN, relative to suspension of a driver's license for sufficient cause.

The President appointed Sens. Gordon, Trombly and Russman.

HB 1620-FN, relative to driver record information.

The President appointed Sens. Gordon, Below and Roberge.

HB 1621, allowing administrative home confinement for habitual offenders.

The President appointed Sens. Pignatelli, Trombly and Brown.

HB 1622-L, eliminating the requirement that a deputy town clerk have his or her domicile within the town.

The President appointed Sens. Trombly, Disnard and Roberge.

HB 2000-FN-L, relative to a 10-year transportation plan and establishing a committee to study the transportation plan projects.

The President appointed Sens. Gordon, Pignatelli, Below.

enrolled bill amendments

HB 304, relative to school employee and volunteer background investigations.

Amendment (4616-EBA)

Amend section 2 of the bill by replacing lines 5-7 with the following:

RSA 630:1; 630:1-a; 630:1-b; 630:2; 632-A:2; 632-A:3; 632-A:4; 633:1; 639:2; 639:3; 645:1, I(b), II, or III; 645:2; 649-A:3; 649-B:3; or 649-B:4; or any violation or any attempted violation of RSA 650:2 where the act involves a child in material deemed obscene; in this

Adopted.

HB 1210-L, relative to capital reserve funds.

Amendment (4619-EBA)

Amend RSA 34:3, I as inserted by section 3 of the bill by replacing line 3 with the following:

for charitable purposes, within the limits as provided in RSA 34:4.

Adopted.

HB 1424, relative to reevaluation of a person's competency to stand trial.

Amendment(4623-EBA)

Amend RSA 135:17-a, V as inserted by section 2 of the bill by replacing line 2 with the following:

court determines that he or she is dangerous to himself or herself or others, the court shall order the

Adopted.

HB 1431, relative to protective orders in domestic violence cases.

Amendment (4614-EBA)

Amend section 1 of the bill by replacing lines 7 and 8 with the following:

petitioning the court for a modification of the order. In an emergency situation, the plaintiff or plaintiff's family may request that the local police department notify the defendant and the local police may

Adopted.

HB 1582, establishing a committee to study workplace politics and practices of small businesses for their effect on New Hampshire employees and their families.

Amendment (4633-EBA)

Amend section 3 of the bill by replacing line 3 with the following:

(a) Examine employment and workplace policies of small businesses which enable

Adopted.

HCR 27, requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes.

Amendment (4632-EBA)

Amend the resolution by replacing line 14 with the following:

representatives in state government to reaffirm, in no uncertain terms, that the authority to tax under

Adopted.

HCR 35, urging the United States Food and Drug Administration to defer its proposed rules requiring pasteurization for apple cider and consider adoption of alternative processing standards.

Amendment (4629-EBA)

Amend the first paragraph after the resolving clause of the resolution by replacing line 4 with the following:

of public protection at reasonable cost to our small cider makers; and

Adopted.

RECESS

(Rep. Whalley in the Chair)

senate messages

nonconcurrence

HB 53, relative to qualifications and appointments of marital masters.

HB 1525, establishing a legislative oversight committee to review the procedures of the health services planning and review board.

concurrence with amendments

SB 97, relative to charitable trusts which are institutional funds.

SB 128, replacing the housing assistance fund trust fund with a homeless prevention fund, and making an appropriation therefor.

SB 136-FN, allowing certain state employees to take paid leave to participate in disaster relief service work.

SB 153-FN-A, requiring that a percentage of profits derived by the liquor commission be placed into and continually appropriated to a special fund for alcohol education and abuse prevention and treatment programs.

SB 302, relative to certain employment requirements for liquor licensees.

SB 308, relative to the adoption of a minor child by the grandparent or grandparents and relative to de novo appeals to the superior court in abuse and neglect proceedings before the family division of the courts.

SB 324, relative to personal care services and providers.

SB 328, making corrections to statutory references in certain fish and game laws.

SB 330, establishing a committee to study the impact of water withdrawals on instream flows and the impact of instream flow rules on entities that withdraw water or are affected by instream flows.

SB 338, relative to trustee process.

SB 349, relative to the sale of the marital residence in a domestic proceeding.

SB 363, relative to the sale of malt beverages, direct shipper permits, and registration requirements for wine and liquor licenses.

SB 368, relative to insurance fraud.

SB 375, relative to motor vehicle dealerships.

SB 378, relative to Article 9 of the Uniform Commercial Code.

SB 383, requiring the department of health and human services and insurers to make prompt payments.

SB 389-FN, relative to medical benefits for group II members of the retirement system.

SB 393, relative to single producer licensing.

SB 397-FN-A-L, making an appropriation from the education trust fund for public kindergarten programs and relative to the adequate education grant amount and property tax warrant for the town of Orange.

SB 409-FN, relative to health insurance coverage of qualified clinical trials and establishing a committee to study the coverage for autologous bone marrow transplants.

SB 413-FN, relative to confidentiality of addresses for victims of domestic violence, stalking, or sexual assault.

SB 415-FN-L, relative to payment of group health insurance premiums for eligible retired members of the retirement system.

SB 419-FN, establishing the crime of negligent storage of a firearm.

SB 422, relative to the housing security guarantee loan program.

SB 424, relative to controlled substances used for pain management.

SB 428-FN-A, relative to the health care fund.

SB 445-FN, relative to methadone maintenance treatment.

SB 446, relative to the integration of information technology at the state, county and municipal levels.

SB 450-FN, prohibiting the importation of tobacco products that violate federal law.

SB 459, relative to uninsured or underinsured motorist insurance coverage.

RECESS

(Rep. Fields in the Chair)

enrolled bills report

The Committee on Enrolled Bills has examined and found correctly enrolled House Joint Resolution 26, House Bills 405, 521, 683, 1124, 1145, 1165, 1183, 1216, 1294, 1316, 1343, 1541, 1592, 1606 and 1607, and Senate Bills 316, 332, 367, 392, 453 and 467.

Rep. Lozeau, Sen. D'Allesandro for the Committee

RECESS

(Rep. Keith Herman in the Chair)

enrolled bill amendments

SB 334, relative to credit unemployment insurance. (Amendment printed SJ 5/18/00)

Adopted.

SB 401, FN-A-L, establishing the New Hampshire land and community heritage investment program and making an appropriation therefor. (Amendment printed SJ 5/18/00)

Adopted.

SB 458, increasing the salary of the executive secretary of the retirement system and changing the title to executive director. (Amendment printed SJ 5/18/00)

Adopted.

SB 468, relative to the family division of the courts and relative to the jurisdiction of the family division in Rockingham county. (Amendment printed SJ 5/18/00)

Adopted.

SB 469, relative to mutual insurance holding companies. (Amendment printed SJ 5/18/00)

Adopted.

HB 733, relative to a state master plan for the deployment of personal wireless service facilities and establishing a committee to study state wireless communications policy.

Amendment (4640-EBA)

Amend section 1 of the bill by replacing line 2 with the following:

after chapter 12-I the following new chapter:

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 8:

7 Contingency; Renumbering of RSA Chapter. If HB 1606-FN of the 2000 session becomes law, then RSA 12-J:1 – RSA 12-J:9 as inserted by section 1 of the bill, and any references to sections of RSA 12-J in the bill, shall be renumbered to read as RSA 12-K:1 – RSA 12-K:9, respectively.

Adopted.

HB 1369-FN-L, clarifying authority to regulate asbestos.

Amendment (4690-EBA)

Amend RSA 141-E:3, II (g) as inserted by section 1 of the bill by replacing line 2 with the following:

with the measures established under subparagraph (f)(1). The program shall include, but not be

Adopted.

HB 1377, prohibiting managed care organizations from disqualifying certain physicians as providers and relative to the duties of the joint health council.

Amendment (4683-EBA)

Amend RSA 326-B:10-a, III as inserted by section 2 of the bill by replacing it with the following:

III. The duties of the joint health council shall include, but not be limited to, **determining the type of A.R.N.P. formulary, exclusionary, inclusionary, or other, and** adding or altering the list of controlled and noncontrolled molecular entities on the A.R.N.P. formulary. Decisions on such additions or alterations shall be rendered within 3 months of initial

consideration by the council unless there is a request for additional scientific information. Appeals of decisions of the council shall be submitted to the council in writing for further deliberation by the council. The A.R.N.P. formulary shall be updated at least annually and shall be available in paper and electronic format from the board of nursing, the board of medicine, and the board of pharmacy.

Adopted.

RECESS

(Rep. Keith Herman in the Chair)

enrolled bills report

The Committee on Enrolled Bills has examined and found correctly enrolled House Joint Resolutions 20, 21 and 24, House Bills 304, 542, 1139, 1146, 1177, 1210, 1250, 1251, 1308, 1309, 1319, 1424, 1431, 1438, 1448, 1582, 1602 and 1627, Senate Joint Resolution 1 and Senate Bills 206, 310, 318, 358 and 379.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

RECESS

(Speaker Sytek in the Chair)

conferee changes

HB 628, relative to the relocation of the principal residence of a child.

Rep. Arnold replaced Rep. Jones.

HB 725, relative to rulemaking under the administrative procedures act.

Rep. O'Neil replaced Rep. Dyer

HB 1414, authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, requiring a certification of understanding by certain municipal electric utilities, and relative to ambient groundwater quality standards.

Rep. Maxfield replaced Rep. Lynde.

HB 1471, relative to the department of employment security's power to approve building projects.

Rep. McCarty replaced Rep. Daigle.

SCR 6, urging the President and Congress to address the challenge of high prescription medication prices.

Rep. Tufts replaced Rep. Quandt.

RECESS