

HOUSE RECORD

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

Calendar and Journal of the 2000 Session

Vol. 22

Concord N.H.

Wednesday, May 31, 2000

No. 48

HOUSE JOURNAL No. 17 (cont.)

Thursday, May 18, 2000

Rep. Burling moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 18

Wednesday, May 31, 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.

Compassionate Creator, lover of all, we remember before You the men and women of our country whose lives with family, friends, and neighbors were interrupted by a call to arms. We do not know all their names, nor can we now behold their faces, yet we are the inheritors of their sacrifice as we enjoy the liberty and freedom of our beloved democracy. Bless the work and decisions of this hallowed chamber, made sacred by the honor of those who gave their lives defending what we do here today, and may we not rest until all the citizens of New Hampshire share the benefits of true freedom and gladly accept its disciplines. Amen.

Rep. Wiggins led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Patricia Cote, Dawe, L'Heureux, Nichols, Perkins, Ronald Russell, Searles, Schanda and Vincent, the day, illness.

Reps. Akins, Burkush, Crosby, Dearborn, DeChane, Flint, Glines, Howard, Jones, Lundborn, Martin, Mears, Musler, Owen, Pantelakos and Salatiello, the day, important business.

INTRODUCTION OF GUESTS

Mimi Gaudreau, guest of Rep. Almy. Barbara Brewster and Audry Sheaffer, wife and guest of Rep. Brewster. Velda Ruffner, wife of Rep. Ruffner. Kathryn Rogers and Mary Ann Cooper, mother-in-law and guest of Rep. Phyllis Woods. Mary Allen, guest of the Kingston Delegation. Lynda Hunt, wife of Rep. Hunt. Melissa Dingley, guest of Rep. Babson. Hilda Sokol and Bernie Benn, guests of the Hanover/Lyme Delegation. Isaac Hall, guest of Rep. Avery. Donna Rush, guest of Rep. Fortnam.

special guests

The Manchester Central High School Boys Varsity Championship Class L Basketball team, guests of the House.

The members of the Rochester Cathedral Boys' Choir from Rochester, England who performed for the House, guests of the House.

(Clerk's Note)

When less than a 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.

consent calendar

committee of conference reports on senate bills

Rep. Chandler moved that the Consent Calendar of Committee of Conference Reports on Senate Bills, as printed and distributed, be adopted.

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, removed by Rep. Rosenfield.

SCR 6, urging the President and Congress to address the challenge of high prescription medication prices, removed by Rep. Chandler.

Consent Calendar adopted by the necessary two-thirds.

committee of conference report on sb 135

Committee of Conference Report on SB 135-FN, an act relative to water supply land protection grants.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Russman, Dist. 19; Johnson, Dist. 3 and Pignatelli, Dist. 13.

Conferees: Reps. Royce, Ches. 9; Whalley, Merr. 5; Downing, Rock. 26 and Stone, Rock. 7.

committee of conference report on sb 226

Committee of Conference Report on SB 226-FN, an act relative to the real estate practice act and the powers and duties of the real estate commission.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 331-A:10 as inserted by section 4 of the bill by replacing it with the following:

331-A:10 Qualifications For Licensure. The executive director shall issue a license to any applicant who:

I. Has attained the age of ~~[majority]~~ **18, if a salesperson applicant.**

II. Has successfully completed an examination administered or approved by the commission which demonstrates satisfactory knowledge and understanding of the principles of real

estate practice. The executive director shall only accept for registration to take the examination for a broker's license, an applicant who ***shows proof of completion of 60 hours of approved study and who:***

(a) Has been employed full time by an active broker for at least one year; or

(b) Has at least 2,000 part-time hours as a licensed salesperson in this state;

or

(c) Proves to the commission that the applicant has experience equivalent to the experience required by subparagraph (a) or (b).

III. Demonstrates no record of unprofessional conduct.

IV. Furnishes any evidence required by the commission relative to good reputation for honesty, trustworthiness and integrity.

V. For ~~[an individual]~~ ***a*** broker ~~[license including]~~ ***acting as*** a principal broker or a managing broker, but excluding ***associate brokers or*** a corporation, partnership, ***limited liability company***, or association, files a surety bond with the commission which shall be held in accordance with RSA ~~[331-A:13]~~ ***331-A:14***.

Conferees: Sens. Cohen, Dist. 24; Larsen, Dist. 15 and Francoeur, Dist. 14.

Conferees: Reps. Goulet, Hills. 15; Stickney, Rock. 26; Millham, Belk. 4 and Murphy, Hills. 42.

committee of conference report on sb 326

Committee of Conference Report on SB 326, an act relative to the joint health council.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

Conferees: Sens. Squires, Dist. 12; Wheeler, Dist. 21 and Krueger, Dist. 16.

Conferees: Reps. Goulet, Hills. 15; Stickney, Rock. 26; Holley, Hills. 28 and Murphy, Hills. 42.

committee of conference report on sb 353

Committee of Conference Report on SB 353, an act relative to sales of insurance by financial institutions.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by 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]~~.

Conferees: Sens Fraser, Dist. 4; McCarley, Dist. 6 and Wheeler, Dist. 21.

Conferees: Reps. Hunt, Ches. 10; Francoeur, Rock. 22; Kurk, Hills. 5 and Taylor, Straf. 11.

committee of conference report on sb 431

Committee of Conference Report on SB 431, an act relative to certain secondary vocational education programs.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 188-E:13 as inserted by section 1 of the bill by replacing it with the following:

188-E:13 Legislative Membership on Youth Council. The following legislative members shall be appointed to the youth council which has been established as a subgroup within the workforce opportunity council formed by the governor pursuant to the Workforce Investment Act of 1998:

I. Two members of the house of representatives, one of whom shall serve as an alternate, appointed by the governor.

II. Two members of the senate, one of whom shall serve as an alternate, appointed by the governor.

Amend the bill by replacing section 2 with the following:

2 Membership on Workforce Investment Board.

I. Any vacancies occurring on the Workforce Investment Board established under 29 U.S.C. sec 2832 after the effective date of this act shall be filled so as to ensure that Board shall include not less than 2 residents, each of whom shall represent a different county commission district from each county in the state, provided that no state agency official who is nominated and appointed by the governor shall be eligible to serve on the Board under the provisions of this paragraph.

II. To the extent consistent with federal law, in cases where the governor has authority to nominate or appoint members to a local workforce investment board, such nominations or appointments shall be made by the governor.

Conferees: Sens. Larsen, Dist. 15; McCarley, Dist. 6 and Gordon, Dist. 2.

Conferees: Reps. Daniels, Hills. 13; Ward, Graf. 1; Alger, Graf. 9 and Guest, Graf. 10.

committee of conference report on sb 439

Committee of Conference Report on SB 439-FN, an act relative to motor vehicle offenses resulting in serious bodily injury.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Gordon, Dist. 2; Trombly, Dist. 7 and Pignatelli, Dist. 13.

Conferees: Reps. Christie, Rock. 22; Welch, Rock. 18; Knowles, Straf. 11 and Packard, Rock. 29.

committee of conference report on sb 470

Committee of Conference Report on SB 470, an act relative to the administrative authority of the board of trustees for the regional community-technical colleges.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. McCarley, Dist. 6; D'Allesandro, Dist. 20 and Johnson, Dist. 3.

Conferees: Reps. O'Hearn, Hills. 26; Henderson, Rock. 20; Larrabee, Merr. 9 and John. White, Hills. 46.

regular calendar

committee of conference reports on senate bills

committee of conference report on sb 323

Committee of Conference Report on SB 323, an act relative to ambulatory surgical facilities in service areas of rural hospitals.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 Threshold; Acute Care Facilities. Amend RSA 151-C:5, II(a) to read as follows:

(a) The construction, development, expansion, or alteration of any acute care facility requiring a capital expenditure of more than [~~\$1,500,000~~] **\$1,759,512**. The board shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.

2 Threshold Limits. Amend RSA 151-C:5, II (f) to read as follows:

(f)(1) ***Except as provided in subparagraph (2),*** the construction, development, expansion, renovation, or alteration of any nursing home, ambulatory surgical facility, rehabilitation hospital, psychiatric hospital, specialty hospital, or other health care facility requiring a capital expenditure of more than [~~\$1,000,000~~] **\$1,173,000**. The board shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.

(2) The threshold amount for construction of ambulatory surgical centers within the service area of a hospital with fewer than 70 general hospital beds licensed by the department of health and human services shall be \$500,000, which threshold shall be adjusted annually using an appropriate inflation index, unless there is an objection by such hospital, in which case the application shall be subject to review regardless of value. The board shall determine by rule the service areas of such hospitals.

3 New Section; Task Force; Amend RSA 151-C by inserting after section 15 the following new section:

151-C:16 Task Force Established; Membership.

I. There is established the task force on the certificate of need statute, RSA 151-C. The task force shall be composed of the following members:

- (a) Two members of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, appointed by the speaker of the house.
- (c) The commissioner of the department of health and human services, or designee.
- (d) A representative of the New Hampshire Medical Society, appointed by such association.
- (e) A representative of the New Hampshire Hospital Association, appointed by such association.
- (f) A representative of the New Hampshire Ambulatory Surgery Association, appointed by such association.
- (g) The executive director of the New Hampshire Health Care Association, or designee.
- (h) The commissioner of insurance, or designee.
- (i) The attorney general, or designee.
- (j) A representative of the governor's office.
- (k) A representative of the health services planning and review board, appointed by the chairperson of the board.
- (l) Two consumers, appointed by the governor.
- (m) An economist knowledgeable in issues of health care, appointed by the governor.
- (n) A representative of the New Hampshire Nurses Association, appointed by the association.
- (o) The president of the New Hampshire Residential Care Association, or designee.
- (p) The chairperson of the Rural Health Coalition, or designee.
- (q) The chairperson of the Community Hospital Coalition, or designee.

II. The term of office for task force members shall be coterminous with the member's term of office in his or her respective agency or organization. A chairperson shall be elected from the membership of the task force. Vacancies in task force membership shall be filled as soon as

practicable by the respective agency or organization creating the vacancy. The first-named senate member shall call the first meeting within 30 days of the effective date of this section.

III. The task force members listed in subparagraphs I(c)-(q) may employ the assistance of additional members of their respective agency or organization as necessary to assist with a task or project undertaken by the task force.

IV. The task force members may elicit input or recommendations from other groups or organizations as necessary.

V. The task force shall investigate issues relating to the operation of the certificate of need statute, RSA 151-C, including, but not limited to, how the regulatory structure affects:

- (a) The cost of health care services;
- (b) The availability of and access to health care services;
- (c) Competition and collaboration among health care providers;
- (d) The provision of new health care services;
- (e) The allocation of health care resources in the state; and
- (f) The quality of health care.

VI. The task force shall cooperate and collaborate with other state or private agencies as may be necessary to address these issues, and shall consider input and recommendations from such state or private agencies on an ongoing basis.

VII. The task force shall conduct public hearings as may be necessary on matters pertaining to the certificate of need statute, RSA 151-C. Such hearings may be conducted in any part of the state as circumstances require.

VIII. Members of the task force shall serve without compensation, except that the legislative members of the task force shall receive mileage at the legislative rate when attending to the duties of the task force.

IX. The task force shall submit a detailed report of its findings, actions taken, and recommendations to the president of the senate, the speaker of the house of representatives, and the governor on or before January 1, 2001 and each January 1 thereafter.

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

AMENDED ANALYSIS

This bill lowers the threshold amount necessary for certificate of need review of the construction of ambulatory surgical centers within the service areas of certain hospitals.

This bill changes the threshold level for certain other new institutional health services.

This bill also establishes a task force to address certain issues regarding RSA 151-C.

Conferees: Sens. Squires, Dist. 12; McCarley, Dist. 6 and Wheeler, Dist. 21.

Conferees: Reps. Emerton, Hills. 7; Wendelboe, Belk. 2; Batula, Hills. 18 and Donovan, Sull. 11.

Adopted by the necessary two-thirds.

committee of conference report on sb 403

Committee of Conference Report on SB 403-FN-A, an act making an appropriation to the department of agriculture, markets, and food for the inspection of apiaries and honeybee swarms.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Appropriation; Department of Agriculture, Markets, and Food; Inspection of Apiaries and Honeybee Swarms. The sum of \$6,000 is appropriated to the department of agriculture, markets, and food for the fiscal year ending June 30, 2001, and each year thereafter, for the purpose of inspection of apiaries and honeybee swarms. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill appropriates funds to the department of agriculture, markets, and food for the purpose of inspection of apiaries and honeybee swarms, for the fiscal year ending June 30, 2001 and each year thereafter.

Conferees: Sens. Disnard, Dist. 8; Russman, Dist. 19 and Below, Dist. 5.

Conferees: Reps. Scanlan, Graf 11; Leighton Pratt, Coos 4; Babson, Carr. 5 and Phinizy, Sull. 7.

Adopted by the necessary two-thirds.

committee of conference report on sb 436

Committee of Conference Report on SB 436-FN, an act relative to permanent revocation of drivers' licenses for causing a fatality or serious bodily injury while driving intoxicated.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

1 New Paragraph; Manslaughter; License Revocation in Certain Cases. Amend RSA 630:2 by inserting after paragraph II the following new paragraph:

III. In addition to any other penalty imposed, if the death of another person resulted from the driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted person indefinitely.

2 Negligent Homicide; License Revocation Period. Amend RSA 630:3, III to read as follows:

III. In addition to any other penalty imposed, if the death of another person resulted from the negligent driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted person for up to 7 years. ***In cases where the person is convicted under paragraph II, the court shall revoke the license or driving privilege of the convicted person indefinitely and the person shall not petition for eligibility to reapply for a driver's license for at least 7 years. In a case in which alcohol was involved, the court may also require that the convicted person shall not have a license to drive reinstated until after the division of motor vehicles receives certification of installation of an ignition interlock device which shall remain in place for a period not to exceed 5 years.***

3 New Paragraph; Impaired Driver Intervention Programs; Authorized Programs for Restoration of Privileges. Amend RSA 172-B:2-a by inserting after paragraph I the following new paragraph:

I-a. Notwithstanding any other law to the contrary, the impaired driver intervention programs operated by the department of corrections shall be deemed approved programs for purposes of the attendance required at such programs for restoration of driver's licenses or driving privileges under RSA 263:65-a.

4 New Subparagraph; Authorized Impaired Driver Intervention Programs. Amend RSA 263:65-a, I by inserting after subparagraph (b) the following new subparagraph:

(c) Operated by the department of corrections and approved pursuant to RSA 172-B:2-a, I-a.

5 Department of Corrections' Impaired Driver Intervention Programs. Amend RSA 263:65-a, III to read as follows:

III. Successful completion shall also include payment of all assessed I.D.I.P., M.O.P., and equivalent program fees, ***except in the case of attendance at programs operated by the department of corrections.*** Failure of the offender to make full payment of the assessed fee may also result in petition for contempt of court charges against the offender.

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

AMENDED ANALYSIS

This bill provides for revocation of drivers' licenses for causing a fatality and authorizes certain impaired driver intervention programs for restoration of driving privileges.

Conferees: Sens. Trombly, Dist. 7; Brown, Dist. 17 and Pignatelli, Dist. 13.

Conferees: Reps. Christie, Rock. 22; Welch, Rock. 18; Tholl, Coos 5 and Knowles, Straf. 11.

Adopted by the necessary two-thirds.

committee of conference report on sb 448

Committee of Conference Report on SB 448, an act establishing a guardians ad litem board.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 463:35, I as inserted by section 1 of the bill by replacing it with the following:

I.(a) The terms of the executive director of the judicial council, the member representing the New Hampshire supreme court, and the member representing the child protection agency shall be for 5 years and until a successor is appointed. The terms of the members appointed under RSA 463:34, I (e) and (f) shall be for 3 years. Vacancies in board membership shall be filled in the same manner as the original appointment.

(b) All initial appointments to the board shall be made within 60 days of the effective date of this section.

Amend RSA 463:38 as inserted by section 1 of the bill by replacing it with the following:

463:38 Administrative Attachment. The board shall be administratively attached to the department of administrative services.

Amend the bill by replacing sections 3 and 4 with the following:

3 Administrative Services; Office of the Commissioner; Guardian ad Litem Board Startup.
Amend 1999, 159:1 by inserting the following new PAU:

FY 2000

FY 2001

01 General Government

04 Dept Administrative Services

01 Office of the Commissioner

01 Commissioner-Administration

91 Guardian ad litem board startup F* 10,000 10,000

* Expenditures may include, but are not limited to, equipment and part-time personnel services.

4 Administrative Services; Office of the Commissioner; Totals Adjusted. Amend 1999, 159:1.01, 04, 01, 01 as follows:

	<u>FY 2000</u>	<u>FY 2001</u>
Strike out:		
Total	172,005	181,315
Estimated source of funds		
for commissioner-administration		
General fund	172,005	181,315
Total	172,005	181,315
Insert in place thereof:		
Total	182,005	191,315
Estimated source of funds		
for commissioner-administration		
General fund	182,005	191,315
Total	182,005	191,315

AMENDED ANALYSIS

This bill establishes a guardian ad litem board responsible for the training, licensing, discipline, and other activities of guardians ad litem in New Hampshire and also provides that the board shall be administratively attached to the department of administrative services. The bill also provides \$10,000 in startup costs to the board.

Conferees: Sens. Pignatelli, Dist. 13; Gordon, Dist. 2 and Trombly, Dist. 7.

Conferees: Reps. Bickford, Straf. 1; Martel, Hills. 45; Rep. Moran, Hills. 15 and Almy, Graf. 14.

Adopted by the necessary two-thirds.

committee of conference report on sb 449

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

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

5 Legislative Budget Assistant; Audit Division. Amend 1999, 159:1.01, 02, 03, 02 as follows:

	<u>FY 2000</u>	<u>FY 2001</u>
Strike out:		
Total	2,197,629	2,218,598
Estimated source of funds for		
Audit division		
06 Agency income	300,000	300,000
General fund	1,897,629	1,918,598
Total	2,197,629	2,218,598
Insert place thereof:		
Total	2,197,629	2,218,598
Estimated source of funds for		
Audit division		
06 Agency income	1,100,000	300,000

General fund	1,097,629	1,918,598
Total	2,197,629	2,218,598

6 Legislative Budget Assistant; Budget Division. Amend 1999, 159:1.01, 02, 03, 01 as follows:

	<u>FY 2000</u>	<u>FY 2001</u>
Insert:		
94 Tax Modeling	185,000	0
Strike out:		
Total	808,264	803,865
Estimated source of funds for		
Budget division		
General fund	808,264	803,865
Total	808,264	803,865
Insert in place thereof:		
Total	993,264	803,865
Estimated source of funds for		
Budget division		
General fund	993,264	803,865
Total	993,264	803,865

7 Department of Revenue Administration; Administration. Amend 1999, 159:1.01, 07, 01, 01 as follows:

	<u>FY 2000</u>	<u>FY2001</u>
Insert:		
90 Tax modeling	F 15,000	0
Strike out:		
Total	1,313,889	1,311,748

Estimated source of funds for

Administration

General fund	1,313,889	1,311,748
Total	1,313,889	1,311,748

Insert in place thereof:

Total	1,328,889	1,311,748
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Estimated source of funds for

Administration

General fund	1,328,889	1,311,748
Total	1,328,889	1,311,748

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 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.

The bill also appropriates funds to the legislative budget assistant and the department of revenue administration for tax modeling.

Conferees: Sens. Squires, Dist. 12; Below, Dist. 5 and Larsen, Dist. 15.

Conferees: Reps. Kurk, Hills. 5; Clegg, Hills. 23; Thulander, Hills. 6 and Knowles, Straf. 11.

Adopted by the necessary two-thirds.

committee of conference report on sb 471

Committee of Conference Report on SB 471, an act relative to authorizing the town of Seabrook to establish a reserve fund for tax stabilization related to the decommissioning of the Seabrook nuclear power plant and ratifying article 12 of the 1999 Seabrook annual town meeting.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

6 Ratification of the March 14, 2000 Salisbury Annual Town Meeting. All acts, votes, notices, and proceedings related to the "Modifying Elderly Exemption" article of the Salisbury annual town meeting held on March 14, 2000, and the related public hearing, and notice thereof, held on February 28, 2000, are hereby legalized, ratified, and confirmed.

AMENDED ANALYSIS

This bill:

I. Authorizes the town of Seabrook to establish a nonlapsing special reserve fund for tax stabilization related to the decommissioning of the Seabrook nuclear plant.

II. Ratifies the acts, votes, notices, and proceedings of an article of the Newfields school district meeting held March 6, 2000, the Milan annual town meeting held March 12, 2000, and an article of the Salisbury annual town meeting held March 14, 2000.

III. Makes a change to the Hampton Beach village district charter relative to a village district property tax exemption.

Conferees: Sens. Trombly, Dist. 7; Cohen, Dist. 24 and Fraser, Dist. 4.

Conferees: Reps. Patten, Carr. 9; Griffin, Rock. 27; Leone, Sull. 2 and Simon, Hills. 40.

Adopted by the necessary two-thirds.

(Clerk's Note)

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

committee of conference report on sb 472

Committee of Conference Report on SB 472, an act relative to final authorization of electric rate reduction financing and commission action.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 362-A:4-d as inserted by section 1 of the bill by replacing it with the following:

362-A:4-d Retention of Savings by Electric Utility. An electric utility that is party to an approved renegotiation of a commission order under RSA 362-A:4-c shall be entitled to retain up to 20 percent of the savings resulting from such renegotiation, subject to order of the commission.

Amend RSA 369-B:1-4 as inserted by section 2 of the bill by replacing them with the following:

369-B:1 Declaration of Purpose and Findings. The general court finds that:

I. The restructuring of electric utilities to allow retail electric competition and less costly regulation is in the public interest. New Hampshire is implementing such restructuring to create retail customer choice, which will provide retail electric service at lower costs.

II. The divestiture of electric generation by New Hampshire electric utilities will facilitate the competitive market in generation service. Further, the proceeds of generation divestitures may decrease rates for the customers of transmission and distribution utilities.

III. The establishment of structured financing options for electric utilities will facilitate reductions in transmission and distribution rates for all customer classes, thereby advancing the near term rate relief principle of RSA 374-F:3, XI, without creating any debt or financial obligation of the state or other adverse impacts upon the state's finances or credit rating.

IV. The state agrees that its pledge, contract, and agreement and the pledge of the commission not to impair the rights or remedies of holders of rate reduction bonds creates a secure expectation of repayment on the part of such holders.

V. Pursuant to 1999, 289:3, I, the commission has held hearings regarding the original proposed settlement to restructure the Public Service Company of New Hampshire (PSNH) and has issued its April 19 order, accepting the original proposed settlement as being in the public interest and consistent with New Hampshire law, and as a final resolution of the dockets listed therein, subject to the conditions listed in the April 19 order.

VI. Pursuant to 1999, 289:3, I, the commission has held hearings with respect to the securitization proposal contained in the original proposed settlement and has found that implementation of that securitization proposal, subject to the conditions listed in the April 19 order, will result in benefits to customers that are substantially consistent with the principles contained in RSA 374-F:3 and RSA 369-A:1, X and with RSA 369-A:1, XI.

VII. Implementation of that securitization proposal, subject to the conditions listed in the April 19 order, and as further modified in this chapter, will result in benefits to customers that are

substantially consistent with the principles contained in RSA 374-F:3 and RSA 369-A:1, X and with RSA 369-A:1, XI.

VIII. Implementation of securitization to achieve the purposes of this chapter requires enactment of further enabling legislation by the general court, and it is in the public interest to pass such further enabling legislation in the form of this chapter.

IX. Approval by the commission of a finance order for PSNH that is consistent with the April 19 order, with subsequent modifications, and subject to the conditions and requirements of this chapter, that is consistent with the conditions of RSA 369-B:3, IV(b), and that is otherwise substantially consistent with RSA 374-F:3, RSA 369-A:1 and RSA 369-B:1 is in the public interest.

X. The differences among rate classes in the amount of the stranded cost recovery charge in the April 19 order are in the public interest. When these differences are combined with the differences in the delivery service charge among rate classes, and with the differences in the likely market price of energy among rate classes, the overall total rate reduction is likely to be very close to an equal percentage for all rate classes, which is consistent with the benefits for all customers principle of RSA 374-F:3, VI. However, it is also in the public interest that any further adjustments to charges between the estimated amounts in the April 19 order and 24 months after competition day be applied equally in cents per kilowatt-hour for all rate classes to which they apply.

XI. The renegotiation of the power purchase obligations requiring PSNH to purchase power from the 6 wood-to-energy facilities and the one trash-to-energy facility is in the public interest in order to reduce the total cost to ratepayers of these obligations, and the sharing of the benefits among ratepayers and all of the parties involved in the renegotiations is in the public interest.

XII. It is in the public interest in the event that the price of transition service during the period that transition service is provided by PSNH exceeds PSNH's actual, prudent and reasonable costs of providing such power so as to create a credit to customers that must be reconciled, that the allocation of this credit between a reduction of the stranded cost recovery charge and a reduction of the duration of stranded cost recovery be made by the commission in a manner that it finds to be in the public interest.

XIII. The commission should design low income programs in a manner that targets assistance and has high operating efficiency, so as to maximize the benefits that go to the intended beneficiaries of the low income program.

XIV. The general court requests that the supreme court and any other courts asked to rule on any matters pertaining to the subject matter of this chapter act as expeditiously as possible. Time is of the essence.

XV. The effect of the stranded cost recovery charge contained in the back-up Delivery Service Rate B tariff as filed by PSNH with its original proposed settlement is just and reasonable, and does not create a charge similar to or have the same effect as an exit fee; provided that not later than 33 months after competition day, the commission shall initiate a rate case on transmission and distribution or delivery services, and this rate case shall establish a back-up charge that is just and reasonable and based on the cost of providing such back-up services, including all applicable stranded cost recovery charges, RRB charges, system benefits charges, and taxes, and retrospectively take effect immediately after 33 months after competition day.

369-B:2 Definitions. In this chapter:

I. "April 19 order" means commission Order No. 23,443 in Docket DE 99-099 as it was issued on April 19, 2000, excluding any subsequent amendments.

II. "Commission" means the public utilities commission established in RSA 363, as it may be constituted from time to time, and any successor agency exercising functions similar in purpose to such commission.

III. "Competition day" means competition day as defined in the original proposed settlement, as adjusted by subsequent modifications.

IV. "Electric utility" means a public utility as defined in RSA 362:2 that provides retail electric service.

V. "Finance order" means an order of the commission adopted prior to or following the effective date of this chapter pursuant to 1999, 289:3, I, pursuant to this chapter, or pursuant to both 1999, 289:3, I and this chapter.

VI. "Financing entity" means any special purpose trust, limited liability company, non-profit corporation, or other entity that is authorized in accordance with the terms of a finance order to issue rate reduction bonds, acquire RRB property, or both on behalf of the electric utility, or any combination of such entities.

VII. "Initial transition service end day" means 9 months after competition day.

VIII. "Original proposed settlement" means the "Public Service Company of New Hampshire Restructuring Settlement Agreement" filed with the commission on August 2, 1999.

IX. "PSNH" means Public Service Company of New Hampshire.

X. "Rate reduction bonds" ("RRB") means bonds, notes, certificates of participation or beneficial interest, or other evidences of indebtedness or ownership, issued pursuant to an executed indenture or other agreement of a financing entity, in accordance with this chapter, 1999, 289:3, I and II, and RSA 369-A, the proceeds of which are used, directly or indirectly, to provide, recover, finance, or refinance RRB costs, and which, directly or indirectly, are secured by, evidence ownership interests in, or are payable from, RRB property.

XI. "Retail customer" means any person or entity purchasing directly or otherwise obtaining or being supplied directly with retail electric service for end use consumption, including those served under special contracts.

XII. "Retail electric service" means the delivery of electric power through the provision of transmission and/or distribution service by an electric utility to a retail customer, regardless of such retail customer's source of electric power, and shall include any back-up, maintenance, emergency, and other delivery service provided to a retail customer by an electric utility.

XIII. "RRB charge" means those retail electric service rates that are authorized by the commission in a finance order to recover those RRB costs that are eligible to be funded with the proceeds of rate reduction bonds pursuant to this chapter and the costs of providing, recovering, financing, or refinancing such RRB costs through a plan approved by the commission in the finance order, including the costs of issuing, servicing, and retiring rate reduction bonds. The RRB charge authorized by the commission may vary by cost of service, by customer class, and between special contract customers. All RRB charges shall be assessed on a per kilowatt-hour basis, and shall be non-bypassable as provided in RSA 369-B:4, IV.

XIV. "RRB costs" means expenditures which are incurred by an electric utility or which an electric utility is obligated to incur either prior to or subsequent to the effective date of this chapter, and costs approved by the commission to mitigate such expenditures, as shall be designated in a finance order approved by the commission and which may include but are not limited to:

(a) Expenditures incurred in respect of generation assets, entitlements, and acquisition premiums.

(b) Expenditures incurred in respect to the buyout, buydown, restructuring or renegotiation of power purchase obligations.

(c) Expenditures incurred in respect to regulatory assets.

(d) Expenditures incurred to refinance or retire existing debt or existing equity capital of the electric utility and any costs related thereto.

(e) Amounts necessary to recover federal or state taxes actually paid by an electric utility, which tax liability recovery is modified by the transactions approved in a finance order issued by the commission pursuant to this chapter.

(f) Reasonable costs, as approved by the commission, relating to the issue, servicing, or refinancing of rate reduction bonds under the provisions of this chapter, including, without limitation, principal and interest payments and accruals, sinking fund payments, debt service and other reserves, costs of credit enhancement, indemnities, if any, owed to the state or the trustee for the rate reduction bonds, issuance costs and redemption premiums, if any, and all other reasonable fees, costs, and charges in respect of rate reduction bonds.

XV. "RRB property" means the irrevocable vested property right created pursuant to this chapter and one or more finance orders, including, without limitation, the right, title, and interest of an electric utility or a financing entity in and to all revenues, collections, claims, payments, money, or proceeds of or arising from the RRB charge authorized to be imposed and collected pursuant to such finance orders to recover RRB costs and the costs of paying, financing, reimbursing, or refinancing the RRB costs, including the reasonable costs of issuing, servicing, and retiring rate reduction bonds, and in and to all rights to obtain adjustments to such RRB charge pursuant to the terms of RSA 369-B:4, III and the finance order, all as determined by the commission in its approval of such finance orders. "RRB property" shall constitute a current and irrevocable vested property right, notwithstanding the fact that the value of such property right may depend upon electricity usage or the performance of certain services.

XVI. "Security interest" means a security interest as defined in RSA 382-A:1-201(37).

XVII. "Service territory" means, with respect to any electric utility, the geographic area established by the commission as the retail electric service territory of such electric utility, as such territory is depicted on the "Electric Utilities Franchise Areas" map issued by the commission, dated July 1, 1993, together with any other geographic area in which such electric utility actually provided retail electric service on such date.

369-B:3 Authority to Issue Finance Orders to Finance RRB Costs.

I. The commission is authorized, upon the petition of an electric utility and after a hearing, to issue one or more finance orders pursuant to which rate reduction bonds shall be issued, if the commission finds that the issuance of such finance order or finance orders is in the public interest as set forth in RSA 369-B:1, IX. Any finance order adopted pursuant to 1999, 289:3, I and II prior to the effective date of this chapter shall, following the effective date of this chapter, be deemed to be authorized by this chapter, provided the commission has made the required finding pursuant to RSA 369-B:3, IV(b).

II. Notwithstanding any law, rule, or regulation to the contrary, except as otherwise provided in RSA 369-B:4, III with respect to RRB property, the finance orders and the RRB charge authorized to be imposed and collected pursuant to such finance orders shall be irrevocable, and the commission shall not have authority either by rescinding, altering, or amending the finance order or otherwise, to directly or indirectly, revalue or revise for ratemaking purposes the RRB costs, or the costs of providing, recovering, financing, or refinancing the RRB costs, determine that such RRB charge is unjust or unreasonable, or in any way reduce or impair the value of RRB property either directly or indirectly by taking such RRB charge (other than any portion of such RRB charge constituting a servicing fee payable to the electric utility) into account when setting other rates for the electric utility; nor shall the amount of revenues arising with respect thereto be subject to reduction, impairment, postponement, or termination.

III. Notwithstanding any law, rule, or regulation to the contrary, any requirement under this chapter, under 1999, 289:3, I and II, under RSA 369-A, or under a finance order that the commission take action with respect to the subject matter of a finance order shall be binding upon the commission, and the commission shall have no authority to rescind, alter, or amend that requirement.

IV. The commission shall only issue finance orders that:

(a) Authorize the issuance of an aggregate principal amount of not more than \$130,000,000 in rate reduction bonds to finance renegotiated agreements of the existing power purchase obligations requiring PSNH to purchase power from the 6 wood-to-energy facilities and the one trash-to-energy facility; and/or

(b) Authorize the issuance of an aggregate principal amount of not more than \$670,000,000, minus \$6,000,000 for each month from October 1, 2000 to competition day, in rate reduction bonds. This authorization is in addition to any amount authorized in subparagraph (a). This issuance must be part of a settlement approved by the commission under RSA 374-F to implement electric utility restructuring within the service territory of PSNH. As part of any finance order under this subparagraph (b), the commission must find that the rate reduction bonds authorized by the finance order are consistent with the April 19 order, with any subsequent modifications. Any finance order that is issued under this subparagraph (b) shall also contain a statement of the following conditions, and a finding of the commission that the finance order is consistent with the following conditions:

(1)(A) From competition day until initial transition service end day, PSNH shall supply transition service and default service in its retail electric service territory. After initial transition service end day, any provider or providers of transition service shall have been chosen through a competitive bid process, administered by the commission, to provide such service. The commission may, if it finds it to be in the public interest, divide the competitive bid process into multiple categories or multiple competitive bids;

(B)(i) Transition service for residential customers, street lighting customers, and general delivery service rate G customers shall be available until 24 months after initial transition service end day. From competition day until initial transition service end day, the price of transition service for these customers shall be \$0.044 per kilowatt-hour. From initial transition service end day to 12 months after initial transition service end day, the price of transition service for these customers shall be \$0.044 per kilowatt-hour, or the competitively bid price for transition service, whichever is less. From 12 months after initial transition service end day to 24 months after initial transition service end day, the price of transition service for these customers shall be \$0.046 per kilowatt-hour, or the competitively bid price for transition service for these

customers, whichever is less. If the competitively bid price exceeds these fixed prices, the differences shall be reconciled for these customers in the manner prescribed in the original proposed settlement;

(ii) At the end of the transition service period, up to 25 percent of the residential customers, street lighting customers, and general delivery service rate G customers who have not chosen a competitive supplier may be assigned randomly to registered competitive suppliers other than the transition service supplier or suppliers, if the commission finds such random assignment to be in the public interest. The commission shall develop procedures and regulations for this assignment process. Any random assignment must be affirmatively approved by an individual customer;

(C) Transition service for all other customers shall be available until 12 months after initial transition service end day. From competition day to initial transition service end day, the price of transition service for these customers shall be \$0.044 per kilowatt-hour. From initial transition service end day to 12 months after initial transition service end day, the price of transition service for these customers shall be the competitively bid price for transition service;

(D) Any difference between the price of transition service from competition day to initial transition service end day and PSNH's actual, prudent and reasonable costs of providing such power shall first be separated between the 2 groups of customers described in subparagraphs (b)(1)(B) and (b)(1)(C), used first to offset any differences described in subparagraph (b)(1)(B), and the net then reconciled for each group of customers either by changing the recovery end date, or by decreasing the stranded cost recovery charge, as the commission finds to be in the public interest;

(E) The commission shall retain the authority to reject any or all bids for transition service at its sole discretion if it finds such action to be in the public interest. Except as specifically provided in this section, the commission shall not accept any bid or implement any pricing strategy for transition service that creates any deferrals;

(F) The selection of a provider or providers of default service prior to 24 months after initial transition service end day may be combined with the selection of a provider or providers of transition service to the extent that the commission finds it to be in the public interest;

(2) No amount shall be securitized which was not listed as part of the \$688,000,000 proposed for securitization in the April 19 order, as reduced by any subsequent amortization;

(3) Customer savings shall be not less than the total amount of \$450,000,000, excluding savings from rate reduction financing and merger savings, including the \$367,000,000 contained in the original proposed settlement, and the \$6,200,000 resulting from the settlement of issues pertaining to New Hampshire Electric Cooperative, Inc. A commitment by PSNH to all of the following actions shall be deemed to satisfy this condition:

(A) PSNH shall credit customers with the higher return associated with accumulated deferred income taxes (ADITs) as proposed in PSNH's May 1, 2000 filing;

(B) PSNH shall credit customers with the value derived from using its own assets to provide transition service for a period of 9 months;

(C) PSNH shall extend from 30 months to 33 months the period during which the delivery service charge, exclusive of Hydro Quebec transmission support payments, is fixed at 2.8 cents per kilowatt-hour;

(D) PSNH shall absorb the first \$7,000,000 of difference of costs that results in the event that transition service costs during the 12 months following the initial transition service end day exceed the transition service price for that 12 months, as provided in RSA 369-B:3,IV(b)(1)(B)(i);

(E) PSNH shall reduce the maximum amount of necessary and prudent costs associated with the issuance of and closing on the securitization financing and any premiums associated with the retirement of debt and preferred stock from these proceeds that may be recovered from \$17,000,000 to \$15,000,000. PSNH shall include in its costs the first \$700,000 of the costs of the office of the state treasurer related to reviewing and issuing the rate reduction bonds;

(F) PSNH agrees to move the Recovery End Date (RED date) to 1 month earlier than it would otherwise be; and

(G) PSNH agrees that if competition day has not occurred by October 1, 2000, then effective October 1, 2000 PSNH shall temporarily reduce its current effective total rates (base rates plus FPPAC rates) by 5 percent across the board until either competition day or April 1, 2001, whichever occurs earlier.

(4) In the event that PSNH or its parent company is acquired or otherwise sold or merged:

(A) Such merger, acquisition, or sale shall be subject to the jurisdiction of the commission under RSA 369, RSA 374, RSA 378 or other relevant provisions of law, and the merger, acquisition, or sale shall be approved only if it is shown to be in the public interest;

(B) In recognition of the extraordinary benefits provided to PSNH from rate reduction financing, should PSNH or its parent company be acquired or otherwise sold or merged, such merger, acquisition or sale shall be subject to the jurisdiction of the commission under the standard set forth in the original proposed settlement. The commission may approve such a merger if such approval results in the receipt by PSNH customers of a just and reasonable amount of the cost savings that result from such merger, acquisition or sale.

(C) No acquisition premium paid by an acquiring company for the assets or securities of any acquired company, resulting from any such merger, acquisition or sale, may in any way increase rates at any time from what they would have been without the acquisition premium;

(5) The delivery service charge, exclusive of the Hydro Quebec Transmission support payments, shall be fixed for a period of 33 months from competition day at \$0.028 per kilowatt-hour;

(6) The total system benefits charge shall be fixed at \$0.002 per kilowatt-hour for 33 months from competition day divided between low-income assistance and energy efficiency/conservation programs. In the event that the commission finds that a significant amount of unencumbered dollars have accumulated in either program, and are not needed for program purposes, the commission shall refund such unencumbered dollars to ratepayers in a timely manner;

(7) All currently existing opportunities shall be continued for retail customers to generate or acquire electricity for their own use, other than through retail electric service, without an exit fee;

(8) To the maximum extent allowed by federal law, non-discriminatory, open access to PSNH's transmission system shall be available to customers, electricity suppliers, marketers, aggregators, and municipal electric utilities, with charges based only on rates set by federal regulations, plus the actual cost of service for any services not subject to federal price regulation plus, for retail customers, applicable stranded cost recovery charges, RRB charges, systems benefit charges, and taxes;

(9) The stranded cost recovery charge, averaged over all customers, shall not exceed \$0.0340 per kilowatt-hour. Any changes in the delivery service charge, stranded cost recovery charge, transition service charge, systems benefit charge, or any other charge between the estimated amounts in the April 19 order and 24 months after competition day shall be applied as an equal change in the cost per kilowatt-hour for all rate classes to which they apply;

(10) The commission shall not order changes in the total rates of customers taking service under special contracts approved pursuant to RSA 378:18 for the duration of those special contracts in effect as of May 1, 2000. Special contract customers selecting option 2 of the original proposed settlement shall have the energy charges under the contract reduced by the initial transition service price;

(11) During any sale of electricity generation assets required by this settlement, neither PSNH, nor any affiliate of PSNH, nor any company that would become an affiliate of PSNH if an announced merger, acquisition or sale were to be consummated, may bid for those assets;

(12) During any competitive bid process to determine a provider or providers of transition service, or of default service to any customer belonging to a rate class that at the time of service is eligible to receive transition service, neither PSNH, nor any affiliate of PSNH, nor any company that would become an affiliate of PSNH if an announced merger, acquisition or sale were to be consummated, may bid to provide such service;

(13) The commission shall administer the liquidation of any electricity generation assets required to be sold by the settlement. Any sale of assets located in the state of New Hampshire that are administered by the commission pursuant to this paragraph shall be conducted in this state. The commission shall select the independent, qualified asset sale specialist who will conduct the asset sale process. PSNH shall be allowed to comment prior to the selection of any such specialist;

(14) The commission shall administer any competitive bid process for transition service or default service required by the settlement;

(15) Subject to the approval of the Federal Energy Regulatory Commission (FERC), in the event that the commission either rejects a proposed sale of Seabrook, or fails to act on such application within 180 days after North Atlantic Energy Corporation's (NAEC's) proposed sale application is filed with the commission, and the failure of the sale is through no fault of Northeast Utilities (NU) or PSNH, NHEC's return on equity shall be increased from 7 percent to 150 basis points more than the average 10-year Treasury bond yield for the preceding 6 months, but not less than 7 percent nor more than 11 percent, and then readjusted accordingly at the end of every 6 month period; and

(16) No finance order shall be final or effective until PSNH and NU have agreed to dismiss with prejudice on competition day PSNH and NU's claims and causes of action in all pending litigation associated with the implementation of RSA 374-F, including civil action No. 97-97-JD (New Hampshire) / 97-121 L (Rhode Island).

V. Any finance order that expressly states each and every one of the conditions as set forth in RSA 369-B:3, IV, and finds that the finance order is consistent with all of these conditions, shall be deemed to satisfy the conditions and requirements of RSA 369-B:3, IV. If such finance order so satisfies the conditions and requirements of RSA 369-B:3, IV and satisfies the other requirements of this chapter, then such finance order shall be deemed to be authorized by, and issued pursuant to, this chapter.

369-B:4 Establishment of RRB Charge to Recover RRB Costs.

I. A finance order shall establish and place into effect one or more RRB charges that the commission shall determine to be just and reasonable, including any provisions for subsequent adjustments thereto, that shall provide for the collection of revenues from retail customers of electric utilities sufficient to recover all RRB costs approved by the commission in the finance order, including, without limitation, the payment of principal, premium, if any, interest, credit enhancement, and all other fees, costs, and charges in respect to rate reduction bonds. Such RRB charge or RRB charges shall be set forth in a schedule or schedules filed with the commission in such form as may be determined by the commission, but the filing of such schedule shall not affect or be a condition to the validity of the RRB charge.

II. The commission shall set the RRB charge, per kilowatt-hour of electricity for delivery of retail electric service, in an amount necessary and sufficient to provide for the full recovery of principal, interest, and credit enhancement on the rate reduction bonds, in accordance with the amortization schedule for such bonds determined at the time of offering, as well as all other fees, costs, and charges in respect to the rate reduction bonds, based upon the electric utility's reasonable assumptions, including sales forecasts.

III. Notwithstanding any provision of RSA 369-B:3, the commission shall approve such adjustments to the RRB charge authorized to be imposed and collected pursuant to a finance order as may be necessary to ensure timely recovery of all RRB costs that are the subject of such finance order, including, without limitation, the costs of capital associated with the provision, recovery, financing, or refinancing thereof and the costs of issuing, servicing, and retiring the rate reduction bonds contemplated by such finance order. Such RRB charge shall be adjusted periodically, but not less frequently than annually nor more frequently than monthly, in accordance with the finance order. The commission shall provide in a finance order for a procedure for the timely approval by the commission of periodic adjustments to the RRB charge that is the subject of such finance order. The commission shall approve such adjustments within 60 days of the filing of such adjustment, or within such shorter period as the finance order may designate. These adjustments shall generally serve to reconcile the actual RRB charges collected with the RRB charges expected to have been collected during the relevant prior period in a manner such that the adjusted RRB charge will be sufficient to provide for scheduled principal, interest, credit enhancement, fees and other expenses associated with rate reduction bonds payable in the period during which such adjusted RRB charge will be billed. The electric utility shall include in such filing a report to the commission showing the calculation of each such adjustment.

IV. All charges established in a finance order for an electric utility, including, without limitation, the non-bypassable RRB charge, shall be collected from each retail customer of such electric utility by such electric utility or servicer of the rate reduction bonds or other entity

authorized in the finance order or otherwise approved by the commission. If a retail customer purchases or otherwise obtains retail electric service from any person other than the electric utility in whose service territory the retail customer is located, including, without limitation, any successor referred to in RSA 369-B:8, subject to commission approval, the servicer or such new electricity service provider or successor shall collect all such charges, including, without limitation, such RRB charge, from the retail customer by or on behalf of the first electric utility with revenues from such RRB charge remitted solely for the benefit and repayment of rate reduction bonds as a condition to the provision of retail electric service to such retail customer. Each finance order shall impose commercially reasonable terms on such electricity service provider or successor responsible for billing or collecting such charges, including, without limitation, such RRB charge, that are the subject of the finance order. Any retail customer that fails to pay any RRB charge shall be subject to disconnection of service to the same extent that such customer would, under applicable law and regulations, be subject to disconnection of service for failure to pay any other charge payable to an electric utility.

V. The RRB charge shall be charged to and collected from retail customers for such period as prescribed in the finance order. To the extent that the commission, when issuing a finance order, determines that special treatment on retail customers' bills is necessary or desirable to distinguish the RRB charge from other rates and charges in order to facilitate the successful issuance and sale of rate reduction bonds, it may so provide as part of such finance order. A finance order shall specify how amounts collected from a retail customer shall be allocated between the RRB charge and other rates and charges.

VI. The commission shall establish charges for retail customers that purchase or otherwise obtain or are supplied back-up, maintenance, emergency or other delivery service provided to a retail customer by an electric utility. Such charges shall be just and reasonable, and shall not be designed in a manner that creates a charge similar to or has the same effect as an exit fee.

VII. Notwithstanding any statutory or regulatory language to the contrary, the commission shall not authorize or impose, nor shall any electric utility charge or assess, any exit fee, and nothing herein shall affect the rights as set forth in RSA 369-B:3, IV(b)(7). An exit fee is any rate or charge that is based in whole or in part on the amount of electric power and/or retail electric service a customer might have purchased from or through an electric utility but does not purchase due to conservation efforts, use of alternative non-electric energy sources, or the consumption of electricity by such customer from generation connected directly to such customer's electrical load with no intervening facilities of a regulated utility; provided, however, that an exit fee shall not include a just and reasonable capacity or demand charge for backup service as defined in RSA 369-B:4, VI.

VIII. In the event of the municipalization of a portion of an electric utility's service territory, the commission shall, in matters over which the Federal Energy Regulatory Commission does not have jurisdiction, or has jurisdiction but chooses to grant jurisdiction to the state, determine, to a just and reasonable extent, the consequential damages such as stranded investment in generation, storage, or supply arrangements resulting from the purchase of plant and property from the electric utility and RRB costs, and shall establish an appropriate recovery mechanism for such damages. Any such damages shall be established, and shall be allocated between the RRB charge and other rates and charges, in a just and reasonable manner.

IX. Any surplus RRB charge in excess of the amounts necessary to pay principal, premium, if any, interest, credit enhancement and all other fees, costs, and charges in respect to rate reduction bonds shall be remitted to the financing entity and shall be used to benefit retail customers unless this would result in a recharacterization of the tax, accounting, and other intended characteristics of the financing, including, but not limited to, the following intended characteristics:

(a) Avoiding the recognition of debt on the electric utility's balance sheet for financial accounting and regulatory purposes;

(b) Treating the rate reduction bonds as debt of the electric utility or its affiliates for federal income tax purposes;

(c) Treating the transfer of the RRB property by the electric utility as a true sale for bankruptcy purposes; or

(d) Avoiding any adverse impact of the financing on the credit rating of the rate reduction bonds or the electric utility.

Amend RSA 369-B:5, X as inserted by section 2 of the bill by replacing it with the following:

X. Subject to the approval of the commission and the oversight of the state treasurer, or other state official designated by the state treasurer, rate reduction bonds issued and at any time outstanding may, if and to the extent permitted under the indenture or other agreement pursuant to which they are issued, be refunded by other rate reduction bonds.

XI. The state treasurer's oversight under RSA 369:5, IX and X shall not be governed by the provisions of RSA 541 or 541-A.

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

4 New Subparagraph; System Benefits Charge; Limitations. Amend RSA 374-F:4, VIII by inserting after subparagraph (f) the following new subparagraph:

(g) The portion of the system benefits charge due to programs for low-income customers per kilowatt-hour in any public utility service territory in the state shall not exceed the amount in PSNH's service territory for a period of 33 months starting on competition day for PSNH as defined in RSA 369-B:2, III.

5 Option for Municipalities Purchasing Certain Electric Facilities. Municipalities which seek to purchase PSNH hydro-electric small-scale electric facilities, as defined in RSA 374-D:1, may with the consent of the governing body, prior to October 1, 2000, petition the commission pursuant to RSA 38:9, prior to holding the vote of qualified voters provided for in RSA 38:3, RSA 38:4, or RSA 38:5, for a determination of the fair market value of the facility in the event that the municipality and PSNH are unable to agree to a price to be paid for the facility. The cost of the determination shall be at the expense of the requesting municipality. The commission should select an independent, qualified asset valuation specialist to conduct the asset valuation process. If this option is chosen, all votes required by RSA 38:3, RSA 38:4, or RSA 38:5 must be held prior to the expiration of the time limit required for the ratification vote under RSA 38:13.

6 Public Utilities Commission Action. If by June 30, 2000, PSNH has not filed with the commission an acknowledgment of acceptance of the conditions contained in RSA 369-B:3, IV(b), then the commission shall:

I. Suspend the Public Service Company of New Hampshire (PSNH) Restructuring Settlement Docket No. DE 99-099 and resume, as allowed by law, all other dockets stayed by the commission as it addressed Docket No. DE 99-099.

II. Take such action as is in the public interest regarding temporary rates as authorized by RSA 378:27.

III. Pursue appropriate litigation at the New Hampshire supreme court or other appropriate courts on issues such as whether the 1989 Rate Agreement is a contract and whether PSNH and Northeast Utilities may have breached any such contract or, by their actions, allowed any such contract to be voided.

7 Dates of Events in PSNH Rate Reduction Financing.

I. Competition day for PSNH as defined in RSA 369-B:2, III shall be not later than October 1, 2000, unless the commission finds due to circumstances beyond its control that further delay is in the public interest.

II. The sale of PSNH fossil generation assets shall take place no later than July 1, 2001, unless the commission finds due to circumstances beyond its control that further delay is in the public interest.

8 PSNH Allowed to Pay Dividend. Upon the temporary rate reduction of 5 percent described in RSA 369-B:3, IV(b)(3)(G), PSNH will be allowed to pay a dividend of \$50,000,000.

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

AMENDED ANALYSIS

This bill establishes the terms and conditions under which the public utilities commission can issue finance orders authorizing the issuance of rate reduction bonds. The bill also describes how a secured interest in the rate reduction property can be created and perfected.

Conferees: Sens. Frederick King, Dist. 1; Below, Dist. 5 and Hollingworth, Dist. 23. (Senate Alternates: Sens. D'Allesandro, Dist. 20 and Fraser, Dist. 4)

Conferees: Reps. Bradley, Carr. 8; Guay, Coos 6; Norelli, Rock. 31 and MacGillivray, Hills. 21 (House Alternates: Reps. Naida Kaen and Maxfield)

Rep. Bradley yielded to questions.

Rep. Gilmore spoke against and yielded to questions.

Reps. Norelli and MacGillivray spoke in favor and yielded to questions.

Rep. Bradley spoke in favor.

Rep. Phinizy requested a roll call; sufficiently seconded.

The question being the adoption of the Committee of Conference report.

YEAS 267 NAYS 72

YEAS 267

BELKNAP

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

CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald
Torressen, Gary			

CHESHIRE

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	Doucette, Richard
Hunt, John	Lerandean, Alfred	Lynch, Margaret	Manning, Joseph
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, Irene
Riley, William	Roberts, William	Robertson, Timothy	Royce, H Charles
Smith, Edwin	Zerba, Roger		

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Merrill, Gerald	Pratt, Leighton	Woodward, David

GRAFTON

Almy, Susan	Cobb, John	Copenhaver, Marion	Densmore, Jessica
Guest, Robert	LaMott, Paul	Marshall, Gene	Nordgren, Sharon
Picconi, Al	Scanlan, David	Solow, Martha	Ward, Brien

HILLSBOROUGH

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Arthur, Rose	Baroody, Benjamin	Batula, Peter	Belvin, William
Bergeron, Lucien	Brundige, Robert	Buckley, Raymond	Calawa, Leon Jr

Carlson, Donald	Chabot, Robert	Clegg, Robert Jr	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Curran, James	Daigle, Robert	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Dokmo, Cynthia	Drabinowicz, A Theresa	Durham, Susan
Dwyer, Paul Sr	Dyer, Merton	Emerton, Lawrence	Fenton, James
Fields, Dennis	Ford, Nancy	Foster, Linda	Franks, Suzan
Gagnon, Eugene	Ginsburg, Ruth	Goley, Jeffrey	Haettenschwiller, Alphonse
Hansen, Herbert	Herman, Keith	Herman, Richard	Holley, Sylvia
Hunter, Bruce	Jean, Claudette	Johnson, Lionel	Keye, Harvey
Konys, Christine	Kurk, Neal	LaPorte, George	LaRose, Richard
Lasky, Bette	Leishman, Peter	Leonard, Peter	Lessard, Rudy
Lozeau, Donnalee	Lynde, Harold	MacGillivray, Jeffrey	Martel, Andre
McCarthy, William	McCarty, Winston	McDonald, James Sr	McDonough-Wallace, Alice
McGough, Tim	McRae, Karen	Melcher, Harold	Mercer, Robert
Messier, Irene	Milligan, Robert	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	Sarette, John	Sargent, Maxwell
Simon, Anthony	Thulander, O Alan	Turgeon, Roland	Vaillancourt, Steve
White, John	Williams, Carol		

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
Gile, Mary	Hager, Elizabeth	Hess, David	Hoadley, Elizabeth
Langer, Ray	Larrabee, David Sr	Leber, William	Lockwood, Priscilla
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Potter, Frances
Poulin, Dave	Reardon, Tara	Rodd, Beth	Rosenfield, Jay
Seldin, Gloria	Wallner, Mary Jane	Whalley, Michael	Whittemore, James
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Belanger, Ronald	Blanchard, MaryAnn	Bridle, Russell
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Case, Margaret	Christie, Andrew Jr	Clark, Martha	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	DiFruscia, Anthony	Dowling, Patricia
Downing, Michael	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John Sr	Francoeur, Sheila	Gibbons, Paul	Gleason, John
Grant, Kenneth	Griffin, Mary	Hamel, Albert	Hutchinson, Rebecca
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Lovejoy, Marian	Major, Norman	McKinney, Betsy
Norelli, Terie	Noyes, Richard	O'Keefe, Patricia	O'Neil, Michael
Pitts, Jacqueline	Priestley, Anne	Raynowska, Bernard	Ruffner, Walter
Sabella, Norma	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas
Weare, Everett	Weatherspoon, Jackie	Welch, David	Whittier, John
Zolla, William			

STRAFFORD

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	Domingo, Baldwin	Dunlap, Patricia	Estabrook, Iris
Grassie, Anne	Heon, Richard	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Lent, Donald	McKinley, Robert
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Torr, Franklin	Twardus, Joseph
Vachon, Dennis	Wall, Janet		

SULLIVAN

Burling, Peter	Cloutier, John	Leone, Richard	Robb-Theroux, Amy
Wiggins, Celestine			

NAYS 72

BELKNAP

Johnson, James	Wendelboe, Francine
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CARROLL

Dickinson, Howard

Sullivan, P Judith

CHESHIRE

Avery, Stephen

Lynott, Margaret

Pratt, John

Richardson, Barbara

Rose, William

COOS

None

GRAFTON

Alger, John

Dudley, Terri

Eaton, Stephanie

Gilman, G Michael

Hall, David

Harmon, Hobart

Hinman, Harry

Johnson, Gary

Phinney, William

HILLSBOROUGH

Beaupre, Roland

Bergin, Peter

Bruno, Pierre

Christiansen, Lars

Flora, Kathleen

Garrish, Linda

Gorman, Mary

Goulet, Maurice

Hall, Betty

Jean, Loren

Lefebvre, Roland

McColgan, Philip Jr

Mendenhall, Leslie

Moran, Edward

Ouellette, Dean

Tate, Joan

Wall, Nancy

White, Donald

MERRIMACK

Fraser, Marilyn

French, Barbara

Kennedy, Richard

Marple, Richard

St Cyr, Gerard

Virtue, Carolyn

Wallin, Jean

ROCKINGHAM

Beaulieu, Jon

Bishop, Franklin

Clark, Vivian

Henderson, Warren

Hutchinson, Karen

Kelley, William

Mikowski, Walter

Moore, Benjamin

Morse, Charles

Nowe, Mary Lou

Nowe, Ronald

Packard, Sherman

Putnam, Ed II

Quandt, Marshall

Reardon, Neil

Rubin, George

Stickney, Nancy

Vaughn, Charles

Weyler, Kenneth

STRAFFORD

Bickford, David
Woods, Phyllis

Cossette, Larry

Gilmore, Gary

Pelletier, Arthur

SULLIVAN

Allison, David
Young, David

Donovan, Thomas Jr

Phinizy, James

Tuthill, John

and the report was adopted.

protests

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Reps. Boyce and Marple requested that their protests be entered on the Journal.

Rep. Boyce: This bill, imperfect as it is, has been presented to us as the last best hope to end this PSNH situation. I believe that there would be a better solution but none was presented.

Rep. Marple: This bill, as presented, is imperfect. The question as to conformance with Article 83, Part 2 of the New Hampshire Constitution is not answered. Public Service is a private corporation and this bill provides for a reduction in the costs of replacement bonds. Such reduction in costs enhances the dividends paid to the private stockholders for the next 12 years. The enhancement of private interests is prohibited by Article 83. This bill appears to be unconstitutional.

debate

Reps. Chandler and Burling moved that the debate on the Committee of Conference report on Senate Bill 472 be printed in the Journal.

Adopted.

Speaker Sytek: Would a member of the Committee yield to questions? Rep. Bradley yields. Rep. Alger, you may inquire.

Rep. Alger: Thank you, Madam Speaker. Thank you, Representative for taking my question. I'm a little confused because of the fact that we received a notice from Cabletron that they supported this bill now but they are one of those of several which are asking for a re-hearing of the PUC in connection with serious concerns. Specifically, they argue that in the re-hearing stranded cost charges have been illegally imposed, that the PUC failed to make a determination that they have a greater opportunity for stranded cost recovery than our current law and transition rates are too low. Are they going to withdraw their concern with the PUC or why are they taking two positions?

Rep. Bradley: Thank you, Rep. Alger. Normally, when the PUC issues an order interveners in a docket at the PUC have the opportunity to request for rehearing. Often it is on discreet issues, often it is on the entire order. Cabletron and others have listed some issues that have caused them concern. What I would submit to you is that groups like Cabletron, the Business and Industry Association, Freedom Partners and the Consumer Advocate who are all supporters of this bill and I believe most of you should have received Mr. Benson's E-mail, if you haven't I'll give you copies, and Mr. Benson is the CEO of Cabletron supporting this bill, they would appeal an order, or ask for rehearing is really a more accurate description, to preserve their rights. One of the reasons, I believe, that these groups, in fact, did ask for rehearing was on the issue of transition service, the fact that the PUC's order set transition service at 4 cents per kilowatt hour which virtually everyone acknowledges is below the actual market price in New England right now of power based on other similar bids. This legislation fixes that by setting it 4.4 cents for the first nine months, with PSNH supplying it in part because we anticipate it will take that long for them to divest of their assets and then after that for two additional years, the first year 4.4 cents and the second year 4.6 cents. I believe that the objections raised to transition service are largely removed by virtue of the fact that the legislation specifically sets the price at those levels, which according to our consultant, and I think it has been verified by other bids in other jurisdictions, other states in New England at that range of about 4.4, 4.5 cents, is a realistic market price, and so I submit to you that that was one of the major issues that was of concern of some of those groups and why they protected their rights, if you will, at the Commission but now they are supporters of the bill because we fixed it.

Rep. Alger: I appreciate the response. They had three issues. The first one you addressed very well although I think there is some question about the market rate. The stranded cost charges have been illegally imposed because PSNH was never required to meet its RSA 374-F:4 burden of proof that it is entitled to such charges. Is that something that your committee looked at or what is that about?

Rep. Bradley: Clearly the level of stranded costs is one of the most important issues in this entire debate and what is or what is not an appropriate and real and legally defensible level of stranded costs. I would just read for you from Mr. Benson's e-mail and he talks about the \$450 million right-off or absorption of stranded costs, he says, "The \$450 million in prescribed savings is specific and verifiable. Its structured nature should lead to a quicker approval process at the PUC and will eliminate much of the dispute over the true value of the savings." What I would submit to you in that statement is that people understand, in particular advocates for lower rates and opening up the market and for a sharing of the burden of stranded costs, understand that PSNH is going to collect a significant portion of those stranded costs. It will be ordered by the courts or it will be adjudicated at the Commission or it will be entered into under a settlement. What you see before you today is the version of a settlement that PSNH has indicated they are willing to accept. Roughly absorbing about twenty percent of their stranded costs in order to get the carrot, if you will, of securitization, and for intervenors like Cabletron, like Mike Holmes who is a big advocate, he is the Consumer Advocate and he originally was a big advocate of completing the rate case, these folks have said this is a reasonable result and let's take this result because the downside risk is significantly worse.

Speaker Sytek: The question is on the adoption of the Committee of Conference report. The Chair recognizes the member from Dover, Rep. Gilmore.

Rep. Gilmore: Thank you, Madam Speaker. I speak with some reluctance but because this is so important I do think we should talk about it at some length or at least a short length. First off, I feel a debt and a need to acknowledge the tremendous hard work of the Committee of Conference. They were here all last week and they certainly put in the hours and they certainly really strived to create a good situation. Unfortunately, hard work doesn't always result in successful deeds and I feel this is one of those cases. I speak with some reluctance but again, this sort of must be said. This Committee of Conference report, I believe, is a step back from the House version that we had before us a couple of weeks ago. We are no longer writing off \$474 million. The amount in the bill is \$450 million but of

that it is not all written-off, stranded costs are not all written-off, it is some in-kind services and there is some debate as to the value of those services that we are writing off. The whole issue is rather strange. I was here in 1989, as many of you were. At that point in time, Northeast Utilities bought PSNH for \$2.2 billion. Ten years later they are claiming \$2.3 billion in stranded costs. Among the other issues that are occurring in this Committee of Conference report, besides the write-off going down, is the merger savings. In the House version, we allocated certain monies that the rate payers would benefit from a merger and those have now been taken out. When it goes to the PUC, the merger approval, the standard is very weak so I think we need some assurance that the PUC can actually ascribe some savings to the merger. The other issue is when NU and ConEd spoke before the various bodies that are looking to approve the merger, they spoke of synergy savings of \$1.5 billion. Last week, when the CEO of NU spoke before the Committee of Conference, he spoke of the fact that we don't even know if there are going to be savings in the merger and he was arguing for what showed up in the Committee of Conference report, that we would not place a merger savings in this legislation. My fear is that in the creative accounting that does take place, that we will not see any savings from what will probably be \$1.5 billion of savings that will never trickle down, will never be given to the ratepayers in this state. Several other issues, in this legislation, the Committee of Conference report, we're allowing PSNH to give NU \$15 million as a dividend. It does not write down any stranded costs. This is in the nature of other dividends that NU has received from PSNH, will total over \$400 million. Had these dividends been used to write down stranded costs, we would not be having quite as high a rate structure as we have today and that is something that the PUC had orders against NU doing but now this legislation gives its blessing to, in fact it allows it to occur in October. Also, in this Committee of Conference report there is a five percent savings that we will get in October. It might be my cynical nature, but I would think that it should have been done sooner and not just prior to an election. We know, under the benchmarking that occurred in the PUC, that the PUC adjudicated, that we could be asking for an eight-to-ten percent rate decrease at the present time. Instead, we are going to wait until October. I just feel that it should be now and not just prior to an election. The whole issue, though, comes back to the issue of competition. This past Memorial Day we all know that we had the highest gas prices that we have ever had. It is certainly not for lack of competition. The whole belief here is that somehow competition is going to work miracles. I would ask you to look at your own recent past and look at this past winter, to look at the gas prices as you go out and drive home tonight. There are numerous suppliers, there are high gas prices. Now, to have competition you have both an inability to transmit electricity and the ability to generate electricity. Folks, we are looking at a crunch this summer. This settlement, as previous settlements, as settlements in other states, projects additional growth in demand over the next coming years. We're not building the gas plants in this state, we're at the beginning of the pipeline, they are not being built in Maine. If you don't have the commodity to sell, you're not going to have competition. It's fairly basic. I think that's the very underpinning of economic analysis, supply and demand. If you don't have it, and we know we don't have it this summer, we're saying that demand is going to grow, it's not going to be there in two or three years. It takes a couple of years to build these plants. Maybe I'm wrong, but it is not there today, it's not likely to be there tomorrow. Rather than competition providing benefits, what we are probably looking at in three to four years is a bit of a rate shock. I know we all hope that this is the end. It hasn't proven to be the end in every previous time that the legislature has gotten involved and said that this is the final solution. Folks, this isn't the final solution, but what this will certainly do is lock the door for the next 12 years because we will be throwing away that key with securitization. We will lock ourselves into this path and we must be aware of that. Thank you.

Speaker Sytek: Would the member yield to a question? Rep. Phinizy, you may inquire.

Rep. Phinizy: Thank you, Madam Speaker. Would the Honorable Representative from Dover feel that it would be safe to say that this article that was dated May 22nd, just shortly after the time we passed the original securitization bill, would it be safe to say that this is still true and the title reads,

"Few Firms Eager to Jump into New Hampshire Electric Market"? Does this underscore your statements?

Rep. Gilmore: Four states in New England have "competition". Four states in New England do not have any competition, have the ability for competition, four states in New England do not have competition for rate payers or very much for anything but the largest of industrials. What is true in the other states is going to be true in New Hampshire, even more so true in New Hampshire. It isn't happening elsewhere where they have had the ability for several years now. It's rather foolish given that reality to expect that it's going to somehow spring to life in New Hampshire when it isn't occurring there where the market would be much better suited to competition.

Speaker Sytek: Would the member yield to another question? Rep. Alger, you may inquire.

Rep. Alger: Thank you, Madam Speaker. Thank you, Representative. Would you agree with me that, you heard the conversation we just had with the other representative regarding Cabletron, that they are asking us to pass a bill and then they want to preserve the right to challenge its legality in the PUC? Is that what they are doing?

Rep. Gilmore: Yes.

Rep. Norelli: Thank you, Madam Speaker and members of the House. Last week, four House conferees and two alternates worked extremely long and hard hours. To me it felt like a week that was really just one incredibly long day. Before I talk about what we ended up with, I'd like to thank my House colleagues, Reps. Bradley, MacGillivray, Guay, Maxfield and Kaen. In retrospect, it almost seems that reaching agreement between the House and Senate was quite easy. But without PSNH's agreement, agreement between the House and Senate would have been futile. I think that all of the conferees, both House and Senate, shared a common goal and that was a commitment, yes, to reaching a deal but to reaching a deal that was in the best interests of the ratepayers of New Hampshire. At literally three minutes to five on Friday afternoon we signed off on a Committee of Conference report that, in fact, I believe is in the best interests of ratepayers. There are three major changes from the version that we passed here two weeks ago. I'm going to tell you about the changes in the merger language, Rep. MacGillivray will explain the differences in the ratepayer benefits and Rep. Bradley will explain the significance of the changes in exit fee language. With respect to the merger language, several weeks ago we stood before you and debated whether or not, if PSNH was acquired, the legislature should have final approval over that process. I argued then, and in fact I still believe today, that it is the legislature's job to set policy and it is the Public Utilities Commission's job to carry out that policy. In line with that, Senate Bill 472 sets a public interest standard of review for any PSNH merger or acquisition. Also, Senate Bill 472 mandates that no acquisition premium that is paid when acquiring PSNH may, in any way, increase rates from what they would have been without a merger premium. In the House version that we passed a couple of weeks ago, we actually had a formula for capturing synergy savings. Those, as Rep. Gilmore talked about, are the administrative savings that some times occur when companies merge. In fact, we had a specific formula in the House version for capturing those. But, in line with what I just said about the legislature's job being to set policy, and also upon the recommendation of our legislative consultant, Richard Silkman, the Committee of Conference removed that formula. In place we put specific language that recognizes the extraordinary benefits of securitization. If PSNH is acquired, the PUC may approve that merger or acquisition if it results in customers receiving a just and reasonable sharing in those synergy savings. Rep. Bradley mentioned that e-mail that many of you have received from Craig Benson of Cabletron and, in fact, in that e-mail he supports the changes that we made to the merger because he, too, believes that this is a better process and that customers may actually end up with more savings. Dr. Silkman suggested that, in fact, it is entirely possible that in a Commission proceeding ratepayers could actually experience greater merger related savings over time than he had built in to his previous rate path. I believe that we should support the

Committee of Conference amendment for several reasons. First, in the near term, we will have lower rates. Second, in the longer term, we will have customer choice and competition. Also in the longer term, there is a potential for future further rate reductions if there is a higher sale price for the sale of the generation assets, from savings from any renegotiated wood-to-energy or trash-to-energy power contracts and also from sharing of the merger savings that I just talked about. Lastly, a significant portion of stranded costs that we've been debating about over the last years have to do with Seabrook. I actually think, personally, that the most significant benefit of Senate Bill 472 and the consequent competition will be that the risks of electric generation, what got us into this trouble in the first place, will shift from the backs of the ratepayers where they have been to the backs of the investors where I think they belong. Tony Buxton, who is the legal consultant for the legislature on this issue, wrote a letter in support of the final version and I just want to quote what he said about this. He said, "There will be no more Seabrooks for New Hampshire, ever." Finally, I just want to address one concern that I have heard repeatedly, that is, that in 1989 the legislature made a mistake and Lord knows we don't want to repeat that mistake, but I would suggest to you that in 1989 there was almost no legislative involvement. We assured NU that they would recover the acquisition payment and, in fact, we guaranteed seven years of rate increases. Now, in the year 2000 there has been extensive legislative involvement. We have hired, the legislature has hired, legal and utility consultation and that will result in \$4.5 million or over \$4.5 million in ratepayer benefits, not ratepayer give aways. And, it will result in rate decreases, not rate increases. I urge you strongly to support the Committee of Conference report because I believe that it is time that the PSNH ratepayers of New Hampshire share in the benefits of electric restructuring. Thank you.

Speaker Sytek: Would the member yield to a question? Rep. Vaughn, you may inquire.

Rep. Vaughn: Thank you very much, indeed, Madam Speaker. The gentle lady from Portsmouth has put long hours into the night working, along with her cohorts on Science and Technology, to bring fruition to a solution. However, in 1989 there was some input and partaking of the negotiations by the legislature. Here again, we are going to wed, for 12 years, a commitment which at best, at best, is a hope, a hope. This legislation, like many I've seen, is based on the political hope and expediency that we have found a solution. This is not the solution. I would ask you to join me in voting in opposition to Senate Bill 472. I wonder if my good colleague from Portsmouth would answer if she really believes this is going to be a solution at the end of twelve years and we will see a reduction in rates which she has promised?

Rep. Norelli: Thank you, Representative Vaughn. I would answer your question with a question. If you had a \$4 thousand debt to pay would you rather pay back \$4 thousand at a particular interest rate or would you rather pay back \$3 thousand at a lower interest rate? Thank you.

Speaker Sytek: Would the member yield to another question? Rep. Rose, you may inquire.

Rep. Rose: Representative, the PUC in the docket has it that affiliates can bid on the generating sale auction and the amendment to bill 472 says that they can't. How is this going to be straightened out?

Rep. Norelli: Thank you for the question, Representative. Actually, the legislation supercedes the Commission's final order. In the legislation, PSNH or any of its affiliates or potential affiliates will not be allowed to bid on any generation assets. In addition to that we go a step further, they will also not be able to bid on any transition service.

Rep. Rose: Would you, and just forget about a lot of this stuff, who do you think is going to get the most out of this agreement or whatever you want to call it in the long run? Is it the ratepayers or is it the big greedy corporations who want this bail out?

Rep. Norelli: Well, Representative, I would answer you that it is the Public Utilities Commission's job to actually balance the interests of ratepayers and the utility. But, as the legislature, we are not under that obligation to necessarily insure the wholeness of PSNH and therefore, I believe, that we have had the ability to make sure that we have protected the rights of all the ratepayers.

Rep. Rose: Representative, you didn't answer my question. As a person looking at this situation, and looking at the fact that it is 12 years like the Representative from Portsmouth said, and we don't know how things are going to go. Do you think that this, greedy, I think, corporation is going to benefit 98 percent of this agreement and we will get two percent? What do you think of that?

Rep. Norelli: Representative, I would disagree with that.

Rep. MacGillivray: Madam Speaker, ladies and gentlemen, I rise in support of the Committee of Conference report on Senate Bill 472. Let me first thank everyone who was so kindly and so attentive two weeks ago when I was barely able to speak. I am very grateful for your careful attention at that time. I'm here to talk about the numbers in this legislation. Two weeks ago we promised you that we would fight for \$474 million, \$474 million that the company hadn't agreed to and was in front of the PUC trying to argue that the dollars ought to be counted differently than any sensible person would try to count them. This could have led to a considerable amount of litigation, of disagreement and, more importantly, of delay. What we have today is not just an agreement to \$474 million in customer savings, most of it in stranded costs write-offs, some of it in a few other forms. What we have is a list of specific actions that the company has agreed to and that our consultant, not theirs, has agreed to in fact, under most future scenarios, add up to \$450 million. This way we don't keep fighting in front of the Public Utilities Commission with the creative accountants of Public Service over how much certain things are and aren't worth. We have specific actions they have agreed to take and if you make any sort of reasonable assumptions and tote them up it comes out to something pretty close to or maybe a little more than \$450 million. I agree with our consultant. PSNH has agreed to these and the legislation calls on them to walk into the PUC by a month from now and confirm that they agree to these actions. Once we have that agreement, the process will go forth more quickly and we will be able to get to real savings. \$450 million is a lot of money. We might get something close to that from litigation, fighting a rate case and getting something resembling the PUC "best case", but it would come many years from now. The bulk of the savings is another \$300 to \$350 million that comes from refinancing the outstanding debt. Ladies and gentlemen, we are currently paying these costs. We will be paying them for a long time to come. But it is better to pay a smaller number of dollars with a lower interest rate than a larger number of dollars with a higher interest rate. You don't need a lot of education to see that advantage. It is there for every PSNH ratepayer and most of that money comes from having these bonds held by bondholders and not stockholders and there is a savings not only in the amount paid, but also in the amount of taxes paid. Now, if you want to push the red button and send more PSNH ratepayer dollars to Washington, D.C. and the Internal Revenue Service, be my guest. I won't be joining you. There is a lot of money to be saved and we don't get it with delay. We don't get it with litigation. People have said maybe we could do another \$100 or \$200 million better with litigation. Well, first, the delay will cost you most, if not all, of the \$300 million of refinancing savings. So, I'm supposed to turn down \$300 million that is real and verifiable as well as possibly lose some of the \$450 million that PSNH has agreed to in order to get another \$100 or \$200 million that will be accompanied by \$200 or \$250 million of lost refinancing savings? We'd need some awful good lawyers to prevail in an awful hurry for that to work. Now, you may think that you'd rather have PSNH running more of the state's economy for a longer period of time. I'd rather get them out of as much of this business as soon as possible. I'd rather see their company shrunk to a small fraction of what it is now. I'd rather take a bird in the hand even if it has a couple fewer feathers on it than last week's bird, rather than the promise of three-quarters of a bird that we might get over in the bush. A couple of people have asked about constitutionality. Every one of these costs that we are now paying is something we are paying today. Every single one of these dollars we're paying today. How can it be unconstitutional to

take dollars you are paying now, pay fewer of them at a lower interest rate? If that is unconstitutional there is something wrong with people's understanding of constitutional. Competition. People have asked why is there no competition in the rest of New England. It is because people were in such a hurry to get so-called competition going that in most states they gave the company 100 percent of their stranded costs. Some calculations in at least one of those states say they gave them more than 100 percent but I'm not really sure about that. But, they also set a price of electricity so low that you can't possibly compete with it. But, in those states, the lost money between what they're pricing electricity at today and what we are pricing electricity at in the real market will get added to their bills three or four years from now. Ladies and gentlemen, we have spent the last six months listening to this argument regarding the original proposed settlement here in New Hampshire. Those prices started off lower than market. We were told by everybody that those prices were too low and what did we do? We raised the ceiling. We raised the ceiling far enough that our consultant even believes that during the first nine months or so, when there is only a small surplus of electricity in the New England market and not the much larger one that will occur in the next two or three years as the gas plants under construction or in the permitting pipeline get built, we will see competition because we have not set the price below market and all we have done is set a price ceiling. If some of the other folks are right and we set our ceiling too high, it will make no difference to customers. The transition service price nine months through 33 months won't be higher than the market price. We are building gas plants in New Hampshire. We have some of the best statutes in New England for getting plants permitted. Our plants are permitted. What we are waiting for is permission to hook the plants up to the grid. It only takes the two plants, currently permitted but awaiting out-of-state approvals, to produce enough electricity to meet about 90 or 95 percent of New Hampshire's needs. That doesn't even count all the plants we have that are already producing more electricity than New Hampshire consumes. We are doing our share in terms of getting plants built. Ladies and gentlemen, we're paying these costs now. This is an opportunity to pocket sizeable refinancing savings as well as get a reasonably good deal from a utility that wanted a couple of things that we gave out to them only after they had given us what we wanted. The guarantee for 12 years of people paying certain parts of these charges is simply a guarantee that everybody who hasn't gone off the grid and would have been paying these charges anyway is going to pay this money to certain people before other people, but their total bills will be lower. That doesn't sound like a very bad guarantee from the point of the ratepayer. The real winner in this deal is the ratepayer. PSNH gets some things they want. They write-off or put up things of value totaling \$450 million to get that. The ratepayer sees 15 percent today. The ratepayer will see more reductions as the wood fired power plants finish burning our money five or eight years from now, a further reduction about seven years from now of 15 percent or so when an entire pot of these costs gets eaten by PSNH if they haven't already been paid by then, and another 15 percent or so 12 or 13 years from now. That's my kind of a rate path, multiple 15 percent reductions. We have been digging into this issue for six years. Our consultants have helped us over the last six months to dramatically improve a settlement that was proposed to us that was only partially in the right direction. We have listened to our critics and done much of what they have asked. We are ready to say this is about the best we are going to do. We're going to get it faster than we thought two weeks ago and it's going to add up to a lot of money and be a lot better than the alternatives for every PSNH ratepayer under virtually every scenario that anyone can imagine, including the one where our lawyers start winning and their lawyers start losing. Ladies and gentlemen, I hope I can convince you to join us in supporting the Committee of Conference report on Senate Bill 472. Thank you.

Speaker Sytek: Will the member yield to a question? Rep. Phinizy, you may inquire.

Rep. Phinizy: Thank you, Madam Speaker. I would like to ask the honorable colleague how he justifies that we are going to be making any kind of savings or we're going to be any better off trading Northeast Utilities/Public Service Company of New Hampshire for Consolidated Edison which is really a mastodon compared to a rhinoceros?

Rep. MacGillivray: It is not our job, it is not our authority to say who the holder of 100 percent of the stock of PSNH can sell it to. That is a right, carefully enshrined in federal law, that these holdings can be sold to other people. However, what we have is an almost unprecedented agreement by Northeast Utilities that in the event that PSNH or its parent company, NU, or any other combination of them is merged, acquired or sold, that we are legally entitled by an agreement from them to share significantly in the savings that result to customers. We had originally been led to believe that we should put a number into our bill to capture a tenth of a cent a kilowatt hour, about one percent for five years. We thought that would add up to \$30 or \$40 million. That was based on early testimony in front of the Commission that said there would be \$1.33 billion savings over ten years, PSNH represented three or four percent of that. Ladies and gentlemen, we have heard more testimony, we have been told that the number is correct but that PSNH's share is more like eight percent over, \$100 million, and if a significant fraction of that goes to the customers we will be much better off than \$30 or \$40 million. We have words that PSNH has agreed to, they agree that we are entitled to a significant share of those savings and it is up to the PUC to adjudicate that and give us a just and reasonable share of those savings. I think between those words and the history of the PUC that we should do very well indeed.

Speaker Sytek: Will the member yield to another question? Rep. Gilmore, you may inquire.

Rep. Gilmore: Thank you, Jeff. Thank you, Madam Speaker. Jeff, one thing you said when you were speaking, that we're building the gas plants now. I live on the seacoast and one of the two plants that are permitted is in Newington and the other, I believe, you are referring to is Londonderry. I don't notice any construction going on and are you going to guarantee that the several hundreds of millions of dollars that it is going to cost to build these plants are actually allocated and construction is going to begin once the ISO determines that they may hook up to the grid?

Rep. MacGillivray: No one can guarantee what any commercial outfit is going to do, but currently a couple of plants under construction in New England, part of the New England power pool and thus contributing to alleviating the current tight supply of electricity, should be finished by the end of this year and a few more already started construction should be ready by the end of next year. Neither Newington nor Londonderry has gotten the permission to hook up to the grid yet. Until that happens, I do not expect these two specific plants to actually put the shovel in the ground and start digging. But, the Londonderry plant has people now before the state facility site evaluation committee giving testimony as to why the gas pipeline from Dracut to Londonderry should be expanded to provide the additional gas needed to run that plant. Companies don't invest millions of dollars in plans if they don't think there is a reasonable chance that they are going to go through with the rest of it. In other parts of New England, as soon as they have gotten permission to connect to the grid they have put the shovel in the ground and started building the plant. We have our state permits in place, we await only ISO/New England, New England Power Pool, whatever they call themselves this week, to get their act together and finish their job of approving the connection and then I expect to see shovels in the ground in New Hampshire.

Rep. Gilmore: The plants you referred to are in southern New England and ConEd, which will be the buyer/owner of PSNH, PSNH of course will only have 3 percent of their load, what guarantees can you give to this body that the power from those plants would actually flow towards north and not south where 97 percent of the ConEd demand/load is? Why would it flow up here?

Rep. MacGillivray: Well, for one thing, ConEd is not buying those plants. ConEd is buying the transmission and distribution system, the wires and poles of Northeast Utilities and Public Service of New Hampshire and, yes, that merger might get closed on before they finish selling off the existing power plants. But there is an agreement to sell them, it will go forward and we've seen about how long these sales take and generally from the time that you have the permission to go forward with the sale, it takes somewhere between 9 and 12 months, so we should expect to see those

plants sold some time next summer or fall. That's not that long from now. As far as where the power goes, New Hampshire today exports power. When these new plants are built in southern New England, it will let us shift where some of our power is exported to. Less of it will be exported south, more of it will be exported north. When our additional plants get built, the plant in Londonderry will primarily serve an area that imports power from elsewhere in New Hampshire, the area between Manchester and Nashua and Salem and the area around Lowell and Lawrence, Mass. as well. What will happen when these plants are built is that more of the seacoast power will be shipped north and south from there. When the plants are built most of that power will stay in New England if for no other reason than that there is very little ability to move power back and forth between New England and New York. There are very few heavy duty connections between these two power pools.

Rep. Gilmore: In actuality, Rep. MacGillivray, wouldn't you say that with the congestion problem that exists up here and that with the economic realities, that where the power will really flow will be where these plants can get the greatest dollar? So that if the transmission grid allows and the price is the greatest in New Hampshire it will flow this way but that if the price is greater down south than it would probably flow down south, isn't that really the reality?

Rep. MacGillivray: In reality, for several years now, there has been more or less one price of electricity in the New England power pool because it doesn't cost that much to move electricity from one side of New England to the other. Occasionally there are congestion problems on one side or the other of a line between northern New England and southern New England, but with plants being built on our side of the line that means that our prices might be lower but they won't be higher. Electricity will flow back and forth across the region and we'll all be paying about the same price for electricity because that's the way clever businesses sell their products and with ease of movement of electricity across New England they'll sell it to whoever the high bidder is and there will be approximately one price for New England.

Speaker Sytek: Will the member yield to another question? Rep. Marple, you may inquire.

Rep. Marple: Thank you, Madam Speaker. The question that I would like to have resolved is the securitization, so-called. My understanding is that this will enable Public Service to refinance the bonds that they have at a higher rate now. These bonds would be reduced by virtue of a reduction in the proceeds that those bonds are paying now. My question is this. Is this an enrichment to the stockholder of Public Service by virtue of a reduction in the amount of interest that is going to be paid on the bonds and therefore would increase the dividends that are being paid to the stockholders of Public Service by virtue of this securitization? That's the point that I'm getting at. In other words, if this is an enrichment of stockholders at the expense of the ratepayers, then I would think that perhaps it would be in conflict with Article 83 of Part 2 of our constitution because Public Service is a private corporation and this states that you cannot enhance the personal profits of a private corporation. That's a monopoly. Would you care to answer that?

Rep. MacGillivray: I thank my colleague for his fine question. As a good conservative Republican who has spoken against a lot of spending from this podium, I share his desire that we don't want PSNH to make any more money than they need to. What we are doing here with this refinancing is we are taking a lot of the debt of PSNH and a lot of the stock of PSNH and retiring it. Under utility law, as long as PSNH has \$700 million of stock equity in this state, we are required to pay them or make it possible for them to attempt to earn a just and reasonable return on every one of the 700 million dollars. What we are going to do is, instead of letting them earn a return for the next umpteen years on that money, we are going to give it back to them and tell them they'll have to find somebody else to invest it in to pay their stockholders returns. We're going to borrow the money from somewhere else and pay a much lower interest rate. Ladies and gentlemen, if you want PSNH to have the opportunity to earn \$80 or \$90 million a year on \$700 or \$800 million of equity, push the

red button. If you want them to have the opportunity to earn \$15 million a year on \$150 million of equity, push the green button.

Speaker Sytek: Would the member yield to another question? Rep. Chase, you may inquire.

Rep. Chase: Thank you, Madam Speaker. Thank you, Representative. I'm trying to make up my mind on this bill. I agree with some of the things you have said and I haven't heard any clear statement, once again, on how I, perhaps as a person taking advantage of new technology and investing in it during the next 10 or 12 years, might be able to start a self-generating plant and even afford my neighbor the chance of using that plant. Would I still be responsible for my portion of the stranded costs? Would there be any exit fees associated with my self-generation?

Rep. MacGillivray: Thank you for your question. This is a topic that Representative Bradley is going to take so I am going to let him answer most of that and you can ask your question again of him, if you wish. But, the short answer is that the only people that will be obligated to pay these rate reduction bonds are people that are still attached to the public utility grid and still receiving power from the public utility grid and only on the amount they take from the public utility grid. Anyone, who under today's law gets off and self-generates or joint-generates and isn't a public utility, stops paying those charges and under Senate Bill 472 the exact same people pay the exact same amount. Zero. When you leave the public utility grid you stop paying these charges. The guarantee is only on the people still connected and still paying utility charges and as a result the only people that are guaranteeing to pay this money are people that would be paying this money anyway. I'll let Representative Bradley answer the details of the exit fee language in more detail.

Rep. Bradley: Thank you very much, Madam Speaker. I'm glad that Representative MacGillivray gave the short answer to the question that Representative Chase asked. The short answer is "no". But, I did want to mention something about technology. I'm sure most of you, Madam Speaker, remember prior to 1984, "Mother Bell" and the innovation that a monopoly brought to us. We were to get any color telephone we wanted as long as it was black and after disbanding the monopoly, things have dramatically changed. Technology has improved and I would argue that for the most part, our lives have improved with it. Yes, we have telemarketers and yours truly has learned to answer every telemarketer with the same six words, "I'm eating 24 hours a day." I know it looks that way. Sorry. And the other downside is we've had to ban cell phones that ring from the floor of the House, but for the most part, the revolution and technology in the telecommunications industry has been fantastic. So the last thing we'd want to do is ever impede what has been an historic right for you and I to generate our own electricity. We give, in this legislation, no more rights to utilities than exist today and no less rights to their customers to generate electricity. These are key terms in section B-4 of this legislation. The use of the word "person", that is intended to allow, if there is in the future competitive service for billing and/or metering and there was a proposal in New Hampshire for that several years ago, to collect the charges that are defined in this bill as retail electric service, which is, as has already been explained, when you take power from the wires then you pay a wires charge. And, if in the future there is competitive metering and billing, there has to be some entity to collect that charge under the provision of retail electric service. No more rights for the utility and no less rights for the utility. No exit fees. This language has been the most scrutinized language in the entire bill. PSNH has agreed to it and so have all of the interests that are very concerned about exit fees. We've heard some discussion this morning, moving on to my next subject, about how we're locking in rates for 12 years. If you recall what I talked about two weeks ago, I would submit to you that today we are locked in to the full freight rates that have been, until just recently, the highest in the nation. Every day, every month, every year, every dollar we've been locked in. We're locked in under the rate agreement. We can fight whether it is a contract or whether it's something else, it's called the rate agreement. Under that verbiage, we are to buy the output of the Seabrook power plant until the year 2026 when it is at the end of its 40-year life span and is meant to be decommissioned. Locked in today to the highest rates in the nation today. You've received this

morning some hand outs, a green handout and a yellow handout, purporting in these hand outs some of the positions of some of the interveners at the PUC. As I tried to answer Representative Alger's question, some of those groups are enthusiastic supporters of Senate Bill 472, Cabletron, I hope you've all read their e-mail, we've been passing it out on the floor for those of you who are not on line, is an enthusiastic supporter, I'm not going to quote from it unless somebody asks me to. The BIA with their lists of various organizations including one of the other interveners, Freedom Partners, which is the business of Mr. Jim Rotier, who is the grandfather of deregulation in this state, who brought the original suit in 1994 and 1995 challenging the monopoly of PSNH and lastly, we because we need a strong presence for residential ratepayers, Michael Holmes, the Consumer Advocate, is now supporting this bill and you should have a letter in your mailbox on that. The other interveners, I'll first start with Great Bay, which is a joint owner of Seabrook and is an exempt wholesale generator, is objecting to this settlement because they want you to pay their decommissioning costs. They have no captive customers and they've never collected decommissioning costs from customers. They've had to do it from the market. They've known that since they bought that slice of Seabrook. Nothing changes for them, they are looking for a subsidy. The other interveners have filed under the banner of the Campaign for Ratepayers Rights with a legal brief that enumerates two themes: number one, stranded cost recovery is an added surcharge to your bill, and, number two, that it is a bailout of a failed company. Well, let's look at that and I'm going to use two examples. Example number one, the situation with the independent power plants. We had deals that were reached between PSNH and those plants several years ago which would have saved \$155 million of customer money over the life of those rate orders. Unfortunately, the PUC wanted a better deal, presumably they wanted to close those plants down, they only approved one. We passed a bill for securitization to finance that and we could have taken over and approved all six. The bill passed the House, was killed in the Senate by some of the same people urging you to vote no today. Those deals, then, were worth \$155 million. Today, if we were successful in dusting those deals off, renegotiating them, if they are indeed negotiable, would, on a good day, in my estimation and in the estimation of our consultant, probably be worth no more than \$100 million. Lost value. Lost money. Who's being bailed out? Who's being surcharged when we pay the full freight? It's our customers, our constituents and the customers of PSNH. The second example is the securitization example. The settlement modeled January 1st as a start date for securitization of \$725 million. The Commission approved it at \$688 million six months later. Senate Bill 472 reduces it to \$670 million using October 1st. What's happening? Is that money just evaporating? Poof and it's gone? No. Every PSNH customer is paying that money, full freight, every day, every month, every dollar. If there is a better deal out there and people believe that we should hold on and continue to fight all to the United States Supreme Court, be prepared for losing what you have in front of you today or least a significant portion of that \$450 million. As I told you two weeks ago, it's not. There are those who would like more. But, I would tell you that given the history that we have had for 25 years, this is a pretty good deal. It lowers rates 15 percent and it implements competition and that's why the vast majority of people who have intervened at the Public Utilities Commission are supporters of Senate Bill 472. They recognize, as I think members of the Science, Technology and Energy Committee as well as the Senate conferees do, that this is not 1989 all over again. This deal has been scrutinized and analyzed. It has been dissected and it has been perfected as much as we possibly can. I would ask you to end this troubled history today. End the fact that we've been paying among the highest rates in the nation today. Implement competition and turn a very important corner in this process. I would urge you to join me and push the green button. Thank you.

regular calendar (cont'd.)

committee of conference report on sb 132

Committee of Conference Report on SB 132, an act 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.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

Conferees: Sens. Below, Dist. 5; Trombly, Dist. 7 and Krueger, Dist. 16.

Conferees: Reps. Royce, Ches. 9; Whalley, Merr. 5; Downing, Rock. 26 and. Cooney, Rock. 26

Reps. Rosenfield and Spang spoke against.

Rep. Whalley spoke in favor and yielded to questions.

Rep. Royce spoke in favor.

Rep. Chandler requested a roll call; sufficiently seconded.

The question being the adoption of the Committee of Conference report.

YEAS 173 NAYS 165

YEAS 173

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

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

CHESHIRE

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

COOS

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

GRAFTON

Alger, John	Cobb, John	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Harmon, Hobart	Hinman, Harry	LaMott, Paul
Marshall, Gene	Phinney, William	Picconi, Al	Scanlan, David
Ward, Brien	Weber, Phil		

HILLSBOROUGH

Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr	Beaupre, Roland
Belvin, William	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Daigle, Robert	Dalianis, Griffin
Daniels, Gary	Desmarais, Vivian	Durham, Susan	Dwyer, Paul Sr
Dyer, Merton	Emerton, Lawrence	Fenton, James	Fields, Dennis
Flora, Kathleen	Gagnon, Eugene	Goley, Jeffrey	Goulet, Maurice
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Hunter, Bruce
Jean, Loren	Johnson, Lionel	Kurk, Neal	LaRose, Richard
Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston
McDonald, James Sr	McGough, Tim	McRae, Karen	Mercer, Robert
Milligan, Robert	Moran, Edward	Mosher, William	Nolan-Piteri, Dawn
O'Hearn, Jane	Ouellette, Dean	Pappas, Marc	Reeves, Sandra
Rowe, Robert	Tate, Joan	Thulander, O Alan	Turgeon, Roland
Wall, Nancy	White, Donald		

MERRIMACK

Anderson, Eric	Davis, Francis	Feuerstein, Martin	Hoadley, Elizabeth
Kennedy, Richard	Langer, Ray	Marple, Richard	Marshall, Kenneth
Maxfield, Roy	Whalley, Michael	Whittemore, James	

ROCKINGHAM

Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin	Case, Margaret
Christie, Andrew Jr	Clark, Vivian	Cooney, Richard	Cox, Russell
Dalrymple, Janeen	Dowling, Patricia	Downing, Michael	Fesh, Robert
Flanagan, Natalie	Flanders, David	Flanders, John Sr	Francoeur, Sheila
Gibbons, Paul	Gleason, John	Grant, Kenneth	Hamel, Albert
Henderson, Warren	Hutchinson, Karen	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Letourneau, Robert	Lovejoy, Marian	Major, Norman
McKinney, Betsy	Mikowski, Walter	Moore, Benjamin	Morse, Charles
Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard	Packard, Sherman
Priestley, Anne	Raynowska, Bernard	Rubin, George	Ruffner, Walter
Stickney, Nancy	Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas
Weare, Everett	Welch, David	Whittier, John	Zolla, William

STRAFFORD

Bickford, David	Callaghan, Frank	Cossette, Larry	Domingo, Baldwin
Dunlap, Patricia	McKinley, Robert	Woods, Phyllis	

SULLIVAN

None

NAYS 165

BELKNAP

Millham, Alida

CARROLL

Babson, David Jr	Philbrick, Donald
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CHESHIRE

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	Doucette, Richard
Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Pratt, John

Richardson, Barbara

Riley, William

Robertson, Timothy

Zerba, Roger

COOS

Landers, Dana

GRAFTON

Almy, Susan

Copenhaver, Marion

Densmore, Jessica

Guest, Robert

Hall, David

Johnson, Gary

Nordgren, Sharon

Solow, Martha

HILLSBOROUGH

Ahern, Richard

Arthur, Rose

Baroody, Benjamin

Batula, Peter

Bergeron, Lucien

Buckley, Raymond

Clemons, Jane

Cote, David

Cote, Peter

Craig, James

Curran, James

Dokmo, Cynthia

Drabinowicz, A Theresa

Ford, Nancy

Foster, Linda

Franks, Suzan

Garrish, Linda

Ginsburg, Ruth

Gorman, Mary

Haettenschwiller,
Alphonse

Hall, Betty

Herman, Richard

Jean, Claudette

Keye, Harvey

Konys, Christine

LaPorte, George

Lasky, Bette

Lefebvre, Roland

Leishman, Peter

Leonard, Peter

Lynde, Harold

McCarthy, William

McColgan, Philip Jr

McDonough-Wallace,
Alice

Melcher, Harold

Mendenhall, Leslie

Messier, Irene

Moriarty, Mary

Murphy, Robert

O'Connell, Timothy

Pepino, Leo

Peterson, Andrew

Reidy, Frank

Sarette, John

Sargent, Maxwell

Simon, Anthony

Vaillancourt, Steve

White, John

Williams, Carol

MERRIMACK

Bouchard, Candace

Brewster, Richard

Chase, George

Daneault, Gabriel

Fortnam, Janet

Fraser, Marilyn

French, Barbara

Gile, Mary

Hager, Elizabeth

Hess, David

Jacobson, Alf

Larrabee, David Sr

Leber, William

Lockwood, Priscilla

Moore, Carol

Potter, Frances

Poulin, Dave

Reardon, Tara

Rodd, Beth

Rosenfield, Jay

Seldin, Gloria

St Cyr, Gerard

Virtue, Carolyn

Wallin, Jean

Wallner, Mary Jane

Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Blanchard, MaryAnn	Bridle, Russell	Clark, Martha
DiFruscia, Anthony	Griffin, Mary	Hutchinson, Rebecca	Kane, Cecelia
Kelley, Jane	Kelley, William	Kobel, Rudolph	Langley, Jane
Langone, John	Norelli, Terie	O'Keefe, Patricia	O'Neil, Michael
Pitts, Jacqueline	Putnam, Ed II	Quandt, Marshall	Reardon, Neil
Sabella, Norma	Sapareto, Frank	Shelton, Richard	Shultis, Elizabeth
Splaine, James	Vaughn, Charles	Weatherspoon, Jackie	Weyler, Kenneth

STRAFFORD

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Estabrook, Iris	Gilmore, Gary	Grassie, Anne	Heon, Richard
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Lent, Donald	Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Torr, Franklin	Twardus, Joseph	Vachon, Dennis	Wall, Janet

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Leone, Richard	Phinizy, James	Robb-Theroux, Amy	Tuthill, John
Wiggins, Celestine	Young, David		

and the report was adopted.

committee of conference report on scr 6

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

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as passed by the Senate.

Conferees: Sens. Wheeler, Dist. 21; Klemm, Dist. 22 and Hollingworth, Dist. 23.

Conferees: Reps. Fields, Hills. 18; Tufts, Rock. 20; McDonough-Wallace, Hills. 41 and Priestly, Rock. 26.

Rep. Quandt spoke against.

Rep. Fields spoke in favor.

Adopted.

RECESS

(Speaker Sytek in the Chair)

enrolled bills report

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 733 and 1377 and Senate Bills 330, 334, 397, 401, 458 and 469.

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

(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.

consent calendar

committee of conference reports on house bills

Rep. Chandler moved that the Consent Calendar of committee of Conference Reports on House Bills, as printed and distributed, be adopted.

HB 725-L, relative to rulemaking under the administrative procedures act, removed by Rep. Mercer.

Consent Calendar Committee of Conference reports on House Bills was adopted by the necessary two-thirds.

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. (Report printed SJ 5/31/00)

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

HB 505, establishing a special license plate for veterans. (Report printed SJ 5/31/00)

HB 618-FN-A, establishing a voucher program for smoking cessation. (Report printed SJ 5/31/00)

HB 713-FN, relative to penalties for multiple DWI offenses. (Report printed SJ 5/31/00)

HB 1212, relative to extending the reporting date of the open adoption study committee. (Report printed SJ 5/31/00)

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. (Report printed SJ 5/31/00)

HB 1463, making technical corrections related to the mental health system and guardianship hearings. (Report printed SJ 5/31/00)

HB 1464, relative to the licensing process for new health care facility construction. (Report printed SJ 5/31/00)

HB 1552-FN-A, establishing a telecommunications development initiative in New Hampshire and making an appropriation therefor. (Report printed SJ 5/31/00)

HB 1563-FN-L, establishing the Wolfeboro Airport Authority. (Report printed SJ 5/31/00)

HB 1569-FN, requiring the department of environmental services to propose a voluntary testing program of public water supplies for methyl tertiary butyl ether (MTBE), and to study the amount of MTBE in gasoline in the state. (Report printed SJ 5/31/00)

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. (Report printed SJ 5/31/00)

HB 1571-FN, relative to claims arising from clinical services provided to the department of corrections. (Report printed SJ 5/31/00)

HB 1573-FN, relative to the funding of the salary of the director of emergency medical services and making an appropriation therefor. (Report printed SJ 5/31/00)

HB 1579-FN, establishing certain penalties for violations of the youth tobacco laws and clarifying a definition under the indoor smoking act. (Report printed SJ 5/31/00)

HB 1589, prohibiting the use of genetic testing for certain insurance policies. (Report printed SJ 5/31/00)

HB 1621, allowing administrative home confinement for habitual offenders. (Report printed SJ 5/31/00)

REGULAR CALENDAR

COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

HB 97, relative to the right to farm. (Report printed SJ 5/31/00)

Adopted by the necessary two-thirds.

HB 226-L, establishing municipality bond payment schedules and percentages. (Report printed SJ 5/31/00)

Adopted by the necessary two-thirds.

HB 228, clarifying permissible political expenditures. (Report printed SJ 5/31/00)

Adopted by the necessary two-thirds.

HB 413, relative to the renovation of regional vocational education centers, and making an appropriation therefor. (Report printed SJ 5/31/00)

Adopted by the necessary two-thirds.

HB 417-FN-A, relative to the rehabilitation of the Walker building at New Hampshire hospital and making an appropriation therefor. (Report printed SJ 5/31/00)

Adopted by the necessary two-thirds.

(Clerk's Note)

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

HB 553-FN-A, establishing a commission on the status of men. (Report printed SJ 5/31/00)

On a division vote, 176 members having voted in the affirmative and 94 in the negative, the committee of conference report was adopted.

HB 648-FN, relative to a sludge testing program. (Report printed SJ 5/31/00)

Adopted.

HB 690-FN-L, relative to charter schools and open enrollment districts. (Report printed SJ 5/31/00)

Adopted.

HB 1106, making the widening of Interstate 93 from Manchester to the Massachusetts border a state priority. (Report printed SJ 5/31/00)

Adopted.

HB 1188-FN-L, relative to alternative kindergarten programs. (Report printed SJ 5/31/00)

Adopted.

HB 1189-FN, relative to benefit amounts, fees assessed and the application of the state unemployment compensation law. (Report printed SJ 5/31/00)

Adopted.

HB 1198, establishing a procedure for the 2001 voter checklist verification. (Report printed SJ 5/31/00)

HB 1202, making technical corrections to 1999, 17 as amended and relative to filing and mailing procedures in the administration and appeal of state and local taxes. (Report printed SJ 5/31/00)

On a division vote, 180 members having voted in the affirmative and 111 in the negative, the committee of conference report was adopted..

HB 1259-FN, establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth. (Report printed SJ 5/31/00)

Adopted.

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. (Report printed SJ 5/31/00)

Adopted.

HB 1418-FN-L, relative to mercury-containing products. (Report printed SJ 5/31/00)

Adopted.

HB 1471, relative to the department of employment security's power to approve building projects. (Report printed SJ 5/31/00)

Adopted.

HB 1504, relative to submission of biennial budget estimates by agencies. (Report printed SJ 5/31/00)

Adopted.

HB 1510-FN, relative to establishing a medical savings account plan for providing state employee health care benefits. (Report printed SJ 5/31/00)

Reps. Dickinson, Virtue and Sabella spoke against.

Rep. Stickney spoke in favor.

Reps. Millham and Goulet spoke in favor and yielded to questions.

Rep. Virtue requested a roll call; sufficiently seconded.

The question being the adoption of the Committee of Conference report.

YEAS 204 NAYS 122

YEAS 204

BELKNAP

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

CARROLL

Bradley, Jeb	Chandler, Gene	Kenney, Joseph	Patten, Betsey
Sullivan, P Judith			

CHESHIRE

Avery, Stephen	Doucette, Richard	Hunt, John	Lerandeau, Alfred
McGuirk, Paul	Meader, David	Richardson, Barbara	Robertson, Timothy
Royce, H Charles	Smith, Edwin	Zerba, Roger	

COOS

Davis, Perley	Gallus, John	Merrill, Gerald	Woodward, David
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GRAFTON

Alger, John	Almy, Susan	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Ham, Bonnie	Hinman, Harry
LaMott, Paul	Marshall, Gene	Nordgren, Sharon	Phinney, William
Picconi, Al	Scanlan, David	Ward, Brien	

HILLSBOROUGH

Alukonis, David	Arnold, Thomas Jr	Arthur, Rose	Baroody, Benjamin
Batula, Peter	Belvin, William	Bergin, Peter	Brundige, Robert
Calawa, Leon Jr	Chabot, Robert	Clegg, Robert Jr	Craig, James

Curran, James	Dalianis, Griffin	Drabinowicz, A Theresa	Durham, Susan
Dwyer, Paul Sr	Dyer, Merton	Emerton, Lawrence	Fenton, James
Fields, Dennis	Flora, Kathleen	Foster, Linda	Franks, Suzan
Gagnon, Eugene	Goley, Jeffrey	Goulet, Maurice	Haettenschwiller, Alphonse
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Jean, Claudette
Johnson, Lionel	Konys, Christine	LaRose, Richard	Lasky, Bette
Lozeau, Donnalee	Martel, Andre	McCarty, Winston	McDonough-Wallace, Alice
McGough, Tim	Melcher, Harold	Mercer, Robert	Moran, Edward
Moriarty, Mary	Mosher, William	Murphy, Robert	Nolan-Piteri, Dawn
O'Connell, Timothy	O'Hearn, Jane	Pappas, Marc	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Sarette, John	Tate, Joan
Thulander, O Alan	Turgeon, Roland	White, Donald	Withee, Dennis

MERRIMACK

Anderson, Eric	Brewster, Richard	Chase, George	Davis, Francis
Feuerstein, Martin	Fortnam, Janet	French, Barbara	Gile, Mary
Hess, David	Hoadley, Elizabeth	Jacobson, Alf	Kennedy, Richard
Leber, William	Lockwood, Priscilla	Maxfield, Roy	Moore, Carol
Potter, Frances	Reardon, Tara	Rodd, Beth	Rosenfield, Jay
Seldin, Gloria	Wallner, Mary Jane	Whalley, Michael	

ROCKINGHAM

Beaulieu, Jon	Blanchard, MaryAnn	Bridle, Russell	Christie, Andrew Jr
Clark, Martha	Clark, Vivian	Cooney, Richard	Cox, Russell
DiFruscia, Anthony	Dowling, Patricia	Downing, Michael	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gleason, John	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Major, Norman	Morse, Charles	Norelli, Terie
Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard	O'Keefe, Patricia
O'Neil, Michael	Packard, Sherman	Pitts, Jacqueline	Priestley, Anne
Quandt, Marshall	Raynowska, Bernard	Sapareto, Frank	Shelton, Richard
Shultis, Elizabeth	Splaine, James	Stickney, Nancy	Stone, Joseph

Stritch, C Donald
Welch, David

Tufts, J Arthur
Weyler, Kenneth

Weare, Everett
Whittier, John

Weatherspoon, Jackie
Zolla, William

STRAFFORD

Bickford, David
Dunlap, Patricia
Knowles, William
Rollo, Michael
Wall, Janet

Callaghan, Frank
Johnson, Nancy
Lent, Donald
Smith, Marjorie
Woods, Phyllis

Cossette, Larry
Kaen, Naida
McKinley, Robert
Torr, Franklin

Domingo, Baldwin
Keans, Sandra
Rogers, Rose Marie
Tsiros, William

SULLIVAN

Burling, Peter

Leone, Richard

Robb-Theroux, Amy

NAYS 122

BELKNAP

Lawton, David

Pilliod, James

CARROLL

Babson, David Jr

Dickinson, Howard

Lyman, L Randy

Mock, Henry

CHESHIRE

Batchelder, Robert
Lynott, Margaret
Pratt, John

Burnham, Daniel
Manning, Joseph
Riley, William

DePecol, Benjamin
Mitchell, McKim
Roberts, William

Lynch, Margaret
Pratt, Irene
Rose, William

COOS

Guay, Lawrence

Horton, Lynn

Landers, Dana

Pratt, Leighton

GRAFTON

Copenhaver, Marion
Johnson, Gary

Gilman, G Michael
Solow, Martha

Hall, David
Weber, Phil

Harmon, Hobart

HILLSBOROUGH

Ahern, Richard	Andrews, Frederick	Beaupre, Roland	Bergeron, Lucien
Buckley, Raymond	Carlson, Donald	Christiansen, Lars	Clemons, Jane
Cote, David	Cote, Peter	Daigle, Robert	Daniels, Gary
Desmarais, Vivian	Dokmo, Cynthia	Ford, Nancy	Garrish, Linda
Ginsburg, Ruth	Gorman, Mary	Hall, Betty	Herman, Richard
Hunter, Bruce	Jean, Loren	Keye, Harvey	Kurk, Neal
LaPorte, George	Lefebvre, Roland	Leishman, Peter	Leonard, Peter
MacGillivray, Jeffrey	McCarthy, William	McColgan, Philip Jr	McDonald, James Sr
McRae, Karen	Mendenhall, Leslie	Messier, Irene	Milligan, Robert
Pepino, Leo	Reidy, Frank	Simon, Anthony	Vaillancourt, Steve
Wall, Nancy	White, John	Williams, Carol	

MERRIMACK

Asplund, Bronwyn	Bouchard, Candace	Daneault, Gabriel	Fraser, Marilyn
Langer, Ray	Larrabee, David Sr	Marple, Richard	Marshall, Kenneth
Soltani, Tony	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Whittemore, James	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Belanger, Ronald	Bishop, Franklin	Fesh, Robert
Gibbons, Paul	Grant, Kenneth	Hutchinson, Karen	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kelley, William	McKinney, Betsy
Mikowski, Walter	Moore, Benjamin	Putnam, Ed II	Reardon, Neil
Rubin, George	Ruffner, Walter	Sabella, Norma	Varrell, Thomas
Vaughn, Charles			

STRAFFORD

Brennan, William	Brown, George	Pelletier, Arthur	Pelletier, Marsha
Snyder, Clair	Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis

SULLIVAN

Allison, David	Cloutier, John	Donovan, Thomas Jr	Phinizy, James
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Tuthill, John

Wiggins, Celestine

Young, David

and the Committee of Conference report was adopted.

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

HB 1611, recodifying the state's DWI laws. (Report printed SJ 5/31/00)

Adopted.

HB 1617-FN, relative to suspension of a driver's license for sufficient cause. (Report printed SJ 5/31/00)

Adopted.

HB 1622, eliminating the requirement that a deputy town clerk have his or her domicile within the town. (Report printed SJ 5/31/00)

Adopted.

HB 2000-FN-L, relative to a 10-year transportation plan and establishing a committee to study the transportation plan projects. (Report printed SJ 5/31/00)

Rep. Leber spoke against and yielded to questions.

Rep. Konys spoke in favor and yielded to questions.

Reps. Cloutier and Calawa spoke in favor.

Rep. Leber requested a roll call; sufficiently seconded.

The question being the adoption of the Committee of Conference report.

YEAS 254 NAYS 72

YEAS 254

BELKNAP

Bartlett, Gordon

Boriso, Thomas

Boyce, Robert

Czech, Stanley

Holbrook, Robert

Johnson, James

Lawton, David

Millham, Alida

Pilliod, James

Russell, David

Thomas, John

Turner, Robert

CARROLL

Babson, David Jr

Bradley, Jeb

Chandler, Gene

Kenney, Joseph

Lyman, L Randy

Mock, Henry

Patten, Betsey

Sullivan, P Judith

CHESHIRE

Avery, Stephen

Batchelder, Robert

Burnham, Daniel

DePecol, Benjamin

Hunt, John

Lerandeau, Alfred

Lynch, Margaret

Lynott, Margaret

Manning, Joseph

McGuirk, Paul

Meador, David

Mitchell, McKim

Pratt, Irene

Pratt, John

Richardson, Barbara

Riley, William

Roberts, William

Robertson, Timothy

Royce, H Charles

Zerba, Roger

COOS

Davis, Perley

Gallus, John

Guay, Lawrence

Horton, Lynn

Landers, Dana

Pratt, Leighton

Woodward, David

GRAFTON

Alger, John

Brothers, Richard

Cobb, John

Copenhaver, Marion

Dudley, Terri

Eaton, Stephanie

Ham, Bonnie

Harmon, Hobart

Hinman, Harry

Johnson, Gary

LaMott, Paul

Marshall, Gene

Nordgren, Sharon

Phinney, William

Picconi, Al

Scanlan, David

Solow, Martha

Ward, Brien

HILLSBOROUGH

Ahern, Richard

Alukonis, David

Arnold, Thomas Jr

Arthur, Rose

Baroody, Benjamin

Beaupre, Roland

Belvin, William

Bergeron, Lucien

Bergin, Peter

Brundige, Robert

Bruno, Pierre

Calawa, Leon Jr

Carlson, Donald

Chabot, Robert

Christiansen, Lars

Clegg, Robert Jr

Clemons, Jane

Cote, David

Cote, Peter

Craig, James

Curran, James

Daigle, Robert

Dalianis, Griffin

Daniels, Gary

Desmarais, Vivian

Dokmo, Cynthia

Drabinowicz, A Theresa

Durham, Susan

Dyer, Merton

Emerton, Lawrence

Fenton, James

Fields, Dennis

Flora, Kathleen

Ford, Nancy

Franks, Suzan

Gagnon, Eugene

Garrish, Linda

Ginsburg, Ruth

Goley, Jeffrey

Gorman, Mary

Goulet, Maurice

Haettenschwiller,
Alphonse

Hansen, Herbert

Herman, Keith

Herman, Richard

Holley, Sylvia

Jean, Claudette

Jean, Loren

Johnson, Lionel	Keye, Harvey	Konys, Christine	Kurk, Neal
LaRose, Richard	Lasky, Bette	Lefebvre, Roland	Leishman, Peter
Leonard, Peter	Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre
McCarthy, William	McCarty, Winston	McColgan, Philip Jr	McDonald, James Sr
McDonough-Wallace, Alice	McGough, Tim	McRae, Karen	Mendenhall, Leslie
Mercer, Robert	Messier, Irene	Milligan, Robert	Mosher, William
Murphy, Robert	Nolan-Piteri, Dawn	O'Hearn, Jane	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Sarette, John	Simon, Anthony	Tate, Joan	Thulander, O Alan
Turgeon, Roland	Vaillancourt, Steve	Wall, Nancy	White, Donald
White, John	Withee, Dennis		

MERRIMACK

Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Hess, David	Jacobson, Alf
Kennedy, Richard	Langer, Ray	Larrabee, David Sr	Lockwood, Priscilla
Marple, Richard	Marshall, Kenneth	Maxfield, Roy	Moore, Carol
Potter, Frances	Reardon, Tara	Rosenfield, Jay	Wallin, Jean
Whalley, Michael			

ROCKINGHAM

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Blanchard, MaryAnn
Case, Margaret	Christie, Andrew Jr	Clark, Martha	Clark, Vivian
Cooney, Richard	Cox, Russell	DiFruscia, Anthony	Dowling, Patricia
Downing, Michael	Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila
Gibbons, Paul	Gleason, John	Grant, Kenneth	Griffin, Mary
Hamel, Albert	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph
Langlely, Jane	Langone, John	Letourneau, Robert	Lovejoy, Marian
McKinney, Betsy	Mikowski, Walter	Morse, Charles	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	O'Neil, Michael	Packard, Sherman
Priestley, Anne	Quandt, Marshall	Raynowska, Bernard	Sapareto, Frank
Shelton, Richard	Shultis, Elizabeth	Stickney, Nancy	Stone, Joseph

Stritch, C Donald
Welch, David

Tufts, J Arthur
Weyler, Kenneth

Varrell, Thomas
Whittier, John

Weatherspoon, Jackie
Zolla, William

STRAFFORD

Brown, George
Knowles, William
Snyder, Clair

Cossette, Larry
Pelletier, Arthur
Taylor, Kathleen

Domingo, Baldwin
Pelletier, Marsha
Wall, Janet

Johnson, Nancy
Rogers, Rose Marie
Woods, Phyllis

SULLIVAN

Allison, David
Leone, Richard
Wiggins, Celestine

Burling, Peter
Phinizy, James
Young, David

Cloutier, John
Robb-Theroux, Amy

Donovan, Thomas Jr
Tuthill, John

NAYS 72

BELKNAP

Rice, Thomas

Rosen, Ralph

Wendelboe, Francine

Wood, Jane

CARROLL

Dickinson, Howard

CHESHIRE

Doucette, Richard

Rose, William

Smith, Edwin

COOS

Merrill, Gerald

GRAFTON

Almy, Susan

Gilman, G Michael

Hall, David

HILLSBOROUGH

Andrews, Frederick
Foster, Linda

Batula, Peter
Hall, Betty

Buckley, Raymond
Hunter, Bruce

Dwyer, Paul Sr
Melcher, Harold

Moran, Edward
Williams, Carol

Moriarty, Mary

O'Connell, Timothy

Reidy, Frank

MERRIMACK

Anderson, Eric

Asplund, Bronwyn

Bouchard, Candace

Brewster, Richard

Chase, George

Gile, Mary

Hager, Elizabeth

Hoadley, Elizabeth

Leber, William

Seldin, Gloria

Soltani, Tony

St Cyr, Gerard

Virtue, Carolyn

Wallner, Mary Jane

Whittemore, James

Yeaton, Charles

ROCKINGHAM

Abbott, Dennis

Fesh, Robert

Henderson, Warren

Hutchinson, Karen

Kelley, William

Major, Norman

Moore, Benjamin

Norelli, Terie

O'Keefe, Patricia

Pitts, Jacqueline

Putnam, Ed II

Rubin, George

Ruffner, Walter

Sabella, Norma

Splaine, James

Vaughn, Charles

Weare, Everett

STRAFFORD

Bickford, David

Brennan, William

Callaghan, Frank

Dunlap, Patricia

Kaen, Naida

Keans, Sandra

Lent, Donald

McKinley, Robert

Rollo, Michael

Smith, Marjorie

Torr, Franklin

Tsiros, William

Twardus, Joseph

Vachon, Dennis

SULLIVAN

None

and the Committee of Conference report was adopted.

HB 725-L, relative to rulemaking under the administrative procedures act. (Report printed SJ 5/31/00)

Adopted.

HB 628, relative to the relocation of the principal residence of a child. (Report printed SJ 5/31/00)

Rep. Irene Pratt spoke against.

Rep. Ward spoke in favor and yielded to questions.

Rep. Wallin spoke against and yielded to questions.

Reps. Dowling and Lozeau spoke in favor.

Rep. Dowling requested a roll call; sufficiently seconded.

The question being the adoption of the Committee of Conference report.

YEAS 165 NAYS 158

YEAS 165

BELKNAP

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

CARROLL

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

CHESHIRE

Avery, Stephen	Doucette, Richard	Hunt, John	Lerandeau, Alfred
Manning, Joseph	Meader, David	Richardson, Barbara	Roberts, William
Royce, H Charles	Smith, Edwin		

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Merrill, Gerald	Pratt, Leighton	Woodward, David

GRAFTON

Alger, John	Cobb, John	Dudley, Terri	Gilman, G Michael
Ham, Bonnie	Harmon, Hobart	Hinman, Harry	LaMott, Paul
Marshall, Gene	Picconi, Al	Scanlan, David	Ward, Brien

HILLSBOROUGH

Alukonis, David	Arnold, Thomas Jr	Baroody, Benjamin	Batula, Peter
Belvin, William	Bergeron, Lucien	Bergin, Peter	Brundige, Robert
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Clegg, Robert Jr
Craig, James	Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian
Dokmo, Cynthia	Drabinowicz, A Theresa	Durham, Susan	Dyer, Merton
Emerton, Lawrence	Fields, Dennis	Flora, Kathleen	Ford, Nancy
Gagnon, Eugene	Ginsburg, Ruth	Goulet, Maurice	Haettenschwiller, Alphonse
Hansen, Herbert	Herman, Keith	Johnson, Lionel	LaRose, Richard
Lefebvre, Roland	Leishman, Peter	Leonard, Peter	Lozeau, DonnaLee
MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston	McGough, Tim
Melcher, Harold	Mercer, Robert	Milligan, Robert	Moran, Edward
Mosher, William	Murphy, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy
O'Hearn, Jane	Pappas, Marc	Peterson, Andrew	Rowe, Robert
Sarette, John	Tate, Joan	Turgeon, Roland	Withee, Dennis

MERRIMACK

Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Feuerstein, Martin	Gile, Mary	Hess, David	Larrabee, David Sr
Leber, William	Lockwood, Priscilla	Marshall, Kenneth	Whalley, Michael

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Case, Margaret	Christie, Andrew Jr
Clark, Vivian	Cooney, Richard	Dowling, Patricia	Downing, Michael
Fesh, Robert	Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila
Gibbons, Paul	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Katsakiores, George	Katsakiores, Phyllis	Langone, John
Letourneau, Robert	Lovejoy, Marian	Major, Norman	Morse, Charles
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Priestley, Anne
Raynowska, Bernard	Ruffner, Walter	Sapareto, Frank	Splaine, James
Stone, Joseph	Tufts, J Arthur	Varrell, Thomas	Weare, Everett
Welch, David	Whittier, John	Zolla, William	

STRAFFORD

Bickford, David
Knowles, William

Cossette, Larry
Lent, Donald

Domingo, Baldwin
McKinley, Robert

Johnson, Nancy

SULLIVAN

Leone, Richard

Robb-Theroux, Amy

Young, David

NAYS 158

BELKNAP

Boyce, Robert

Lawton, David

Rice, Thomas

Wendelboe, Francine

CARROLL

Babson, David Jr

Dickinson, Howard

Sullivan, P Judith

CHESHIRE

Batchelder, Robert

Burnham, Daniel

DePecol, Benjamin

Lynch, Margaret

Lynott, Margaret

McGuirk, Paul

Mitchell, McKim

Pratt, Irene

Pratt, John

Riley, William

Robertson, Timothy

Rose, William

Zerba, Roger

COOS

None

GRAFTON

Almy, Susan

Brothers, Richard

Copenhaver, Marion

Eaton, Stephanie

Hall, David

Johnson, Gary

Nordgren, Sharon

Phinney, William

Solow, Martha

HILLSBOROUGH

Ahern, Richard

Andrews, Frederick

Arthur, Rose

Beaupre, Roland

Bruno, Pierre

Buckley, Raymond

Christiansen, Lars

Clemons, Jane

Cote, David

Cote, Peter

Curran, James

Daigle, Robert

Dwyer, Paul Sr

Fenton, James

Foster, Linda

Franks, Suzan

Garrish, Linda	Goley, Jeffrey	Gorman, Mary	Hall, Betty
Herman, Richard	Holley, Sylvia	Hunter, Bruce	Jean, Claudette
Jean, Loren	Keye, Harvey	Konys, Christine	Kurk, Neal
Lasky, Bette	McCarthy, William	McColgan, Philip Jr	McDonald, James Sr
McDonough-Wallace, Alice	McRae, Karen	Mendenhall, Leslie	Messier, Irene
Moriarty, Mary	Reeves, Sandra	Reidy, Frank	Simon, Anthony
Thulander, O Alan	Vaillancourt, Steve	Wall, Nancy	White, Donald
White, John	Williams, Carol		

MERRIMACK

Chase, George	Daneault, Gabriel	Davis, Francis	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Hager, Elizabeth	Hoadley, Elizabeth
Jacobson, Alf	Kennedy, Richard	Langer, Ray	Marple, Richard
Maxfield, Roy	Moore, Carol	Potter, Frances	Reardon, Tara
Rosenfield, Jay	Seldin, Gloria	Soltani, Tony	Virtue, Carolyn
Wallin, Jean	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Beaulieu, Jon	Bishop, Franklin	Blanchard, MaryAnn
Clark, Martha	Cox, Russell	DiFruscia, Anthony	Grant, Kenneth
Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Kelley, Jane	Kelley, William	Kobel, Rudolph	Langley, Jane
McKinney, Betsy	Norelli, Terie	Nowe, Mary Lou	Nowe, Ronald
O'Keefe, Patricia	Pitts, Jacqueline	Putnam, Ed II	Quandt, Marshall
Rubin, George	Sabella, Norma	Shelton, Richard	Shultis, Elizabeth
Stickney, Nancy	Stritch, C Donald	Vaughn, Charles	Weatherspoon, Jackie
Weyler, Kenneth			

STRAFFORD

Brennan, William	Brown, George	Callaghan, Frank	Dunlap, Patricia
Kaen, Naida	Keans, Sandra	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Taylor, Kathleen	Torr, Franklin	Tsiros, William	Twardus, Joseph

Vachon, Dennis

Wall, Janet

Woods, Phyllis

SULLIVAN

Allison, David

Burling, Peter

Cloutier, John

Donovan, Thomas Jr

Phinizy, James

Tuthill, John

Wiggins, Celestine

and the Committee of Conference report was adopted.

recognition of rep. paul i. lamott

Rep. Loren Jean moved that the remarks of Speaker Sytek and Rep. LaMott be printed in the Journal.

Adopted.

Speaker Sytek: There is one person here that I would like to give special attention to today because he is not running again. The Dean of the House, Paul LaMott, is an institution here. It has been said that he knows more about the budget than anybody in the state. He has forgotten more than I ever knew about the budget. Paul, your service has been admirable. We are sorry that we are not going to have the wisdom that you have accumulated. He knows where all the dirt is in the budget. I hope he'll be available on a consulting basis as he retires to Haverhill and takes all he knows with him. We have a special proclamation recognizing you as the Dean of the House and thanking you for your 15 terms of service.

Rep. LaMott: I'd like to express my thanks, Madam Speaker, to you and the members. I would like to tell you this, I'm finishing my 30th year in this chamber and I think that you can see by the fact that I am, that I'm a firm believer in term limits. You know, you limit the terms to when you think you are going to be elected or whether you no longer feel you are doing any good. I guess perhaps I think I might get elected once more but I don't think I would do any good. I want to thank you all that are present and thank all of the people who have been members for the many kindnesses and courtesies that have been extended to me through the years. It has been a wonderful experience. If it hadn't been, I sure wouldn't have been here that long. I also want to express my appreciation for how the members help the new members coming in. Those of you who are not running again, help your replacement understand what it is all about. It takes a while to get acclimated and to understand the process. It takes a while to understand the system and it takes quite a little while to shift from the local community to a state-wide operation. Help them, please and thank you again for the help you have given me. Thank you so much and may every success follow you the rest of your years, too.

Rep. Sytek: Rep. LaMott waited all those years for Dan Healy to retire so that he could be Dean of the House. I'm glad that he finally got to be Dean of the House, even if only for one term.

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 when the House adjourns today it be to meet at the Call of the Chair.

Adopted.

LATE SESSION

unanimous consent

Reps. Chandler, Burling, Letourneau, Keith Herman Bruno, Rice, Sabella, Weyler, Henderson and Speaker Sytek addressed the House.

Rep. Avery moved that the remarks made by Reps. Chandler and Burling be printed in the Journal.

Adopted.

Rep. Chandler: Thank you very much, Madam Speaker. Being as this is our last official day, although we will be coming back at least once more to deal with a little unfinished business, I would first like to thank all the members of the Majority party for their help, assistance, advice and help during my term as Majority leader. I've learned a lot and it is through the cooperation of all the members of this party and, as I said, their help and advice that has helped me and I certainly appreciate that. It has also been a great pleasure to work with the Democratic leader and his whole leadership team and all the members of the Democratic Party. Obviously, it's just the way things are, we obviously have a number of philosophical differences here and there but we also do a lot of common good and I think that evidence of that is some of the bigger bills that have passed this session. It has been very pleasurable working with the Democratic Leader. I do want to leave him with one parting gift. This is a book that has been offered by the Chairman of the Commerce Committee as a present to the Democratic leader. What it is, it is full of tips on the whys, wherefores, how-tos and whens, particularly to move reconsideration. Although there will be others more eloquent than I following to speak about the person, about the person I am going to speak to, I would be remiss if I didn't take a few moments to thank my boss, the Speaker, for having faith and appointing me to this position. It has been a great pleasure to work with her and gain a tremendous amount of advice from her. I can tell you that there has been no one that I have ever been associated with in this House that has worked harder for the people of the State of New Hampshire and I say that with all sincerity and wish her the best in her future endeavors.

Rep. Burling: First, I think it is only fair to say that since the book is utterly blank I can only assume that I am never again to move reconsideration. This was, of course, a conclusion I had already reached by myself. Madam Speaker, on behalf of the Democratic Caucus there are a few words I would like to say. It has been a privilege. You have been determined, courageous, kind, a bitter opponent occasionally, a great friend, an understanding voice and a truly determined Speaker. Determined in the best interests of the House, determined to find the right course. It has been a truly wonderful experience working with you and I would ask my Democratic colleagues to rise and give you a round of applause.

Rep. Daniels moved that the remarks made by Rep. Henderson be printed in the Journal.

Adopted.

Rep. Henderson: Thank you, Madam Speaker. I've never taken the floor for Unanimous Consent during my three terms here and I do so now to express my heartfelt sentiment, to add my voice, in honor of a fellow member. When Donna Sytek was first elected Speaker she asked me to serve on her leadership team, so I began my second term in the House as Majority Whip. It turned out to be quite a challenge. Not everybody agreed that that was the best move that she ever made but it gave me a great opportunity. Serving in that position gave me great insights into government, issues and politics which few get to see first hand. Serving in House leadership also gave me the chance to see from all angles one of New Hampshire's most devoted public servants, Speaker Donna Sytek. I had the great privilege to work side by side with Donna Sytek on daily basis for three years. I hope I never forget what a wonderful experience it was. Speaker Sytek never asked more of anyone else than she was willing to give herself and she gave all she had. She was often among the first ones in and always the last to leave. She tried always to keep an open door and an open mind. In fact, Donna would routinely anguish over how to help reconcile conflicting points of view among members when she felt that each had merit. She worked hundreds of hours each year trying to answer every letter and even e-mail, not only from members but from the general public as well, because the government belongs to us all. But Donna Sytek's devotion to duty cannot be measured merely by hours or effort. Because of her years of experience, her vast knowledge of the issues, past and present, and her vision of history and our place within it, Speaker Sytek's counsel was routinely sought by House members of both parties, by the Senate, by executive agencies and by the Governor herself. Donna could pull out any volume of statute and instantly find the right citation to answer the question at hand with the graceful precision of a preacher with well-worn bible. Yet, she would never hesitate to simply say, "I don't know but I'll try to find the answer." Donna Sytek's reputation for exceptional legislative ability wasn't restricted to New Hampshire alone. While I was in leadership I had occasion to accompany Speaker Sytek to national legislative meetings from time to time. Without fail, leaders from across the country would stand in line, if necessary, to welcome our Speaker to their gatherings. They recognized, as we do, that Donna Sytek is a walking encyclopedia of legislative history, wisdom and perspective and their faith that Donna Sytek would make a valuable contribution to their proceedings was always well placed. Now, Donna's terms as Speaker were not without their bumps and bruises. The criticisms of Speaker Sytek tended to center on four themes: number one, the Speaker was too partisan; number two, the Speaker wasn't partisan enough; number three, the Speaker was too strict; and number four, the Speaker wasn't strict enough. But Speaker Sytek knew what we all know, that you just can't please everyone. All you can do is believe in the process, believe in yourself and give it your best shot. Through the years I've seen Donna Sytek from many different perspectives. Some time ago I was a county commissioner while Donna chaired the delegation, a few tense moments in those days. I've seen her from the front row and lately from the back bench. From every perspective, Donna Sytek is in an embodiment of grace under pressure, perseverance, courage in the face of adversity, respect and dedication. My legislative service may end this year and I would be remiss if I did not publicly state how profound and meaningful an impact that Speaker Sytek has had on my time here in the House. For all you have given to New Hampshire, Madam Speaker, we are for ever in your debt.

Rep. John Flanders moved that the remarks made by Speaker Sytek be printed in the Journal.

Adopted.

Speaker Sytek: I want to thank you all for your lovely words today. I want to thank you for the opportunity to be your presiding officer. I see my job as to allow the group to do what it needs to get done. I think of what a privilege it is for everyone of us in this hall to serve the people of our state, to shape the government that they are going to live under, that we are going to live under, to determine the legacy that we are going to leave our kids and our grandkids. Our actions in this all do that. What a privilege it is for all of us to be able to participate in that. As I leave, I think of the privilege I've had of serving with all of you and the many people in previous legislatures that I have learned from. I sat down there for many years before I was the presiding officer and I was an observer of

what worked and what didn't work. I had some wonderful people to guide me and be good examples. I have served with some giants of legislators who taught me the values that I brought to this job. I didn't come here without having thought about all aspects of what it means to be the Speaker of the House, what it means to be a member of this legislature, without being influenced by everybody I ever served with. I thank all of them and I thank you for shaping me as I came to serve here as your Speaker. I thank especially the members I have been privileged to serve with who are members of the greatest generation. I think of Bob Murphy, who I sat next to for six years and he never told me he landed at D-Day. I think of Charlie Vaughn who is a POW. I think of Alf Jacobson when he reminds us every year of what it was like to be on Iwo Jima. That generation and those of you who are members of that generation that I've gotten to serve with has had such a profound effect on the value I place on public service and it has been a real privilege to serve with you. To my colleagues that I've had private conversations with about medical problems. A lot of you are serving in a great deal of pain or have had surgeries or have had medical conditions that you have to live with on a daily basis. Having been a fellow traveler lately, I have a lot of compassion for that and I know that you serve under difficult circumstances. I wish I could give everybody a parking space close to the door. I really wish I could because I know how important it is when it is tough to walk. So, my fellow travelers, fellow sufferers, you know the special bond that we have. To my Republican friends of all varieties, when I talk about the House I say it takes all kinds and we've got them. It's been a challenge to keep you all together and most of the time when we figured out how to work together, it kind of was satisfying, it took us a while to get there. To my wonderful Democratic friends across the aisle, led by your most eloquent and articulate Democratic leader. There are very few people in the House who can appreciate Peter's vocabulary but I love a guy who says words I need to look up. So, you have a fan right here. So, all of you have shaped the person that I am. It is a wonderful privilege to have been your presiding officer. We have one more day, but this is the day that we said we would finish our work and we have and it is very satisfying. In a couple of terms that didn't have a lot of satisfaction it's nice that we finished our work on time and can go out with a smile and say that we did the best we could with the ability we had to bring people together to serve them and remember what a privilege it is to serve all the future generations of this state by what we do today. Thank you for letting me your presiding officer.

RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of enrolled bill amendments, enrolled bill reports and receiving the report of the Judiciary Committee pursuant to HR 50, only.

Adopted.

The House recessed at 5:10 p.m.

RECESS

(Rep. Robert Johnson in the Chair)

enrolled bill amendments

HB 1240, requiring the department of health and human services and insurers to make prompt payments.

Amendment (4762-EBA)

Amend RSA 420-J:8-a, III(b) as inserted by section 5 of the bill by replacing line 3 with the following:

action against a carrier for payment of the claim.

Adopted.

SB 128, replacing the housing assistance fund trust fund with a homeless prevention fund and making an appropriation therefor. (Amendment printed SJ 5/31/00)

Adopted.

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. (Amendment printed SJ 5/31/00)

Adopted.

SB 383, requiring the department of health and human services and insurers to make prompt payments. (Amendment printed SJ 5/31/00)

Adopted.

SB 393, relative to single producer licensing. (Amendment printed SJ 5/31/00)

Adopted.

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. (Amendment printed SJ 5/31/00)

Adopted.

SB 413-FN, relative to confidentiality of addresses for victims of domestic violence, stalking, or sexual assault. (Amendment printed SJ 5/31/00)

Adopted.

SB 422-FN, relative to the housing security guarantee loan program. (Amendment printed SJ 5/31/00)

Adopted.

SB 445-FN, relative to methadone maintenance treatment. (Amendment printed SJ 5/31/00)

Adopted.

SB 446, relative to the integration of information technology at the state, county and municipal levels. (Amendment printed SJ 5/31/00)

Adopted.

SB 450-FN, prohibiting the importation of tobacco products that violate federal law. (Amendment printed Js 5/31/00)

Adopted.

SB 459, relative to uninsured or underinsured motorist insurance coverage. (Amendment printed SJ 5/31/00)

Adopted.

RECESS

(Rep. Keith Herman in the Chair)

enrolled bill amendment

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; relative to ratifying certain annual meetings in Newfields and Milan; and relative to amending the Hampton Beach village district charter. (Amendment printed SJ 5/31/00)

Adopted.

RECESS

(Rep. Kurk in the Chair)

enrolled bills report

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 553, 1106, 1202, 1240, 1369 and 1563 and Senate Bills 97, 136, 302, 308, 324, 328, 338, 349, 363, 368, 375, 378, 389, 403, 409, 413, 415, 419, 424, 428, 445, 464, 468 and 471.

Rep. Lozeau, Sen. Disnard for the Committee

RECESS

(Rep. Dickinson in the Chair)

enrolled bill amendment

SB 472, relative to final authorization of electric rate reduction financing and commission action. (Amendment printed SJ 5/31/00)

Adopted.

RECESS

(Speaker Sytek in the Chair)

enrolled bill report

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill 472

Rep. Burling, Sen. D'Allesandro for the Committee

RECESS

(Rep. Ronald Nowe in the Chair)

enrolled bill amendments

SB 135-FN, relative to water supply land protection grants. (Amendment printed SJ 5/31/00)

Adopted.

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. (Amendment printed JS 5/31/00)

Adopted.

SB 226-FN, relative to the real estate practice act and the powers and duties of the real estate commission. (Amendment printed SJ 5/31/00)

Adopted.

SB 353, relative to sales of insurance by financial institutions. (Amendment printed SJ 5/31/00)

Adopted.

SB 431, relative to certain secondary vocational education programs. (Amendment printed SJ 5/31/00)

Adopted.

SB 436-FN, relative to revocation of drivers' licenses for causing a fatality, allowing administrative home confinement for habitual offenders, and authorizing certain impaired driver intervention programs for restoration of driving privileges. (Amendment printed SJ 5/31/00)

Adopted.

SB 439-FN, relative to motor vehicle offenses resulting in serious bodily injury and relative to driver record information. (Amendment printed SJ 5/31/00)

Adopted.

SB 449-FN, 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. (Amendment printed SJ 5/31/00)

Adopted.

RECESS

(Rep. Thomas in the Chair)

enrolled bill amendments

HB 505-FN, establishing a special license plate for veterans and allowing certain veterans to be issued special number plates without charge.

Amendment (4789-EBA)

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

AN ACT establishing a special license plate for veterans.

Amend RSA 261:87-b as inserted by section 1 of the bill by replacing line 8 with the following:

that shall be in addition to the regular motor vehicle registration fee and any other number plate

Adopted.

HB 628, relative to the relocation of the principal residence of a child and establishing a regional youth center pilot program in Hillsborough county and in a central location within Coos, Grafton, Carroll, and Belknap counties.

Amendment (4772-EBA)

Amend section 5 of the bill by replacing line 6 with the following:

reason, including but not limited to illness, to attend or participate in daytime programming. The state

Adopted.

HB 713-FN, relative to ignition interlock systems for certain DWI offenders.

Amendment (4791-EBA)

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

AN ACT relative to ignition interlock systems for certain DWI offenders and increasing the penalty for reckless driving.

Amend the bill by replacing section 4 with the following:

4 Negligent Homicide. RSA 630:3, III is repealed and reenacted to read as follows:

III. In addition to any other penalty imposed, if the death of another person resulted from the negligent driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted person for up to 7 years. In cases where the person is convicted under paragraph II, the court shall revoke the license or driving privilege of the convicted person indefinitely and the person shall not petition for eligibility to reapply for a driver's license for at least 7 years. In a case in which alcohol was involved, the court may also require that the convicted person shall not have a license to drive reinstated until after the division of motor vehicles receives certification of installation of an ignition interlock device as described in RSA 265:82-e, which shall remain in place for a period not to exceed 5 years.

Adopted.

HB 725, relative to rulemaking under the administrative procedures act.

Amendment (4786-EBA)

Amend section 8 of the bill by replacing line 3 with the following:

Each agency shall conform to a drafting and procedure manual for rules, developed by the

Amend paragraph I of section 26 of the bill by replacing it with the following:

I. Section 8 of this act shall take effect upon its passage.

Adopted.

HB 1189-FN, relative to benefit amounts, fees assessed and the application of the state unemployment compensation law.

Amendment (4778-EBA)

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

AN ACT relative to the eligibility of certain temporary, part-time workers to receive unemployment compensation for services performed for the state or for a charitable organization.

Adopted.

HB 1259-FN, establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth, and relative to a certain project in Seabrook, New Hampshire

Amendment (4781-EBA)

Amend the bill by replacing section 5 with the following:

5 State Development Plan. Amend RSA 9-A:1, III to read as follows:

III. The comprehensive development plan shall include:

(a) An analysis of the state's economic condition and needs;

(b) State policies to provide for the orderly economic development of the state;

[and]

(c) A statement of specific goals and objectives for state economic development programs[-]; **and**

(d) Policies to protect and preserve farmland and open space land and to maximize smart growth.

Amend RSA 9-B:1, I as inserted by section 6 of the bill by replacing line 2 with the following:

space land is one of the state's most valuable assets, and is necessary for the economy and health

Adopted.

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 (4788-EBA)

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

AN ACT relative to the termination of residential electric or gas utility service, the public utility commission's rulemaking authority, energy performance contract requirements, and the establishment of a gas utility restructuring oversight committee.

Amend section 4 of the bill by replacing line 2 with the following:

Telecommunications Providers. Amend RSA 374 by inserting after section 22-n the following new

Adopted.

HB 1414, authorizing the department of environmental services to discuss with the 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, and requiring a certification of understanding by certain municipal electric utilities.

Amendment (4775-EBA)

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

AN ACT authorizing the department of environmental services to discuss with the 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, and addressing municipal purchase, construction, or operation of certain fossil fuel facilities.

Adopted.

HB 1463, making technical corrections related to the mental health system and guardianship hearings and establishing a department of youth development services advisory board, and relative to changing the name of juvenile services officers.

Amendment (4766-EBA)

Amend RSA 135-C:19-a, III as inserted by section 1 of the bill by replacing line 1 with the following:

III. Notwithstanding RSA 329:26 and RSA 330-A:32, a community mental health program or

Amend section 9 of the bill by replacing lines 2 and 3 with the following:

officer" or "juvenile service officer" with "juvenile probation and parole officer": RSA 169-B:2, VIII(c); 169-B:9, I; 169-B:9-a; 169-B:10, II; 169-B:19, I(j); 169-B:25; 169-B:30;

Adopted.

HB 1504, making certain budgetary revisions and technical corrections, increasing certain appropriations to the legislative branch for consultants, relative to establishing the fire standards and training firefighter and emergency medical services training fund to be funded by an increase in penalty assessments by courts on certain fines, relative to disclosure of information for purposes of the tax policy modeling system, relative to the authority of the commissioner of the department of revenue administration to use certain appropriations to establish positions for the administration of the education property tax hardship relief program and clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

Amendment (4793-EBA)

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

AN ACT making certain budgetary revisions and technical corrections, changing the definition of maintenance expenditure relating to the submission of budget estimates by agencies, establishing a committee to study funding for division of fire standards and training firefighter and emergency medical services training, relative to the authority of the commissioner of the department of revenue administration to use certain appropriations to establish positions for the administration of the education property tax hardship relief program and clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

Adopted.

HB 1510-FN, relative to the licensure of geologists.

Amendment (4787-EBA)

Amend RSA 310-A:119 as inserted by section 3 of the bill by replacing line 1 with the following:

310-A:119 Purpose. In order to safeguard life, health, property, and the environment and to promote

Amend RSA 310-A:120, I as inserted by section 3 of the bill by replacing line 3 with the following:

shall be professional geologists and one of whom shall be a public member. The public member of the board shall be a

Amend RSA 310-A:123 as inserted by section 3 of the bill by replacing line 3 with the following:

state treasurer. The board may employ such investigators, clerical assistants, and other assistants as are

Adopted.

HB 1552-FN-A, establishing a telecommunications planning and development initiative in New Hampshire and making an appropriation therefor.

Amendment (4767-EBA)

Amend section 3 of the bill by replacing line 5 with the following:

I.(a) The director of economic development, under the supervision of the commissioner of

Amend section 3 of the bill by replacing line 10 with the following:

(b) As primary duties of this initiative, the director shall:

Amend section 3 of the bill by replacing line 18 with the following:

(c) As secondary duties of this initiative, the director shall:

Amend section 3 of the bill by replacing line 20 with the following:

throughout all parts of the state.

Amend paragraph III as inserted by section 5 of the bill by replacing line 5 with the following:

be paid to the state treasurer for deposit into the general fund for the purposes of this act.

Adopted.

HB 1573, relative to the funding of the salary of the director of emergency medical services and making an appropriation therefor and relative to automatic external defibrillation.

Amendment (4770-EBA)

Amend RSA 152-A:11, I as inserted by section 3 of the bill by replacing line 1 with the following:

I. *Except for automatic external defibrillation pursuant to RSA 153-A:28-31*, a person

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

4 New Subdivision; Automatic External Defibrillation; Corrected Codification of Provisions.
Amend RSA 153-A by inserting after section 27 the following new subdivision:

Automatic External Defibrillation

153-A:28 Intent.

I. The use of automatic external defibrillators addresses an important public health problem in New Hampshire. It is the intent of the legislature to encourage the use and availability of automatic external defibrillators, along with training in the use of automatic external defibrillators, for the purpose of saving the lives of people in cardiac arrest.

II. Further, the legislature strongly encourages dissemination of educational information regarding automatic external defibrillators and encourages that access to these lifesaving devices be made widely available to businesses, schools, fire and police departments, and other public and private organizations throughout the state.

153-A:29 Definitions. For purposes of this subdivision, "automatic external defibrillator" means a medical device which combines a heart monitor and defibrillator and:

I. Has been approved by the United States Food and Drug Administration;

II. Is capable of recognizing the presence or absence of ventricular fibrillation;

III. Is capable of determining whether defibrillation should be performed; and

IV. Automatically charges and requests delivery of an electrical impulse to an individual's heart, upon determination that defibrillation should be performed.

153-A:30 Every person, association, corporation or other organization that acquires an automatic external defibrillator shall require every individual expected to use the automatic external defibrillator to receive training in cardiopulmonary resuscitation and automatic external defibrillator use.

153-A:31 Liability Limited. Any person who, in good faith and without compensation, renders emergency care by the use of an automatic external defibrillator shall not be liable for civil damages for any acts or omissions unless the acts or omissions were grossly negligent or willful and wanton. Any person, association, corporation or other organization that acquires and maintains an automatic external defibrillator for emergency care shall not be liable for civil damages other than for gross negligence or willful and wanton acts or omissions. This section shall not limit civil liability protection provided by any other law.

5 Repeal. RSA 151-B:25-28, relative to automatic external defibrillation, are repealed.

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

Adopted.

HB 1579-FN, establishing certain penalties for violations of the youth tobacco laws and clarifying a definition under the indoor smoking act.

Amendment (4777-EBA)

Amend section 1 of the bill by replacing line 1 with the following:

1 Penalties. RSA 126-K:4, II is repealed and reenacted to read as follows:

Amend RSA 126-K:4, II as inserted by section 1 of the bill by replacing line 11 with the following:

violation beyond the fourth, the commission shall revoke any license.

Amend RSA 126-K:5, III as inserted by section 2 of the bill by replacing line 9 with the following:

any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the

Adopted.

HB 1589, relative to informed consent for genetic testing and establishing a committee to study issues relating to the use of medical testing in underwriting insurance, and relative to sales of insurance by financial institutions.

Amendment (4768-EBA)

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

AN ACT relative to informed consent for genetic testing and establishing a committee to study issues relating to the use of medical testing in underwriting insurance and a committee to study the need for standards to protect the privacy of customer information in the financial services industry.

Adopted.

HB 1611, relative to liquor liability insurance coverage and retail selling.

Amendment (4771-EBA)

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

AN ACT relative to retail selling.

Adopted.

HB 1617-FN, relative to suspension of a driver's license for sufficient cause.

Amendment (4784-EBA)

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

AN ACT relative to suspension of a driver's license for sufficient cause, and establishing a study committee to define the meaning of "misconduct, misuse, or abuse of such driving privileges."

Adopted.

bills signed by the governor

Chap. 142, **HB 310**, providing that the department of agriculture, markets, and food shall not conduct meat inspections unless and until such time as the United States Department of Agriculture withdraws its meat inspection program from the state. (Eff. 7/22/00)

Chap. 143, **HB 1131**, relative to license revocations and suspensions. (Eff. 1/1/01)

Chap. 144, **HB 1163**, relative to the date of decision of appeals of zoning matters. (Eff. 1/1/01)

Chap. 145, **HB 1242**, relative to the standard for modification of a child custody order. (Eff. 1/1/01)

Chap. 146, **HB 1344**, expanding the used oil program. (Eff. 7/22/00)

Chap. 147, **HB 1410**, relative to the joint health council. (Eff. 7/22/00)

Chap. 148, **HB 1412**, relative to electric customer-generators. (Eff. 7/22/00)

Chap. 149, **HB 1454**, relative to deputy conservation officers in the fish and game department. (Eff. 7/22/00)

Chap. 150, **HB 1459**, requiring the state police to record and update information relative to the charges of criminal and civil non-support. (Eff. 7/22/00)

Chap. 151, **HB 1492**, relative to clarifying the state's stalking statute. (Eff. 1/1/01)

Chap. 152, **HB 1494**, establishing penalties for attempts to purchase firearms illegally. (Eff. 1/1/01)

Chap. 153, **HB 1559**, establishing a committee to study the organization and functions of the New Hampshire state port authority. (Eff. 5/23/00)

Chap. 154, **HB 1560**, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system. (Eff. 7/22/00)

Chap. 155, **SB 305**, relative to payments to defeat eviction for nonpayment of rent. (Eff. 1/1/01)

Chap. 156, **SB 311**, relative to the recovery of public assistance. (Eff. 1/1/01)

Chap. 157, **SB 325**, relative to denial, revocation or suspension of a child care provider license, permit or registration for certain felony convictions. (Eff. 7/22/00)

Chap. 158, **SB 327**, relative to responsibility of the employee and perjury under workers' compensation. (Eff. 1/1/01)

Chap. 159, **SB 340**, extending the reporting date of the committee to study the problems and possible regulation of outdoor lighting. (Eff. 5/23/00)

Chap. 160, **SB 344**, relative to appointment of housing consumers to housing authority boards. (Eff. 7/22/00)

Chap. 161, **SB 350**, adding business development to the law governing industrial development authorities. (Eff. 7/22/00)

Chap. 162, **SB 351**, making certain changes in the laws relative to fraternal benefit societies and health service corporations. (Eff. 7/22/00)

Chap. 163, **SB 372**, relative to certain engineering businesses. (Eff. 7/22/00)

Chap. 164, **SB 376**, relative to the jurisdiction of the public utilities commission to determine consequential damages, and authorizing municipalities to jointly issue municipal revenue bonds for the purchase of hydro-electric generation facilities. (Eff. 5/23/00)

Chap. 165, **SB 386**, relative to names on birth certificates and affidavits of paternity. (Eff. 1/1/01)

Chap. 166, **SB 394**, making miscellaneous changes in the insurance laws. (Eff. 7/22/00)

Chap. 167, **SB 402**, relative to employee reimbursement for work-related expenses. (Eff. 1/1/01)

Chap. 168, **SB 416**, relative to licensure of dietitians. (Eff. 1/1/01)

Chap. 169, **SB 426**, relative to board dealers and repairers. (Eff. 7/1/00)

Chap. 170, **SB 434**, exempting soil that is contaminated by lead due to use as a shooting range from hazardous waste cleanup fund fees, provided cleanup is initiated and completed in accordance with applicable laws and requirements, and exempting the town of Tilton from hazardous waste cleanup fund fees associated with the removal of the municipal target range. (Eff. 5/23/00)

Chap. 171, **SB 452**, increasing to \$25 per game date the amount operators of bingo games may be reimbursed for out-of-pocket expenses. (Eff. 7/22/00)

Chap. 172, **SB 454**, relative to penalties for engaging in the business of retail installment sales of motor vehicles after failure to renew a retail seller's license. (Eff. 5/23/00)

Chap. 173, **SB 143**, relative to penalties for incest. (Eff. 5/24/00)

Chap. 174, **HJR 22**, relative to the unintended consequences of the Balanced Budget Act of 1997. (Eff. 5/26/00)

Chap. 175, **HB 312**, relative to the carrying of firearms in courthouses. (Eff. 1/1/01)

Chap. 176, **HB 427**, relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes. (Eff. 1/1/01)

Chap. 177, **HB 522**, relative to the public's access to sex offender registry information. (Eff. 1/1/01)

Chap. 178, **HB 1102**, relative to accessibility of veterans' disability payments in divorce cases. (Eff. 1/1/01)

Chap. 179, **HB 1107**, relative to the duties of the oversight committee on telecommunications concerning telephone utility line use congestion. (Eff. 7/25/00)

Chap. 180, **HB 1130**, relative to persons conducting alcohol concentration tests. (Eff. 5/26/00)

Chap. 181, **HB 1195**, making technical changes to the law regulating acupuncture. (Eff. 7/25/00)

Chap. 182, **HB 1209**, relative to the construction and reconstruction of class B and class C dams. (Eff. 7/25/00)

Chap. 183, **HB 1244**, relative to the use of certain needle technology. (Eff. 1/1/01)

Chap. 184, **HB 1335**, requiring hospitals to disclose certain information to the attorney general. (Eff. 7/25/00)

Chap. 185, **HB 1338**, increasing the membership of the American and Canadian French cultural exchange commission. (Eff. 7/25/00)

Chap. 186, **HB 1457**, establishing a committee to study all aspects of the condominium act established under RSA 356-B. (Eff. 5/26/00)

Chap. 187, **HB 1467**, relative to the registration of mail-order pharmacies. (Eff. 10/1/00)

Chap. 188, **HB 1468**, relative to the registration of pharmacy technicians. (Eff. 1/1/00)

Chap. 189, **HB 1562**, establishing criminal penalties for violations of orders of protection under the child protection act. (Eff. 1/1/01)

Chap. 190, **SB 360**, adopting a pupil safety and violence prevention act. (Eff. 1/1/01)

Chap. 191, **SB 315**, adopting a pupil safety and violence prevention act. (Eff. 1/1/01)

Chap. 192, **HJR 26**, urging Congress to pass legislation ensuring improved access to local television for households in unserved and underserved rural area. (Eff. 5/30/00) Chap. 193, Chap. 193, **HB 521**, providing a procedure to allow municipalities that have adopted the municipal budget act to override the 10 percent limitation imposed on appropriations not recommended by the budget committee. (Eff. 7/29/00)

Chap. 194, **HB 683-FN**, requiring teachers and school administrators to report incidents of disruptive behavior by students. (Eff. 1/1/01)

Chap. 195, **HB 1124-L**, relative to local building codes. (Eff. 7/29/00)

Chap. 196, **HB 1145**, limiting the liability of state certified fire instructors. (Eff. 1/1/01)

Chap. 197, **HB 1165-FN-L**, reclassifying certain roads in the town of Northfield, Tilton, and Waterville Valley, authorizing a certain district to issue bonds and notes and authorizing an overlay. (Eff. 5/30/00)

Chap. 198, **HB 1183**, relative to consumer access to providers for the term of the consumer's health benefit plan and relative to the committee studying certain financial arrangements. (Eff. 5/30/00)

Chap. 199, **HB 1216**, relative to petitions for warrant articles. (Eff. 7/29/00)

Chap. 200, **HB 1294**, relative to regional planning commissions. (Eff. 7/29/00)

Chap. 201, **HB 1316-L**, prohibiting school districts from using disbursements from the education trust fund as unanticipated revenue. (Eff. 7/29/00)

Chap. 202, **HB 1541-FN-L**, relative to the cremation of deceased persons. (Eff. 1/1/00)

Chap. 203, **HB 1592**, relative to the display of the United States flag. (Eff. 7/29/00)

Chap. 204, **HB 1606-FN**, establishing the governor's commission on alcohol and drug abuse prevention, intervention, and treatment. (Eff. 7/29/00)

Chap. 205, **HB 1607**, establishing a study committee to consider legislation reducing to zero the number of persons with developmental disabilities and persons with brain injuries in the state who are not receiving or have not received medicaid services. (Eff. 7/29/00)

Chap. 206, **SB 316**, relative to "most favored nation" or "equally favored nation" provisions in insurance provider contracts. (Eff. 1/1/01)

Chap. 207, **SB 332**, relative to risk-based capital for health organizations. (Eff. 7/29/00)

Chap. 208, **SB 367**, establishing a prescription drug access study committee. (Eff. 7/29/00)

Chap. 209, **SB 392-FN**, relative to the use of nonlapsed funds by the regional community-technical colleges. (Eff. 7/29/00)

Chap. 210, **SB 453**, relative to the expending of legacies or gifts and the transfer of funds by the regional community-technical colleges. (Eff. 7/29/00)

Chap. 211, **SB 467**, relative to the exemption from regulation of certain elevating devices. (Eff. 7/29/00)

Chap. 212, **SB 206-FN-A-L**, relative to distribution of tobacco settlement funds. (Eff. 5/31/00)

Chap. 213, **SJR 1**, concerning the status of the White Mountain National Forest within the U.S. Forest Service's forest management plan. (Eff. 6/1/00)

Chap. 214, **HB 304**, relative to school employee and volunteer background investigations. (Eff. 7/31/00)

Chap. 215, **SB 318-FN**, relative to proposed joint maintenance agreements. (Eff. 7/31/00)

Chap. 216, **SB 358**, relative to court reporting services. (Eff. 1/1/01)

Chap. 217, **SB 379-FN**, relative to lottery scratch tickets. (Eff. 7/31/00)

Chap. 218, **HJR 20**, urging the United States Congress to fully fund the Ricky Ray Hemophilia Relief Fund Act for HIV victims. (Eff. 6/1/00)

Chap. 219, **HJR 21**, calling for changes in the federal Clean Air Act regarding best available control technology and lowest achievable emission rate. (Eff. 6/1/00)

Chap. 220, **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. (Eff. 6/1/00)

Chap. 221, **HB 1139**, establishing a committee to study involuntary emergency admission hearings. (Eff. 7/31/00)

Chap. 222, **HB 1146-L**, relative to tax increment financing. (Eff. 4/1/00)

Chap. 223, **HB 1177**, relative to the effective date of legislation establishing a chartered or statutory legislative committee. (Eff. 7/31/00)

Chap. 224, **HB 1210-L**, relative to capital reserve funds. (Eff. 7/31/00)

Chap. 225, **HB 1250**, allowing an advanced registered nurse practitioner to declare a personal safety emergency and to transfer an inmate for a psychiatric inpatient emergency. (Eff. 7/31/00)

Chap. 226, **HB 1308**, relative to the manner in which candidates are listed on election ballots. (Eff. 6/1/00)

Chap. 227, **HB 1309**, relative to wood-to-energy rate order buydowns. (Eff. 7/31/00)

Chap. 228, **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. (Eff. 6/1/00)

Chap. 229, **HB 1424**, relative to reevaluation of a person's competency to stand trial. (Eff. 1/1/01)

Chap. 230, **HB 1431**, relative to protective orders in domestic violence cases. (Eff. 7/1/00)

Chap. 231, **HB 1438**, relative to transportation of children for involuntary emergency admissions. (Eff. 1/1/01)

Chap. 232, **HB 1448**, relative to the partition of real estate and division of property. (Eff. 1/1/01)

Chap. 233, **HB 1582**, establishing a committee to study workplace policies and practices of small businesses for their effect on New Hampshire employees and their families. (Eff. 6/1/00)

Chap. 234, **HB 1602-FN**, establishing the New Hampshire task force on deafness and hearing loss. (Eff. 6/1/00)

Chap. 235, **HB 1627**, relative to the exchange of certain land in the town of Rindge. (Eff. 6/1/00)

Chap. 236, **SB 310**, relative to New Hampshire state-chartered banks and interstate banking. (Eff. 7/31/00)

Chap. 237, **SB 464**, relative to the use of municipal and school district facilities for stunt biking and relative to the sale of bicycles at public auction. (Eff. 6/6/00)

Chap. 238, **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; relative to ratifying certain annual meetings in Newfields, Salisbury and Milan; and relative to amending the Hampton Beach village district charter. (Eff. 6/6/00)

Chap. 239, **HB 1202-L**, making technical corrections to 1999, 17 as amended, relative to filing and mailing procedures in the administration and appeal of state and local taxes, and relative to disclosure of information for purposes of the tax modeling system. (Eff. 6/6/00 and varied)