

HOUSE RECORD

First Year of the 157th Session of the General
Court

Calendar and Journal of the 2001 Session

Vol. 23

Concord N.H. Wednesday, April 18, 2001 No. 39

HOUSE JOURNAL No. 11(cont.)

Thursday, April 5, 2001

(Rep. Sargent in the Chair)

SENATE MESSAGE

CONCURRENCE

HB 102, allowing bankruptcy judges to perform marriages after obtaining a special license.

HB 109, establishing a committee to study the consumer protection effort in New Hampshire.

HB 113-L, relative to the Nute High School and library trustees.

HB 118, authorizing physicians who practice medicine in certain states other than the state of New Hampshire to complete certifications exempting children residing in the state of New Hampshire from immunization.

HB 125, naming New Hampshire route 12-A from West Lebanon to the Cornish-Windsor Bridge the Maxfield Parrish Highway.

HB 228, relative to dealing in and possessing prescription drugs by podiatrists.

HB 254, naming a certain bridge in the town of North Charlestown.

HCR 9, urging the President of the United States to increase the administration's efforts to mediate a peaceful resolution to the dispute in Cyprus between Turkey and the Republic of Cyprus.

ENROLLED BILL AMENDMENTS

HJR 1, urging Congress to expand eligibility for membership in the American Legion.

Amendment (0739-EBA)

Amend the bill by replacing line 9 with the following:

service in the United States Armed Forces, regardless of dates of service; and

Adopted.

HCR 2, urging the federal government to establish a new zip code for the town of Kensington.

Adopted.

Amendment (0736-EBA)

Amend paragraph 2 after the title of the resolution by replacing lines 1 and 2 with the following:

Whereas, the town of Kensington has no designated zip code, causing mail to be delayed, misdirected, and lost,

and causing confusion and annoyance on the part of persons outside of the town

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 106, 117, 144, 163, 168 and 233.

Rep. Nowe, Sen. Pignatelli for the Committee

RECESS

(Rep. Mercer in the Chair)

RESOLUTION

Rep. Thulander offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 35, 62, 64, 71, 82, 111, 117, 124, 125, 143, 147, 150, 184 and 190 and Senate Concurrent Resolution numbered 2, shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS, and SCR

First, second reading and referral

SB 35, relative to a term for the chief justice of the supreme court.

SB 62, , relative to guardianships.

SB 64, establishing a fund to pay mediators in the probate courts.

SB 71, establishing a **study committee** relative to the regulation and compensation of persons licensed under the real estate practice act.

SB 82, relative to service of process in marital matters.

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

SB 117, relative to extended school year services for educationally disabled children.

SB 124, , relative to confidentiality in abuse and neglect proceedings and establishing a pilot program in the courts of Grafton county.

SB 125-FN, relative to election of optional allowances by retirement system members granted disability retirement and relative to an exception to the 120-day requirement for payment of compensation

SB 143, , establishing a **study committee** relative to registering and regulating home improvement contractors.

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

SB 150, relative to community services for persons with developmental disabilities.

SB 184, relative to review of fees for the removal and impoundment of motor vehicles.

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

SCR 1, urging the supreme court to expand the membership of the advisory committee on rules to include legislative members.

Rep. Scanlan moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 12

Wednesday, April 18, 2001

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

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

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

Dear Lord, we ask Your blessing upon this honorable House as it faces the difficult decisions of how to gather the necessary resources to support and protect the citizens of our beloved New Hampshire. Give each member of the House a calm spirit as the debate begins and the time for voting nears. As the day ends, may each member's action reflect Your care for all people, and give us all the opportunity to celebrate the gift of freedom and democracy that You have bestowed upon us. Amen.

Rep. Joseph Stone led the Pledge of Allegiance.

Jason Reed, a student from Concord High School, sang our National Anthem.

LEAVES OF ABSENCE

Reps. Mikowski and Irene Pratt, the day illness.

Reps. Kenney and Robb, the day, important business.

Reps. Brown and Solow, the day, illness in the family.

INTRODUCTION OF GUESTS

Mikell and Chris Perry, sister and nephew of Speaker Chandler. Anna Hopper, daughter of Rep. Hopper. Luc and Velda Charpentier, guests of Rep. Odell. Vicky and Chris Ayer and Erin Woodward, guests of Rep. Woodward. Pastor Charles Gravenhorst, wife Leda and children, Claire and Elisha, guests of Rep. John Hutchinson. Rep-elect David Gleneck, guest of Rep. Scanlan. Class of 2001, Leadership Seacoast, guests of Rep. Norelli. Barbara Brewster and Audry Schaefer, wife and guest of Rep. Brewster.

house resolution no. 11

Memorializing State Representative Bonnie L. Patria

WHEREAS, it is with great sorrow that we have learned of the death of our colleague Bonnie L. Patria of Manchester; and

WHEREAS, as a first term Representative from Hillsborough County District #39, Bonnie L. Patria served with tremendous pride and enthusiasm as a member of the State-Federal Relations and Veterans Affairs Committee; and

WHEREAS, Bonnie L. Patria was a woman of great compassion, donating much of her time and resources at the New Horizons Shelter in Manchester; and

WHEREAS, despite serious illness, Bonnie L. Patria served as an advocate for the poor and homeless, and prior to her election to this House was often in attendance at legislative hearings on their behalf; and

WHEREAS, in an essay published in Under the Bridge, Bonnie L. Patria wrote: *My reason for going into politics is to provide a voice for the homeless and poor people. There is a strong need for better services to end the hunger and poverty here in New Hampshire. I pray that New Hampshire will be the leader of all the states in ...demonstrating unconditional empathy and compassion; now, therefore, be it*

RESOLVED, by the House of Representatives in Regular Session convened, that Bonnie L. Patria be saluted for her dedicated service to her community and her state, and be it further

RESOLVED that expressions of heartfelt sympathy be extended to her family and that a copy of this Resolution be prepared for presentation to them.

Unanimously adopted by a rising vote.

reconsideration

Having voted with the prevailing side, Rep. Wendelboe moved that the House reconsider its action whereby it passed with amendment, **HB 402**, relative to the establishment of a state universal service.

Rep. Wendelboe spoke in favor.

Rep. Thomas spoke against and yielded to questions.

Rep. Buckley requested a roll call; sufficiently seconded.

The question being the motion to reconsider.

YEAS 50 NAYS 319

YEAS 50

BELKNAP

Boyce, Laurie

Wendelboe, Fran

CARROLL

Sullivan, P Judith

CHESHIRE

None

COOS

Pratt, Leighton

GRAFTON

Alger, John

Cobb, John

Eaton, Stephanie

Gilman, G Michael

Giuda, Robert

Mirski, Paul

Sova, Charles

HILLSBOROUGH

Balboni, Michael

Bergeron, Jean-Guy

Bruno, Pierre

Chabot, Robert

Christiansen, Lars

Emerton, Lawrence Sr

Holden, Randolph

Kurk, Neal

Martel, Andre

McHugh, Claire

Moran, Edward

Pepino, Leo

Salts, Greg

Tahir, Saghir

Tate, Joan

MERRIMACK

Anderson, Eric

Langer, Ray

Soltani, Tony

Whittemore, James

Winter, Steven

ROCKINGHAM

Camm, Kevin

Chalbeck, Kevin

Clark, Vivian

DiFruscia, Anthony

Fesh, Bob

Henderson, Warren

Hill, Jonathan

Itse, Daniel

Johnson, Rogers

Power, Lucille

Putnam, Ed II

Quandt, Marshall

Quandt, Matthew

Weyler, Kenneth

STRAFFORD

Bickford, David

McCarthy, Gerald

Twombly, James

Woods, Phyllis

SULLIVAN

Phinizy, James

NAYS 319

BELKNAP

Bartlett, Gordon	Czech, Stanley	Flanders, Donald	Holbrook, Robert
Johnson, William	Lawton, David	Millham, Alida	Nedeau, Stephen
Pilliod, James	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Salatiello, Thomas	Thomas, John	Wood, Jane	

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	Quimby, Lee
Stevens, Stanley			

CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Dexter, Judson	Edwards, Dana	Emerson, Susan	Espieffs, Peter
Fairbanks, Chandler	Hunt, John	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Roberts, William	Russell, Ronald	Smith, Edwin	Weed, Charles
Zerba, Roger			

COOS

Bradley, Paula	Davis, Perley	Gallus, John	Guay, Lawrence
Horton, Lynn	Landers, Dana	Mears, Edgar	Rodrigue, Robert
Rozek, Michael	Stohl, Eric	Tholl, John Jr	Woodward, David

GRAFTON

Akins, Ralph	Almy, Susan	Barker, Robert	Benn, Bernard
Cooney, Mary	Dudley, Terri	Gabler, William	Ham, Bonnie

Lovett, Sid	Marshall, Gene	Naro, Debra	Nordgren, Sharon
Pawlek, Marion	Scanlan, David	Scovner, Nancy	Sokol, Hilda
Ward, Brien	Williams, Burton		

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Andosca, Mary	Arnold, Thomas Jr
Artz, Lawrence	Balcom, John	Baroody, Benjamin	Batula, Peter
Bellavance, Paul	Bergin, Peter	Bouchard, David	Bouldin, Michael
Bragdon, Peter	Brundige, Robert	Buckley, Raymond	Calawa, Leon Jr
Cardin, Lori	Carlson, Donald	Christensen, D L Chris	Clayton, William
Clegg, Robert Jr	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Daigle, Robert	Desrosiers, William	Dionne, Kimberley
Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard	Duval, Jeffrey
Dwyer, Paul	Eaton, Richard	Elliott, Larry	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Foster, Linda
Furman, Christine	Gargasz, Carolyn	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gorman, Mary	Goulet, Maurice	Graham, John
Greenberg, Gary	Guinta, Frank	Haley, Robert	Hall, Betty
Hall, Charles	Herman, Keith	Hopper, Gary	Jean, Claudette
Jean, Loren	Johnson, Lionel	Kacavas, John	Keye, Harvey
Konys, Christine	L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard
Lasky, Bette	Leach, Edward	Leishman, Peter	Lessard, Rudy
Lynde, Harold	Martin, Mary Ellen	McDonough-Wallace, Alice	McRae, Karen
Melcher, Harold	Mercer, Robert	Messier, Irene	Milligan, Robert
Movsesian, Lori	O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas
Pappas, Marc	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Sargent, Maxwell	Schulze, Joan	Seibel, Christopher	Shaw, Barbara
Spiess, Paul	Sweeney, Cynthia	Thompson, Rob	Thulander, O Alan
Vaillancourt, Steve	Wheeler, Robert	White, Donald	White, John
Williams, Carol			

MERRIMACK

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Colcord, J D
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Crosby, Toni	Cummings, Raymond	Daneault, Gabriel	Davis, Frank
Dunne, Christopher	Feuerstein, Martin	Fraser, Leo Jr	Fraser, Marilyn
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Hess, David	Hutchinson, John	Jacobson, Alf	Kennedy, Richard
L'Heureux, Stephen	Leber, William	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	Moore, Carol	Owen, Derek	Perkins, Randy
Potter, Frances	Poulin, David	Reardon, Tara	Rodd, Beth
Rush, Deanna	Seldin, Gloria	Swindlehurst, John	Wallner, Mary Jane
Whalley, Michael	Yeaton, Charles		

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Bowles, Raimond	Bridle, Russell	Case, Margaret	Clark, Martha Fuller
Coes, Betsy	Cooney, Richard	Corbin, Corey	Cox, Russell
Dalrymple, Janeen	Dearborn, Bruce	Dodge, Robert	Downing, Michael
Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey
Gilbert, Karl	Giordano, Ronald	Gleason, John	Griffin, Mary
Hamel, Albert	Holland, James Jr	Hutchinson, Karen	Introne, Robert
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kelley, William	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Major, Norman	McGuire, Robert
McKinney, Betsy	Micklon, Stephanie	Moore, Benjamin	Morse, Charles
Norelli, Terie	Nowe, Ronald	O'Keefe, Patricia	Packard, Sherman
Palermo, Diane	Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne
Rabideau, Marie	Rausch, James	Robertson, Carl	Saia, Pamela
Sapareto, Frank	Shultis, Elizabeth	Sloan, Stephen	Splaine, James
Stone, Joseph	Stritch, C Donald	Trueman, Raymond	Varrell, Thomas
Weatherspoon, Jacquelyne	Welch, David	Whittier, John	Woekel, Ralph
Zolla, William			

STRAFFORD

Albert, Russell	Berube, Roger	Brennan, William	Callaghan, Frank
Cossette, Larry	DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris

Ferland, Paul	Gilmore, Gary	Goodwin, Earle	Grassie, Anne
Harrington, Michael	Heon, Richard	Hughes, Christopher	Johnson, Nancy
Knowles, William	Lent, Donald	Musler, George	Pelletier, Arthur
Proulx, Raymond	Reid, Christopher	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Tsiros, William	Wall, Janet
Woodill, Rodney			

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Odell, Bob	Rodeschin, Beverly	

and the motion to reconsider failed.

reconsideration

Having voted with the prevailing side, Rep. Vaillancourt moved that the House reconsider its action whereby it passed with amendment, **HB 429**, relative to dispute resolution within the context of public employee labor relations.

Reps. Baroody and Clegg spoke against.

Rep. Vaillancourt and Pepino spoke in favor.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

The question being the motion to reconsider.

YEAS 119 NAYS 254

YEAS 119

BELKNAP

Flanders, Donald	Holbrook, Robert	Lawton, David	Pilliod, James
Rice, Thomas Jr	Rosen, Ralph	Wendelboe, Fran	

CARROLL

Mock, Henry	Patten, Betsey	Philbrick, Donald	Sullivan, P Judith
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CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Fairbanks, Chandler
Smith, Edwin	Zerba, Roger		

COOS

Gallus, John	Rozek, Michael	Tholl, John Jr	Woodward, David
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GRAFTON

Akins, Ralph	Alger, John	Cobb, John	Cooney, Mary
Dudley, Terri	Ham, Bonnie	Marshall, Gene	Sova, Charles
Ward, Brien			

HILLSBOROUGH

Allan, Nelson	Arnold, Thomas Jr	Artz, Lawrence	Balcom, John
Bellavance, Paul	Bergeron, Jean-Guy	Bergin, Peter	Bragdon, Peter
Brundige, Robert	Calawa, Leon Jr	Chabot, Robert	Christiansen, Lars
Cote, Peter	Dokmo, Cynthia	Drisko, Richard	Eaton, Richard
Emerton, Lawrence Sr	Flora, Kathleen	Ford, Nancy	Gargas, Carolyn
Golding, William	Goulet, Maurice	Graham, John	Greenberg, Gary
Hall, Charles	Kurk, Neal	LaFlamme, Paul	LaRose, Richard
Leishman, Peter	Lynde, Harold	Martin, Mary Ellen	McRae, Karen
Mercer, Robert	Messier, Irene	Moran, Edward	Pappas, Marc
Pepino, Leo	Reeves, Sandra	Seibel, Christopher	Souza, Kathleen
Tahir, Saghir	Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert

MERRIMACK

Anderson, Eric	Colcord, J D	Cummings, Raymond	Davis, Frank
Dunne, Christopher	Feuerstein, Martin	Fraser, Marilyn	Hager, Elizabeth
Kennedy, Richard	Langer, Ray	Leber, William	Lockwood, Priscilla
MacKay, James	Owen, Derek	Poulin, David	Reardon, Tara
Soltani, Tony	Whittemore, James		

ROCKINGHAM

Bowles, Raimond	Cox, Russell	Dearborn, Bruce	Dodge, Robert
Fesh, Bob	Gilbert, Karl	Griffin, Mary	Henderson, Warren
Katsakiores, George	Katsakiores, Phyllis	Morse, Charles	Pantelakos, Laura
Rabideau, Marie	Rausch, James	Sapareto, Frank	Shultis, Elizabeth
Zolla, William			

STRAFFORD

Callaghan, Frank	Dunlap, Patricia	Goodwin, Earle	Harrington, Michael
Musler, George	Reid, Christopher	Twombly, James	Woods, Phyllis

SULLIVAN

Odell, Bob	Rodeschin, Beverly
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NAYS 254

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Johnson, William
Millham, Alida	Nedeau, Stephen	Russell, David	Salatiello, Thomas
Thomas, John	Wood, Jane		

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Lyman, L Randy
Quimby, Lee	Stevens, Stanley	Torressen, Gary	

CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin
Emerson, Susan	Espiefs, Peter	Hunt, John	Manning, Joseph
McGuirk, Paul	Meader, David	Mitchell, McKim	Pratt, John
Richardson, Barbara	Roberts, William	Royce, H Charles	Russell, Ronald
Weed, Charles			

COOS

Bradley, Paula	Davis, Perley	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Pratt, Leighton	Rodrigue, Robert
Stohl, Eric			

GRAFTON

Almy, Susan	Barker, Robert	Benn, Bernard	Eaton, Stephanie
Gabler, William	Gilman, G Michael	Giuda, Robert	Lovett, Sid
Nordgren, Sharon	Pawlek, Marion	Scanlan, David	Scovner, Nancy
Sokol, Hilda	Teschner, Douglass	Williams, Burton	

HILLSBOROUGH

Alukonis, David	Andosca, Mary	Balboni, Michael	Baroody, Benjamin
Batula, Peter	Bouchard, David	Bouldin, Michael	Bruno, Pierre
Buckley, Raymond	Cardin, Lori	Carlson, Donald	Christensen, D L Chris
Clayton, William	Clegg, Robert Jr	Clemons, Jane	Cote, David
Coughlin, Pamela	Daigle, Robert	Desrosiers, William	Dionne, Kimberley
Drabinowicz, A Theresa	Duval, Jeffrey	Dwyer, Paul	Dyer, Merton
Elliott, Larry	Fields, Dennis	Fletcher, Richard	Foster, Linda
Furman, Christine	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Guinta, Frank	Haley, Robert	Hall, Betty	Holden, Randolph
Hopper, Gary	Jean, Claudette	Jean, Loren	Johnson, Lionel
Kacavas, John	Keye, Harvey	Konys, Christine	L'Heureux, Robert
Lasky, Bette	Leach, Edward	Lessard, Rudy	Martel, Andre
McDonough-Wallace, Alice	McHugh, Claire	Melcher, Harold	Milligan, Robert
Movsesian, Lori	O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas
Peterson, Andrew	Rowe, Robert	Salts, Greg	Sargent, Maxwell
Schulze, Joan	Shaw, Barbara	Spiess, Paul	Sweeney, Cynthia
Tate, Joan	Thompson, Rob	White, Donald	White, John
Williams, Carol			

MERRIMACK

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Crosby, Toni
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Daneault, Gabriel	Fraser, Leo Jr	French, Barbara	Gile, Mary
Greco, Vincent	Hess, David	Hutchinson, John	Jacobson, Alf
L'Heureux, Stephen	Maxfield, Roy	Moore, Carol	Perkins, Randy
Potter, Frances	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Swindlehurst, John	Wallner, Mary Jane	Winter, Steven	Yeaton, Charles

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Bridle, Russell	Camm, Kevin	Case, Margaret	Chalbeck, Kevin
Clark, Martha Fuller	Clark, Vivian	Coes, Betsy	Cooney, Richard
Corbin, Corey	Dalrymple, Janeen	DiFruscia, Anthony	Downing, Michael
Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey
Giordano, Ronald	Gleason, John	Hamel, Albert	Hill, Jonathan
Holland, James Jr	Hutchinson, Karen	Introne, Robert	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Kane, Cecelia	Kelley, Jane
Kelley, William	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Major, Norman	McGuire, Robert	McKinney, Betsy
Micklon, Stephanie	Moore, Benjamin	Norelli, Terie	Nowe, Ronald
O'Keefe, Patricia	Packard, Sherman	Palermo, Diane	Pitts, Jacqueline
Power, Lucille	Priestley, Anne	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Robertson, Carl	Ruffner, Walter	Saia, Pamela
Sloan, Stephen	Splaine, James	Stone, Joseph	Stritch, C Donald
Trueman, Raymond	Varrell, Thomas	Weatherspoon, Jacquelyne	Welch, David
Weyler, Kenneth	Whittier, John	Woekel, Ralph	

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Brennan, William
Cossette, Larry	DeChane, Marlene	Estabrook, Iris	Ferland, Paul
Gilmore, Gary	Grassie, Anne	Heon, Richard	Hughes, Christopher
Johnson, Nancy	Knowles, William	Lent, Donald	McCarthy, Gerald
Pelletier, Arthur	Proulx, Raymond	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Tsiros, William
Wall, Janet	Woodill, Rodney		

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Phinizy, James		

and the motion to reconsider failed.

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

committee reports

consent calendar

Rep. Scanlan moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 304-FN, relative to insurance coverage for prostate cancer testing, removed by Rep. Poulin.

HB 668, prohibiting the use of genetic testing for certain insurance purposes, removed by Rep. Kurk.

HB 670, establishing an international trade commission to investigate and report on the effects of international trade agreements on New Hampshire self-governance, removed by Rep. Weed.

HB 690, adopting the "Financial Information Privacy Protection Model Act", removed by Rep. Kurk.

HB 679, establishing a commission to examine models of out-of-school care for children in kindergarten through grade 12, removed by Rep. Bruno.

HB 346-FN, relative to requirements for medical examination and determination of gainful occupation for group II retirees injured in the performance of duty, removed by Rep. Martha Fuller Clark.

HB 306-FN, relative to driver education training reimbursement, removed by Rep. Letourneau.

HB 741-FN-A-L, relative to supplemental grants to certain municipalities to cap tax effort per pupil, removed by Rep. Sapareto.

HB 158, relative to the use of an artificial light to locate moose, removed by Rep. McKinney.

HB 495, relative to judicially appointed officials, removed by Rep. Jane Wood.

HB 724, relative to pooled risk management programs for public employers, removed by Rep. Wheeler.

HB 596, relative to the acquisition of land by a town, removed by Rep. Harrington.

HB 716-FN, relative to minimum wages of employees in public works, removed by Rep. Heon.

HB 562-FN-A-L, establishing a New Hampshire education tax on consumption and transactions and accumulating certain principal sums in a state trust for education to provide for future education funding, removed by Rep. Bergin.

HB 761-FN-A-L, relative to a statewide school tax on income for purposes of funding a constitutionally adequate education and making an appropriation therefor, removed by Rep. DiFruscia.

Consent Calendar adopted.

Rep. Paul Ferland declared a conflict of interest on **HB 657**, relative to bail recovery agents, and did not participate.

HB 289-FN, implementing procedures for a hospital to assume care and custody of an abandoned child and creating an exception to the crime of endangering the welfare of a child. **OUGHT TO PASS WITH AMENDMENT**

Rep. Barbara Hull Richardson for Children and Family Law: This bill allows a hospital to assume the care and custody of an abandoned child at or under the age of 72 hours when the parent or parents do not express an intent to return for the child. Under this bill, a mother would not be guilty of an offense or subject to a fine. It is hoped that passage of this bill will prevent babies from being left in dumpsters or in other unsafe places. Vote 12-1.

Amendment (0839h)

Amend RSA 132-A:1, II as inserted by section 1 of the bill by replacing it with the following:

II. "Hospital" shall mean a public or private institution which is required to be licensed under RSA 151, and which is engaged in providing to patients, under supervision of physicians, diagnostic and therapeutic services for medical diagnosis, treatment and care of injured, disabled, or sick persons, or rehabilitative services for the rehabilitation of such persons.

Amend RSA 132-A:2, I as inserted by section 1 of the bill by replacing it with the following:

I. In accordance with hospital policy or protocol, a hospital, without a court order, shall take possession of a child who is 72 hours old or younger provided that the child is voluntarily brought to the hospital by the child's parent or parents and the parent or parents did not express an intent to return for the child.

Amend section 2 of the bill by replacing it with the following:

2 Husband and Wife; Support of Wife and Children; Abandonment by Wife Amended. Amend RSA 460:28 to read as follows:

460:28 Abandonment by [~~Wife~~] **Mother**.

I. If any [~~wife or~~] mother shall separate herself from her [~~husband~~] **children** without cause[~~, or from her children,~~] she shall be guilty of a misdemeanor. The fine, if any, shall be applied in the discretion of the court to the benefit of the deserted [~~husband or~~] children [~~or both~~].

II. A mother who separates herself from her child or children, pursuant to RSA 132-A, shall not be guilty of an offense or subject to a fine under this section.

HB 509, establishing a limitation on the renewal of spousal support orders. **OUGHT TO PASS WITH AMENDMENT**

Rep. David A. Bickford for Children and Family Law: This bill creates a two-year statute of limitations on establishing or renewing alimony either from the date of the divorce or nullity decree or from the date of the termination date of alimony payments. Vote 12-1.

Amendment (0717h)

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

AN ACT establishing a statute of limitations on spousal support orders.

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

1 Divorce; Revision of Orders; Limitation on Alimony Orders Inserted. Amend RSA 458:14 to read as follows:

458:14 Revision of Orders, etc. ***Except as otherwise provided in RSA 458:19, I and VII,*** the court, upon proper application and notice to the adverse party, may revise and modify any order made by it, may make such new orders as may be necessary, and may award costs as justice may require.

2 Divorce; Alimony; Statute of Limitations Added. Amend RSA 458:19, I to read as follows:

I. Upon motion of either party for alimony payments, the court shall make orders for the payment of alimony to the party in need of alimony, either temporary or permanent, for a definite or indefinite period of time, if [~~it~~] ***the motion for alimony payments is made within 2 years of the decree of nullity or divorce and the court*** finds that:

3 New Paragraph; Divorce; Alimony; Statute of Limitations Applied to Renewal of Alimony Order. Amend RSA 458:19 by inserting after paragraph VI the following new paragraph:

VII. In cases where the court issues an order for permanent alimony for a definite period of time, such order may be renewed, upon the petition of either party, provided that such petition is made within 2 years of the termination date of the permanent alimony order. Nothing in this paragraph shall be construed to change or alter in any way the terms of the original alimony order.

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

AMENDED ANALYSIS

This bill establishes a statute of limitations for spousal support orders.

HB 699, relative to the rights of non-offending parents in the context of abuse and neglect cases. **OUGHT TO PASS WITH AMENDMENT**

Rep. Christine M. Furman for Children and Family Law: This bill provides for a hearing for the non-offending "fit" parent in abuse and neglect cases so that he or she may have custody of their child until such time that these cases are fully resolved. Vote 13-0.

Amendment (0662h)

Amend RSA 169-C:19-e as inserted by section 1 of the bill by replacing it with the following:

169-C:19-e Custody Hearing for Parent Not Charged With Abuse or Neglect. A parent who has not been charged with abuse or neglect shall be afforded, upon request, a full hearing in the district or family court regarding his or her ability to obtain custody. At the hearing, the parent shall be provided the opportunity to present evidence pertaining to his or her ability to provide care for the child and shall be awarded custody unless the state demonstrates, by a preponderance of the evidence, that he or she has abused or neglected the child or is otherwise unfit to perform his or her parental duties.

AMENDED ANALYSIS

This bill requires that parents who have not been charged with abuse and neglect be afforded a hearing regarding their ability to obtain custody of their children.

HB 115, relative to automated telemarketing practices. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: The sponsor's intent was, first, to prohibit users of automatic telephone dialing systems that do not identify the caller's business and telephone number; second, to expand the information required upon the registration of telemarketers; third, to prohibit the use of automatic telephone dialing systems in telephone solicitation; and fourth, to reduce the required time for disconnecting after a called party hangs up from 30 to 5 seconds. The committee is very much concerned about adopting new laws in this area on the state level for two reasons: (1) New Hampshire does not have the capacity to closely regulate this industry; and (2) most of the regulatory responsibility relative to telemarketers belongs to the Federal Trade Commission (FTC), a federal agency. The committee supported the idea of adopting a concurrent resolution urging the state attorneys general and the FTC to most rigorously enforce existing federal laws. Further, the resolution urges Congress to support the Know Your Caller Act of 2001 (The Anti-Blocking Bill). In a separate action, the committee is urging the eleven telephone providers operating in the state to include a prescribed notice as a billing insert. This notice was drafted in conjunction with the Department of Justice. It includes information relative to consumers right to request to be included on telemarketers Do Not Call List and what to do if this request is not honored. The notice also includes information about how to register for the Do Not Call List maintained by a national organization called Telephone Preference Services. This narrative applies both to HB 115 and HB 299-FN as both bills address telemarketing practices and both have been found Inexpedient to Legislate. The committee has voted to retain HB 470, a third telemarketing bill, in the event that it is needed for some further action. Vote 13-0.

HB 299-FN, relative to telephone solicitation and the creation of a "no sales solicitation calls" list of consumers. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This bill proposes establishing a "no sales solicitation calls" list of New Hampshire consumers to be maintained by the Department of Justice. The committee is

very much concerned about adopting new laws in this area on the state level for two reasons: (1) New Hampshire does not have the capacity to closely regulate this industry; and (2) most of the regulatory responsibility relative to telemarketers belongs to the Federal Trade Commission (FTC), a federal agency. The committee supported the idea of adopting a concurrent resolution urging the state attorneys general and the FTC to enforce existing federal laws. Further, the resolution urges Congress to support the Know Your Caller Act of 2001. In a separate action, the committee is urging the eleven local telephone providers operating in the state to include a prescribed notice as a billing insert. This notice has already been drafted in conjunction with the Department of Justice. It includes information relative to a consumers right to request to be included on a telemarketers Do Not Call List and what to do if this request is not honored. The notice also includes information about how to register for the Do Not Call List maintained by a national organization called Telephone Preference Services. This narrative applies both to HB 115 and HB 229-FN.- both bills address telemarketing practices and both have been found Inexpedient to Legislate. The committee has voted to retain HB 470, a third telemarketing bill, in the event that it is needed for some further action. Vote 13-0.

HB 394, relative to short-term health insurance policies for certain persons. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: If adopted, this bill would amend the current law which allows for one renewal of a short term health policy (short term means policies up to six months). Under the terms of HB 394, the amendment would allow for up to one additional renewal. There was no opposition to this proposal Vote 14-0.

Amendment (0435h)

Amend RSA 415:5, III as inserted by section 1 of the bill by replacing it with the following:

III. Nonrenewable, individual health insurance policies which provide medical, hospital, or major medical expense benefits for a specified term may be delivered or issued for delivery to any person in this state; however, no such policy shall provide coverage for a specified term in excess of 6 months, nor shall any such policy be issued in this state to a person who was previously covered by more than [~~one such policy~~] **2 such policies** within the preceding 12-month period.

AMENDED ANALYSIS

This bill clarifies when short-term individual health insurance policies may be issued.

HB 518, relative to increases of motor vehicle policy premiums because a person reaches a certain age. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This bill was voted unanimously as Inexpedient to Legislate. This issue is introduced periodically. The New Hampshire Insurance Department reviews all criteria used in setting premium rates. To increase auto insurance premiums based purely on a person's age is not even permissible. We have a highly competitive auto insurance market in New Hampshire. As a result, rates continue to be among the best in the country. All companies rate drivers differently, but it would be discriminatory to increase premium rates based purely on age. Vote 13-0.

HB 525, relative to property and casualty insurance. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul D. Spiess for Commerce: This bill was submitted on behalf of the Insurance Department to clarify language relative to continuing education requirements for adjuster's minimum net worth or surety bond requirements, for certain licenses, filing report dates for HMO's, and Delta Dental Plans. The bill was amended to extend the authority of the Attorney General's Office to conduct telecommunications surveillance to investigate insurance fraud. Vote 12-0.

Amendment (0779h)

Amend the bill by replacing section 4 with the following:

4 Road Service Licensure; Bond Required. Amend RSA 407-C:2 to read as follows:

407-C:2 Issuance and Renewal.

I. If the insurance commissioner is of the opinion that an applicant is reliable and entitled to confidence, such applicant shall be granted a license to perform such road or other service in this state until July 1 thereafter, and annually thereafter on July 1, such license may be renewed so long as the commissioner shall regard such licensee as reliable and entitled to confidence. Such application shall give such information as the commissioner may require, including, but not limited to, the most recent financial statement of the applicant prepared ~~[according to]~~ **in accordance with** generally accepted accounting principles and certified by a certified public accountant.

II. Individuals, firms, associations, or corporations established in this state shall file with the commissioner proof of minimum capital and surplus in an amount equal to or greater than \$250,000, or shall file with the commissioner a surety bond or equivalent acceptable to the commissioner in the amount of \$250,000.

Amend RSA 415-B:2, II as inserted by section 7 of the bill by replacing it with the following:

II. The annual license fee shall be \$ 200. Licenses may be renewed from year to year as of July 1 of each year upon payment of the license fee to the commissioner. **Additionally, a premium finance company established in this state shall file with the commissioner proof of minimum capital and surplus in an amount equal to or greater than \$250,000, or shall file with the commissioner a surety bond or equivalent acceptable to the commissioner in the amount of \$250,000.**

Amend the bill by replacing all after section 9 with the following:

10 Authorization for Interception of Telecommunications or Oral Communications. Amend RSA 570-A:7 to read as follows:

570-A:7 Authorization for Interception of Telecommunications or Oral Communications. The attorney general, deputy attorney general, or a county attorney, upon the written approval of the attorney general or deputy attorney general, may apply to a judge of competent jurisdiction for an order authorizing or approving the interception of telecommunications or oral communications, and such judge may grant, in conformity with RSA 570-A:9, an order authorizing or approving the interception of telecommunications or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offenses as to which the application is made, when such interception may provide, or has provided, evidence of the commission of organized crime, as defined in RSA 570-A:1,XI, or evidence of the commission of the offenses of homicide, kidnapping, gambling, theft as defined in RSA 637, corrupt practices as defined in RSA 640, child pornography under RSA 649-A, computer pornography and child exploitation under RSA 649-B, criminal conduct

in violation of the securities law, as defined in RSA 421-B:3, 421-B:4, 421-B:5, 421-B:19, and 421-B:24, criminal conduct in violation of the security takeover disclosure laws, as defined in RSA 421-A:3, 421-A:7, 421-A:8, 421-A:11, and 421-A:13, robbery as defined in RSA 636:1, arson as defined in RSA 634:1, hindering apprehension or prosecution as defined in RSA 642:3, tampering with witnesses and informants as defined in RSA 641:5, aggravated felonious sexual assault as defined in RSA 632-A:2, felonious sexual assault as defined in RSA 632-A:3, escape as defined in RSA 642:6, bail jumping as defined in RSA 642:8, ***insurance fraud as defined in RSA 638:20***, dealing in narcotic drugs, marijuana, or other dangerous drugs, hazardous waste violations under RSA 147-A:4,I, or any conspiracy to commit any of the foregoing offenses.

11 Repeal. The following are repealed:

- I. RSA 404-E, relative to an environmental risk insurance pool.
- II. RSA 638:20, V, relative to limiting charges for insurance fraud.

12 Effective Date.

- I. Sections 8 and 9 of this act shall take effect January 1, 2002.
- II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill makes certain technical changes to the laws relative to property and casualty insurance. The bill requires road service licensees and premium finance companies to file a surety bond with the commissioner. The bill repeals the chapter relative to an environmental risk insurance pool and repeals a limitation on multiple insurance fraud charges. The bill also allows the interception of wire or oral communications in connection with an insurance fraud investigation.

This bill is a request of the insurance department.

HB 526, establishing a committee to study recodification of the motor vehicle insurance laws.
INEXPEDIENT TO LEGISLATE

Rep. Leo W. Fraser, Jr. for Commerce: The sponsor-proposed amendment added a review of Insurance Department Bulletin 99-014-AB relative to "after-market parts". This bulletin was issued on September 20, 1999 and establishes standards for the use of after-market parts. If a repair shop uses so-called "after-market parts" and for any reason the part does not comply with the original design of the motor vehicle, the insurance company must pay all costs to have the problem rectified. The committee was unanimous in voting that this legislation was not necessary. Vote 13-0.

HB 534, relative to "salvage" motor vehicles. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene B. Marshall for Commerce: This bill increases the requirements for disclosing the "salvage" status of certain motor vehicles to purchasers, in order to ensure that they are aware of that status. This bill is supported by the NH Attorney General's Office (Consumer Protection Bureau) which has found that pre-existing requirements have not produced sufficient levels of awareness. The bill, as amended, is also supported by the NH Auto Dealers' Association. Vote 14-0.

Amendment (0829h)

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

1 New Paragraph; Salvage Certificate of Title; Disclosure to Buyer. Amend RSA 261:22 by inserting after paragraph IV the following new paragraph:

IV-a. Before selling to any buyer any used vehicle, the title to which is required to be marked "salvage" pursuant to this section, the seller shall disclose to the buyer in writing that the vehicle is a salvage vehicle and the reasons for such designation. Failure to comply with the provisions of this paragraph shall constitute an unfair or deceptive act or practice under RSA 358-A:2.

2 Dismantling or Destruction of Vehicle; Penalty. Amend RSA 261:22, V to read as follows:

V. It shall be a misdemeanor for any person to remove or cause to be removed a "salvage vehicle" decal from a motor vehicle to which it has been affixed pursuant to paragraph IV. A bona fide purchaser for value of a motor vehicle ***which is not properly accompanied by the disclosure required by RSA 261:22, IV-a, or*** from which the seller has removed or caused to be removed a "salvage vehicle" decal in violation of this paragraph may rescind the purchase within 3 business days after receiving a certificate of title disclosing that the vehicle is a salvage vehicle.

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

HB 580, requiring health insurance carriers to provide loss information to large employers on a quarterly basis. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene B. Marshall for Commerce: Until recently, insurers provided information about claims history voluntarily in response to occasional requests. Then, when one carrier declined to respond, some others followed suit, making it difficult for large employers to assess their options. This bill establishes standards to which all carriers can respond equally. The Insurance Department and a number of carriers support the bill and the concerns of some others were addressed in the amendment (e.g. frequency of disclosure was decreased from quarterly to semi-annually). Vote 13-1.

Amendment (0702h)

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

AN ACT requiring health insurance carriers to provide loss information to large employers at least once every 6 months.

Amend RSA 420-G:12-a as inserted by section 2 of the bill by replacing it with the following:

420-G:12-a Loss Information Provided to Large Employers.

I. Upon written request, every health carrier shall provide loss information concerning a large employer policy or contract at least once every 6 months from the date the policy becomes effective.

II. If a policyholder requests loss information from an insurance agent or other authorized representative, the representative or agent shall transmit the request for loss information to the health carrier within 4 working days.

III. A health carrier shall not be required to provide the loss information described in this section to employers who employ 100 or fewer employees.

AMENDED ANALYSIS

This bill requires health insurance carriers to provide loss information to large employers at least once every 6 months.

HB 591, relative to certain prescription discount cards. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: The committee feels that the advertising practices of companies issuing prescription discount cards can easily confuse purchasers of such cards. It is not always clear that discount cards are not part of any insurance program. The amendment requires companies that sell prescription discount cards to state that the card is not an insurance card. This statement must be written in 10-point bold type and must appear on any advertising and on the discount card. Vote 11-2.

Amendment (0865h)

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

1 New Chapter; Prescription Discount Cards. Amend RSA by inserting after chapter 358-Q the following new chapter:

CHAPTER 358-R

prescription Discount Cards

358-R:1 Prescription Discount Cards. Any entity which proposes to offer a prescription discount card, which is not an insurance card, and which is defined as a card or other mechanism that advertises discounts or access to discounts on prescription drug purchases, shall register with the consumer protection and antitrust bureau of the department of justice. Registration shall consist of providing the consumer protection and antitrust bureau with a certified statement that the company intends to offer or advertise offering a prescription discount card to citizens of the state of New Hampshire. The certified statement shall also contain the name, address, location, and phone number of the company offering the prescription discount card; shall verify that any promotional advertising for the card expressly states in at least 10-point bold type that not all pharmacies may accept the prescription discount card; shall verify that the card and any promotional advertising for the card expressly states in at least 10-point bold type that the card is not an insurance card; and shall verify that the discount offered by the card or other purchasing mechanism does not contain misleading or deceptive statements or claims.

358-R:2 Applicability. This chapter shall not apply to any prescription drug discount card or other device issued by any program operated by, or in cooperation with, or pursuant to an agreement with the state of New Hampshire.

358-R:3 Penalties. Any violation of this chapter shall constitute an unfair or deceptive act or practice within the meaning of RSA 358-A:2. Any right, remedy or power set forth in RSA 358-A may be used to enforce the provisions of this chapter. The department of justice shall maintain and make available for inspection a record of the violations of this chapter.

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

HB 632, allowing the sale of collectible beer without a license. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Commerce: This bill presents the Liquor Commission's Bureau of Enforcement with some real problems and they opposed the legislation. Vendors who wish to sell collectible beer may obtain a one-day license if they desire. The committee did not feel that a special exception was warranted just for this event. Vote 15-0.

HB 680, relative to foreign insurers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene B. Marshall for Commerce: This bill protects New Hampshire insurance consumers by requiring that re-insurers not operating in New Hampshire under regular licensing and supervisory provisions provide certain guarantees before availing themselves of New Hampshire courts or administrative proceedings. They have the option to become licensed or, alternatively, they may post a security bond sufficient to secure the payment of any final judgement that may ensue. The Insurance Department supports this bill. Vote 13-0.

Amendment (0811h)

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

AN ACT relative to foreign reinsurers.

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

1 New Paragraphs; Foreign Reinsurers. Amend RSA 405:47 by inserting after paragraph II the following new paragraphs:

III. Before any unauthorized reinsurer files or causes to be filed any pleading in any court action or an appearance in response to any court action or administrative proceeding, such reinsurer shall either:

(a) Deposit with the clerk of the court in which such action, suit or proceeding is pending, or with the commissioner in administrative proceedings, cash or securities or bond with good and sufficient sureties to be approved by the court, or the commissioner, in an amount to be fixed by the court or the commissioner sufficient to secure the payment of any final judgment which may be rendered in such court proceeding or in such administrative proceeding; or

(b) Procure a license to transact reinsurance business in this state.

IV. The court in any action, suit, or proceeding or the commissioner in any administrative proceeding referred to in paragraph III of this section, may, in its or his or her discretion, order such postponement as may be necessary to afford the reinsurer reasonable opportunity to comply with paragraph III of this section and to defend such court action or administrative proceeding.

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

AMENDED ANALYSIS

This bill clarifies the statute relative to security provisions for foreign reinsurers.

HB 702, making revisions to the consumer protection act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: On January 25th, the House adopted HB 109, which established a committee to study the consumer protection effort in New Hampshire. Subsequently the Commerce Committee received HB 702, which would have included professionals, including lawyers, under the provisions of the Consumer Protection Act. The amendment to HB702 will add to the duties of the HB 109 study committee. With this change, the committee will review all of the entities that are exempt from the Consumer Protection Act. Vote 11-0.

Amendment (0788h)

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

AN ACT relative to the duties of the committee to study the consumer protection effort in New Hampshire.

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

1 Duties. Amend 2001, HB 109 by replacing section 3 with the following:

3 Duties. The committee shall:

I. Assess the scope of need for consumer protection within New Hampshire; the ability of the attorney general's consumer protection bureau to meet this need; and any appropriate changes in funding, staffing, and/or agency structure that would better protect the state's consumers.

II. Study transactions that are exempt from RSA 358-A, the consumer protection act.

2 Contingency. If HB 109 of the 2001 legislative session becomes law, section 1 of this act shall take effect at 12:01 a.m. on the effective date of HB 109. If HB 109 does not become law, section 1 of this act shall not take effect.

3 Effective Date.

I. Section 1 of this act shall take effect as provided in section 2 of this act.

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

AMENDED ANALYSIS

This bill adds a duty to review the exemptions to the state consumer protection act to the committee to study the consumer protection effort in New Hampshire established by HB 109 of the 2001 legislative session.

HB 731-FN, relative to securities laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene B. Marshall for Commerce: This bill is a comprehensive update and simplification of the law under which the Secretary of State's Office regulates the sale of securities (stocks, bonds, mutual funds, etc.) in New Hampshire. Since coming under the supervision of the Secretary of State, the Office of Securities Regulation is self-funding and contributes to the general fund. Some of these changes have the potential to increase efficiency and flow of income. The Secretary of State and the Director of Securities Regulation support the bill and no one appeared to oppose it. Vote 12-0.

Amendment (0511h)

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

1 Securities; Definition of Agent. Amend RSA 421-B:2, II (e) to read as follows:

(e) Effecting other transactions, if such individual is an officer or director of the issuer, no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state, and upon application, such individual is specifically authorized by name in an order issued by the secretary of state. ~~[A Form U-4 as prepared by the National Association of Securities Dealers and the Securities and Exchange Commission shall be filed and authorization obtained from the secretary of state before any offers are made.]~~

2 Securities; Definition of "Federal Covered Advisor". Amend RSA 421-B:2, V-d to read as follows:

V-d. "Federal covered adviser" means a person who is ~~[(i)]~~ registered under section 203 of the Investment Advisers Act of 1940 ~~[- or (ii) is excluded from the definition of "investment adviser" under section 202(a)(11) of the Investment Advisers Act of 1940].~~

3 Securities; Advisory Activities; Regulating Conduct of Investment Adviser Agents; Requiring Disclosure of Certain Material Facts; and Permitting Automatic Deduction of Investment Adviser Fees From Client Accounts in Certain Circumstances. Amend RSA 421-B:4 to read as follows:

421-B:4 Advisory Activities.

I. It is unlawful for any person who receives any consideration from another person primarily for advising the other person as to the value of securities or their purchase or sale whether through the issuance of analyses or reports or otherwise:

(a) To employ any device, scheme, or artifice to defraud another person; or

(b) To engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon the other person.

II. It is unlawful for any investment adviser **or investment adviser agent** to enter into, extend, or renew any investment advisory contract the terms of which are in contravention of such rules as the secretary of state may adopt as necessary or appropriate in the public interest or for the protection of investors.

III. It is unlawful for any investment adviser **or investment adviser agent** to take or have custody of any securities or funds of any client in contravention of such rules as the secretary

of state may adopt as necessary or appropriate in the public interest or for the protection of investors.

IV. It shall constitute a fraudulent, deceptive, or manipulative act, practice, or course of business within the meaning of paragraph I for any investment adviser **or investment adviser agent** who has custody or possession of any funds or securities in which any client has any beneficial interest, to do any act or take any action, directly or indirectly, with respect to any such funds or securities, unless:

(a) All such securities of each such client are segregated, marked to identify the particular client who has the beneficial interest therein, and held in safekeeping in some place reasonably free from risk of destruction or other loss; and

(b) All such funds of such clients are deposited in one or more bank accounts which contain only clients' funds, such account or accounts are maintained in the name of the investment adviser as agent or trustee for such clients, and the investment adviser maintains a separate record for each such account which shows the name and address of the bank where such account is maintained, the dates and amounts of deposits in and withdrawals from such account, and the exact amount of each client's beneficial interest in such account; and

(c) Such investment adviser, immediately after accepting custody or possession of such funds or securities from any client, notifies such client in writing of the place and manner in which such funds and securities will be maintained, and thereafter, if and when there is any change in the place or manner in which such funds or securities are being maintained, gives each such client written notice thereof; and

(d) Such investment adviser sends to each client, not less frequently than once every 3 months, an itemized statement showing the funds and securities in the custody or possession of the investment adviser at the end of such period, and all debits, credits, and transactions in such client's account during such period; and

(e)(1) All such funds and securities of clients are verified by actual examination at least once during each calendar year by an independent public accountant at a time that shall be chosen by such accountant without prior notice to the investment adviser. A certificate of such accountant stating that an examination of such funds and securities has been made, and describing the nature and extent of the examination, shall be attached to a completed Form ADV-E (17 C.F.R. 279.8) and transmitted to the secretary of state promptly after each examination.

(2) Subparagraph IV(e)(1) shall not apply to an investment adviser also registered as a broker-dealer under section 15 of the Securities Exchange Act of 1934 if (i) such broker-dealer is subject to and in compliance with Rule 15c3-1 (Reg. 240.15c3-1, 25,126) under the Securities Exchange Act of 1934, or (ii) such broker-dealer is a member of an exchange whose members are exempt from Rule 15c3-1 (Reg. 240.15c3-1, 25,126) under the provisions of paragraph (b)(2) thereof, and such broker-dealer is in compliance with all rules and settled practices of such exchange imposing requirements with respect to financial responsibility and the segregation of funds or securities carried for the account of customers.

(f)(1) Direct deduction (automatic payment) of investment adviser fees from a client account to the investment adviser does not constitute custody of client funds if:

(A) The client provides written authorization permitting the adviser's fees to be paid directly from the client's account held by an independent custodian.

(B) The adviser sends to the client and the custodian at the same time, a bill showing the amount of the fee, the value of the client's assets on which the fee was based, and the specific manner in which the adviser's fee was calculated.

(C) The custodian agrees to send to the client a statement, at least quarterly, indicating all amounts disbursed from the account including the amount of advisory fees paid directly to the advisers.

(2) Absent any of the conditions in subparagraphs(f)(1)(A)-(C), the adviser is deemed to have custody of client funds.

IV-a. It shall constitute a fraudulent, deceptive, or manipulative act, practice, or course of business within the meaning of paragraph I for any investment adviser licensed or required to be licensed to fail to disclose to any client or prospective client all material facts with respect to:

(a) A financial condition of the adviser that is reasonably likely to impair the ability of the adviser to meet contractual commitments to clients, if the adviser has discretionary authority (express or implied) or custody over such client's funds or securities, or requires prepayment of advisory fees of more than \$500 from such client, 6 months or more in advance; or

(b) A legal or disciplinary event that is material to an evaluation of the advisers integrity or ability to meet contractual commitments to clients.

V. A person who is an investment adviser **or investment adviser agent** is a fiduciary and has a duty to act primarily for the benefit of the person's clients. While the extent and nature of this duty varies according to the nature of the relationship between an investment advisor and the clients and the circumstances of each case, an investment adviser **or investment adviser agent** shall not engage in unethical business practices which constitute violations of paragraph I, including the following:

(a) Recommending to a client to whom investment supervisory, management, or consulting services are provided the purchase, sale, or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the client on the basis of information furnished by the client after reasonable inquiry concerning the client's investment objectives, financial situation and needs, and any other information known by the investment adviser **or investment adviser agent**.

(b) Exercising any discretionary power in placing an order for the purchase or sale of securities for a client without obtaining written discretionary authority from the client within 10 business days after the date of the first transaction placed pursuant to oral discretionary authority, unless the discretionary power relates solely to the price at which, or the time when, an order involving a definite amount of a specified security shall be executed, or both.

(c) Introducing trading in a client's account that is excessive in size or frequency in view of the financial resources, investment objectives, and character of the account in light of the fact that an adviser in such situations can directly benefit from the number of securities

transactions effected in a client's account. This subparagraph appropriately forbids an excessive number of transaction orders to be induced by an **investment adviser or investment adviser agent** for a client's account.

(d) Placing an order to purchase or sell a security for the account of a client without the authority to do so.

(e) Placing an order to purchase or sell a security for the account of a client upon instruction of a third party without first having obtained a written third party trading authorization from the client.

(f) Borrowing money or securities from a client unless a client is a broker-dealer, an affiliate of the investment adviser, or a financial institution engaged in the business of loaning funds.

(g) Loaning money to a client unless the investment adviser is a financial institution engaged in the business of loaning funds or the client is an affiliate of the investment adviser.

(h) Misrepresenting to any advisory client, or prospective advisory client, the qualifications of the investment adviser, **investment adviser agent**, or any employee of the investment adviser, or misrepresenting the nature of the advisory services being offered or fees to be charged for such services, or omitting to state a material fact necessary to make the statements made regarding qualifications, services or fees, in light of the circumstances under which they are made, not misleading.

(i) Providing a report or recommendation to any advisory client prepared by someone other than the **investment adviser or investment adviser agent** without disclosing that fact. This prohibition does not apply to a situation where the **investment adviser or investment adviser agent** uses published research reports or statistical analysis to render advice or where an adviser orders such a report in the normal course of providing service.

(j) Charging a client an unreasonable advisory fee.

(k) Failing to disclose to clients in writing before any advice is rendered any material conflict of interest relating to the **investment adviser, investment adviser agent**, or any of its employees which could reasonably be expected to impair the rendering of unbiased and objective advice including:

(1) Compensation arrangements connected with advisory services to clients which are in addition to compensation from such clients or such services; and

(2) Charging a client an advisory fee for rendering advice when a commission for executing securities transactions pursuant to such advice will be received by the adviser or its employees.

(l) Guaranteeing a client that a specific result will be achieved, such as gain or no loss, with advice which will be rendered.

(m) Publishing, circulating, or distributing any advertisement which does not comply with Rule 206(4)-1 under the Investment Advisers Act of 1940.

(n) Disclosing the identity, affairs, or investments of any client unless required by law to do so, or unless consented to ***in writing*** by the client.

(o) Taking any action, directly or indirectly, with respect to those securities or funds in which any client has any beneficial interest, where the investment adviser ***or investment adviser agent*** has custody or possession of such securities or funds when the adviser's action is subject to and does not comply with the requirements of Reg. 206(4)-2 under the Investment Advisers Act of 1940.

(p) Entering into, extending, or renewing any investment adviser contract unless such contract is in writing and discloses, in substance, the services to be provided, the term of the contract, the advisory fee, the formula for computing the fee, the amount of prepaid fee to be returned in the event of contract termination or non-performance, whether the contract grants discretionary power to the ***investment adviser or investment adviser agent***, ~~and~~ that no assignment of such contract shall be made by the investment adviser without the ***written*** consent of the other party to the contract, ***or that:***

(1) Provides for compensation to the investment adviser on the basis of a share of capital gains upon or capital appreciation of the funds or any portion of the funds of the client except that this subparagraph shall not:

(A) Be construed to prohibit an investment advisory contract which provides for compensation based upon the total value of a fund averaged over a definite period, or as of definite dates, or taken as of a definite date; or

(B) Apply to an investment advisory contract with a person (except a trust, governmental plan, collective trust fund, or separate account), provided that the contract relates to the investment of assets in excess of \$1,000,000, if the contract provides for compensation based on the asset value of the company or fund under management averaged over a specified period and increasing and decreasing proportionately with the investment performance of the company or fund over a specified period in relation to the investment record of an appropriate index of securities prices or such other measure of investment performance as the secretary of state by rule may specify.

(2) The provisions of subparagraph (1) shall not be deemed to prohibit an investment adviser from entering into, performing, renewing or extending an investment advisory contract that provides for compensation to the investment adviser on the basis of a share of the capital gains upon, or the capital appreciation of, the funds, or any portion of the funds, of a client, provided that the client entering into the contract subject to this section is a qualified client defined as:

(A) A natural person who or a company that immediately after entering into the contract has as least \$750,000 under the management of the investment adviser.

(B) A natural person who or a company that the investment adviser entering into the contract (and any person acting on his behalf) reasonably believes, immediately prior to entering into the contract, either:

(i) Has a net worth (together, in the case of a natural person, with assets held jointly with a spouse) of more than \$1,500,000 at the time the contract is entered into; or

(ii) Is a qualified purchaser as defined in section 2(a)(51)(A) of the Investment Company Act of 1940 (14 U.S.C. 802-a(a)(51)(A)) at the time the contract is entered into:

(C) A natural person who immediately prior to entering into the contract is:

(i) An executive officer, director, trustee, general partner, or person serving in a similar capacity, of the investment adviser; or

(ii) An employee of the investment adviser (other than an employee performing solely clerical, secretarial or administrative functions with regard to the investment adviser) who, in connection with his or her regular functions or duties, participates in the investment activities of such investment adviser, provided that such employee has been performing such functions and duties for or on behalf of the investment adviser, or substantially similar functions or duties for or on behalf of another company for at least 12 months.

(3) The secretary of state, by rule, upon his or her own motion, or by order upon application, may conditionally or unconditionally exempt any person or transaction, or any class or classes of persons or transactions, from subparagraph (1), if and to the extent that the exemption relates to an investment advisory contract with any person that the secretary of state determines does not need the protections of subparagraph (1), on the basis of such factors as financial sophistication, net worth, knowledge of and experience in financial matters, amount of assets under management, relationship with a licensed investment adviser, and such other factors as the secretary of state determines are consistent with this paragraph.

(q) Failing to establish, maintain, and enforce written policies and procedures reasonably designed to prevent the misuse of material nonpublic information in violation of section 204A of the Investment Advisers Act of 1940.

(r) Entering into, extending, or renewing any advisory contract which would violate section 205 of the Investment Advisers Act of 1940 ***and the rules promulgated thereunder***. This provision shall apply to all ~~[advisers registered or required to be registered under the Investment Advisers Act of 1940, notwithstanding whether such adviser would be exempt from federal registration pursuant to section 203(b) of the Investment Advisers Act of 1940]~~ ***investment advisers and investment adviser agents licensed or required to be licensed under this chapter.***

(s) Indicating, in an advisory contract, any condition, stipulation, or provisions binding any person to waive compliance with any provision of this chapter or of the Investment Advisers Act of 1940 or any other practice that would violate section 215 of the Investment Advisers Act of 1940.

(t) Engaging in any act, practice, or course of business which is fraudulent, deceptive, or manipulative in contravention of section 206(4) of the Investment Advisers Act of 1940, notwithstanding the fact that such investment adviser is not registered or required to be registered under section 203 of the Investment Advisers Act of 1940.

(u) Engaging in conduct or any act, indirectly or through or by any other person, which would be unlawful for such person to do directly under the provisions of this chapter or any rule adopted under it.

The conduct set forth above is not inclusive. Engaging in other conduct such as nondisclosure, incomplete disclosure, or deceptive practices, shall be deemed an unethical business practice. The federal statutory and regulatory provisions referenced in this paragraph shall apply to investment advisers **and investment adviser agents**, regardless of whether the federal provision limits its application to advisers subject to federal registration.

4 Licensing Requirements; Retroactive License. Amend RSA 421-B:6, I-II to read as follows:

I. It is unlawful for any person to transact business in this state as a broker-dealer, issuer-dealer, investment adviser, or agent unless such person is licensed under this chapter. Except with respect to advisers whose only clients are those described in RSA 421-B:2, IX(f), it is unlawful for any federal covered adviser to conduct advisory business in this state unless such person complies with the provisions of RSA 421-B:7, ~~[I-a]~~ **I-b**. An investment adviser representative is required to be licensed as an agent under this section, in addition to any agent license held as a representative of any broker-dealer.

II. It is unlawful for any broker-dealer, issuer-dealer, and investment adviser to employ an agent unless the agent is licensed, or for a federal covered adviser to employ, supervise, or associate with an investment adviser representative having a place of business located in this state, unless such investment adviser representative is licensed as an agent under this chapter, or is exempt from the licensing requirements. Under this chapter, an agent's license is only in effect when such agent is associated with a particular broker-dealer, investment adviser, federal covered adviser, **issuer-dealer**, or a particular issuer. No agent shall at any time represent more than one broker-dealer or issuer-dealer, except that where broker-dealers or issuer-dealers affiliated by direct common control are licensed under this chapter, an agent may represent any such broker-dealer or issuer-dealer. When an agent begins or terminates those activities ~~[which]~~ **that** make the person an agent, the broker-dealer, issuer-dealer, **federal covered advisor**, and investment adviser shall promptly notify the secretary of state. When an investment adviser representative begins or terminates employment with a federal covered adviser, the investment adviser representative shall promptly notify the secretary of state.

5 New Paragraph; Securities; Licensing Requirements. Amend RSA 421-B:6 by inserting after paragraph III the following new paragraph:

III-a. A federal covered adviser who has paid a notice filing fee in this state for a particular calendar year and subsequently during that year becomes a state regulated investment adviser licensed in this state, shall not be assessed an additional fee (initial license fee) as it makes the transition to a licensed investment adviser in that year. A state regulated investment adviser who has paid a license fee in this state for a particular calendar year and subsequently during that year becomes a federal covered adviser, shall not be assessed an additional fee (notice filing fee) for the transition to a federal covered adviser in that year.

6 Securities; Licensing Requirements. Amend RSA 421-B:6, V to read as follows:

V.(a) Prior to opening **or closing** a branch office **in this state**, a broker-dealer or investment adviser shall send written notification directly to the secretary of state of the location of the branch office, telephone number, name of the individual supervising the office, **the date of the opening or closing**, and any other pertinent information required by the secretary of state.

(b) It is prohibited for any branch office or agent of a broker-dealer or investment adviser to conduct a securities or investment advisory business in this state under any name other than that of the broker-dealer or investment adviser with which the branch office is associated or agent is licensed. If more than one business enterprise is conducted from a branch office location, disclosures shall clearly and equally set forth what business activity is conducted by each organization and each licensed agent's relationship to each organization.

(c) Each branch office within this state shall be supervised by an on-site manager who shall have qualified as a principal by passing either the Series 8 (now 9 and 10) exam(s) or a principal's exam applicable to the licensee's business conducted at that location. Administration of exams shall be conducted by the National Association of Securities Dealers.

7 Securities; Licensing Procedure. Amend RSA 421-B:7, I- I-a to read as follows:

I. A broker-dealer, issuer-dealer, agent, or investment adviser may obtain an initial or renewal license by filing with the secretary of state ***or his or her designee*** an application together with ***the fees required by RSA 421-B:31 and*** a consent to service of process pursuant to RSA 421-B:30, VII, ***and paying any reasonable costs charged by the designee for processing such filings.*** The application shall be on a form prescribed by the secretary of state and shall contain whatever information the secretary of state requires concerning such matters as, but not limited to, the applicant's form and place of organization; the applicant's proposed method of doing business; the qualifications and business history of the applicant; in the case of a broker-dealer, issuer-dealer, or investment adviser, the qualifications and business history of any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer, issuer-dealer, or investment adviser; and, in the case of an investment adviser, ***Form ADV, specimens of investment advisor contracts, and*** the qualifications and business history of any employee; any injunction or administrative order or conviction of a misdemeanor involving a security or any aspect of the securities business and any conviction of a felony; and the applicant's financial condition and history. The secretary of state may by rule or order require an applicant for initial license to publish an announcement of the application in one or more specified newspapers published in this state. If no denial order is in effect and no proceeding is pending under RSA 421-B:10, licensing becomes effective at noon of the thirtieth day after an application is filed. The secretary of state may by rule or order specify an earlier effective date, and he may by order defer the effective date until noon of the thirtieth day after filing of any amendment.

I-a. Unless otherwise provided, all investment adviser and investment adviser representative applications, renewals, amendments, reports, notices, related filings and fees required to be filed with the secretary of state pursuant to this chapter and rules adopted thereunder, shall be filed electronically with and transmitted to Investment Adviser Registration Depository (hereinafter referred to as the IARD). The following additional conditions relate to such electronic filings:

(a) When a signature or signatures are required by the particular instructions of any filing to be made through IARD, a duly authorized officer of the applicant and/or the applicant himself or herself, as required, shall affix his or her electronic signature to the filing by typing his or her name in the appropriate fields and submitting the filing to IARD. Submission of a filing in this manner shall constitute irrefutable evidence of legal signature by any individuals whose names are typed on the filing.

(b) Solely for purposes of a filing made through IARD, a document is considered filed with the secretary of state when all fees are received and the filing is accepted by IARD on behalf of the state.

(c) Any documents or fees required to be filed with the secretary of state that are not permitted to be filed with or cannot be accepted by IARD shall be filed directly with the secretary of state. The application shall not be complete until all documents and fees required by this chapter and rules adopted thereunder have been submitted through the IARD, where possible, or submitted to and received directly by the secretary of state.

(d) There shall be 2 "hardship exemptions" from the requirements to make electronic filings as required by this section:

(1) Temporary hardship exemption:

(A) Investment advisers licensed or required to be licensed under this chapter who experience unanticipated technical difficulties that prevent submission of an electronic filing to IARD may request a temporary hardship exemption from the requirements to file electronically.

(B) To request a temporary hardship exemption, the investment adviser shall:

(i) File Form ADV-H (17 CFR 279.3) in paper format with the administrator where the investment adviser's principal place of business is located, no later than one business day after the filing that is the subject of the Form ADV-H was due; and

(ii) Submit the filing that is the subject of the Form ADV-H in electronic format to IARD no later than 7 business days after the filing was due.

(C) The temporary hardship exemption will be deemed effective upon receipt by the secretary of state of the complete Form ADV-H. Multiple temporary hardship exemption requests within the same calendar year may be disallowed by the secretary of state.

(2) Continuing hardship exemption:

(A) A continuing hardship exemption shall be granted only if the investment adviser is able to demonstrate that the electronic filing requirements of this rule are prohibitively burdensome.

(B) To apply for a continuing hardship exemption, the investment adviser shall:

(i) File Form ADV-H (17 CFR 279.3) in paper format with the secretary of state at least 20 business days before filing is due; and

(ii) If a filing is due to more than one administrator, the Form ADV-H shall be filed with the administrator where the investment adviser's principal place of business is located. The administrator who receives the application shall grant or deny the application within 10 business days after the filing of Form ADV-H.

(C) An exemption is effective upon approval by the secretary of state. The time period of the exemption may be no longer than one year after the date on which the Form ADV-H is filed. If the secretary of state approves the application, the investment adviser shall, no later than 5 business days after the exemption approval date, submit filings to IARD in paper format (along with the appropriate processing fees) for the period of time for which the exemption is granted.

(3) The decision to grant or deny a request for a hardship exemption shall be made by the administrator where the investment adviser's principal place of business is located, which decision shall be followed by the secretary of state.

(e)(1) An investment adviser shall file with IARD, in accordance with the instructions in the Form ADV, any amendments to the investment adviser's Form ADV. An amendment shall be considered to be filed promptly if the amendment is filed within 30 days of the event that requires the filing of the amendment.

(2) An investment adviser representative is under a continuing obligation to update information required by Form U-4 as changes occur. An investment advisor representative and the investment adviser shall file promptly with IARD any amendments to the representative's Form U-4.

(3) Within 90 days of the end of the investment adviser's fiscal year, an investment adviser shall file an updated Form ADV with IARD.

(f)(1) By June 30, 2001, each investment adviser licensed or required to be licensed under this chapter shall resubmit its Form ADV electronically (if it has not previously done so) with IARD unless it has been granted a hardship exemption under this section.

(2) If the amendment to Form ADV is made after June 30, 2001, or at an earlier date if an investment adviser has filed its Form ADV (17 CFR 279.1), or any amendments to Form ADV, electronically with IARD, the licensee shall file amendments to Form ADV required by this paragraph electronically with IARD, unless it has been granted a hardship exemption under this paragraph.

(g) By June 30, 2001, for each investment adviser representative licensed or required to be licensed under this chapter, Form U-4 must be resubmitted electronically if it has not previously been done with IARD, unless the investment adviser, filing on behalf of the investment adviser representative, has been granted a hardship exemption under this paragraph.

I-b. Except with respect to federal covered advisers whose only clients are those described in RSA 421-B:2, IX(f), a federal covered adviser shall file with the secretary of state **or his or her designee**, prior to acting as a federal covered adviser in this state, a notice, which shall consist of a copy of the most recent complete Form ADV filed with the Securities and Exchange Commission (**SEC**) and a Form U-2, and shall pay initial and annual fees in accordance with 421-

B:31. Initial fees shall be paid before business is transacted in this state, and annual fees shall be paid on or before December 31 of the current year for the ensuing year. Federal covered advisers shall submit copies to the secretary of state of all documents filed with the Securities and Exchange Commission pursuant to the securities laws within 10 business days of their submission to the Securities and Exchange Commission. ***Documents and fees that are accepted by IARD may be submitted through IARD. Other documents filed or deemed filed with the SEC shall be submitted directly to the secretary of state. Until IARD provides for the filing of Part 2 of Form ADV, the secretary of state shall deem filed Part 2 of Form ADV if a federal covered adviser provides, within 5 days of a request, Part 2 of Form ADV to the secretary of state. Because the secretary of state deems Part 2 of the Form ADV to be filed, a federal covered adviser is not required to submit Part 2 of Form ADV to the secretary of state unless requested.***

I-c.(a) The application for withdrawal of licensure as an investment adviser pursuant to Section 204(e) of the Investment Advisers Act of 1940 shall be completed by following the instructions on Form ADV-W. (Notice of Withdrawal from Registration as Investment Adviser) (17 CFR 279.2) and filed upon Form ADV-W with IARD.

(b) The application for withdrawal of licensure as an investment adviser representative pursuant to Section 204(e) of the Investment Advisers Act of 1940 shall be completed by following the instructions on Form U-5 (Uniform Termination Notice for Securities Industry Registration) and filed upon Form U-5 with IARD.

8 New Paragraph; Securities; Licensing Procedure; Examination Requirement for Investment Advisor Licensees. Amend RSA 421-B:7 by inserting after paragraph VI the following new paragraph:

VII.(a) Each applicant for individual broker-dealer licensure or licensure as an agent of a broker-dealer shall provide the secretary of state with proof of obtaining a passing score on the Uniform Securities Agent State Law Examination (Series 63 examination) or the Uniform Combined State Law Examination (Series 66 examination).

(b) Each applicant for individual investment adviser licensure, investment adviser agent licensure, or investment adviser representative licensure shall provide the secretary of state with proof of obtaining a passing score on one of the following examination requirements:

(1) The Uniform Investment Adviser Law Examination (Series 65 examination); or

(2) The General Securities Representative Examination (Series 7 examination) and the Uniform Combined State Law Examination (Series 66 examination).

(c)(1) Any individual who was registered or licensed as an investment adviser, investment adviser agent, or investment adviser representative in any jurisdiction in the United States on January 1, 2000 shall not be required to satisfy the examination requirements for investment adviser licensure in this state, except that the secretary of state may require additional examinations for any individual found to have violated any state or federal securities law.

(2) Any individual who has not been registered or licensed in any jurisdiction for a period of 2 years shall be required to comply with the examination requirements.

(d) The examination requirement shall not apply to an individual who upon application holds one of the following professional designations:

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

(2) Chartered Financial Consultant (ChFC) awarded by the American College, Bryn Mawr, Pennsylvania;

(3) Personal Financial Specialist (PFS) awarded by the American Institute of Certified Public Accountants;

(4) Chartered Financial Analyst (CFA) awarded by the Institute of Chartered Financial Analysts;

(5) Chartered Investment Counselor (CIC) awarded by the Investment Counsel Association of America, Inc.; or

(6) Such other professional designation as the secretary of state may by rule or order recognize.

9 Securities; Required Records. Amend RSA 421-B:8, XII(c)(14) to read as follows:

(14)(A)(i) A copy of each written statement and each amendment or revision thereof, given or sent to any client or prospective client of such investment adviser ~~and a record of the dates that each written statement, and each amendment or revision thereof, was given, or offered to be given, to any client or prospective client who subsequently becomes a client.~~;

(ii) Any summary of material changes that is required by Part 2 of Form ADV but is not contained in the written statement; and

(iii) A record of the dates that each written statement, each amendment or revision thereto, and each summary of material changes was given or offered to any client or to any prospective client who subsequently becomes a client.

(B) A memorandum describing any legal or disciplinary event listed in Item 8 of Part 2A or Item 3 of Part 2B of Form ADV and presumed to be material, if the event involved the investment adviser or any of its supervised persons and is not disclosed in the written statements described in subparagraph XII(c)(14)(A). The memorandum shall explain the investment adviser's determination that the presumption of materiality is overcome, and shall discuss the factors described in those items.

10 New Subparagraph; Securities; Required Records. Amend RSA 421-B:8, XII(c) by inserting after subparagraph (15) the following new subparagraph:

(16) Copies, with original signatures of the investment adviser's appropriate signatory and the investment adviser representative, of each initial Form U-4 and each amendment to Disclosure Reporting Pages (DRPs U-4) must be retained by the investment adviser (filing on behalf of the investment adviser representative), and shall be made available for inspection upon regulatory request.

11 Securities; Written Disclosure Statement. RSA 421-B:8, XIII is repealed and reenacted to read as follows:

XIII.(a)(1) Unless otherwise provided in this section, an investment adviser licensed or required to be licensed under this chapter shall, in accordance with the provisions of this section, furnish each advisory client and prospective advisory client with a written disclosure statement which may be a copy of Part II of its Form ADV or written documents containing at least the information then so required by Part II of Form ADV, and such other information as the secretary of state may require. When Form ADV, Part 2 replaces Form ADV, Part II, each investment adviser shall furnish each advisory client and prospective advisory client with a firm brochure and one or more supplements as required by this section. The brochure and supplements shall contain all information required by Part 2 of Form ADV, (17 C.F.R. 279.1), and such other information as the secretary of state may require.

(2) An investment adviser shall deliver:

(A) The current brochure required by this section to a client or prospective client, and

(B) The current brochure supplements for each investment adviser representative who will provide advisory services to the client. For purposes of this section, an investment adviser representative shall provide advisory services to a client if the investment adviser representative will:

(i) Regularly communicate investment advice to that client; or

(ii) Formulate investment advice for assets of that client; or

(iii) Make discretionary investment decisions for assets of that client; or

(iv) Solicit, offer or negotiate for the sale of or sell investment advisory services.

(3) An investment advisor shall deliver the disclosure statement required by this section to an advisory client or prospective advisory client not less than 48 hours prior to entering into any investment advisory contract with such client or prospective client, or at the time of entering into any such contract, if the advisory client has the right to terminate the contract without penalty within 5 business days after entering into the contract.

(b) Any disclosure statement requested in writing by an advisory client pursuant to an offer required by this subdivision shall be mailed or delivered within 7 days of the receipt of the request.

(c) If the adviser is the general partner of a limited partnership, the manager of a limited liability company, or the trustee of a trust, then for purposes of this section the investment adviser shall treat each of the partnership's limited partners, the company's members, or the trust's beneficial owners as a client. For purposes of this section, a limited liability partnership or limited liability limited partnership is a "limited partnership."

(d) If an investment adviser renders substantially different types of investment advisory services to different advisory clients, the investment adviser may provide them with different disclosure documents or brochures, provided that each client receives all applicable information about services and fees. The brochure delivered to a client may omit any information required by Part 2A of Form ADV if such information is applicable only to a type of investment advisory service or fee that is not rendered or charged, or proposed to be rendered or charged, to that client or prospective client.

(e) The investment adviser shall amend its brochure and any brochure supplements and deliver the amendments to clients promptly when information contained in the brochure or brochure supplements becomes materially inaccurate. The instructions to Part 2 of Form ADV contain updating and delivery instructions that the investment adviser shall follow. An amendment will be considered to be delivered promptly if the amendment is delivered within 30 days of the event that requires the filing of the amendment.

(f) Nothing in this paragraph shall relieve any investment adviser from any obligation pursuant to any provision of this chapter or the rules and regulations thereunder or other federal or state law to disclose any information to its advisory clients or prospective advisory clients not specifically required by this paragraph.

(g)(1) If the investment adviser is a sponsor of a wrap fee program, then the brochure, required to be delivered by subparagraph XIII(a) to a client or prospective client of the wrap fee program, must be a wrap fee brochure containing all information required by Form ADV. Any additional information in a wrap fee brochure shall be limited to information applicable to wrap fee programs that the investment adviser sponsors.

(2) The investment adviser does not have to offer or deliver a wrap fee brochure if another sponsor of the wrap fee program offers or delivers to the client or prospective client of the wrap fee program a wrap fee program brochure containing all the information the investment adviser's wrap fee program brochure must contain.

(3) A wrap fee brochure does not take the place of any brochure supplements that the investment adviser is required to deliver under this paragraph.

(h) All investment advisers licensed or required to be licensed under this chapter must deliver to each of their clients their current brochure and all required brochure supplements within 30 days from the date of effectiveness of Part 2 of Form ADV.

(i) For the purpose of this paragraph:

(1) "Current brochure" and "current brochure supplement" mean the most recent revision of the brochure or brochure supplement, including all subsequent amendments (i.e., stickers).

(2) "Entering into" in reference to an investment advisory contract, does not include an extension or renewal without material change of any such contract which is in effect immediately prior to such extension or renewal.

(3) "Sponsor" of a wrap fee program means an investment adviser that is compensated under a wrap fee program for sponsoring, organizing, or administering the program, or for selecting, or providing advice to clients regarding the selection of other investment advisers in the program.

(4) "Wrap fee program" means an advisory program under which a specified fee or fees, not based directly upon transactions in a client's account, is charged for investment advisory services (which may include portfolio management or advice concerning the selection of other investment advisers) and the execution of client transactions.

12 Securities; Post-Licensing Provisions; Limitation on Scope of Investment Advisor Discretion. Amend RSA 421-B:8, XVI(e) to read as follows:

(e) For purposes of this rules an investment advisor shall not be deemed to be exercising discretion when it places trade order with an broker-dealer, pursuant to a third party trading agreement if:

(1) The investment advisor has executed a separate investment advisor contract exclusively with its client which acknowledges that a third party trading agreement will be executed to allow the investment adviser to effect securities transactions for the client in the client's broker-dealer account;

(2) The investment adviser contract specifically state the client does not grant discretionary authority to the investment adviser, and the investment adviser in fact does not exercise discretion with respect to the account; and

(3) A third party trading agreement is executed between the client and a broker-dealer which specifically limits the investment adviser's authority in the client's broker-dealer account to the placement of trade orders and deduction of investment adviser fees.

(f) Every investment adviser that has its principal place of business in a state other than this state shall maintain such minimal capital as required by the state in which the investment adviser maintains its principal place of business, provided the investment adviser is licensed in such state and is in compliance with such state's minimal capital requirements.

13 Examination of Financial Affairs. Amend the introductory paragraph of RSA 421-B:9, I to read as follows:

I. For the purpose of determining the financial condition, fulfillment of its contractual obligations, and compliance with the law, whenever the secretary of state shall deem it expedient, ~~[he]~~ **the secretary of state** shall examine, either in person or by some examiner duly authorized ~~[by him]~~ the affairs, transactions, accounts, records, documents, and assets of each licensed broker-dealer, investment adviser, or issuer-dealer as to any matter relevant to the financial affairs or obligations of the broker-dealer, investment adviser, or issuer-dealer or any other fact relative to its business methods, management and its dealings with clients, as often and to the extent ~~[he deems]~~ **deemed** advisable. Except as otherwise provided, ~~[he]~~ **the secretary of state** shall examine each domestic broker-dealer, investment adviser, or issuer-dealer **at least once every 4 years** and domestic branches of ~~[foreign]~~ broker-dealers ~~[or investment advisers]~~ at least once every ~~[4]~~ **6** years. Examination of an alien broker-dealer, investment adviser, or issuer-dealer shall be limited to its broker-dealer, investment adviser, or issuer-dealer transactions, assets, trust deposits, and affairs in the United States except as otherwise required by the secretary of state.

14 Securities; Registration Requirement and Notice of Filing of Securities; Preemption of State Securities Registration Requirements. RSA 421-B:11, I-b is repealed and reenacted to read as follows:

I-b.(a) Whenever it appears to the secretary of state that a particular security or transaction offered or sold in this state has not been preempted by federal law or regulation from the registration requirements of this section, the secretary of state may issue an order requiring any person who claims the benefit of federal preemption with respect to the security or transaction to prove that the registration requirement of this section has been preempted. The order shall be calculated to give reasonable notice of the time and place for the hearing, which shall be held within 10 days of the issuance of the order, and shall state the reasons for the entry of the order.

(b) All hearings shall be conducted in accordance with this chapter. After the hearing, the secretary of state shall enter an order making such disposition of the matter as the facts require. If the person claiming the benefit of federal preemption fails to appear at a hearing of which he has been duly notified, such person shall be deemed in default, and the proceeding may be determined against him upon consideration of the order, the allegations of which may be deemed to be true. The secretary of state may adopt rules of procedure concerning all proceedings conducted pursuant to this section.

(c) In any judicial or administrative proceeding under this chapter, the burden of proving an exemption, preemption or an exception from a definition is upon the person claiming it.

(d) Qualification for any of the notice filing provisions of RSA 421-B:11, I-a is predicated upon compliance with federal law, and associated regulations, cited in each provision, including but not limited to the timely filing of Form D with the Securities and Exchange Commission.

15 Securities; Financial Statements; Electronic Filing System. Amend RSA 421-B:15, II-a to read as follows:

II-a. Every corporation and partnership having securities registered in this state shall, within 120 days after the close of its fiscal year, file with the secretary of state annually a financial statement audited and certified by an independent certified public accountant. The audited statement shall be prepared in accordance with generally accepted accounting principles and such other standards as the secretary of state shall adopt by rule. Issuers of securities registered under this chapter shall also provide quarterly financial reports within 60 days of the end of each quarter to their shareholders, partners, and members. Such quarterly reports need not be independently audited. ***Filings may be made through the Securities and Exchange Commission's EDGAR system.*** The secretary of state may extend the time for filing such statement for good cause shown.

16 Securities; Exemptions; Filing of Offering/Disclosure Documents with the Secretary of State. Amend RSA 421-B:17, II(l) to read as follows:

(l) The issuance and delivery of any securities of one corporation to another corporation or its securities holders in exchange for the acquisition by the issuer or a subsidiary of the issuer of all or substantially all of the assets of such other corporation, or in connection with a consolidation or merger of such corporation or a share exchange between the issuer or a subsidiary of the issuer and such other corporation, provided that the secretary of state has been furnished with a general description of the transaction, ***with the documents to be distributed to offerees***, and with such other information as he prescribes by rule not less than 10 business days prior to such issuance and delivery.

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

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

18 Repeal. The following are repealed:

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

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

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

HB 745-FN, revising Article 9 of the Uniform Commercial Code and related statutes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: The Uniform Commercial Code (U.C.C.) is constantly being updated across the country. All businesses must comply with the U.C.C. HB 745 addresses provisions in Article 9 of the U.C.C. as it applies to secured transactions. The legislation as amended excludes an assignment of a health care insurance receivable or an assignment, transfer or creation of a security interest. It establishes fee schedules for the filing and indexing of a record or financial statement with the Secretary of State. Under Chapter 454-C, the Secretary of State must maintain a consolidated index of certain liens affecting personal properties. Vote 12-0.

Amendment (0530h)

Amend RSA 382-A:9-406(i) as inserted by section 25 of the bill by replacing it with the following:

(i) Inapplicability. This section does not apply to:

(1) an assignment of a health-care-insurance receivable; or

(2) an assignment or transfer of or creation of a security interest in:

(A) a claim or right to receive compensation for injuries or sickness as described in 26 U.S.C. §104(a)(1) or (2), as amended from time to time; or

(B) a claim or right to receive benefits under a special needs trust as described in 42 U.S.C. §1396p(d)(4), as amended from time to time.

Amend RSA 382-A:9-525(a) as inserted by section 25 of the bill by replacing it with the following:

(a) Initial financing statement or other record: general rule. Except as otherwise provided in subsection (e), the fee for filing and indexing a record under this part, other than an initial financing statement of the kind described in subsection (b), is the amount specified in subsection (c), if applicable, plus:

(1) \$48 if the record is communicated in writing and consists of not more than 2 pages; or

(2) \$83 if the record is communicated in writing and consists of more than 2 pages; or

(3) \$48 if the record is communicated by another medium authorized by filing-office rule.

Amend RSA 382-A:9-525(i) as inserted by section 25 of the bill by replacing it with the following:

(i) Allocation of fees. Fees collected under this section shall be allocated as follows:

(1) \$18 of each fee collected under subsection (a) or (b), to the general fund as unrestricted revenue;

(2) \$15 of each fee collected under subsection (a) or (b) for any filing associated with an initial financing statement that shows a mailing address in this state for the first-listed debtor, to the clerk of the town or city shown in such mailing address, provided such clerk is at the time of such filing in compliance with subsection (j); and

(3) all remaining amounts collected under subsections (a), (b), (c), (d), (g), or (h), for the purposes specified in Section 9-527(a).

Amend the bill by replacing section 42 with the following:

42 New Chapter; Personal Property Lien Index. Amend RSA by inserting after chapter 454-B the following new chapter:

CHAPTER 454-C

PERSONAL PROPERTY LIEN INDEX

454-C:1 Index of Liens.

I. The secretary of state shall maintain a consolidated index of certain liens affecting personal property and filed with the secretary of state and city and town clerks. The liens to be included in the index are as follows:

(a) Federal tax liens (RSA 454-B);

(b) State tax liens (RSA 21-J:28-c);

(c) Aircraft registration fee liens (RSA 450:4);

(d) Writs of attachment (RSA 511:23 and RSA 511-A:5);

(e) Child support liens (RSA 458:17);

(f) Housing finance authority liens (RSA 204-C:19);

(g) Hazardous waste liens (RSA 147-B:10-b);

- (h) Employment security liens (RSA 282-A:143 & 165);
- (i) State Food Security Act liens (RSA 439);
- (j) Manufactured housing tax liens (RSA 72:7-a);
- (k) Road toll liens (RSA 260:63); and
- (l) Creditor's bill liens (RSA 498:14).

II. The index shall include the following information with regard to each such lien, or any full release thereof:

- (a) Name and address of every debtor;
- (b) Name and address of first-listed lienor;
- (c) Type of lien and statutory authority;
- (d) Location of filing of lien;
- (e) Date and time of filing of lien or full release; and
- (f) File number, if any.

454-C:2 Notice of Filing or Full Release. Any person or agency filing such a lien, or a full release of such a lien, with the secretary of state or a city or town clerk shall submit with the lien or release documentation a notice of filing of lien or notice of full release of lien, as applicable, on a form prescribed by the secretary of state, containing the information specified in RSA 454-C:1, II(a) through (c). The secretary of state or the city or town clerk that receives the filing shall enter on the notice the information specified in RSA 454-C:1, II(d) through (f). If a federal agency files such a lien or full release with a city or town clerk without an accompanying notice of filing or full release, the clerk shall complete a notice of filing or full release, as appropriate.

454-C:3 Entry of Information in Index.

I. Except as otherwise provided in RSA 454-C:7, whenever any such lien, or a full release of any such lien, is filed with the secretary of state, an image of the notice of filing or full release, or the information contained in such notice, shall be entered in the index within 3 business days.

II. Except as otherwise provided in RSA 454-C:7, and only as to federal, state, and manufactured housing tax liens, whenever any such lien, or a full release of any such lien, is filed with a city or town clerk, the clerk shall within 2 business days transmit to the secretary of state, by mail or other medium prescribed or authorized by the secretary of state, a copy of, or an electronic record of all information contained in, the notice of filing of lien or notice of full release of lien submitted by the person or agency filing the lien or release pursuant to RSA 454-C:2. The term "business day" as used in the preceding sentence shall mean a day on which the clerk's office is open for business. Only the notice itself or electronic record thereof shall be so transmitted, not the other lien documentation filed with the notice. The secretary of state within 3 business days of such receipt shall enter an image of the notice or the information contained therein in the index, and shall

periodically transmit to each such clerk an acknowledgment of receipt of such notices or electronic records. Pursuant to the statutes providing for the filing of each type of lien listed in RSA 454-C:1, I, no such liens other than federal, state, and manufactured housing tax liens will be filed with city or town clerks subsequent to the effective date of this chapter.

454-C:4 Period of Retention. The secretary of state shall maintain the image of the notice or the information therefrom regarding each lien and any full release thereof in the index until at least the earlier of one year after the secretary of state receives a full release or notice of full release of the lien, or the expiration of the time period noted herein for each category of lien:

- I. Federal tax liens (RSA 454-B) – 12 years from date of filing or latest refiling;
- II. State tax liens (RSA 21-J:28-c) – 7 years from date of filing;
- III. State Food Security Act liens (RSA 439) – one year from lapse;
- IV. All other liens – 12 years from date of filing.

454-C:5 Request for Information. Any response to a request to the secretary of state for information on a particular debtor made under RSA 382-A:9-523(c), (f), (g), or (h), shall include at a minimum the date and time of filing of every lien against that debtor included in the index. The response shall include information on all such liens as to which either the lien itself (in the case of a lien filed with the secretary of state) or a notice of filing of lien (in the case of a lien filed with a city or town clerk) was received on or before a date specified in the response, which shall not be a date earlier than 3 business days before the request for information was received. The response shall also specify the beginning date of the period covered by the report. If requested, the response shall also include copies of all or any specified lien notices or documentation on file with the secretary of state.

454-C:6 Extension of Time Periods. The time periods specified in RSA 454-C:3 and RSA 454-C:5 are subject to extension for reasons set forth in RSA 382-A:9-524.

454-C:7 Transition Period.

I. "Pre-effective-date" with regard to a lien means filed with the secretary of state or a city or town clerk on or after July 1, 1996, and before July 1, 2001.

II. Not later than June 30, 2003, city and town clerks shall prepare and transmit to the secretary of state a notice of filing for every pre-effective-date federal tax lien not lapsed or fully released as of the date of such transmission, such notice of filing to be on a form prescribed by the secretary of state and containing the information specified in RSA 454-C:1, II; or, if authorized by the secretary of state, an electronic record containing such information. No city or town clerk shall have any liability on account of any error in preparing or transmitting such notices or electronic records. The secretary of state shall transmit to each such clerk an acknowledgment of receipt of such notices or electronic records, and not later than June 30, 2006, shall enter in the index the information specified in RSA 454-C:1, II regarding each such lien, or an image of the notice of filing thereof.

III. Not later than June 30, 2006, the secretary of state shall also enter in the index equivalent information or images regarding all pre-effective-date liens of all types originally filed with the secretary of state and not lapsed or fully released as of the date of such entry. Prior to the date of such entry, the secretary of state shall include all applicable information on any such liens

not yet entered in the index in any response to a request for information made under RSA 382-A:9-523(c), (f), (g), or (h).

IV. Notwithstanding the provisions of RSA 454-C:3, whenever a full release of any pre-effective-date federal, state, or manufactured housing tax lien is filed with a town or city clerk, and (in the case of federal tax liens) a notice of filing of such lien or electronic record thereof has not previously been transmitted to the secretary of state pursuant to paragraph II, such clerk shall remove the lien being released from the file, and shall not forward the notice of full release to the secretary of state; and whenever a full release of any pre-effective-date lien of any type is filed with the secretary of state, and information regarding such lien has not previously been entered in the index pursuant to paragraph III, the secretary of state shall remove the lien being released from the file, and shall not enter an image of the notice of full release, or the information contained therein, in the index.

454-C:8 Rules. The office of the secretary of state may adopt and publish rules to implement this chapter. Such rules shall not be subject to the provisions of RSA 541-A.

HB 753, relative to exemptions from issuer dealer licenses for the sale of securities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene B. Marshall for Commerce: This bill makes minor wording changes to current law to provide more flexibility in applying securities licensing requirements in start-up situations and very small offerings. The changes are supported by the Director of Securities Regulation (Secretary of State's Office) in furtherance of a recommendation of the Governor's Committee on Revenues. There was no opposition to the bill. Vote 12-1.

Amendment (0708h)

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

1 New Paragraphs; Applications for Issuer-Dealer Licenses for Certain Securities Sales.
Amend RSA 421-B:6 by inserting after paragraph I the following new paragraphs:

I-a. In connection with an offering of securities made pursuant to section 18(b)(4)(D) of the Securities Act of 1993 that requires only a notice filing in this state pursuant to RSA 421-B:11, I-a(e), a completed application for licensure as an issuer-dealer, an agent of an issuer-dealer and for an agent of the issuer, or authorization without licensure for an officer or director pursuant to RSA 421-B:2, II(e), shall be filed with the secretary of state no later than 15 days after the first sale of securities in this state, and the license or authorization will become effective without further action or review by the secretary of state. Provided that the application is complete and accompanied by the appropriate fees, the effective date of the license or authorization shall for all purposes be the date of first sale as certified by the issuer in such issuer-dealer license application.

I-b. The applications referred to in paragraph I-a shall set forth and be limited to the name of the issuer, the state of the issuer's formation, a description of the securities sold, the date of first sale of such securities in this state, the name or names of the representative or representatives of the issuer who are engaged in the sale of the securities, and confirmation that no agent has been convicted of a felony. The applications need only be signed by that person or those persons who are authorized to do so by the issuer's board of directors or other governing body. At the same time, the issuer shall submit a consent to service of process pursuant to RSA 421-B:30, VII, and shall pay the fees required by RSA 421-B:31. Each application shall be on a form prescribed by the secretary of state, consistent with the provisions of this section.

2 New Paragraph; Exemptions From Issuer-Dealer Licensing Requirements by Secretary of State. Amend RSA 421-B:6 by inserting after paragraph VII the following new paragraph:

VII-a. The secretary of state shall have the authority to issue orders exempting otherwise non-exempt sales of securities from the issuer-dealer and issuer-dealer agent licensing requirements of RSA 421-B:6 if the secretary of state determines:

(a) That all or substantially all of the proposed sales of securities fall within one or more of the exemptions set forth in:

(1) RSA 421-B:17; or

(2) RSA 421-B:6; and

(b) That granting the exemption will be consistent with the purposes fairly intended by the policy and provisions of this title.

3 Securities Sales Transactions Exempted From Registration. Amend RSA 421-B:17, II(a) to read as follows:

(a) Any isolated sales, whether or not effected through a broker-dealer, provided that no person shall make more than ~~[5]~~ **10** sales, in total, of securities of the same issuer, in all jurisdictions combined, other than **to** those designated in RSA 421-B:17, I(h), II(g), II(l) and II(p)(1), during any period of 12 consecutive months; provided further that in the case of sales by an issuer, except sales of securities registered under the Securities Act of 1933 or exempted by section 3(b) of that act, the seller reasonably believes that all buyers are purchasing for investment. ***The secretary of state, on a case by case basis, may by rule or order increase the number of persons to whom sales may be made under this exemption.***

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

HB 481, relative to access to certain communications common carrier records. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill, as amended, allows the NH Attorney General or his designee, to obtain certain information from communications common carriers (telephone companies, wireless telephone companies) that is now available from hard wired telephone companies only, by administrative subpoena (RSA 7:6-b). This legislation mirrors federal law and is limited in nature. The original bill was broader in scope and the committee felt that the amendment narrows and refines the areas of information that can be provided. Vote 15-2.

Amendment (0862h)

Amend RSA 7:6-b, I(f) as inserted by section 1 of the bill by replacing it with the following:

(f) The telephone number or other subscriber number or identity.

Amend RSA 7:6-b, III as inserted by section 1 of the bill by replacing it with the following:

III. The attorney general may delegate authority under this section to any assistant attorney general. Where the offense under investigation is defined in RSA 318-B or RSA 649-B, the

attorney general may delegate authority under this section to a county attorney. A county attorney may further delegate authority under this section to any assistant county attorney in the county attorney's office. The county attorney may exercise this authority only in cases within the jurisdiction of that county attorney. The attorney general shall adopt rules, pursuant to RSA 541-A, relative to:

(a) Circumstances under which an assistant attorney general, a county attorney, or an assistant county attorney may issue such demands to communications common carriers under this section.

(b) The procedures for applying for such demands.

(c) The records of such demands which shall be kept and maintained.

AMENDED ANALYSIS

This bill revises the provisions permitting the attorney general to gain access to records of communications common carriers.

HB 659-FN, relative to penalties for attempting to purchase firearms illegally. OUGHT TO PASS WITH AMENDMENT

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: This bill, as amended, provides that a convicted felon who attempts to purchase a firearm by completing the application form shall be guilty of a class B felony. This provision mirrors the current federal law that is seldom enforced. It also requires notification by the court to the petitioner with a restraining order if a person, prohibited from purchasing a firearm under the domestic violence restraining order, attempts to purchase or obtain a firearm in violation of the protective order. This notification is in addition to the prosecution that is already required under paragraph 1 of RSA 159-D:3. Vote 13-1.

Amendment (0540h)

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

1 New Paragraph; Convicted Felons; Attempt to Purchase Firearm. Amend RSA 159:3 by inserting after paragraph I the following new paragraph:

I-a. A person is guilty of a class B felony if such person completes and signs an application for purchase of a firearm and the person is a convicted felon under the provisions of paragraph I.

2 New Paragraph; Protection from Domestic Violence; Relief; Notice Requirement Inserted. Amend RSA 173-B:5 by inserting after paragraph IX the following new paragraph:

IX-a. If a criminal records check conducted by the department of safety indicates that a potential buyer or transferee is prohibited from receipt or possession of a firearm pursuant to a protective order issued under this chapter, the department of safety shall notify the administrative office of the courts of the denial. The administrative office of the courts shall immediately notify the plaintiff that the defendant has attempted to purchase or obtain a firearm in violation of the protective order.

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

AMENDED ANALYSIS

This bill provides that a convicted felon who attempts to purchase a firearm shall be guilty of a class B felony. The bill also requires that the administrative office of the courts notify a plaintiff of a failed attempt by a defendant to purchase or obtain a firearm.

HB 764-FN, relative to interference with custody. OUGHT TO PASS WITH AMENDMENT

Rep. Beth Rodd for Criminal Justice and Public Safety: Currently, anyone who knowingly takes, detains or conceals a child under 18 from its parent or guardian or another person having lawful physical custody of such child can be convicted of a class B felony only if the child is taken beyond the borders of the state. The penalty, a class B felony, is expanded to the same violation occurring within state boundaries. The amendment also exempts personnel in law enforcement and health and human services in the conduct of their lawful duties. Vote 17-0.

Amendment (0817h)

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

1 Interference With Custody; Felony Level Offense. Amend RSA 633:4, I to read as follows:

I.**(a)** A person is guilty of a class B felony if such person knowingly takes from this state or entices away from this state any child under the age of 18, or causes any such child to be taken from this state or enticed away from this state, with the intent to detain or conceal such child from a parent, guardian or other person having lawful physical custody or physical custodial rights as described in RSA 458:17, IV.

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

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

AMENDED ANALYSIS

This bill adds a felony level offense for interference with custody in circumstances where a child is detained or concealed from a parent, guardian, or other person having lawful physical custody of such child, and where such child is not taken from the state.

HB 412, establishing a committee to study the granting of state franchise rights to providers of on-line education courses. OUGHT TO PASS WITH AMENDMENT

Rep. John R. Alger for Education: This amended bill adds a study of online education to the Public Higher Education Study Committee. By so doing, a separate study committee is avoided and a proper objective is added to an already formed committee. Vote 16-0.

Amendment (0595h)

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

AN ACT relative to requiring the public higher education study committee to study the feasibility of granting of state franchise rights to providers of on-line education courses.

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

1 New Paragraph; Public Higher Education Study Committee; Duties Amended. Amend RSA 187-A:28-c by inserting after paragraph I the following new paragraph:

I-a. In addition to the duties set forth in paragraph I, the committee shall study the feasibility of granting state franchise rights to the providers of on-line education courses which may include but is not limited to, the institutions of the university system of New Hampshire and the regional community-technical college system. The committee may consult with any individual or organization with information or expertise relevant to this aspect of the committee's duties.

2 Report. The committee shall include, in the next report to the general court due after the effective date of this act, a report of its findings and recommendations relative to the feasibility of granting state franchise rights to the providers of on-line education courses as set forth under RSA 187-A:28-c, I-a.

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

AMENDED ANALYSIS

This bill requires the public higher education study committee to study the feasibility of granting state franchise rights to the providers of on-line education courses and requires that the committee include, in its next regularly scheduled report to the general court, its findings and recommendations on this matter.

HB 415, establishing a committee to study the use of state bond moneys to fund new high school construction. **INEXPEDIENT TO LEGISLATE**

Rep. Russell N. Cox for Education: This bill establishes a study on the use of state bond issues for new high school construction. School construction and building aid are already established as a topic for further study by the existing Adequacy Commission. The committee felt that there was no need for an additional study. Vote 14-2.

HB 646, relative to an exemption for pupils scoring at the advanced level on the verbal portion of the state assessment test. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen R. L'Heureux for Education: This bill would have allowed any 10th grade pupil scoring at the "advanced" level in the reading and language arts portion on the statewide improvement and assessment instrument to petition the local school board for an exemption from the remainder of the high school English requirement. The committee believed unanimously that the possibility of "opting out" of 11th and 12th grade language arts would be an educational loss. The additional enrichment of 11th and 12th grade reading and language arts is beneficial to students. Additionally, it was pointed out in testimony that college entrance requirements call for four years of high school English. Vote 19-0.

HB 150, relative to voter checklist information. **INEXPEDIENT TO LEGISLATE**

Rep. Raymond Buckley for Election Law: The sponsor asked to have the bill found Inexpedient to Legislate. Vote 17-0.

HB 154, relative to candidates of parties nominated by nomination papers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Douglass P. Teschner for Election Law: This bill, as amended, removes the option of political parties and political organizations to place names on the ballot after the primary election. The wording of the amendment is, word for word, the language of HB 572. Combining HB 154 and HB 572 creates a bill that surpasses either of the parts individually and levels the playing field for parties and political organizations. Candidates will continue to apply to run in the general election by receiving primary election write-in votes. Vote 18-0.

Amendment (0600h)

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

AN ACT relative to candidates of parties nominated by nomination papers and relative to vacancies for office on a party ticket.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 7:

2 Nominations for Incompatible Offices; Filling Vacancies. Amend RSA 659:91 to read as follows:

659:91 Nominations for Incompatible Offices. Any person who is nominated by the same political party for incompatible offices shall notify the secretary of state no later than the Monday following the date of the primary of which nomination he *or she* will accept. Thereupon the secretary of state shall declare a vacancy to exist in the nomination which such person declined. The vacancy shall *not* be filled [as provided in RSA 655:37 except that all the necessary declarations of candidacy and affidavits shall be filed no later than the second Friday following the date of the primary].

3 Candidate of One Party; Disqualification; Reference Deleted. Amend RSA 659:91-a, II to read as follows:

II. ~~[Notwithstanding the provisions of RSA 655:37,]~~ If any candidate is disqualified from accepting the nomination of another party by means of write-in votes because the candidate is disqualified under the provisions of paragraph I, then the nomination shall be given to the candidate who received the highest number of write-in votes and who was not disqualified under the provisions of paragraph I, so long as he or she receives 10 write-in votes, or write-in votes equaling 10 percent or more of the total votes cast for that party on the state primary election ballot, whichever is the smaller.

4 Vacancies Among County Officers; Reference Changed. Amend RSA 661:9, II(c) to read as follows:

(c) The provisions of RSA 655:32 [and RSA 655:37] relating to nominations by appropriate party committees for vacancies in an office on a primary ~~[or general]~~ election ballot[-

~~respectively,~~] shall apply to vacancies to be filled under this paragraph. 5 Jurisdiction of Ballot Law Commission; Objection to Filling of Vacancy; Reference Changed. Amend RSA 665:4, II to read as follows:

II. When nomination papers as provided in RSA 655:40-43 or the filling of vacancies in nominations occurring after the primary as provided in RSA 655:[37] 38-39 are in apparent conformity with law, they shall be valid unless written objection thereto shall be filed with the secretary of state within the time limit provided in RSA 655:44 in the case of nominations by nomination papers or within 3 days of the date on which the appointment to fill a vacancy is filed with the secretary of state in the case of filling vacancies in nominations. If written objections are filed, the secretary of state shall forthwith notify the ballot law commission of the filing. The ballot law commission shall then meet as provided in RSA 665:6-a in order to hear and decide all the objections. The decision of the ballot law commission in such case shall be final as to questions both of law and fact, and no court shall have jurisdiction to review such decision.

6 Repeal. RSA 655:37, relative to vacancy for office on party ticket, is repealed.

AMENDED ANALYSIS

This bill requires that a political party nominated by nomination papers submit its list of candidates for the general election to the secretary of state no later than 5:00 p.m. on the day of the primary. This also bill repeals the provision permitting parties to fill vacancies existing on a party ticket following the state primary election.

HB 220, relative to primary election candidates. **INEXPEDIENT TO LEGISLATE**

Rep. Raymond Buckley for Election Law: The intent of this bill was to include members of political organizations (parties other than republican and democratic) in the sore loser law. The committee feels we addressed this situation in HB 154. Vote 17-0.

HB 224, relative to persons who may sign nomination papers. **OUGHT TO PASS**

Rep. Douglass P. Teschner for Election Law: This bill clarifies an ambiguity in the law which has resulted from the same day voter registration. By changing the word "qualified" to "registered" the law will be clear that only citizens who are registered can sign nomination papers. The need for this clarification became apparent as a result of a case taken to the ballot law commission. Vote 17-0.

HB 268, relative to apportioning presidential electors. **INEXPEDIENT TO LEGISLATE**

Rep. Steve Vaillancourt for Election Law: Currently the presidential candidate with the most votes cast statewide receives all four of the state's electoral votes. This bill would break down the electoral votes into congressional districts as is done in two other states, Maine and Wisconsin. The winner of the state would get two electoral votes (or to be precise, two electors committed to him or her) but conceivably the other two votes could be split depending on the results from the congressional districts. In fact, this would have happened in each of the past three elections. Since Bush and Gore split the two congressional districts in 2000, Bush would have received three of the state's electors and Gore one. While the committee thought this was an interesting concept, the sentiment "if it ain't broke, don't fix it" prevailed. There was also some concern that splitting the electoral votes would dilute the state's influence in a close election and perhaps discourage candidates from coming here. Vote 16-2.

HB 391, establishing a commission to review the state's election laws and balloting procedures. **INEXPEDIENT TO LEGISLATE**

Rep. Peter E. Bragdon for Election Law: The committee has retained another bill relating to the state's election laws and feels the issues addressed by this bill would be addressed with the retained bill. Vote 18-0.

HB 430, establishing a commission to study the feasibility of implementing a computerized voter registration system. **INEXPEDIENT TO LEGISLATE**

Rep. Raymond Buckley for Election Law: The committee agrees with the sponsor's intent that a statewide-computerized checklist system would solve many current election law concerns. This is an issue that has been studied by the committee numerous times over the years. The committee will file legislation later this month that will address this issue in a proactive manner. Vote 18-0.

HB 441, relative to qualifications of candidates. **INEXPEDIENT TO LEGISLATE**

Rep. Douglass P. Teschner for Election Law: This bill would require that candidates swear that they have been domiciled in the state for a certain period of time. The domicile issue has created considerable confusion and the committee has elected to review this issue in HB 137. Vote 18-0.

HB 572, relative to vacancies for office on a party ticket. **INEXPEDIENT TO LEGISLATE**

Rep. Douglass P. Teschner for Election Law: This bill was added, word for word, as the amendment to HB 154. By combining the two bills, we have created a bill which is fair for both political parties and political organizations. Vote 18-0.

HB 373, relative to requirements for a private detective's license. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles Q. Hall for Executive Departments and Administration: This bill, as amended, increases the principal sum of the required surety bond from \$10,000 to \$50,000 for each type of license held by any person licensed under RSA 106-F:9. In addition, any person who operates as a bail recovery agent shall maintain liability insurance coverage in accordance with RSA 597:7-b,II. This includes private detective agencies that conduct bail recovery activities. Language which lowered the requirements for licenses was excluded in the amendment. Vote 15-0.

Amendment (0852h)

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

AN ACT relative to surety bonds for detective agencies and security services.

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

1 Surety Bond. Amend RSA 106-F:9 to read as follows:

106-F:9 Surety Bond.

I. The surety bond required by this section shall be so conditioned that the person bonded shall conduct his *or her* business in a lawful and honest manner without committing,

compounding, aiding or abetting the commission of any criminal offense. Said bond shall be filed with and kept by the secretary of state and shall be subject to being sued upon by the attorney general of the state in the name of the state or sued upon by any person injured by a breach of any condition of such bond designed to protect such person. The principal sum of the bond shall be [~~\$10,000~~] **\$50,000**, which shall be increased by [~~\$10,000~~] **\$50,000** for each additional type of license held by any person licensed under this chapter.

II. Any person licensed under this chapter who operates as a bail recovery agent shall maintain liability insurance coverage in accordance with RSA 597:7-b, II.

2 Detective Agencies Included. Amend RSA 597:7-b, II to read as follows:

II. Any person who operates as a recovery agent in this state, excluding licensed private detectives, shall be trained and certified through a program approved by the Professional Bail Agents of the United States and shall register annually with the secretary of state. The secretary of state shall issue to each registered recovery agent proof of such registration. Effective July 1, 2000, each bail agency operating in this state, ***including private detective agencies under RSA 106-F which conduct bail recovery activities***, shall annually provide to the secretary of state proof of liability insurance coverage in the amount of \$300,000 for bail recovery activities of the agency's bail agents and bail recovery agents. This proof of insurance coverage shall be provided before the agency's bail agents are licensed or relicensed, and before the agency's bail recovery agents are registered or reregistered. Bail recovery agents acting as independent contractors shall provide proof of liability insurance coverage in the amount of \$300,000 to the secretary of state before registration or reregistration. Any person who operates as a recovery agent in this state without meeting such certification, insurance, and registration requirements shall be guilty of a class A misdemeanor.

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

AMENDED ANALYSIS

This bill increases the surety bond for detective agencies and security services from \$10,000 to \$50,000. This bill requires private detectives who operate as bail recovery agents to have liability insurance coverage.

HB 387, relative to the regulation of dentistry by the board of dental examiners. **OUGHT TO PASS**

Rep. Judson K. Dexter for Executive Departments and Administration: This bill deals with patient protection at two levels. First, it tightens educational requirements for licensure in New Hampshire. Second, it expands the dental board's authority to investigate complaints concerning office procedures used in patient care. The bill is supported by the Board of Dentistry and the Dental Society. Vote 18-0.

HB 464, encouraging all state departments to improve efficiencies with the goal of a 25 percent budget reduction, adjusted for inflation, by 2005. **INEXPEDIENT TO LEGISLATE**

Rep. Carl G Robertson for Executive Departments and Administration: This bill encourages all state departments to improve efficiency with a goal of a 25% budget reduction, adjusting for inflation by the year 2005. The committee, while agreeing that cost reduction in spending and efficient work procedure is the direction to take, felt that this bill was too restrictive before a complete study was completed. A blanket 25% reduction in costs in four years could cause irreparable harm to important

state departments. It was also felt that another bill under consideration would gather the information necessary to recommend possible budget reduction. Vote 16-1.

HB 477-FN, relative to supplemental allowances for certain retired group I members of the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Zolla for Executive Departments and Administration: This bill gives members with 20 years creditable service in group I and beneficiaries of members who retire under RSA 100-A:5,I or RSA 100-A:6,I and whose retirement allowance is less than \$8,500.00 a one time supplemental allowance to bring it up to \$8,500.00 annually. For beneficiaries of eligible members the \$8,500.00 will be multiplied by the ratio of the beneficiary's retirement allowance to the members retirement allowance. It was the committee's intent with the amendment to preserve the policy requirement of 20 years service for special benefits such as these and medical benefits. Vote 17-0.

Amendment (0822h)

Amend RSA 100-A:41-c, I as inserted by section 1 of the bill by replacing it with the following:

I. An eligible retired group I member of the New Hampshire retirement system whose annual retirement allowance is less than \$8500 shall receive a one-time supplemental allowance sufficient to provide an annual allowance of \$8500. An eligible retired group I member shall be a member, or beneficiary of such member, who retired with at least 20 years of creditable service under RSA 100-A:5, I, or member, or beneficiary of such member, who retired under RSA 100-A:6, I.

HB 502, establishing a state government reorganization task force. **INEXPEDIENT TO LEGISLATE**

Rep. Carl G. Robertson for Executive Departments and Administration: This bill establishes a task force to study how to increase state government efficiency and productivity. While the idea of making government perform at the highest level was appealing to the committee, it was felt that another bill under consideration could accomplish the same end. The committee also felt the task force of 25 would be difficult to manage and it would be hard to develop any consensus. Vote 18-0.

HB 510, establishing a commission to assess increasing government efficiency through the expansion of interstate computer networks. **INEXPEDIENT TO LEGISLATE**

Rep. Carl G. Robertson for Executive Departments and Administration: This bill would establish a commission to assess increasing state government efficiency through the expansion of interstate computer networks and other improvements to technical services and electronic infrastructure. The committee determined that this bill's mandate would be met by the governor's information technology strategic planning commission comprised of leaders from the public and private sector. In addition, other bills under consideration by the committee will address some of the issues in this bill. Vote 17-1.

HB 511, relative to continuing medical education requirements for physicians. **OUGHT TO PASS WITH AMENDMENT**

Rep. David G. Poulin for Executive Departments and Administration: This bill would have removed the authority of the board of medicine to audit the continuing education credits of their licensees and permanently transfer that authority to the New Hampshire Medical Society, a voluntary membership association. The committee recognized that this auditing procedure had been delegated

to the New Hampshire Medical Society by the board of medicine over twenty years ago and heard from a majority of physicians that they have performed admirably. Although the committee felt that the authority to perform this auditing or to delegate this work to others should remain with the board of medicine by statute, it also recognized that the New Hampshire Medical Society had made a considerable investment in both hardware and software and should have an opportunity to recoup its investment. The amendment allows the New Hampshire Medical Society to continue this service until January 1, 2007 and to collect the fees for doing so. The amendment also sets a rate of licensing fee at 125% of cost, sets the standards for auditing, and prohibits the New Hampshire Medical Society from using any information from this program to promote the self interest of the society. As of January 1, 2007, the board of medicine may opt to perform the continuing education function itself, or delegate this procedure to the New Hampshire Medical Society or another qualified designee. Vote 18-0.

Amendment (0651h)

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

1 Physicians and Surgeons; Continuing Medical Education Requirement. Amend RSA 329:16-g to read as follows:

329:16-g Continuing Medical Education Requirement. As a condition of renewal of license, the board shall require each licensee to show proof at least every 3 years that the licensee has completed an approved continuing medical education program within the preceding 3 years. For the purposes of this section, an approved continuing medical education program is a program designed to continue the education of the licensee in current developments, skills, procedures, or treatment in the licensee's field of practice, which has been certified by a national, state or county medical society or college or university approved by the board. ***There shall be a complete audit of all continuing education credits annually by the New Hampshire Medical Society until January 1, 2007, and by the board or their designee thereafter. The board shall accept verification of continuing medical education for licensees from the New Hampshire Medical Society until January 1, 2007. The fee charged to licensees for continuing medical education verification shall not exceed 125 percent of the actual cost of providing the service. The New Hampshire Medical Society is prohibited from using any information from this program for promotional purposes or any other purpose not necessary for continuing education verification.***

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

AMENDED ANALYSIS

This bill requires physicians licensed by the board of medicine to submit a continuing medical education form to the New Hampshire Medical Society on or before February 28 of each year, unless the licensee has completed the continuing medical education requirement for the 3-year period in a previous year. The New Hampshire Medical Society shall verify continuing medical education requirements of licensees until January 1, 2007.

HB 584-FN-A, relative to the registration and licensure of OHRV dealers and rental agents.
OUGHT TO PASS WITH AMENDMENT

Rep. David G. Poulin for Executive Departments and Administration: This bill was sent to the Executive Departments and Administration Committee as a second committee. The committee agreed with the Transportation Committee that this bill would alleviate the possibility of misuse of

plates on off road recreational vehicles. The amendment clarifies the use of decals instead of plates on snowmobiles and requires that the executive director adopt rules pursuant to RSA 541A by changing the word "may" to "shall". Vote 17-0.

Amendment (0808h)

Amend the introductory paragraph of RSA 215-A:23, IV-a as inserted by section 4 of the bill by replacing it with the following:

IV-a. Rental agency registration - \$58 for each set of decals.

Amend RSA 215-A:26, V as inserted by section 5 of the bill by replacing it with the following:

V. The executive director shall adopt rules pursuant to RSA 541-A relative to the application for, further definitions, licensing requirements, design of, issuance, denial or revocation of, dealer or rental agent plates or decals.

HB 630, establishing a committee to study ayurvedic health care. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maurice E. Goulet for Executive Departments and Administration: The amendment replaces the entire bill and will establish a study committee to examine if there is a need for regulation of alternative health professions, such as reflexology, aromatherapy, ayurvedic medicine, herbology, etc. One area to review could include establishing a multi-specialty board to include many alternative specialties. Alternative health care is growing rapidly and the state should be prepared to meet the needs of our citizens. Vote 17-0.

Amendment (0544h)

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

AN ACT establishing a committee to study the need for the regulation of professions which are alternative or complementary to existing regulated health professions.

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

1 Committee Established. There is established a committee to study the need for the regulation of professions which are alternative or complementary to existing regulated health professions.

2 Membership and Compensation.

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

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

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

II. The committee may seek input from the commissioner of the department of health and human services or other department officers, the members of the board of medicine, or any other interested persons.

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

3 Duties. The committee shall examine the need for the regulation of professions which are alternative or complementary to existing regulated health professions in this state. The committee may develop a proposal for the regulation of such professions.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

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

AMENDED ANALYSIS

This bill establishes a committee to study the need for the regulation of professions which are alternative or complementary to existing regulated health professions.

HB 657, relative to bail recovery agents. **INEXPEDIENT TO LEGISLATE**

Rep. Robert K. Dodge for Executive Departments and Administration: Bail recovery agents are employed by bail bondsmen and, as employers, they are responsible for any actions of their agents. In addition, RSA 597:7-b, II requires certification of bail recovery agents by the professional bail agents of the United States. RSA 597:7-b, II also requires proof of \$300,000 liability insurance coverage by the bail agency. It was the feeling of the committee that inasmuch as bail bondsmen are independent contractors, it was not appropriate for the state to dictate whom they hire. Vote 16-0.

HB 727, making certain changes concerning the authority and operation of the port authority. **OUGHT TO PASS**

Rep. Marion J. Pawlek for Executive Departments and Administration: The purpose of this bill is to grant the port authority general rulemaking authority and establish an advisory committee to review applications for loan funding. This action will allow the port authority to move forward in an expedient manner to better manage its affairs and develop policies that will enhance the operations of the port. Vote 18-0.

HB 738, establishing a commission to assess the operating efficiency of state government. **OUGHT TO PASS WITH AMENDMENT**

Rep. Carl G. Robertson for Executive Departments and Administration: The committee saw this bill as an opportunity to complement the search for ways to fund education. It is a unique proposal in the sense that the commission will make use of previous studies, private money and trained expertise to

accomplish its task. The amendment defines the scope of the proposed commission, which will be a comprehensive study of all branches of government with defined task and specified time limits. The commission will try to identify organization weaknesses that hamper efficiency of work, quality of service and cost effectiveness. The information gathered by the commission should lay the foundation for the possible restructuring of state government organization and provide the public with a better product by controlling spending. Vote 17-0.

Amendment (0188h)

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

(e) Assess the administrative efficiency, public accountability and effectiveness of the executive, legislative and judicial branches of state government.

(f) Focus on the need for every executive agency, board, and commission with regard to 3 key areas:

(1) The need for each agency, board and commission;

(2) Public accountability and effectiveness of each agency, board and commission; and

(3) The general administrative efficiency of each agency, board and commission.

HB 206-FN-A, establishing an equipment depository and disabled person's employment fund in the department of administrative services. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: The Committee felt that this was a great opportunity to accommodate giving in a positive fashion and represented the primary reason for establishing a dedicated fund. Vote 21-0.

HB 288-FN, relative to the licensure of interpreters for the deaf and hard of hearing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary Jane Wallner for Finance: The amendment adds the NH League for the Hard of Hearing to the list of organizations cooperating in providing interpreters to persons communicating with deaf and hard of hearing persons. The Department of Education states that this bill will not increase state expenditures or revenues. Vote 21-0.

Amendment (0648h)

Amend RSA 326-I:4, IX as inserted by section 1 of the bill by replacing it with the following:

IX. Cooperating with the New Hampshire Registry of Interpreters for the Deaf, the New Hampshire Association of the Deaf, Self Help for the Hard of Hearing of New Hampshire, the New Hampshire League for the Hard of Hearing, the department of education, division of vocational rehabilitation, and interpreting agencies to provide access to the services of interpreters to persons communicating with deaf and hard of hearing persons.

HB 305-FN-A, establishing a dedicated fund for certain fish and game funds to be expended for the purpose of operation game thief. **OUGHT TO PASS WITH AMENDMENT**

Rep. O. Alan Thulander for Finance: This bill establishes a dedicated fund whose purpose is to receive a gift of \$21,000 more or less from Operation Game Thief, Inc., a 501 (c) (3) corporation, to assure the continuation of its mission to pay monetary rewards to those persons notifying the Fish and Game Department of illegal acts within the department's jurisdiction. The amendment sunsets the dedicated fund when the funding is depleted. Thereafter, to continue the program the department would be required to follow normal budget procedures. Vote 20-0.

Amendment (0637h)

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

1 New Subdivision; Operation Game Thief. Amend RSA 207 by inserting after section 61 the following new subdivision:

Operation Game Thief

207:62 Operation Game Thief; Fund Account Established. The state treasurer shall establish a separate nonlapsing account within the fish and game fund to be known as the operation game thief account to which moneys obtained by the fish and game department shall be applied, including any federal moneys which become available and all donations received for such purpose. The moneys in this account including accrued interest, shall be used exclusively for, and shall be continually appropriated to, the administration and participation in Operation Game Thief.

2 Certification of Date of Repeal. The executive director of fish and game shall certify to the secretary of state and the director of legislative services the date that the fund account established in RSA 207:62 as inserted by section 1 of this act does not contain sufficient funds for the continued administration of Operation Game Thief by the department. The administration and participation of the department in Operation Game Thief shall cease upon such date.

3 Repeal. RSA 207:62, relative to Operation Game Thief, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect on the date certified in section 2 of this act.

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

AMENDED ANALYSIS

This bill establishes a dedicated fund for certain fish and game funds to be expended for the purpose of Operation Game Thief. The fund is repealed when sums in the fund are insufficient for continued administration of Operation Game Thief.

HB 539-FN-A, creating certain positions within the division of forests and lands and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph E. Stone for Finance: Division I has already added two forest rangers to the Department of Resources and Economic Development budget for FY 02 and FY 03 and also has funded the forest

planner with general funds rather than federal funds which are due to end as of September 1, 2001. If federal funds can be found then a forest data analyst will be added. \$376,000 for the biennium was also added for the University Cooperative Extension for forestry work through the committee of forests and lands in accordance with RSA 227-I:2 (c). Therefore the sponsors and the division agree there is no need for this bill. Vote 22-0.

HB 547-FN, authorizing participation in a regional electronic toll collection system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: This bill enables the New Hampshire Department of Transportation to implement "E-Z Pass" through an interagency agreement with the other northeastern states. The recent decision by the State of Maine to change their turnpikes over to "E-Z Pass" has made the use of this system for New Hampshire an even better financial system.

"E-Z Pass" is the electronic toll collecting through a vehicle transponder and a credit card account. The transponder is provided gratis when the account is established. A CMAQ grant will pay for 80% of the initial implementation costs of \$6.8 million. \$2 million has been included in the budget proposal from the Finance Committee. The Department of Transportation estimates about seven to ten years' payback for the money invested in reconfiguring some of the toll gates.

An important concept in this proposal is the escaped costs of not adding new toll booths. At our busiest locations there are long backups in the toll lines on certain busy days. By installing "E-Z Pass" in a toll gate we will double the traffic flow through it. This ability to escape building a new gate is worth \$400,000 plus the cost of adding 3000 feet of paved lane in each direction. Also the areas where additional lanes would be needed would require filling of wetlands, something to be avoided.

The downside of installing "E-Z Pass" is it makes it less likely that we will be eliminating tolls. The latest from the acting commissioner of DOT is that the \$62 million in tolls is not something their budget can do without. Vote 21-0.

Amendment (0841h)

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Regional Electronic Toll Collection Authorized. Amend RSA 237 by inserting after section 9 the following new subdivision:

Regional Electronic Toll Collection

237:9-a Definitions. In this subdivision:

I. "Commissioner" means the commissioner of the department of transportation.

II. "Department" means the department of transportation.

III. "Electronic toll collection system" means a system for electronically transmitting information from a device on a vehicle to receiving equipment in a toll collection facility, which information is used to charge a valid account holder the appropriate toll or charge for use of the turnpike system.

IV. "E-Z Pass" means a regional system of electronic toll collection operated by the members of the E-Z Pass Interagency Group, or when the context requires, means the registered service mark "E-Z Pass."

V. "Interagency group" means the agencies of this or any other state that have mutually agreed to operate the E-Z Pass regional electronic toll collection system by use of similar practices, procedures, and toll collection equipment.

VI. "Vehicle" means every device in, upon or by which a person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

237:9-b Regional Electronic Toll Collection Authorized. The commissioner is hereby authorized to execute all documents and perform all other acts necessary to enter into and carry out the provisions of a regional electronic toll collection system agreement with the Interagency Group in order to increase the efficiency of turnpike operation and to improve traffic management in the state and region.

237:9-c E-Z Pass Operations Interagency Agreement.

I. The commissioner shall represent the state as a member of the Interagency Group and shall participate in the determination of practices, policies, procedures, and in the selection of equipment and contractors used to provide consistent toll collections throughout the region in accordance with the terms of the Interagency Agreement for Operations, as the same may be amended from time to time.

II. Notwithstanding the variations in physical and operating characteristics of member agencies' toll collection equipment, it shall be the power and duty of the Interagency Group to assure that similar operating parameters and procedures are established to provide for consistent, safe E-Z Pass operation throughout the region.

III. This agreement shall be construed liberally to accomplish its purposes, but in the event a dispute arises, it shall be resolved in accordance with a provision establishing a procedure for the arbitration and resolution of disputes contained in the agreement.

237:9-d Rulemaking. The commissioner may adopt such rules as are necessary to enforce the terms of this agreement, which shall be exempt from the provisions of RSA 541-A and shall have the effect of law, and which shall provide for each of the member states or agencies to collect tolls and perform audits on behalf of the other member states or agencies. Nothing in this section shall be construed to authorize the adoption of rules which alter any existing or establish any new tolls, fees, penalties, or interest charges; provided, however, that the rules may include tolls, fees, penalties, or interest charges which are otherwise provided for by the laws of this state.

237:9-e Confidentiality of Records. Notwithstanding any other provision of law, all information received by the department that could serve to identify vehicles, vehicle owners, or vehicle occupants shall be for the exclusive use of the department for the sole purpose of discharging its duties under this section, and shall not be open to any other organization or person, nor be used in any court in any action or proceeding, unless the action or proceeding relates to the imposition of or indemnification for liability pursuant to this section. If the department makes such information available to another organization or person in the course of discharging its duties under this section, it shall be on the condition that the organization or person receiving such information is subject to the limitations set forth in this section.

237:9-f Immunity. Nothing in this subdivision shall be construed to constitute a waiver of the sovereign immunity of the state, or any other defense, right, immunity, or other protection under law, including any statutory provision, as a result of participation in this agreement.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 New Subparagraph; Administrative Procedure Act Exceptions; Regional Electronic Toll Collection Rules. Amend RSA 541-A:21, I by inserting after subparagraph (x) the following new subparagraph:

(y) RSA 237:9-d, relative to the E-Z Pass Interagency Agreement for Operations.

AMENDED ANALYSIS

This bill authorizes participation in a regional electronic toll collection system with the Interagency Group and requires the department of transportation to keep certain information confidential.

HB 612, relative to expenditures from the dam maintenance fund by the department of environmental services. **OUGHT TO PASS**

Rep. Robert G. Holbrook for Finance: The Department of Environmental Services requested this bill to allow the department to maintain its dams and impoundments and associated property or contiguous areas, as well as non-contiguous property such as rainfall and steam gauges, with funding from the non-lapsing dam maintenance fund which has revenue adequate to accomplish this addition of responsibility. Vote 22-0.

CACR 19, relating to supreme court rules. Providing that supreme court rules may be reviewed by the general court. **INEXPEDIENT TO LEGISLATE**

Rep. Larry G. Elliott for Judiciary: The committee recognized that these issues were addressed in CACR 5, and its companion bill, HB 252. The sponsor of the bill concurred with this, and in executive session moved Inexpedient to Legislate. Vote 16-0.

HB 231, relative to assignment of judges. **INEXPEDIENT TO LEGISLATE**

Rep. Christopher P. Reid for Judiciary: The committee is working on broad structural reforms to restore the appropriate checks and balances between the judicial and other branches. We believe that those reforms will result in significant beneficial changes to the operation of the judicial branch. However, there are several reasons why the committee recommends this bill as inexpedient to legislate. First, the bill, as written, is unclear, over broad, and may have unanticipated costs and consequences. Secondly, we think the Superior Court, in the first instance, should be given the opportunity to address the problems this bill is designed to deal with. Finally, we are concerned that passage of this bill will give the false impression that the legislature is attempting to micro-manage the Superior Court. Vote 14-1.

HB 492, requiring a clear statement of which justices rendered each supreme court order or opinion. **INEXPEDIENT TO LEGISLATE**

Rep. John M. Pratt for Judiciary: The intent of the sponsors was to ensure that Supreme Court opinions clearly identify the role taken by each of the justices involved in a particular decision. A vote to recommend this bill inexpedient to legislate should not be construed as meaning that the committee does not recognize the absolute importance of the courts making a clear statement relative to this matter. However, the committee believes the Court has taken positive steps in this direction, making this bill unnecessary. Vote 13-2.

HB 533-FN, relative to disqualification of judges. INEXPEDIENT TO LEGISLATE

Rep. Larry G. Elliott for Judiciary: The majority of the committee felt that since impeachment, the judicial branch of government has been working on and implementing rules surrounding disqualification of judges. At this time, it would be in the public's best interest to allow the court's new rules to be fully implemented to determine if they are effective. If a problem exists in the future, a similar type of legislation could be reintroduced at that time. Vote 14-1.

HB 568, relative to appointment requirements for judges. INEXPEDIENT TO LEGISLATE

Rep. Peter F. Bergin for Judiciary: The committee felt that if we established an age for appointment of judges, it would be discriminatory. However, when a person is appointed as a judge, with experience as a lawyer, the person's wisdom, reasonableness and character should be the standards – not the age of the candidate. Vote 17-1.

HB 588, relative to examination of persons called as jurors. OUGHT TO PASS WITH AMENDMENT

Rep. James W. Craig for Judiciary: This bill expands the trial practice of "voir dire" wherein prospective jurors are questioned for bias and/or prejudice. The current practice allows for limited voir dire by the trial judge and attorneys. However, with the exception of homicide cases, voir dire is usually fairly limited by the courts. This bill allows either counsel to do a "liberal and probing examination calculated to discover bias or prejudice with regard to the circumstances of the particular case" – all under the supervision of the judge. The committee feels that this will allow for juries as neutral as can be had which will enhance the judicial process for all litigants. Vote 14-1.

Amendment (0575h)

Amend the bill by replacing section 1 with the following:

1 New Paragraphs; Jurors; Examination. Amend RSA 500-A:12 by inserting after paragraph II the following new paragraphs:

III. The court shall instruct the panel of prospective jurors prior to jury selection as to:

- (a) The nature and purpose of the selection process.
- (b) The nature of the case to be presented.
- (c) The specific issues for resolution.
- (d) A summary of the law to be used in their consideration of the evidence.

(e) Any controversial aspects of the trial likely to invoke bias.

IV. Counsel for each party shall be allowed a reasonable amount of time to address the panel of prospective jurors for the purpose of explaining such party's claims, defenses, and concerns in sufficient detail to prompt jury reflection, probing, and subsequent disclosure of information, opinion, bias, or prejudices which might prevent a juror from attaining the requisite degree of neutrality required.

V. The trial judge shall examine the prospective jurors. Upon completion of the judge's initial examination, counsel for each party shall have the right to examine, by oral and direct questioning, any of the prospective jurors in order to enable counsel to intelligently exercise both peremptory challenges and challenges for cause. During any examination conducted by counsel for the parties, the trial judge shall permit liberal and probing examination calculated to discover bias or prejudice with regard to the circumstances of the particular case. The fact that a topic has been included in the judge's examination shall not preclude additional non-repetitive or non-duplicative questioning in the same area by counsel.

VI. The scope of the examination conducted by counsel shall be within reasonable limits prescribed by the trial judge's sound discretion. In exercising his or her sound discretion as to the form and subject matter of voir dire questions, the trial judge shall consider, among other criteria, any unique or complex elements, legal or factual, in the case and the individual responses or conduct of jurors which may evince attitudes inconsistent with suitability to serve as a fair and impartial juror in the particular case. Specific unreasonable or arbitrary time limits shall not be imposed. The trial judge shall permit counsel to conduct voir dire examination without requiring prior submission of the questions unless a particular counsel engages in improper questioning. For purposes of this section, an "improper question" is any question which, as its dominant purpose, attempts to precondition the prospective jurors to a particular result, indoctrinate the jury, or question the prospective jurors concerning the pleadings or the applicable law. A court shall not arbitrarily or unreasonably refuse to submit reasonable written questionnaires, the contents of which are determined by the court in its sound discretion, when requested by counsel.

HB 616, clarifying sessions to be held at the satellite district court in Durham OUGHT TO PASS WITH AMENDMENT

Rep. Larry G. Elliott for Judiciary: The majority of the committee believes that it is important to keep the Durham District Court in Durham because this allows the University of New Hampshire to stay on parallel with other college towns in the university system, whereas Plymouth State and Keene State Colleges retained their courts. It is believed that so should Durham. In addition, the committee was convinced, in spite of testimony to the contrary, that there is a possible transportation issue for college students trying to appear in court in Durham and Dover, and some alleged violators could be found guilty if they were unable to appear in court. In addition, the committee found that there would be no additional cost for maintaining the court at its present location, at least in the near future. This statute clarifies and reinforces RSA 502-A:1 relative to the location of the Durham District Court. Vote 18-1.

Amendment (0238h)

Amend RSA 502-A:1, VII as inserted by section 1 of the bill by replacing it with the following:

VII. DOVER-SOMERSWORTH-DURHAM DISTRICT. The Dover-Somersworth-Durham district shall consist of the cities of Dover and Somersworth and the towns of Rollinsford, Durham, Lee, and Madbury. The court shall be located in a city or town within the judicial district in

a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall hold sessions regularly at the principal court location and elsewhere in the district as justice may require. ~~[Special sessions of said court for cases arising from the town towns of Durham shall be held at the principal a court location in the town of Durham as the caseload and justice requires. The court shall bear the name of the city or town in which it is located.]~~ ***Cases arising from the towns of Durham, Lee, and Madbury shall be held regularly at a court facility in the town of Durham.***

AMENDED ANALYSIS

This bill clarifies that cases arising from the towns of Durham, Lee, and Madbury are to be heard at the satellite district court in Durham.

HB 622, relative to the time period for the executive council to confirm nominees to the Supreme Court **OUGHT TO PASS**

Rep. John M. Pratt for Judiciary: Under this bill, whenever the Governor nominates a Supreme Court Justice, there must be a sixty-day period and two public hearings before the Executive Council can vote on the nomination. Vote 14-1.

HB 703, relative to durable powers of attorney. **OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Pratt for Judiciary: This bill requires that disclosure statements be read and signed by those who are creating a "durable power of attorney" and by the agent who is about to exercise the durable power. This will make it absolutely clear to the "principal" (the person assigning powers to the agent) exactly what powers and rights they are signing away to another person. The bill also makes the rights and responsibilities of the agent very clear. Vote 16-0.

Amendment (0653h)

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

1 New Paragraphs; Prevention of Frauds and Perjuries; Powers of Attorney, Disability or Incompetence of Principal; Gifts; Durable Power of Attorney Document; Notification. Amend RSA 506:6 by inserting after paragraph IV the following new paragraphs:

V. An attorney in fact is not authorized to make gifts to the attorney in fact or to others unless the durable power of attorney explicitly authorizes such gifts.

VI. The following disclosure statement, signed by the principal, shall accompany a durable power of attorney:

INFORMATION CONCERNING THE DURABLE POWER OF ATTORNEY

THIS IS AN IMPORTANT LEGAL DOCUMENT. BEFORE SIGNING THIS DOCUMENT YOU SHOULD KNOW THESE IMPORTANT FACTS:

Notice to the Principal: As the 'Principal,' you are using this Durable Power of Attorney to grant power to another person (called the 'Agent' or 'Attorney in Fact') to make decisions, including,

but not limited to, decisions concerning your money, property, or both, and to use your money, property, or both on your behalf. If this written Durable Power of Attorney does not limit the powers that you give to your Agent, your Agent will have broad and sweeping powers to sell or otherwise dispose of your property, and to spend your money without advance notice to you or approval by you. Under this document, your agent will continue to have these powers after you become incapacitated, and unless otherwise indicated your Agent will have these powers before you become incapacitated. You have the right to retain this Power and not to release this Power until you instruct your attorney or any other person who may hold this Power of Attorney to so release it to your Agent pursuant to written instructions. You have the right to revoke or take back this Durable Power of Attorney at any time, so long as you are of sound mind. If there is anything about this Durable Power of Attorney that you do not understand, you should seek professional advice.

Principal

The language required by this paragraph shall not confer any powers to the agent that are not otherwise contained in the durable power of attorney.

VII. An agent, prior to acting in the capacity of agent, shall execute and affix to the power of attorney an acknowledgment in substantially the following form:

I, _____, have read the attached power of attorney and am the person identified as the Agent for the Principal. I hereby acknowledge that when I act as Agent or "attorney in fact," I am given power under this Durable Power of Attorney to make decisions about money, property, or both belonging to the Principal, and to spend the Principal's money, property, or both on the Principal's behalf, in accordance with the terms of this Durable Power of Attorney. This Durable Power of Attorney is valid only if the Principal is of sound mind when the Principal signs it. When acting in the capacity of Agent, I am under a duty (called a 'fiduciary duty') to observe the standards observed by a prudent person, which means the use of those powers that is reasonable in view of the interests of the Principal and in view of the way in which a person of ordinary judgment would act in carrying out that person's own affairs. If the exercise of my acts is called into question, the burden will be upon me to prove that I acted under the standards of a fiduciary. As the Agent, I am not entitled to use the money or property for my own benefit or to make gifts to myself or others unless the Durable Power of Attorney specifically gives me the authority to do so. As the Agent, my authority under this Durable Power of Attorney will end when the Principal dies and I will not have authority to manage or dispose of any property or administer the estate unless I am authorized to do so by a New Hampshire Probate Court. If I violate my fiduciary duty under this Durable Power of Attorney, I may be liable for damages and may be subject to criminal prosecution. If there is anything about this Durable Power of Attorney, or my duties under it, that I do not understand, I understand that I should seek professional advice.

Agent

VIII. Nothing in paragraphs V-XI of this section shall render ineffective a durable power of attorney validly executed under New Hampshire law prior to the effective date of paragraphs V-XI of this section.

IX. A durable power of attorney validly executed under the laws of another state or foreign jurisdiction shall be deemed valid under New Hampshire law. Foreign powers of attorney shall be subject to the provisions of RSA 506:7.

X. A person who seeks to validate or interpret the powers under a durable power of attorney which does not comply with paragraph VI or VII of this section may petition the courts under RSA 506:7.

XI. The failure to meet the requirements of paragraph VI shall not impair the legal validity of an otherwise valid durable power of attorney.

2 Powers of Attorney; Limitations on the Agent. Amend RSA 506:7, IV to read as follows:

IV.(a) The court may hold hearings, make orders and decrees, and take other actions *that are* necessary or proper ~~[to make]~~ **in making** determinations on matters presented by a petition filed under paragraph III.

(b) When a gift or transfer made by an agent is challenged in a petition filed under paragraph III of this section, the gift or transfer shall be presumed to be lawful if the durable power of attorney is accompanied by the disclosure statement and acknowledgement drafted in accordance with RSA 506:6, VI and VII, and explicitly authorizes such gifts or transfers. However, if the petitioner establishes that the agent made a transfer for less than adequate consideration, and the transfer is not explicitly authorized by a durable power of attorney drafted in accordance with RSA 506:6, VI and VII, the agent shall be required to prove by a preponderance of evidence that the transfer was authorized and was not a result of undue influence, fraud, or misrepresentation.

HB 275, relative to the expenditure of funds received pursuant to the Workforce Investment Act. **OUGHT TO PASS**

Rep. Randolph Holden for Labor, Industrial and Rehabilitative Services: The majority of the committee found that this bill was simply a clarification of state legislative branch responsibilities regarding the federal Workforce Investment Act of 1998. This bill merely reaffirms what the Act clearly states; "any funds received by the state under this title shall be subject to appropriation by the state legislature..." Vote 11-3.

HB 614, relative to certain duties, responsibilities, and authority of the fiscal committee. **OUGHT TO PASS**

Rep. Peter H. Burling for Legislative Administration: After careful review, the committee felt that this legislation is an appropriate vehicle for deleting certain obsolete and redundant references in statute to the fiscal committee. Although amendments were also considered, the committee believed that passing the bill in its current form is the right step at this time. Vote 11-1

HB 249-L, relative to the records of property tax abatements. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: This bill established a separate set of "private" records of property tax abatements to be isolated from other tax records and that their content be available to the general public only when approved by the governing body. The committee knows that many reasons for abatements may be personal in nature, but to make those records not easily accessible to the public would violate the right to know law. Vote 12-0.

HB 381, changing the appointing authority for board of tax and land appeals members from the supreme court to the governor and council. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: The Supreme Court has been the appointing authority since the creation of the state tax commission in 1911. For the public to have confidence in the administration of property taxes, the appeal process must be without political influence. Changing the appointment to Governor and Council could erode that impartiality and cause the concern that the board might be influenced either by the tax philosophy of the Executive Branch or the impending reappointment of a board member. The Board of Tax and Land Appeals (BTLA) is currently accountable to all three branches of state government – judicial by appointment, legislative through rulemaking and executive under financial and personnel procedures of the Department of Administrative Services. The committee recognized the current setup and agreed unanimously that the system did not need to be changed. Vote 17-0.

HB 398, relative to forest fire warden appointments and associated duties. **INEXPEDIENT TO LEGISLATE**

Rep. Mary E. Griffin for Municipal and County Government: The Division of Forests and Lands, under RSA 227-6:3.I (g), is responsible for wild land forest fire control in the state. The bill would have changed the current procedure to require that only the local fire chief could be forest fire warden. Existing statute provides for any citizen or the selectman to recommend names to fill the position of fire warden and deputy under RSA 227-L:7.I. Notices of appointments are forwarded to all fire chiefs and the town selectmen to insure that all fire departments are up to date under the rules of the Department of Resources and Economic Development, Division of Forests and Lands. The committee agrees that the current procedure has support from the majority of the Fire Wardens half of whom are local firefighters. Vote 13-2.

HB 401, relative to the receipt of information from regional planning commissions by local land use boards. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill requires that the local land use board respond in writing by certified mail to the regional planning commission upon receipt from the Commission of written comment or testimony to acknowledge that the information has been received. It also requires the board to respond to any issues raised. Currently, the relationship of the regional planning commissions to the local planning boards, as stated in RSA 36:50, is to provide assistance, not to dictate requirements. The committee understands the need for better communication but does not feel that it is necessary or prudent to require the local boards to respond in this manner. Vote 16-1.

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

Rep. William Johnson for Municipal and County Government: Current statutes RSA 29:11-b and RSA 80:52-c authorize municipalities and counties to accept credit cards as means of payment for local taxes and fees. This bill only enables them to use their own discretion regarding whether or not

to pass service charges on to the taxpayers, thereby giving local government more flexibility in collection procedures. Vote 15-1.

Amendment (0636h)

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

1 Counties; Payment by Credit Card. Amend RSA 29:11-b to read as follows:

29:11-b Payment by Credit Card. The county commissioners, by rule or regulation may authorize the county treasurer or other appropriate county official to accept payment of local taxes, charges generated by the sale of utility services, or other fees by use of a credit card. Any county adopting such a rule or regulation ~~[shall]~~ **may** add to the amount due, in addition to any penalties and interest payable, a service charge for the acceptance of the card. ~~[The service charge shall be based upon the credit card company's rate and the actual cost to the county for the use of the service.]~~ The county, at the time of billing, shall disclose the amount of the service charge.

2 Municipalities; Payment by Credit Card. Amend RSA 80:52-c to read as follows:

80:52-c Payment by Credit Card. The legislative body, by ordinance adopted in accordance with RSA 39, may authorize the municipality's treasurer or other appropriate municipal official to accept payment of local taxes, charges generated by the sale of utility services, or other fees by use of a credit card. Any municipality adopting such an ordinance ~~[shall]~~ **may** add to the amount due, in addition to any penalties and interest payable, a service charge for the acceptance of the card. ~~[The service charge shall be based upon the credit card company's rate and the actual cost to the municipality for the use of the service.]~~ The municipality, at the time of billing, shall disclose the amount of the service charge.

HB 512, relative to off-site improvements imposed on applicants to a planning board. OUGHT TO PASS WITH AMENDMENT

Rep. Cynthia J. Dokmo for Municipal and County Government: For decades, planning boards have had the authority to require applicants to be responsible for site specific off-site improvements necessitated by a proposed development. Such improvements may include upgrading an access road to the development, a turning lane into the development, drainage work, etc. Many court decisions affirmed this authority.

In 1991, the legislature gave municipalities an additional tool to meet the costs of development by adopting enabling legislation to permit planning boards to assess impact fees to recapture increased costs on capital facilities, which increase is due to the development. This provision was never intended to supplant the authority to assess off-site improvement fees, it was meant to supplement it. In order to underscore this, the enabling statute RSA 674: 21,V included this language "... (I) Neither the adoption of an ordinance shall be deemed to affect existing authority of a planning board over subdivision or site plan review, except to the extent expressly stated in such an ordinance..."

In order to properly implement an impact fee, the statute requires that a community develop a capital improvement plan (CIP) and then adopt an impact fee ordinance. This plan requires extensive statistical data collection and can cost upwards of \$100,000 or more to complete. Small communities simply could not afford this cost and therefore most continued to assess costs for specific off-site improvements, rather than impact fees.

In November 2000, in Simonsen v Derry, the Supreme Court overturned the communities' authority to assess off-site improvements if it has not adopted an impact fee ordinance, despite the clear language in the statute to the contrary. As a result, small municipalities now face the prospect of absorbing all costs of development or spending a prohibitive amount to assess such costs. This bill simply asserts the state of the law prior to the Simonsen decision so that site specific off-site improvements can once again be required of applicants for development, without undue financial hardship on the community. Vote 15-1.

Amendment (0801h)

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

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

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

2 New Paragraph; Local Land Use Planning; Authority for Subdivision Regulations. Amend RSA 674:36 by inserting after paragraph III the following new paragraph:

IV. The planning board, in exercising the authority granted under subparagraph II(a), may consider both on-site and off-site improvements. It is expressly provided that a planning board may adopt regulations which provide that in the course of review of a subdivision application, the board may require that a developer or an applicant, as a condition of approval of such subdivision plan proposal, be responsible for the payment of the cost of any on-site improvements as well as the developer's or applicant's proportional share of any off-site improvements that the board determines are necessitated by the development proposal. Such authority shall not be affected by the adoption of or failure to adopt an impact fee ordinance as provided in RSA 674:21.

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

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

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

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

AMENDED ANALYSIS

This bill provides that a planning board shall, in the course of site plan or subdivision review, have authority to require that a developer be responsible for the payment of the cost of any on-site improvements as well as the developer's proportional share of off-site improvements. Such authority shall not be affected by the adoption of or failure to adopt an impact fee ordinance.

HB 527, relative to limitations on membership of local land use boards. INEXPEDIENT TO LEGISLATE

Rep. James E. Twombly for Municipal and County Government: This bill would prohibit more than one paid municipal employee from being on the planning board, zoning board of adjustment, the building code board of appeals, the heritage commission and the historic district commission. The sponsor of the bill admitted that no problem presently existed with having more than one paid municipal employee on these boards, but that there could be a problem. The committee felt that this bill would take away the flexibility that municipalities presently have with attracting and involving citizens residing in the communities that happen to be police officers, firefighters, school teachers and others that might fall under the law. The committee also felt that many of these boards have a difficult time filling their positions as it is and to restrict those citizens further would not be in the best interest of the communities. Vote 15-1.

HB 626, relative to an override of the limitation on appropriations by a local legislative body. INEXPEDIENT TO LEGISLATE

Rep. Kimberley O. M. Dionne for Municipal and County Government: The sponsor of this bill asked the committee to recommend Inexpedient to Legislate. In addition, an amendment was submitted to fix a perceived problem that was not clearly defined. After lengthy discussion, the committee did not accept the amendment. Vote 17-0.

HB 636, enabling municipalities to enact "organic zones" that exclude commercial farmers that are not organic certified. INEXPEDIENT TO LEGISLATE

Rep. Nancy M. Scovner for Municipal and County Government: The committee felt that not only would this bill create a rift between the two agricultural disciplines, but it would be impossible to monitor. Municipal and County thought that this bill would be costly to the traditional farmer and could possibly add a financial burden to local farmers, possibly putting them out of business. Presently an organic farmer has no limitation as to where they may farm - why limit our traditional farmers? The organic farmers who were against the bill wanted to hold off any legislation until further on-going studies were completed. Vote 16-0.

HB 647-FN-L relative to the power of governmental entities to appropriate public money. INEXPEDIENT TO LEGISLATE

Rep. William Johnson for Municipal and County Government: This bill would prohibit any municipality, county, or school district from appropriating money for any charitable or other private

association other than under contractual obligations. While mindful of individual cases involving the lack of adequate monitoring, the committee felt that this was a local issue. Both non-profit service providers and representatives of local government testified that, in the vast majority of cases, local citizens received more value in services than funds given. These private entities are much better positioned to provide services than local government, thereby saving on local taxes. Absent these agencies, these services would fall back on municipalities under the statutory requirements of RSA 165, thereby creating a potential constitutional issue under Article 28-a. The committee agreed with local officials who felt that this bill would mark an intrusion by the legislature into affairs best determined on a local level. Finally, a representative of the Department of Revenue Administration testified that it would be almost impossible for the department to supervise. Vote 15-1.

HB 662, relative to the voluntary merger of contiguous lots. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: Current law RSA 674:39-a allows any owner of two (2) or more contiguous lots or parcels to merge them for municipal regulation and taxation purposes. No new survey plat need be recorded but a notice to identify the parcels, endorsed in writing by the planning board or its designee, shall be mailed to the municipalities assessing officials. This bill requires a deed or other appropriate instrument for the merger to be recorded in the registry of deeds. Testimony received noted that in RSA 673:39 no such merged parcel shall thereafter be separately transferred without subdivision approval. Therefore, the committee determined safeguards are in place to prevent the merged parcels from being sold separately and this bill is not necessary. Vote 16-1.

HB 671, enabling municipalities to adopt a property tax credit based on income for blind, disabled, or elderly taxpayers receiving Social Security income. **INEXPEDIENT TO LEGISLATE**

Rep. Richard S. Eaton for Municipal and County Government: HB 671 is a bill that allows municipalities to adopt a tax limitation and credit for eligible blind, disabled, or elderly persons. While the committee has a deep concern for the housing of blind, disabled, or elderly persons, there was concern that raising property taxes by adding this tax credit within a town or city to subsidize this problem would be a wrong approach on a statewide basis. Vote 15-2.

HB 674, enabling towns and school districts to adopt a policy for the removal of local elected officials for cause. **INEXPEDIENT TO LEGISLATE**

Rep. Cynthia J. Dokmo for Municipal and County Government: This bill would permit the removal of a town or school elected official. The exact procedure for removal would be determined by a vote of the legislative body and would differ from town to town, district to district. Though the committee sympathizes with the frustration of boards when one of its members is consistently absent or acts in a way that may not best serve that board, we also recognize and hold sacred that the official was chosen by the majority of the electorate through an open and fair election process. The committee is loath to create an opportunity to set aside the will of the people by a small group of individuals. Though not intended, the opportunity for mischief is too great. Rather, the committee puts greater faith in the common sense of the electorate to remove an unsatisfactory official at the ballot box when and if that official chooses to run again. Vote 16-0.

HB 705, exempting certain disclosures by town officers from confidentiality requirements. **INEXPEDIENT TO LEGISLATE**

Rep. Chandler V. Fairbanks for Municipal and County Government: This bill would have allowed a town or city officer to report to a third party, a wrongdoing that occurred in a non-public meeting. Members were concerned about the term "wrongdoing" being too broad and subjective. The

committee also felt this bill would have the effect of seriously compromising the processes of municipalities, and furthermore might lead to individuals disclosing confidential information because of policy disagreements. Vote 16-0.

HB 723, relative to vacancies in county offices. **OUGHT TO PASS WITH AMENDMENT**

Rep. William G. Johnson for Municipal and County Government: Currently, vacancies in county offices are filled by appointment by the superior court. The committee agreed with the bill's sponsors that the process belongs closer to the people and open to public scrutiny. This bill changes the process by having the vacancies filled by a vote of the county delegation. The amendment allows any vacancy of the commission districts, if appropriate, to be voted by the delegation members of that district and removes same party requirement. Vote 10-2.

Amendment (0774h)

Amend the bill by replacing section 2 with the following:

2 Vacancies Among County Officers; Election by Members of County Convention. Amend RSA 661:9, I-II to read as follows:

I. If a vacancy occurs in the office of county sheriff, county attorney, register of deeds, or county treasurer, the ~~[superior court]~~ **members of the county convention** shall fill the vacancy for the unexpired term **by majority vote**.

II.(a) If a vacancy occurs in the office of a county commissioner, the ~~[superior court]~~ **members of the county convention** shall fill the vacancy **by majority vote** until the next biennial election of county officers, **provided that, in counties with districts for commissioners, only those members of the county convention representing the towns in the district in which the vacancy occurs shall vote**. If the term filled is less than the unexpired term, then notwithstanding any provisions of RSA 653:1, VI, the commissioner district filled pursuant to this paragraph shall be added to the next biennial election ballot to be chosen by the inhabitants of the county for a 2-year term.

(b) The provisions of subparagraph (a) shall apply only where the vacancy occurred no later than 30 days preceding the printing of the ballots for the primary election.

(c) The provisions of RSA 655:32 and RSA 655:37 relating to nominations by appropriate party committees for vacancies in an office on a primary or general election ballot, respectively, shall apply to vacancies to be filled under this paragraph.

HB 735-L, permitting towns and cities to deny a planning board application by a vote of the legislative body. **INEXPEDIENT TO LEGISLATE**

Rep. Paul C. Bellavance for Municipal and County Government: All applications to a town or city planning board should be adjudicated by the planning board and not by the municipality's legislative body. The possibility of seeing careful time-consuming deliberations by the local planning board being overturned by a popular or unpopular vote was not considered to be in the best interest of the local planning process. Vote 16-0.

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HB 413, relative to ownership of rail properties. **OUGHT TO PASS WITH AMENDMENT**

Rep. James B. Rausch for Public Works and Highways: This bill was requested by the Department of Transportation. It is a housekeeping bill to allow either the state or a political subdivision to retain title to rail property purchased under the right of first refusal. Additionally, it clarifies that if any such rail property is transferred or sold, it must be done in accordance with RSA 4:40, regarding the disposal of state owned real estate Vote 17-0.

Amendment (0664h)

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

1 Purchase of Rail Property; Title. Amend RSA 228:60-b, II to read as follows:

II. The state of New Hampshire, acting through the commissioner with the approval of governor and council, may match any verifiable bona fide offer made for any rail properties within the limits of funds available to the commissioner for this purpose. In the event that the property offered for sale to the commissioner is to be purchased for other transportation purposes, including recreational trails, funds for such purchase shall be identified and provided by the state agency or political subdivision requesting the commissioner to acquire the property. ~~[The department of transportation]~~ **The state or a political subdivision thereof** shall retain title to all land purchased under the right of first refusal. Cooperative use and management agreements with state agencies or political subdivisions providing acquisition funds shall be executed for parcels acquired with other than department of transportation funds. In the event that all or any part of the parcel so acquired is needed for transportation of goods or services of any kind or for any other purpose deemed necessary by the commissioner, the contributing entity shall be entitled to a refund of contribution or replacement land as determined by RSA 4:40. Any such right of first refusal shall be offered in writing to the commissioner who shall notify such railroad corporation in writing of acceptance or rejection of such an offer within 90 calendar days of receipt of such offer.

2 Disposition of Acquired or Abandoned Rail Properties. Amend RSA 228:67 to read as follows:

228:67 Disposition of Acquired or Abandoned Rail Properties. Whenever the commissioner determines that certain acquired or abandoned rail properties owned by the state pursuant to RSA 228:60-a, II; 228:60-a, VI; 228:60-b; or any other means are no longer needed, ~~[he]~~ **the commissioner** may transfer or sell such rail properties~~[-excluding the railroad bed and right of way lying within a corridor,]~~ to any other state department or agency, or political subdivision of the state, which will utilize such properties for public purposes and, if no state department or agency, or political subdivision, wants such properties, the commissioner may sell them, **in accordance with RSA 4:40** with the proceeds from the sale ~~[distributed to the Federal Railroad Administrator, Department of Transportation, in accordance with the grant agreement for the federal share of the participation in the original purchase of the rail properties. The balance shall be]~~ deposited into the special fund established in RSA 228:68. Such transfer or sale shall require approval of the long range capital planning and utilization committee and the governor and council. ~~[For the purpose of this section, "corridor" shall mean from the point of origin of railroad tracks or bed and right of way to~~

~~the point of terminus within the state, excluding spur lines and sidings which are incidental to the main line.]~~

HB 640, establishing a committee to study changing the Hooksett liquor store into a family hospitality center. **INEXPEDIENT TO LEGISLATE**

Rep. Michael J. Rozek for Public Works and Highways: The committee is not in favor of establishing a committee to study changing the Hooksett State Liquor Store into a family hospitality center. During fiscal year 2000, the northbound store grossed \$10.3 million. The southbound store grossed \$7.9 million. Based on a 28% profit margin, gross profit was in excess of \$5.4 million. It would be impossible to replace this lost revenue. Currently the northbound store parking lot is not large enough to accommodate the volume of traffic that is currently experienced on holiday weekends. Any further construction would require the purchase of a large tract of land and could involve wetlands and wildlife. Vote 17-1.

HB 653-FN, relative to certain signs within highway rights-of-way. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael J. Rozek for Public Works and Highways: This bill, as amended, permits certain small business owners to place location/direction signs within a highway right-of-way according to certain guidelines. These guidelines proposed by the Department of Transportation are based on the Roadside Design Guide published by the American Association of State Highway and Transportation Officials (AASHTO). This legislation will not circumvent local municipal rules, regulations and other requirements. The cost of construction, installation, maintenance, moving and removing of such signs shall be at the expense of the business owner. The DOT shall be authorized to remove any sign if it determines that the provisions of this section have not been met, provided that 30 days notice shall be given to the owner of the sign unless the sign constitutes a safety hazard. Vote 19-0.

Amendment (0652h)

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

3 New Section; Location/Direction Signs for Businesses Within Highway Rights-of-Way.
Amend RSA 236 by inserting after section 88 the following new section:

236:88-a. Location/Direction Signs for Businesses Within Highway Rights-of Way.

I. Notwithstanding RSA 236:88 or any other provision of law to the contrary, a business owner whose property abuts upon and has legal driveway access to the right-of-way of any class I, class II, or class III highway may, upon obtaining the approval of the department, place a sign within the adjacent right-of-way of his or her business being conducted at that location. The placement of such sign shall be in accordance with the Roadside Design Guide published by the American Association of State Highway and Transportation Officials (AASHTO).

II. Any such sign shall comply with all local municipal rules, regulations, and other requirements.

III. Any such sign shall:

(a) Not impose a danger to the traveling public.

(b) Not unreasonably interfere with the maintenance of the state right-of-way.

(c) Be permanently affixed to the ground.

(d) Meet reasonable size, style, and lighting standards consistent with the state of development and commercial activity in the area.

(e) Be removed if the business activity is no longer conducted at that location.

IV. The cost of construction, installation, maintenance, disposal, moving, and removing of such sign shall be at the expense of the business owner.

V. A sign placed in accordance with this section shall not be construed to give its owner any property or other rights in its location, and if the state changes or widens the highway, or redesigns its maintenance practices, the business owner shall move or remove the sign, as the department may determine necessary.

VI. The department shall be authorized to remove any sign if it determines that the provisions of this section have not been met; provided that 30 days' notice shall be given to the owner of the sign unless the sign constitutes a safety hazard.

VII. Notwithstanding any law or rule to the contrary, a municipality may place a sign within the right-of-way of any class I, class II, or class III highway if such sign meets the requirements of this section and with the approval of the department of transportation and the governing body of the municipality.

VIII. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the administration of this section.

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

AMENDED ANALYSIS

This bill permits business owners to place location/direction signs within a highway right-of-way within certain guidelines.

HB 732, relative to the regulation of land use by the Pease development authority. **INEXPEDIENT TO LEGISLATE**

Rep. Michael J. Rozek for Public Works and Highways: The bill proposes the reversion of all land use regulations by the Pease Development Authority to be transferred to the town of Newington and the city of Portsmouth. In dealing with the bill as proposed, the committee was not in support of the transfer of all future development at the PDA to the town of Newington and the city of Portsmouth. At the time of closure, Pease Air Base employed 6000 personnel. The PDA has with great time and effort created in excess of 8000 jobs for the Newington, Portsmouth and other surrounding communities since the closure of the air base. The PDA has also maintained proper management of both wetlands and the bird sanctuary. The only citizen speaking in favor of this legislation was a single member of the city planning board, and stated that he did not represent the views of the board. At this time, the committee does not believe it is in the best interest of the surrounding communities to intervene in this process. Vote 15-2.

HJR 5, encouraging the use of renewable energy systems in new or rehabilitated state buildings.
OUGHT TO PASS WITH AMENDMENT

Rep. Candace C. W. Bouchard for Public Works and Highways: This resolution is a helpful way to indicate support for and to encourage the use of renewable energy systems in the construction of rehabilitation of state buildings. The Department of Environmental Services supports this House Joint Resolution. Vote 17-0.

Amendment (0447h)

Amend the resolution by replacing all after the title with the following:

Whereas, the cost and performance benefits of incorporating renewable energy technologies such as daylighting, photovoltaics, active solar water heating, or wind, biomass and hydroelectric energy systems in state construction projects have been evaluated and recommended in other states; and

Whereas, over the life of a building, the energy cost savings due to the use of renewable energy systems far outweigh any increased construction costs; and

Whereas, policies that require or encourage the consideration of renewable energy options in the construction or rehabilitation of state buildings are a potentially important mechanism for promoting the increased use of renewable energy in other areas of the state; and

Whereas, current regulatory codes affecting construction do not adequately facilitate the use of renewable energy technologies in the construction or rehabilitation of buildings; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That the general court hereby encourages the evaluation and use of renewable energy options in the construction and rehabilitation of all state buildings where feasible; and

That the general court encourages the revision of regulatory codes affecting construction to better accommodate the use of renewable energy technologies in the construction or rehabilitation of buildings.

HB 440, relative to the establishment of instream flows. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill would empower the Department of Environmental Services (DES) to apply In-Stream Flow rules to river segments not in the Rivers Management Protection Program (RMPP). However, DES already has that authority under present statutes. Therefore, this bill is not needed. In addition, the committee plans to retain HB 414 to deal with any appropriate issues relating to In-Stream Flow rules this year. Vote 15-0.

HB 455, relative to personal flotation devices. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill would require any person aboard a small boat to wear a personal flotation device (PFD) during the winter months from October 15 to May 15. It was the intent of this bill to reduce the number of drowning fatalities during these months. The committee agreed that it is a good idea to wear PFDs during these months

as well as other months, but felt it was a personal decision of the boater to do so. This issue is similar to the wearing of seat belts and the use of motorcycle helmets. The legislature has consistently decided that these are personal choices and should not be mandated by statutes. The majority of the committee felt that the use of PFDs is a personal choice and should not be mandated by statute. Vote 11-5.

HB 696, requiring certain waterfront property to have an approved septic system. **INEXPEDIENT TO LEGISLATE**

Rep. David M. Lawton for Resources, Recreation and Development: This bill attempted to address potential problems that may occur with residential septic systems within 250 feet of public waters. Unfortunately, it overstepped the goal somewhat by requiring that even "alteration" of residential units would trigger the requirement that the septic system be brought up to the Department of Environmental Services current specifications. Rather than spend time working on an amendment to fix this bill, the committee unanimously opted to recommend it inexpedient to legislate and consider the sponsor's concerns under SB 89 – a Senate Bill to study changes to the Shoreland Protection Act. Vote 15-0.

HB 754, relative to the testing and certification of fluorine-bearing chemicals injected into the public water supply. **INEXPEDIENT TO LEGISLATE**

Rep. Bob Odell for Resources, Recreation and Development: While every member of the committee wants pure water and effective testing of public water systems, the committee has confidence in the ability of the Department of Environmental Services to oversee the testing of water for municipal systems. This legislation as amended requests that the U. S. Food and Drug Administration be involved with testing New Hampshire water. However, the FDA does not regulate water supplies or chemicals injected into the water. Vote 15-0.

HB 578, relative to requirements for nonpublic utility providers of telephone services. **OUGHT TO PASS WITH AMENDMENT**

Rep. John H. Thomas for Science, Technology and Energy: This bill establishes requirements for non-public utility providers of telephone services, such as but not limited to hotels, motels, hospitals, universities or similar places of temporary accommodation. The requirements include notice to the users of charges and access by the users to other providers. The bill also requires direct access to 911 emergency services by January 1, 2007. The bill drops the requirement of competitive local exchange carriers and competitive toll providers with less than 10% share of toll revenue from certain public utilities commission approvals. The bill also provides for four additional members to the Information Technology Management Advisory Board. The committee held a second public hearing to consider the additional amendments. Vote 15-0.

Amendment (0810h)

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

AN ACT relative to requirements for nonpublic utility providers of telephone services and competitive telecommunications providers, and relative to the information technology management advisory board.

Amend RSA 378:17-c as inserted by section 1 of the bill by inserting after paragraph III the following new paragraph:

IV. Nonpublic utility providers of telephone services shall be considered telephone utilities for purposes of RSA 106-H:8. Nonpublic utility providers of telephone services shall comply with the telephone utility requirements of RSA 106-H:8 no later than January 1, 2007.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4, respectively:

2 Regulation of Competitive Telecommunications Providers Limited; Competitive Toll Providers. Amend RSA 374:22-o to read as follows:

374:22-o Regulation of Competitive Telecommunications Providers Limited. Any person or business entity authorized by the commission to engage in business as a competitive local exchange carrier ***and any competitive toll provider having less than a 10 percent share of toll revenue in New Hampshire*** shall not be required to seek prior commission approval of financings or corporate organizational changes, including, without limitation, ~~the~~ ***mergers, acquisitions, corporate restructurings***, issuance or transfer of ~~its~~ securities, or the sale, lease, or other transfer of ~~its~~ assets ***or control***. Nothing in this section shall exempt any such competitive telecommunications service provider from ***such advance notice as the commission may prescribe or from*** the requirements of RSA 374:28-a ~~[including such advance notice as the commission may prescribe]~~ ***or RSA 378:46***.

3 Information Technology Management Advisory Board; Members. Amend RSA 21-I, 71, II(i) to read as follows:

(i) Two senior information technology executives from the private sector, appointed by the governor ***for a 3-year term***.

(j) One representative of municipal government, who shall serve as a non-voting member, appointed by the governor for a 3-year term.

(k) One representative of county government, who shall serve as a non-voting member, appointed by the governor for a 3-year term.

AMENDED ANALYSIS

This bill:

I. Establishes requirements for nonpublic utility providers of telephone services. Nonpublic utility providers of telephone services include, but are not limited to, hotels, motels, hospitals, universities, or similar places of temporary accommodation. The requirements include notice to the users of charges and access by the users to other providers.

II. Limits the regulation of competitive toll telecommunications providers.

III. Adds 2 members to the information technology management advisory board.

HB 219, relative to the rules of the road involving school buses. **OUGHT TO PASS WITH AMENDMENT**

Rep. George N. Katsakiores for Transportation: This bill adds a violation of the laws relative to passing a school bus as an offense for purposes of the habitual offender laws. It also imposes a higher

fine for passing a school bus on the right than on the left and allows for suspension of a persons' drivers license for 30 days for subsequent offenses of passing on the left or up to 60 days for a third or subsequent offense of passing on the right. Increased penalties should be an effective deterrent in similar future attempts of passing school buses on the right, as occurred in an incident in the Derry area a few weeks ago. Vote 17-0.

Amendment (0452h)

Amend RSA 265:54, IV as inserted by section 2 of the bill by replacing it with the following:

IV. Except as provided in paragraph III, no driver of a vehicle who is required to stop his or her vehicle in accordance with paragraph I shall overtake and pass a school bus on the right. A person who violates the provisions of this paragraph shall be guilty of a violation and shall be fined not less than \$500 nor more than \$1,200. In addition, the director shall suspend the person's license to drive or nonresident driving privilege for a period of up to 30 days for a first offense. The director shall suspend the person's license to drive or nonresident driving privilege for a period of 30 days for a second offense, and for a period of not less than 30 days nor more than 120 days for a third or subsequent offense.

HB 241, establishing the offense of careless and negligent driving. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: This bill was known as the "cell phone bill." The committee felt that adding a new section under motor vehicles, rules of the road, was unnecessary at this time in light of another bill, HB 652, relating to careless and reckless and negligent driving, having passed the committee earlier. Vote 16-0.

HB 243, relative to school bus operation. **INEXPEDIENT TO LEGISLATE**

Rep. George N. Katsakiores for Transportation: This bill leads to substantial confusion in school bus operations and makes it difficult to accommodate school bus operations for transporting youngsters to and from school versus the use of school buses for other commercial transportation uses. The Department of Safety indicated necessary options can be addressed under their rules. Vote 17-0.

HB 456, relative to automobile insurance for teenage drivers. **INEXPEDIENT TO LEGISLATE**

Rep. John W. Flanders for Transportation: This bill would exempt those new drivers under the age of 18 during that first 90-day period that they receive their license from having to have insurance when the new driver is required to drive with an adult in the car. HB 209 is a bill relative to youth licenses. The recommended revisions that the subcommittee is working on will address the sponsors' issues in that bill. Vote 17-0.

HB 615, relative to the duties of motor vehicle inspectors. **OUGHT TO PASS**

Rep. Gordon E. Bartlett for Transportation: This bill expands the enforcement authority of motor vehicle inspectors to include authority over the transportation of hazardous materials and other duties as determined by the commissioner. Although the primary duty of these vehicle inspectors is truck and inspection station enforcement, they are certified law enforcement officers, and should have the authority to enforce all motor vehicle laws. Vote 17-0.

HB 618, relative to charitable auto wholesale dealers. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill as presented would include certain nonprofit organizations within the definition of "dealer" in the motor vehicle laws. Upon careful review it was determined that this would open the possibility of fraud and/or misuse of the dealer status. Testimony during the public hearing revealed that for-profit companies are retaining titles to these vehicles. There is no reason to create a distinctive nonprofit status. Additionally, this type of activity could possibly put their nonprofit status in jeopardy. Vote 17-0.

HB 652, relative to the penalties for reckless or negligent operation of a motor vehicle. **OUGHT TO PASS WITH AMENDMENT**

Rep. Brenda L. Ferland for Transportation: This bill reworks the current motor vehicle law concerning reckless and negligent driving. This bill creates the motor vehicle "violation" of negligent driving and uses the criminal code definition of "negligently." It also applies the criminal code definition of "recklessly" to the reckless driving law under the motor vehicle code and makes it a "violation." The amendment changed one word under negligent driving from "and" to "or" and this paragraph doesn't name any specific task such as using cell phones, eating, etc. Vote 17-0.

Amendment (0183h)

Amend the bill by replacing section 2 with the following:

2 New Section; Negligent Driving. Amend RSA 265 by inserting after section 79-a the following new section:

265:79-a Negligent Driving. Whoever upon any way drives a vehicle negligently or causes a vehicle to be driven negligently, as defined in RSA 626:2, II(d), or in a manner that endangers or is likely to endanger any person or property shall be guilty of a violation.

HB 663, relative to lights on school buses. **OUGHT TO PASS WITH AMENDMENT**

Rep. George N. Katsakiores for Transportation: This bill allows the option for a strobe light to be installed on school buses for safety reasons. It also requires the strobe light to be used throughout the bus route while children are transported to and from school. The bus operator will control the strobe light. Vote 17-0.

Amendment (0221h)

Amend RSA 265:57, IV as inserted by section 1 of the bill by replacing it with the following:

IV. If the school bus is equipped with strobe lights, the strobe lights shall be kept in continuous operation at all times throughout the regular route, home-to-school and school-to-home.

AMENDED ANALYSIS

This bill permits school buses equipped with strobe lights to be driven on the ways of the state. This bill also requires drivers of school buses equipped with strobe lights to operate the strobe lights throughout the regular route, and modifies other rules of the road relative to the driving of schoolbuses.

HB 669, requiring certain safety devices on freight locomotives. **OUGHT TO PASS WITH AMENDMENT**

Rep. Brenda L. Ferland for Transportation: Safety devices known as alerters are now being installed on new trains. Unfortunately, there are about 40 existing engines that don't have them. This is a necessary thing now that some engines are running with only one engineer. The cost is about \$2,200.00 per engine, and is a small cost for public safety. The amendment, therefore, allows enough time for installing these devices by taking effect January 1, 2002. Vote 17-0.

Amendment (0596h)

Amend the bill by replacing section 2 with the following:

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

HB 725, relative to titles to destroyed vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would require the Department of Safety to issue a certificate of destruction if the estimated costs of repairing the physical and mechanical damage to a vehicle are equal to 90% or more of the current retail cost of the vehicle. The issue raised in committee revolved around burned cars and those which are 100% beyond recognition. Expert testimony given to the subcommittee on how this is addressed currently satisfied the committee on this process. There was a fear that owners of older autos involved in collisions would sustain damage beyond their current value because cost of new replacement parts would force them to destroy their vehicles. The committee felt that this bill could cause a hardship and unintended consequences to New Hampshire citizens. Vote 16-1.

HB 186-FN-A, establishing a pesticides training program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Giuda for Ways and Means: The committee considered it necessary to amend this bill to bring the revenues and appropriations under the purview of the legislative budgeting process rather than creating another dedicated fund off budget. The committee was also supportive of the revenue requirements contained in this legislation. Vote 13-0.

Amendment (0730h)

Amend RSA 430:31-b as inserted by section 1 of the bill by inserting after paragraph II the following new paragraphs:

III. The department of agriculture, markets, and food shall submit an annual report, beginning on July 1, 2002, to the speaker of the house, president of the senate, and the governor and council which shall include, but not be limited to, training and educational programs offered or contracted by the division of pesticide control under the training program established by paragraph I of this section, the revenue generated from the program under paragraph II of this section, and the budget and revenue projections of the division.

IV. In addition to or in conjunction with the operating budget of the department of agriculture, markets and food, the department shall submit a budget for the biennium beginning July 1, 2003, and for each biennium thereafter, which shall include financial responsibility for and the costs of all training and educational programs offered or contracted by the division of pesticide

control, the development of technological advancements in division programs, the revenue generated from the pesticides training program, and all revenues and expenditures of the dedicated fund established in paragraph II of this section.

AMENDED ANALYSIS

This bill establishes a pesticides training program for the purpose of providing education regarding pesticides and the handling of pesticides to commercial pesticide applicators and other applicable persons. This bill establishes a pesticides training program fund to support the purposes of the training program and establishes certain reporting and budgeting requirements for the department of agriculture, markets, and food. Moneys for the fund shall be established by rule by the commissioner of agriculture, markets, and food and collected from program participants.

HB 303-FN-A-L, relative to funding of training and certification of fire fighters and emergency medical service providers programs in the department of safety, extending certain motor vehicle license expiration dates, and increasing certain motor vehicle license fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul A. McGuirk for Ways and Means: This bill was the result of a study committee arising out of HB 1504 which was enacted last session. The committee's charge was to study the need for additional funding for firefighter and emergency medical service training in this state and to develop a proposal for a dedicated funding source for that purpose. This bill establishes a non-lapsing dedicated funding source for the training and certification of firefighters and emergency medical service providers in this state. The committee heard testimony from the Dept. of Safety and members of the firefighter and emergency medical service community, which revealed a substantial need to upgrade our efforts in training, certification and licensure throughout the state. The committee recognizes the ever-increasing requirements placed upon emergency response personnel for enhancing their training in the use of sophisticated fire fighting and life-saving technologies, which is essential to the health and safety of all citizens. However, it also recognizes that firefighter and EMS professionals are present throughout the state and it is the responsibility of the divisions to provide these professions with training programs and certification services at the regional level. It is believed that this bill will go a long way in accomplishing that task, since a majority of the additional funds obtained will be used for the delivery of training programs at the regional level. The funding source for the dedicated fund will come from the \$7.00 fee that is currently charged to insurance companies purchasing motor vehicle records. The drivers license fee will increase at a rate of \$2.00 per year, and the term of the license will increase from four to five years. The increase in the license fee will go directly into the highway fund. The current appropriations for both divisions will be returned to the general fund. This bill results in a substantial gain to the highway fund, the general fund, as well as establishing the new dedicated fund. Originally, this bill passed the House Criminal Justice and Public Safety committee on a vote of 17-0. The Ways and Means committee amended the bill to require: (1) the Dept. of Safety submit an annual report to the General Court regarding the fund, appropriations, and the degree of coordination with municipal fire and emergency medical service departments; (2) budget oversight; and (3) the implementation of rules, pursuant to RSA 541-A, relative to fees charged for training programs, including the development of a tuition reimbursement plan. Vote 16-0.

Amendment (0866h)

Amend the bill by replacing sections 3-5 with the following:

3 Department of Safety; Division of Emergency Medical Services; Fiscal Duties of the Director. Amend RSA 21-P:12-b, II(l) to read as follows:

(l) With the approval of the commissioner, accept in the name of the state any and all donations, ***fees for tuition, rents, services, and any and all money*** and grants from any governmental unit, public agency, institution, person, firm, or corporation and receive, utilize, expend, and dispose of such funds subject to budgetary provisions, consistent with the rules of the department of safety and the purposes or conditions of the donation or grant.

(m) With the approval of the commissioner, establish fees to be collected for tuition, services, and licenses. The commissioner may for good cause waive any fees charged under this subparagraph and may authorize tuition reimbursement from the fire standards and training and emergency medical services fund.

4 New Sections; Department of Safety; Fire Standards and Training and Emergency Medical Services Fund Established; Report and Budget Requirements Established. Amend RSA 21-P by inserting after section 12-c the following new sections:

21-P:12-d Fire Standards and Training and Emergency Medical Services Fund. There is established in the office of the state treasurer a separate, nonlapsing, and continually appropriated fund to be known as the fire standards and training and emergency medical services fund from which the state treasurer shall pay expenses as determined by the commissioner of safety incurred in the administration of the division of fire standards and training, under RSA 21-P:12-a, and the division of emergency medical services, under RSA 21-P:12-b.

21-P:12-e Fire Standards and Training and Emergency Medical Services Report and Budget.

I. The department of safety shall submit an annual report, beginning on July 1, 2002, to the speaker of the house, president of the senate, and the governor and council which shall include, but not be limited to, training and educational programs offered or contracted by the divisions of fire standards and training and emergency medical services, the development of the technological advancements in division programs, the revenue generated from the sale of motor vehicle records, the budget and revenue projections of both divisions, the degree of coordination with municipal fire and emergency medical services departments, and the extent of direct aid to municipalities and mutual aid associations.

II. In addition to or in conjunction with the operating budget of the department of safety, the department shall submit a budget for the biennium beginning July 1, 2003, and for each biennium thereafter, which shall include financial responsibility for and the costs of all training and educational programs offered or contracted by the divisions of fire standards and training and emergency medical services, the development of technological advancements in division programs, the revenue generated from the sale of motor vehicle records, the extent of direct aid to municipalities and mutual aid associations, and all revenues and expenditures of the dedicated fund established in RSA 21-P:12-d.

5 New Paragraph; Department of Safety; Rulemaking Authority; Commissioner of Safety; Fees for Fire Standards and Training and Emergency Medical Services Training Programs. Amend RSA 21-P:14 by inserting after paragraph VI the following new paragraph:

VII. The commissioner of safety, in consultation with the fire standards and training commission and the emergency medical and trauma services coordinating board, shall adopt rules under RSA 541-A, relative to:

(a) Fees for tuition, services, and licenses under RSA 21-P:12-a and 21 P:12-b.

(b) Tuition reimbursement under RSA 21-P:12-a and 21-P:12-b.

(c) The circumstances in which a waiver may be granted under RSA 21-P:12-a, II(b) and RSA 21-P:12-b, II(m).

Amend the bill by inserting after section 14 the following and renumbering the original section 15 to read as 16:

15 Division of Fire Standards and Training, Disposition of Funds; Tuition Reimbursement.
Amend RSA 21-P:12-a, II(b) to read as follows:

(b) Establish fees to be collected for tuition and services. Such fees shall be subject to the approval of the commissioner of the department of safety. ***The commissioner may for good cause waive any fees charged under this subparagraph and may authorize tuition reimbursement from the fire standards and training and emergency medical services fund.***

AMENDED ANALYSIS

This bill:

I. Establishes a dedicated fund to support the division of fire standards and training and the division of emergency medical services in the department of safety. The bill also establishes reporting and budgeting requirements for the department of safety in conjunction with the operation of the divisions of fire standards and training and emergency medical services.

II. Allows the director of the division of emergency medical services to establish and collect fees for tuition, services and licenses.

III. Allows the commissioner of the department of safety to establish fees for certain fire standards and training and emergency services programs and services.

IV. Increases certain motor vehicle license fees.

V. Extends certain motor vehicle license expiration dates from

HB 310-FN-A, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2003. **OUGHT TO PASS**

Rep. Susan W. Almy for Ways and Means: This bill continues the rate of the Medicaid enhancement tax at 6%. It cannot be increased and to decrease it would cost the state lost revenue. Vote 18-0.

HB 551-FN, establishing a homestead exemption from the education property tax. **INEXPEDIENT TO LEGISLATE**

Rep. Christine M. Konys for Ways and Means: The subject matter of establishing a homestead exemption from the education property tax is contained in several other bills before the committee which offer a comprehensive school-funding plan. The committee has already voted to retain several other bills which could be used to address the issue of homestead exemptions as well. Therefore, this additional legislation is not necessary. Vote 16-0.

regular calendar – part i

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2002 and June 30, 2003. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Neal M. Kurk for the Majority of Finance: This bill is the state's budget for the next two fiscal years. It not only covers our traditional state services (general government, criminal justice and public safety, environmental protection and resource development, transportation and highway improvement, health and human services, post-secondary and higher education), but for the first time includes the state's obligation to education. For the first time the state budget bill is a comprehensive plan that funds **all** of the state's responsibilities. As our responsibilities have increased, the budget has increased. General fund spending on a comparable basis is up 4.04% over current spending. In the first year, total general fund appropriations are \$1.13 billion, which is \$51.7 million more than current spending levels.

Every state program is funded at a responsible level. Not a single, existing state-funded program or service has been reduced unless the reduction was supported by the Governor or agency head. Indeed, almost all programs and services have had their appropriations increased. Some of the increases exceeded those recommended by the Governor. These include school building aid, the developmentally disabled wait list and meals on wheels.

Some highlights of the budget: 1) The developmentally disabled wait list is funded at \$1 million/year **more than** the Governor's plan. 2) Direct aid to the elderly, TANF and other clients served by the Department of HHS has been increased to meet projected case numbers and cost. 3) The rooms and meals distribution to cities and towns has increased by \$15 million. 4) Environmental grants to cities and towns for waste water treatment, public water systems, source water protection, and landfill and incinerator closings have increased to \$37.2 million. 5) Block grants to cities and towns for road repair and improvements have increased by \$2.1 million **more than** the Governor's plan. 6) LCHIP is funded at \$15 million over the biennium, none of which was included in the Governor's budget plan. 7) The Healthy Kids insurance program appropriation is increased significantly, with the same combination of federal, state and private foundation funding as we currently have. 8) The childhood immunization program is increased to cover 2 additional vaccines, with the additional funding to come from the general fund and private insurance companies, as is the current practice. 9) An additional \$4 million is appropriated for travel and tourism promotion, none of which is included in the Governor's budget plan. 10) A new pharmaceutical discount program for low-income seniors is funded. 11) Debt service is fully funded to meet the state's existing and anticipated short and long term borrowing requirements. 12) The Veterans home and its expansion are fully funded.

In summary, this budget appropriates the necessary funds to provide for education and all state services, including those to our most vulnerable populations, at a responsible level. This budget is fair, balanced and good for NH. Vote 13-9.

Rep. Elizabeth S. Hager for the Minority of Finance: The bipartisan minority of the Finance Committee believes that the majority amendment continues to leave too many critical programs out of the basic state budget. The minority amendment restores funding for Healthy Kids (CHIP), for a critical wage increase for direct care providers, for tobacco use prevention, for immunizations, and for chronically ill children. It also includes funding for state planning initiatives, for Granite Scholars scholarships, and for the Best Schools initiative in more communities.

In other words, it makes the budget more responsive to the needs of our citizens and prevents costs being passed back down to the local property tax. The minority urges passage of the basic budget (the majority amendment) and then our amendment.

Majority Amendment (0892h)

This amendment was printed in its entirety in House Record No.33, April 13, 2001 and is made part of this Journal by reference.

The question being the adoption of the majority amendment.

Majority amendment adopted.

Rep. Wallner offered the minority floor amendment(0908h).

Minority Amendment (0908h)

This amendment was printed in its entirety in House Record No. 34, April 13, 2001 and is made part of this Journal by reference.

Reps. Wallner, Millham and Hager spoke in favor.

Reps. Hunt and Scanlan spoke against.

Rep. Pilliod spoke in favor and yielded to questions.

Rep. Rogers Johnson spoke against and yielded to questions.

Rep. Herman requested a roll call; sufficiently seconded.

The question being adoption of the minority amendment.

YEAS 187 NAYS 195

YEAS 187

BELKNAP

Johnson, William

Millham, Alida

Pilliod, James

Salatiello, Thomas

Wood, Jane

CARROLL

Philbrick, Donald

CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
DePecol, Benjamin	Espieffs, Peter	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Russell, Ronald	Weed, Charles	Zerba, Roger	

COOS

Bradley, Paula	Davis, Perley	Landers, Dana	Mears, Edgar
Rodrigue, Robert			

GRAFTON

Akins, Ralph	Almy, Susan	Benn, Bernard	Cooney, Mary
Ham, Bonnie	Lovett, Sid	Naro, Debra	Nordgren, Sharon
Pawlek, Marion	Scovner, Nancy	Sokol, Hilda	Teschner, Douglass

HILLSBOROUGH

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Bergin, Peter
Buckley, Raymond	Cardin, Lori	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Daigle, Robert
Dionne, Kimberley	Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard
Duval, Jeffrey	Dwyer, Paul	Dyer, Merton	Ford, Nancy
Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gorman, Mary	Haley, Robert	Hall, Betty
Jean, Claudette	Johnson, Lionel	Kacavas, John	Keye, Harvey
Konys, Christine	Lasky, Bette	Leishman, Peter	Lynde, Harold
Martin, Mary Ellen	McDonough-Wallace, Alice	McHugh, Claire	Melcher, Harold
Messier, Irene	Movsesian, Lori	O'Connell, Timothy	Palangas, Eric
Panagopoulos, Nicholas	Pepino, Leo	Schulze, Joan	Seibel, Christopher
Shaw, Barbara	Spiess, Paul	Sweeney, Cynthia	Tate, Joan
White, John	Williams, Carol		

MERRIMACK

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Colcord, J D
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Crosby, Toni	Daneault, Gabriel	Davis, Frank	Feuerstein, Martin
Fraser, Marilyn	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Jacobson, Alf	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	Moore, Carol	Owen, Derek	Perkins, Randy
Potter, Frances	Reardon, Tara	Rodd, Beth	Rush, Deanna
Seldin, Gloria	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Clark, Martha Fuller
Coes, Betsy	Cooney, Richard	Cox, Russell	Dearborn, Bruce
DiFruscia, Anthony	Downing, Michael	Flanagan, Natalie	Gleason, John
Johnson, Robert	Kane, Cecelia	Kelley, Jane	Langley, Jane
Langone, John	McGuire, Robert	Micklton, Stephanie	Norelli, Terie
O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline	Robertson, Carl
Shultis, Elizabeth	Sloan, Stephen	Splaine, James	Trueman, Raymond
Weatherspoon, Jacquelyne			

STRAFFORD

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Ferland, Paul	Gilmore, Gary
Goodwin, Earle	Grassie, Anne	Heon, Richard	Hughes, Christopher
Johnson, Nancy	Kaen, Naida	Knowles, William	Lent, Donald
McCarthy, Gerald	Pelletier, Arthur	Proulx, Raymond	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Wall, Janet	Woodill, Rodney		

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Leone, Richard	Odell, Bob	Phinizy, James

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Flanders, Donald
Holbrook, Robert	Lawton, David	Nedeau, Stephen	Rice, Thomas Jr
Rosen, Ralph	Russell, David	Thomas, John	Wendelboe, Fran

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Lyman, L Randy
Mock, Henry	Patten, Betsey	Quimby, Lee	Stevens, Stanley
Sullivan, P Judith	Torressen, Gary		

CHESHIRE

Dexter, Judson	Edwards, Dana	Emerson, Susan	Fairbanks, Chandler
Hunt, John	Roberts, William	Royce, H Charles	Smith, Edwin

COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Rozek, Michael	Stohl, Eric	Tholl, John Jr	Woodward, David

GRAFTON

Alger, John	Barker, Robert	Cobb, John	Dudley, Terri
Eaton, Stephanie	Gabler, William	Gilman, G Michael	Giuda, Robert
Marshall, Gene	Mirski, Paul	Scanlan, David	Sova, Charles
Ward, Brien	Williams, Burton		

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Batula, Peter	Bergeron, Jean-Guy
Bouchard, David	Bouldin, Michael	Bragdon, Peter	Brundige, Robert
Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald	Chabot, Robert
Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela
Desrosiers, William	Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Furman, Christine
Gonzalez, Carlos	Goulet, Maurice	Graham, John	Greenberg, Gary

Guinta, Frank	Hall, Charles	Herman, Keith	Holden, Randolph
Hopper, Gary	Jean, Loren	Kurk, Neal	L'Heureux, Robert
LaFlamme, Paul	LaRose, Richard	Leach, Edward	Lessard, Rudy
Martel, Andre	McRae, Karen	Mercer, Robert	Milligan, Robert
Moran, Edward	Pappas, Marc	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Salts, Greg	Sargent, Maxwell	Souza, Kathleen
Tahir, Saghir	Thompson, Rob	Thulander, O Alan	Vaillancourt, Steve
Wheeler, Robert	White, Donald		

MERRIMACK

Anderson, Eric	Cummings, Raymond	Dunne, Christopher	Fraser, Leo Jr
Hess, David	Hutchinson, John	Kennedy, Richard	L'Heureux, Stephen
Langer, Ray	Leber, William	Poulin, David	Soltani, Tony
Swindlehurst, John	Whalley, Michael	Winter, Steven	

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Carson, Sharon	Chalbeck, Kevin	Clark, Vivian
Corbin, Corey	Dalrymple, Janeen	Dodge, Robert	Dowling, Patricia
Fesh, Bob	Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey
Gilbert, Karl	Giordano, Ronald	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hill, Jonathan	Holland, James Jr	Hutchinson, Karen
Introne, Robert	Itse, Daniel	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kelley, William	Kobel, Rudolph	Letourneau, Robert
Major, Norman	McKinney, Betsy	Moore, Benjamin	Morse, Charles
Nowe, Ronald	Packard, Sherman	Palermo, Diane	Power, Lucille
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Rabideau, Marie	Rausch, James	Ruffner, Walter	Saia, Pamela
Sapareto, Frank	Stone, Joseph	Stritch, C Donald	Varrell, Thomas
Welch, David	Weyler, Kenneth	Woekel, Ralph	Zolla, William

STRAFFORD

Albert, Russell	Bickford, David	Cossette, Larry	Harrington, Michael
Musler, George	Reid, Christopher	Tsiros, William	Twombly, James

Woods, Phyllis

SULLIVAN

Rodeschin, Beverly

and the minority amendment failed.

Rep. Hunt offered a floor amendment.(0944h)

Floor Amendment (0944h)

Amend PAU 05, 01, 07, 06, 03 as follows:

	<u>FY 2002 FY 2003</u>	
Strike out		
91 Chip *	5,342,528	6,233,197
Insert in place thereof		
91 Chip	5,342,528	6,233,197
Strike out		
*Chip program. No general funds shall be expended for non-medicaid eligible children in the 1-19 year old age group.		
Strike out		
05 Private Local Funds I	1,759,896	2,062,722
Insert in place thereof		
05 Private Local Funds I	200,341	199,542
Strike out		
General Fund	92,210,212	97,533,011
Insert in place thereof		
General Fund	93,769,767	99,396,191
Rep. Wendelboe spoke against.		
Rep. Hunt spoke in favor.		

Rep. Elliott requested a roll call; sufficiently seconded.

The question being the adoption of the floor amendment.

YEAS 338 NAYS 40

YEAS 338

BELKNAP

Bartlett, Gordon	Czech, Stanley	Flanders, Donald	Holbrook, Robert
Johnson, William	Lawton, David	Millham, Alida	Nedean, Stephen
Pilliod, James	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Salatiello, Thomas	Thomas, John	Wood, Jane	

CARROLL

Bradley, Jeb	Dickinson, Howard	Lyman, L Randy	Philbrick, Donald
Quimby, Lee	Stevens, Stanley	Torressen, Gary	

CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
DePecol, Benjamin	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Roberts, William	Russell, Ronald	Smith, Edwin	Weed, Charles
Zerba, Roger			

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Pratt, Leighton	Rodrigue, Robert
Rozek, Michael	Stohl, Eric	Woodward, David	

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Benn, Bernard
Cobb, John	Cooney, Mary	Dudley, Terri	Eaton, Stephanie

Gabler, William	Gilman, G Michael	Giuda, Robert	Ham, Bonnie
Lovett, Sid	Marshall, Gene	Naro, Debra	Pawlek, Marion
Scovner, Nancy	Sokol, Hilda	Sova, Charles	Teschner, Douglass
Ward, Brien			

HILLSBOROUGH

Allan, Nelson	Andosca, Mary	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Baroody, Benjamin	Batula, Peter
Bellavance, Paul	Bergin, Peter	Bouchard, David	Bouldin, Michael
Brundige, Robert	Bruno, Pierre	Buckley, Raymond	Calawa, Leon Jr
Cardin, Lori	Carlson, Donald	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clayton, William	Clegg, Robert Jr	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Daigle, Robert	Desrosiers, William	Dionne, Kimberley	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Duval, Jeffrey	Dwyer, Paul
Dyer, Merton	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Foster, Linda
Gargas, Carolyn	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Graham, John	Greenberg, Gary
Guinta, Frank	Haley, Robert	Hall, Betty	Hall, Charles
Holden, Randolph	Hopper, Gary	Jean, Claudette	Johnson, Lionel
Kacavas, John	Keye, Harvey	Konys, Christine	L'Heureux, Robert
LaFlamme, Paul	Lasky, Bette	Leach, Edward	Leishman, Peter
Lessard, Rudy	Lynde, Harold	Martel, Andre	Martin, Mary Ellen
McDonough-Wallace, Alice	McHugh, Claire	Melcher, Harold	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	Movsesian, Lori
O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Sargent, Maxwell	Seibel, Christopher	Shaw, Barbara	Souza, Kathleen
Spiess, Paul	Sweeney, Cynthia	Tahir, Saghir	Tate, Joan
Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert	White, Donald
White, John			

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Clarke, Claire
Colcord, J D	Crosby, Toni	Cummings, Raymond	Daneault, Gabriel
Davis, Frank	Dunne, Christopher	Feuerstein, Martin	Fraser, Leo Jr
Fraser, Marilyn	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Hess, David	Jacobson, Alf	Kennedy, Richard
L'Heureux, Stephen	Langer, Ray	Leber, William	Lockwood, Priscilla
MacKay, James	Maxfield, Roy	Moore, Carol	Owen, Derek
Perkins, Randy	Potter, Frances	Poulin, David	Reardon, Tara
Rodd, Beth	Rush, Deanna	Seldin, Gloria	Swindlehurst, John
Wallner, Mary Jane	Whalley, Michael	Whittemore, James	Winter, Steven
Yeaton, Charles			

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn	Bowles, Raimond
Bridle, Russell	Carson, Sharon	Case, Margaret	Chalbeck, Kevin
Clark, Martha Fuller	Clark, Vivian	Coes, Betsy	Cooney, Richard
Corbin, Corey	Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce
DiFruscia, Anthony	Dodge, Robert	Dowling, Patricia	Downing, Michael
Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey
Gilbert, Karl	Giordano, Ronald	Gleason, John	Griffin, Mary
Henderson, Warren	Hill, Jonathan	Holland, James Jr	Hutchinson, Karen
Introne, Robert	Johnson, Robert	Johnson, Rogers	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Major, Norman
McGuire, Robert	Micklon, Stephanie	Moore, Benjamin	Morse, Charles
Norelli, Terie	Nowe, Ronald	O'Keefe, Patricia	Packard, Sherman
Pantelakos, Laura	Pitts, Jacqueline	Power, Lucille	Priestley, Anne
Quandt, Marshall	Quandt, Matthew	Rabideau, Marie	Rausch, James
Reardon, Neil	Robertson, Carl	Ruffner, Walter	Saia, Pamela
Sapareto, Frank	Shultis, Elizabeth	Sloan, Stephen	Splaine, James
Stone, Joseph	Stritch, C Donald	Trueman, Raymond	Varrell, Thomas
Weatherspoon, Jacquelyne	Welch, David	Whittier, John	Woekel, Ralph

Zolla, William

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Brennan, William
Callaghan, Frank	Cossette, Larry	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Ferland, Paul	Gilmore, Gary	Goodwin, Earle
Grassie, Anne	Heon, Richard	Hughes, Christopher	Johnson, Nancy
Kaen, Naida	Knowles, William	Lent, Donald	McCarthy, Gerald
Musler, George	Pelletier, Arthur	Proulx, Raymond	Reid, Christopher
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Tsiros, William	Wall, Janet	Woodill, Rodney
Woods, Phyllis			

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Leone, Richard	Odell, Bob	

NAYS 40

BELKNAP

Boyce, Laurie	Wendelboe, Fran
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CARROLL

Mock, Henry	Patten, Betsey	Sullivan, P Judith
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CHESHIRE

Espieffs, Peter	Royce, H Charles
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COOS

Tholl, John Jr

GRAFTON

Barker, Robert	Mirski, Paul	Scanlan, David	Williams, Burton
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HILLSBOROUGH

Alukonis, David	Bergeron, Jean-Guy	Bragdon, Peter	Furman, Christine
Gonzalez, Carlos	Herman, Keith	Jean, Loren	Kurk, Neal
LaRose, Richard	McRae, Karen	Salts, Greg	Thompson, Rob

MERRIMACK

Hutchinson, John	Soltani, Tony
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ROCKINGHAM

Bishop, Franklin	Camm, Kevin	Fesh, Bob	Hamel, Albert
Itse, Daniel	Kelley, William	McKinney, Betsy	Palermo, Diane
Putnam, Ed II	Weyler, Kenneth		

STRAFFORD

Harrington, Michael	Twombly, James
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SULLIVAN

Phinizy, James	Rodeschin, Beverly
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and the Hunt/Letourneau floor amendment was adopted.

Reps. Gonzalez, Thompson and Palermo voted nay and intended to vote aye.

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

The question now being adoption of the amended majority committee report.

Rep. Burling requested a roll call; sufficiently seconded.

YEAS 239 NAYS 144

YEAS 239

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Flanders, Donald
Holbrook, Robert	Lawton, David	Nedeau, Stephen	Pilliod, James
Rice, Thomas Jr	Rosen, Ralph	Russell, David	Thomas, John
Wendelboe, Fran			

CARROLL

Bradley, Jeb	Dickinson, Howard	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald	Quimby, Lee	Stevens, Stanley
Sullivan, P Judith	Torressen, Gary		

CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Manning, Joseph	Roberts, William
Royce, H Charles	Smith, Edwin		

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Pratt, Leighton	Rozek, Michael	Stohl, Eric	Tholl, John Jr
Woodward, David			

GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gabler, William	Gilman, G Michael
Giuda, Robert	Marshall, Gene	Mirski, Paul	Scanlan, David
Sova, Charles	Teschner, Douglass	Ward, Brien	Williams, Burton

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Batula, Peter	Bergeron, Jean-Guy
Bergin, Peter	Bouchard, David	Bouldin, Michael	Bragdon, Peter
Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald
Chabot, Robert	Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr

Coughlin, Pamela	Desrosiers, William	Dionne, Kimberley	Dokmo, Cynthia
Drisko, Richard	Dyer, Merton	Elliott, Larry	Emerton, Lawrence Sr
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Furman, Christine
Gargas, Carolyn	Golding, William	Gonzalez, Carlos	Goulet, Maurice
Graham, John	Greenberg, Gary	Guinta, Frank	Hall, Charles
Herman, Keith	Holden, Randolph	Hopper, Gary	Jean, Loren
Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard
Leach, Edward	Leishman, Peter	Lessard, Rudy	Martel, Andre
McHugh, Claire	McRae, Karen	Mercer, Robert	Messier, Irene
Milligan, Robert	Moran, Edward	O'Connell, Timothy	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Salts, Greg	Sargent, Maxwell	Seibel, Christopher	Souza, Kathleen
Spiess, Paul	Tahir, Saghir	Tate, Joan	Thompson, Rob
Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert	White, Donald

MERRIMACK

Anderson, Eric	Brewster, Richard	Colcord, J D	Cummings, Raymond
Dunne, Christopher	Feuerstein, Martin	Fraser, Leo Jr	Hess, David
Hutchinson, John	Jacobson, Alf	Kennedy, Richard	L'Heureux, Stephen
Langer, Ray	Leber, William	MacKay, James	Maxfield, Roy
Poulin, David	Soltani, Tony	Swindlehurst, John	Whalley, Michael
Winter, Steven			

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bowles, Raimond
Bridle, Russell	Camm, Kevin	Carson, Sharon	Case, Margaret
Chalbeck, Kevin	Clark, Vivian	Cooney, Richard	Corbin, Corey
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dodge, Robert	Dowling, Patricia	Fesh, Bob	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Giordano, Ronald	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hill, Jonathan	Holland, James Jr	Hutchinson, Karen
Introne, Robert	Itse, Daniel	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kelley, William	Kobel, Rudolph

Langley, Jane	Langone, John	Letourneau, Robert	Major, Norman
McKinney, Betsy	Moore, Benjamin	Morse, Charles	Nowe, Ronald
Packard, Sherman	Palermo, Diane	Power, Lucille	Priestley, Anne
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Rabideau, Marie
Rausch, James	Reardon, Neil	Ruffner, Walter	Saia, Pamela
Sapareto, Frank	Sloan, Stephen	Stone, Joseph	Stritch, C Donald
Varrell, Thomas	Welch, David	Weyler, Kenneth	Whittier, John
Woekel, Ralph	Zolla, William		

STRAFFORD

Albert, Russell	Bickford, David	Cossette, Larry	Dunlap, Patricia
Harrington, Michael	Musler, George	Reid, Christopher	Tsiros, William
Twombly, James	Woods, Phyllis		

SULLIVAN

Jones, Constance	Leone, Richard	Odell, Bob	Rodeschin, Beverly
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NAYS 144

BELKNAP

Johnson, William	Millham, Alida	Salatiello, Thomas	Wood, Jane
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CARROLL

None

CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin
Espiefs, Peter	McGuirk, Paul	Meader, David	Mitchell, McKim
Pratt, John	Richardson, Barbara	Russell, Ronald	Weed, Charles
Zerba, Roger			

COOS

Bradley, Paula	Landers, Dana	Mears, Edgar	Rodrigue, Robert
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GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Ham, Bonnie
Lovett, Sid	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scovner, Nancy	Sokol, Hilda		

HILLSBOROUGH

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Buckley, Raymond
Cardin, Lori	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Daigle, Robert	Drabinowicz, A Theresa
Duval, Jeffrey	Dwyer, Paul	Eaton, Richard	Ford, Nancy
Foster, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haley, Robert	Hall, Betty	Jean, Claudette	Johnson, Lionel
Kacavas, John	Keye, Harvey	Konys, Christine	Lasky, Bette
Lynde, Harold	Martin, Mary Ellen	McDonough-Wallace, Alice	Melcher, Harold
Movsesian, Lori	Palangas, Eric	Panagopoulos, Nicholas	Schulze, Joan
Shaw, Barbara	Sweeney, Cynthia	White, John	Williams, Carol

MERRIMACK

Bouchard, Candace	Clarke, Claire	Crosby, Toni	Daneault, Gabriel
Davis, Frank	Fraser, Marilyn	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Lockwood, Priscilla	Moore, Carol
Owen, Derek	Perkins, Randy	Potter, Frances	Reardon, Tara
Rodd, Beth	Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

ROCKINGHAM

Blanchard, MaryAnn	Clark, Martha Fuller	Coes, Betsy	Downing, Michael
Johnson, Robert	Kane, Cecelia	McGuire, Robert	Micklton, Stephanie
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Robertson, Carl	Shultis, Elizabeth	Splaine, James	Trueman, Raymond
Weatherspoon, Jacquelyne			

STRAFFORD

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Estabrook, Iris	Ferland, Paul	Gilmore, Gary	Goodwin, Earle
Grassie, Anne	Heon, Richard	Hughes, Christopher	Johnson, Nancy
Kaen, Naida	Knowles, William	Lent, Donald	McCarthy, Gerald
Pelletier, Arthur	Proulx, Raymond	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Wall, Janet
Woodill, Rodney			

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Phinizy, James			

and the report was adopted.

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

Ordered to third reading.

HB 2-FN-A, relative to state fees, funds, revenues, and expenditures. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Neal M. Kurk for the Majority of Finance: This is the companion or trailer bill to HB 1-A, the biennial budget. It contains necessary statutory changes to allow HB 1-A to be executed appropriately. Key provisions (1) establish a travel and tourism development fund; (2) provides for the fiscal committee to approve the acceptance and expenditure of non-state funds in excess of \$100,000; (3) enables a portion of the health insurance premiums for retired state employees to be paid from the retirement system special account; (4) enables the retirement system's operating expenses to be a charge against the retirement fund's income; (5) establishes an LCHIP administrative fund and allows interest from the fund's principle to be expended for administration purposes; (6) allows the Department of Health and Human Services to fill authorized but unfunded positions from its personnel lines; and (7) lapses \$1,500,000 from the tobacco use prevention fund that the program is unable to use in the current fiscal year. HB 1-A provides for the program to continue at the level established by the legislature, appropriating \$3 million to the fund for each year of the next two fiscal years.

Rep. Mary Jane Wallner for the Minority of Finance: This amendment would delete the footnote which lapses tobacco use prevention funds to the general fund in the amount of \$1.5 million. With the deletion of the footnote the Department of Health and Human Services can move forward with contracting for community tobacco use prevention programs. When the legislature enacted the tobacco use prevention fund we agreed that the funds would be non-lapsing. This bill would reverse that decision.

Majority Amendment (0891h)

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

1 New Section; Department of Resources and Economic Development; Travel and Tourism Development; Travel and Tourism Development Fund. Amend RSA 12-A by inserting after section 43 the following new section:

12-A:43-a Travel and Tourism Development Fund.

I. There is hereby established in the office of the state treasurer a fund to be known as the travel and tourism development fund. Any appropriations received shall be deposited in the fund. Moneys in the fund and any interest earned on the fund shall be used for the purpose of promoting and developing appropriate travel and tourism initiatives through the division of travel and tourism development and shall not be used for any other purpose. The director of travel and tourism development shall oversee expenditures from the fund. The moneys in the fund shall be non-lapsing and shall be continually appropriated to the department of resources and economic development.

II. The commissioner of resources and economic development shall prepare an annual report to be presented no later than December 1 of each year to the president of the senate, the speaker of the house of representatives, and the governor and council, and filed with the state library. The report shall detail the specific activities supported by, and expenditures from, the fund during the past year.

2 New Subparagraph; Travel and Tourism Development Fund. Amend RSA 6:12, I by inserting after subparagraph (dddd) the following new subparagraph:

(eeee) Moneys received for deposit in the travel and tourism development fund established by RSA 12-A:43-a, I.

3 New Paragraph; Fiscal Committee Approval Required for Acceptance and Expenditure of Funds Over \$100,000 From Any Non-State Source. Amend RSA 14:30-a by inserting after paragraph V the following new paragraph:

VI. Any non-state funds in excess of \$100,000, whether public or private, including refunds of expenditures, federal aid, local funds, gifts, bequests, grants, and funds from any other non-state source, which under state law require the approval of governor and council for acceptance and expenditure, may be accepted and expended by the proper persons or agencies in the state government only with the prior approval of the fiscal committee.

4 Fiscal Committee Approval Required for Expenditure of Federal Aid. Amend RSA 124:4 to read as follows:

124:4 Application for[⁷] and Administration of ***Federal Aid***. Notwithstanding any other provision of law, the governor and council are hereby authorized to designate from time to time, as they may deem in the best interest of the state, the proper persons or agencies in the state government to take all necessary action to apply for, receive, and administer any federal benefits, facilities, grants-in-aid, or other federal appropriations or services made available to assist state activities, for which the state is, or may become eligible. ***All such moneys in excess of \$100,000 made available, after designation by the governor and council, may be expended by the proper persons or agencies in the state government only with the prior approval of the joint***

legislative fiscal committee, provided, however, that prior approval by the joint legislative fiscal committee shall not be required for any federal moneys received by the department of employment security. In addition to such other instruments, documents, and agreements as may be executed ~~[hereunder]~~ **under the authority of this section**, such persons or agencies may~~[- whenever the same shall be required as a condition to the receipt of such federal assistance, with the approval of the governor and council]~~ execute indemnification agreements, **with the approval of governor and council**, in the name of the state with and for the benefit of the United States **whenever such execution is required as a condition of receipt of such federal assistance.**

5 Retirement System; Definition of Employee. Amend RSA 100-A:1, V to read as follows:

V. "Employee" shall mean any regular classified or unclassified officer or employee of the state or any department, commission, institution or agency of the state government by which an employee is paid through the office of the state treasurer, or employees of the general court who work on a full-time basis and are eligible for other state benefits, but whose salary is calculated on a per diem basis or any employee **of the retirement system or** of any of the groups authorized to participate ~~[in the retirement system]~~ under this chapter but excluding any person who is a teacher, permanent policeman, or permanent fireman as defined in this section, or who is a member or attache of the general court or member of the executive council.

6 Retirement System; Administration. Amend RSA 100-A:14, V to read as follows:

V. The board of trustees ~~[may]~~ **shall have the full power to** employ **and compensate** such classified employees **on such terms** as may be necessary **as charges upon the funds of the retirement system**. It may also engage such actuarial, medical, and like services as may be required to transact the business of the system. The compensation for such special services, and all other expenses of the board necessary, hereto, shall be paid at such rates and in such amounts as the board shall approve.

7 Retirement System; Administrative Cost Assessment. RSA 100-A:14, XIII is repealed and reenacted to read as follows:

XIII. Administrative Cost Assessment. Other provisions of law notwithstanding, the cost of administration of the retirement system as provided in this section shall be a charge upon the funds of the retirement system. The amount of administrative expense recorded monthly by the department of administrative service, division of accounting services, shall be paid to the state treasurer by the board of trustees. The board shall biennially review the administrative expenses for the previous biennium and shall submit in a budget for legislative appropriation, those amounts that the board, in its reasonable discretion, may deem necessary for the efficient operation of the system. Administrative balances accrued prior to June 30, 2001 shall be retained by the retirement system and expended for ongoing operations.

8 Retirement System; Management of Funds. Amend RSA 100-A:15, IV to read as follows:

IV. The board of trustees is authorized to engage the services of legal counsel for special investment, federal, and tax matters and~~[- with the approval of the attorney general,]~~ to engage outside counsel for other matters. The payment for services provided in this paragraph shall be a charge upon the funds of the New Hampshire retirement system.

9 Retirement System; Executive Director. Amend RSA 100-A:44 to read as follows:

100-A:44 Appointment; Removal. The board of trustees of the retirement system shall ***have the full power to*** appoint ***and compensate*** an executive director ~~[who shall hold office during good behavior. The board may remove the executive director for cause]~~ ***to perform such duties on such terms as it may require.***

10 Executive Director Salary; Director of Finance. Amend RSA 100-A:47 and 47-a to read as follows:

100-A:47 Salary. The annual salary of the executive director shall be ~~[that prescribed by RSA 94:1-4]~~ ***set at such rates as the board of trustees may deem necessary to attract and retain a suitably qualified individual.***

100-A:47-a Appointment; Duties; and Compensation. The executive director of the retirement system shall nominate a director of finance for appointment by the board of trustees. The director of finance shall assist the board of trustees in the management of retirement system funds. The director of finance shall report directly to the board of trustees or to a person or persons designated by the board and shall serve at their pleasure. The director of finance shall be qualified to hold the position by reason of education and experience. The annual salary for the director of finance shall be ~~[that prescribed by RSA 94:1-a, I, Group M]~~ ***set at such rates as the board of trustees may deem necessary in order to attract and retain a suitably qualified individual.***

11 New Hampshire Retirement System; Payment by Retirement System-Group I; Amend RSA 100-A:52-a to read as follows:

100-A:52-a Payment by Retirement System; Group I ~~[Teachers and Political Subdivision Employees]~~.

I. The New Hampshire retirement system shall pay the cost for permanent group hospitalization, hospital medical care, surgical care, and other medical and surgical benefits, in the employer-sponsored plan provided for active employees of a retiree's former employer, subject to the provisions of this section, for the following persons:

(a) Any person, who has at least 20 years of creditable service as a group I member if age 60 or older, or at least 30 years of creditable service as a group I member if age 55-59, retired on or before July 1, 2004 as a group I ~~[teacher member or political subdivision employee]~~ member of the New Hampshire retirement system on service or ordinary disability retirement, provided that such person shall be entitled to retirement on the basis of group I creditable service, or any person retired on or before July 1, 2004, as a group I member whose service retirement benefit is based upon the provisions of RSA 100-A:19-c and who has a minimum of 20 years of creditable service as a group I member.

(b) Any person who has completed no less than 20 years of group I creditable service, but who for reasons other than retirement or death ceased to be a group I ~~[teacher member or political subdivision employee]~~ member prior to attaining the age of 60, and who, as of July 1, 2004, receives a vested deferred retirement allowance and who subsequently attains the age of 60.

(c) Any person who has completed no less than 20 years of group I creditable service and who retired as a group I ~~[teacher member or political subdivision employee]~~ member prior to age 60, and who subsequently attains the age of 60, or any person who has completed no less than 30 years of group I creditable service and who retired as a group I ~~[teacher member or political subdivision employee]~~ member prior to age 55, and who subsequently attains the age of 55.

(d) The surviving spouse of a deceased retired group I teacher member or political subdivision employee member who met the qualifications of subparagraphs (a), (b) or (c), or of a deceased member who died while in service as a group I teacher member or political subdivision employee member, provided that such surviving spouse was covered as the member's spouse in the employer-sponsored plan before the member's death and is entitled to a monthly allowance under RSA 100-A:8, 100-A:9, or 100-A:13.

(e) Any certifiably dependent child with a disability living in the household and being cared for by the qualified retired member, the member's spouse, or the qualified surviving spouse.

(f) The surviving spouse and children of a deceased ~~[teacher or]~~ group I ~~[political subdivision employee]~~ member who dies as the natural and proximate result of injuries suffered while in the performance of duty, provided that:

(1) Any such child shall be qualified under this subparagraph only if under 18 years of age, or under 23 years of age if attending school on a full-time basis; and

(2) Such surviving spouse shall cease to be qualified upon the remarriage of the surviving spouse; and

(3) No surviving spouse or child shall be qualified or continue to be qualified under this subparagraph while receiving or eligible to receive medical insurance or health care benefits from any employer's sponsored plan.

(g) Any group I ~~[teacher member or political subdivision employee]~~ member retired on or before July 1, 2004 on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty.

(h) The spouse of a qualified retiree.

I-a. Notwithstanding the provision of RSA 100-A:4, III-b, for the purpose of calculating creditable service for eligibility for medical benefits payment under paragraph I, each full year of job-sharing service of a teacher in a job-sharing position shall be calculated at 1/2[~~3~~] of one year of such service credit.

II. However, for the fiscal year beginning July 1, 2000, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not entitled to medicare benefits, and on account of each person qualified under paragraph I who is entitled to medicare benefits, shall be the same as the amount provided in RSA 100-A:52, II for group II retirees. As of July 1, 2000 and on each July 1 thereafter, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 8 percent, compounded on previous increases.

III. In the case of group I members retired from employment by political subdivisions of the state, the amount payable by the retirement system on account of qualified persons shall be paid over to the employer, insurer, or health care administrator and used to pay for all or part of the medical benefits provided through the former employer for qualified persons. If the cost of the premium for any eligible person under paragraph I shall exceed the maximum under paragraph II, and the employer does not elect to pay the excess cost, the excess cost shall be paid by the retiree or qualified surviving spouse and may be deducted from retirement benefits as provided in RSA 100-

A:51. The employer may require, as a condition for coverage, that the retiree or surviving spouse apply for deduction of such excess cost from retirement benefits as provided in RSA 100-A:51.

III-a. As of January 1, 2002, in the case of group I members retired from state employment before July 1, 1991, and their beneficiaries who are eligible for coverage under this subdivision and also under the provisions of RSA 21-I:26-36, the amount payable by the retirement system on account of such persons shall be paid over to the state and used to pay for all or part of the medical benefits provided under RSA 21-I:26-36 for such persons, and the balance shall be paid by the state as provided in RSA 21-I:26-36.

III-b. As of January 1, 2002, in the case of group I members retired from state employment on or after July 1, 1991, and their beneficiaries who are eligible for coverage under this subdivision and also under the provisions of RSA 21-I:26-36, the amount payable by the retirement system on account of such persons shall be paid over to the state and used to pay for all or part of the medical benefits provided under RSA 21-I:26-36 for such persons, and the state shall pay its portion as provided in RSA 21-I:26-36. If the cost of the premium for any retired group I member and spouse, surviving spouse, or any other person entitled to benefits under paragraph I shall exceed the maximum under paragraph II, and the state does not elect to pay the excess cost above the amount to be paid under RSA 21-I:26-36, the excess cost shall be paid by the retiree or qualified surviving spouse and may be deducted from retirement benefits as provided in RSA 100-A:51. The state may require, as a condition for coverage, that the retiree or surviving spouse apply for deduction of such excess cost from retirement benefits as provided in RSA 100-A:51.

IV. There shall be no age limit to participate in the employer sponsored medical and health plan provided in paragraph I, and there shall be no physical examination or health statement required for such coverage, provided, however, that if an eligible retired group I ~~[teacher member or political subdivision employee]~~ member of the retirement system fails to apply for such coverage within the time required by the insurance contract, the insurer may require satisfactory evidence of insurability as a condition for becoming insured.

V. Any group I teacher member retired before January 1, 2000, or other eligible person under paragraph I, who would have been eligible for medical benefits under this section if this section had been in effect on the member's date of retirement, shall have the option of re-joining the medical or health plan sponsored by the retired member's former employer and of receiving benefits under this section, provided that such eligible person shall apply to the employer for such benefits before January 1, 2002. Upon receipt of such application, the former employer shall enroll such retiree or other eligible person in the employer's plan in the same manner and subject to the same conditions as enrollment of a new employee but without any benefit-waiting period which may be applicable to new employees of that employer. Neither an employer nor an employer's group plan or insurer shall be liable for any claims incurred prior to the date of enrollment under this paragraph.

VI. Any group I political subdivision employee member retired before January 1, 2001, or other eligible person under paragraph I, who would have been eligible for medical benefits under this section if this section had been in effect on the member's date of retirement, shall have the option of re-joining the medical or health plan sponsored by the retired member's former employer and of receiving benefits under this section, provided that such eligible person shall apply to the employer for such benefits before January 1, 2003. Upon receipt of such application, the former employer shall enroll such retiree or other eligible person in the employer's plan in the same manner and subject to the same conditions as enrollment of a new employee but without any benefit-waiting period which may be applicable to new employees of that employer. Neither an employer nor

an employer's group plan or insurer shall be liable for any claims incurred prior to the date of enrollment under this paragraph.

VII. The retirement system shall notify all group I teacher and political subdivision employee retirees and surviving spouse beneficiaries, who are currently drawing monthly allowances from the retirement system, of their possible right to re-join and active-employee medical insurance or health plan and to receive benefits under this section.

VIII. Any person who is eligible to receive group insurance or other medical benefits under the provisions of this section, but who does not need and who declines such benefits because they would be duplicative of coverage under any employer-sponsored plan, shall nevertheless continue to be eligible and, upon ceasing to be eligible for the other coverage, shall be permitted to receive the benefits allowable under this section without any waiting period.

12 New Section; New Hampshire Retirement System; Method of Financing; Group I State Employees. Amend RSA 100-A by inserting after section 53-c the following new section:

100-A:53-d Method of Financing; Group I State Employees.

I. The benefits provided under RSA 100-A:52-a shall be provided by a 401(h) subtrust of the New Hampshire retirement system. The 401(h) subtrust shall be funded by allocating 25 percent of future group I state employer contributions made for group I state employees in accordance with RSA 100-A:16 to the subtrust until such time as the benefits are fully funded. Thereafter, the subtrust shall receive only that portion of each year's contribution as is necessary to keep the benefits fully funded.

II. All contributions made to the retirement system to provide medical benefits under RSA 100-A:52-a shall be maintained in a separate account, the 401(h) subtrust. All funds and accumulated interest shall not be used for or diverted to any purpose other than to provide said medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set forth in this chapter may be used or diverted to provide medical benefits under RSA 100-A:52-a. The funds, if any, providing medical benefits under RSA 100-A:52-a may be invested pursuant to the provisions of RSA 100-A:15.

13 New Paragraph; New Hampshire Retirement System; Medical Benefits; Application. Amend RSA 100-A:55 by inserting after paragraph I-b the following new paragraph:

I-c. It is the intent of the legislature that future group I state employee members eligible after July 1, 2004 shall be included under the provisions of RSA 100-A:52-a only if the total cost of such inclusion can be terminally funded from the special account established in RSA 100-A:16, II (h).

14 Defense and Indemnification. Amend RSA 99-D:2 to read as follows:

99-D:2 **Defense and Indemnification.** If any claim is made or any civil action is commenced against a present or former officer, trustee, official, or employee of the state or any agency thereof, including members of the New Hampshire national guard and any justice of the district, municipal, probate, superior, or supreme court, or the clerks or bail commissioners thereof, or any harbor master appointed by the New Hampshire port authority, or officials and employees of the New Hampshire housing finance authority, or directors, officers, and employees of the Pease development authority, ***or directors, officers, and employees of the land and community heritage investment authority*** seeking equitable relief or claiming damages for the negligent or

wrongful acts and the officer, trustee, official, or employee requests the state to provide representation for him **or her**, and the attorney general, or, in the case of a claim or civil action commenced against the attorney general, the governor and council, determines that the acts complained of were committed by the officer, trustee, official, or employee while acting within the scope of official duty for the state and that such acts were not wanton or reckless, the attorney general shall represent and defend such person with respect to such claim or throughout such action, or shall retain outside counsel to represent or defend such person, and the state shall defray all costs of such representation or **defense**, to be paid from funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold harmless such person from any costs, damages, awards, judgments, or settlements arising from the claim or suit. The attorney general or governor and council shall not be required to consider the request of such person that representation be provided for him **or her** unless within 7 days of the time such person is served with any summons, complaint, process, notice, demand, or pleading ~~[he]~~ **the person** shall deliver the original or a copy thereof to the attorney general or, in the case of an action against the attorney general, to the governor and council. As a condition to the continued representation by the attorney general and to the obligation of the state to indemnify and hold harmless, such officer, trustee, official, or employee shall cooperate with the attorney general in the **defense** of such claim or civil action. No property either real or personal of the state of New Hampshire shall be subject to attachment or execution to secure payment of or to satisfy any obligations of the state created under this chapter. Upon the entry of final judgment in any action brought under this chapter, the governor shall draw ~~[his]~~ **a** warrant for said payment out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated. The attorney general shall have the authority to settle any claim brought under this chapter by compromise and the amount of any such settlement shall be paid as if the amount were awarded as a judgment under this chapter. **Indemnification** by the state under this section shall be for the actual amount of costs, damages, awards, judgments, or settlements personally incurred by any such officer, trustee, official, or employee, and the state shall not pay any amounts for which payment is the obligation of any insurance carrier or company under a policy or policies of insurance or any other third party under a similar obligation.

15 New Subparagraphs; Additional Powers and Duties. Amend RSA 227-M:5, VIII by inserting after subparagraph (c) the following new subparagraphs:

(d) Employ or retain as independent contractors architects, engineers, attorneys, accountants, and other advisors and employees, consultants, and agents as may be necessary in its judgment without regard to any personnel or civil service law of the state to prescribe their duties and qualifications and to fix and pay their compensation if any.

(e) Appoint qualified individuals to serve as unpaid volunteers under such terms and conditions as it deems necessary. Said volunteers or advisors may be paid a stipend and/or reimbursed for any incidental expenses determined by the authority to be necessary and incurred while performing the business of the authority.

16 New Section; Administrative Fund Established. Amend RSA 227-M by inserting after section 7 the following new section:

227-M:7-a Administrative Fund.

I. There is established in the office of the state treasurer a fund to be known as the land and community heritage investment program administrative fund into which the state treasurer shall credit any revenue generated pursuant to RSA 261:97-b, I-a. For the biennium ending June 30, 2003 there shall also be deposited, on a monthly basis, interest income generated on appropriations made to the land and community heritage investment program trust fund pursuant

to RSA 227-M:7. If the revenues generated to the administrative fund from these two sources for said biennium do not total \$335,000 during each year of the biennium, then, on or after the first day of the last month of the fiscal year, the treasurer shall be authorized to credit the administrative fund from the principal of the trust fund, not to exceed this total.

II. All sums so credited shall be appropriated to the authority for the following purposes:

(a) To pay the costs of administering and operating the authority, including, but not limited to, all wages, salaries, benefits, and other expenses authorized by the board or the executive director. The authority may enter into a contract or agreement for provision of services to withhold on a monthly basis all payroll and benefit costs for employees.

(b) In general for the payment of all expenses incident to the management and operation of the authority as are consistent with its statutory purpose and as the board or the executive director thereof may from time to time determine.

III. This fund shall constitute a continuing appropriation for the benefit of the authority. Any amount remaining to the credit of the authority at the close of any fiscal year, and any interest accrued, shall be nonlapsing and shall be carried over and credited to the fund for the succeeding year.

17 New Section; Land and Community Heritage Investment Program; Authority Employees. Amend RSA 227-M by inserting after section 6 the following new section:

227-M:6-a Status of Employees.

I. The authority may hire, fix and pay compensation, prescribe duties and qualifications, and establish personnel policies without regard to any personnel or civil service law or personnel or civil service rule of the state. The employees of the authority shall not be classified employees of the state within the meaning of RSA 21-I:49. Any individual employed by the authority shall be deemed an employee at will and shall serve at the pleasure of the authority.

II. Notwithstanding the provisions of paragraph I, any individual employed by the authority whose employment calls for 30 hours or more work in a normal calendar week, and whose position is anticipated to have a duration of 6 months or more, shall be entitled to elect to receive such health, dental, life insurance, deferred compensation, and retirement benefits as are afforded to classified employees of the state provided, however, that the election is made in writing within 30 days of the start of employment. Upon election by such individual, the authority shall pay from its revenues the state's share of such benefits. Any remaining costs of health, dental, life insurance, deferred compensation, and retirement benefits which an individual elects to receive pursuant to this section, shall be withheld from such individual's salary as a payroll deduction. Written notice of the availability of these benefit options shall be provided to each individual upon employment by the authority.

18 Department of Resources and Economic Development; Telecommunications Planning and Development Initiative; Initial Funding; Appropriation Nonlapsing. Amend 2000, 298:5 by inserting after paragraph IV the following new paragraph:

V. The initial funding mechanism and the appropriation made pursuant to this section shall not lapse until June 30, 2002.

19 Authority to Fill Unfunded Positions; Department of Health and Human Services. Notwithstanding any other provision of law, the commissioner of the department of health and human services may fill any authorized unfunded positions during the biennium ending June 30, 2003, provided that the total expenditures shall not exceed the amount appropriated for personal services, permanent and personal services, unclassified.

20 Certain Tobacco Use Prevention Fund Moneys; General Fund. Notwithstanding any provision of law to the contrary, \$1,500,000 from the tobacco use prevention fund, established in RSA 126-K:15, shall lapse to the general fund on July 1, 2001.

21 Effective Date.

I. Sections 11 and 12 of this act shall take effect 60 days after its passage.

II. Section 13 of this act shall take effect January 1, 2002.

III. Section 18 of this act shall take effect June 30, 2001.

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

AMENDED ANALYSIS

This bill:

I. Establishes a travel and tourism development fund.

II. Requires that acceptance and expenditures of federal aid and any other non-state funds in excess of \$100,000 be approved by the joint legislative fiscal committee.

III. Provides for the costs of administration of the retirement system to be a charge upon retirement system funds.

IV. Provides for the method of funding payments for certain group I members of the New Hampshire retirement system.

V. Establishes an administrative fund for the land and community heritage investment authority and adds certain powers and duties of the authority.

VI. Provides that the initial funding mechanism and appropriation for the telecommunications planning and development initiative shall not lapse until June 30, 2002.

VII. Permits the commissioner of the department of health and human services to fill authorized unfunded positions.

VIII. Requires that \$1,500,000 from the tobacco use prevention fund lapse to the general fund.

The question now being the adoption of the majority amendment.

Adopted.

Rep. Carol Moore offered the minority amendment (0910h)

Minority Amendment (0910h)

Amend the bill by deleting section 20 and renumbering the original section 21 to read as 20.

AMENDED ANALYSIS

This bill:

I. Establishes a travel and tourism development fund.

II. Requires that acceptance and expenditures of federal aid and any other non-state funds in excess of \$100,000 be approved by the joint legislative fiscal committee.

III. Provides for the costs of administration of the retirement system to be a charge upon retirement system funds.

IV. Provides for the method of funding payments for certain group I members of the New Hampshire retirement system.

V. Establishes an administrative fund for the land and community heritage investment authority and adds certain powers and duties of the authority.

VI. Provides that the initial funding mechanism and appropriation for the telecommunications planning and development initiative shall not lapse until June 30, 2002.

VII. Permits the commissioner of the department of health and human services to fill authorized unfunded positions.

Rep. Carol Moore spoke in favor.

Rep. Emerton spoke against and yielded to questions.

Rep. Manning requested a roll call; sufficiently seconded.

The question being adoption of the minority committee amendment.

YEAS 173 NAYS 211

YEAS 173

BELKNAP

Johnson, William

Millham, Alida

Pilliod, James

Salatiello, Thomas

Wood, Jane

CARROLL

None

CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin
Edwards, Dana	Espieffs, Peter	Fairbanks, Chandler	Manning, Joseph
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, John
Richardson, Barbara	Russell, Ronald	Weed, Charles	Zerba, Roger

COOS

Bradley, Paula	Davis, Perley	Landers, Dana	Mears, Edgar
Rodrigue, Robert			

GRAFTON

Akins, Ralph	Almy, Susan	Benn, Bernard	Cooney, Mary
Ham, Bonnie	Lovett, Sid	Naro, Debra	Nordgren, Sharon
Pawlek, Marion	Scovner, Nancy	Sokol, Hilda	

HILLSBOROUGH

Allan, Nelson	Andosca, Mary	Balcom, John	Baroody, Benjamin
Bellavance, Paul	Bergin, Peter	Buckley, Raymond	Cardin, Lori
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daigle, Robert	Dionne, Kimberley	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Duval, Jeffrey	Dwyer, Paul
Foster, Linda	Gargasz, Carolyn	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Haley, Robert	Hall, Betty	Jean, Claudette
Johnson, Lionel	Kacavas, John	Keye, Harvey	Konys, Christine
LaFlamme, Paul	Lasky, Bette	Leach, Edward	Leishman, Peter
Lynde, Harold	Martin, Mary Ellen	McDonough-Wallace, Alice	Melcher, Harold
Messier, Irene	Movsesian, Lori	O'Connell, Timothy	Palangas, Eric
Panagopoulos, Nicholas	Peterson, Andrew	Schulze, Joan	Seibel, Christopher
Shaw, Barbara	Spiess, Paul	Sweeney, Cynthia	White, John
Williams, Carol			

MERRIMACK

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Crosby, Toni
Daneault, Gabriel	Davis, Frank	Feuerstein, Martin	Fraser, Marilyn
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Jacobson, Alf	Lockwood, Priscilla	Moore, Carol	Owen, Derek
Perkins, Randy	Potter, Frances	Reardon, Tara	Rodd, Beth
Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane	Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Chalbeck, Kevin
Clark, Martha Fuller	Coes, Betsy	Dearborn, Bruce	DiFruscia, Anthony
Gleason, John	Johnson, Robert	Kane, Cecelia	Langone, John
McGuire, Robert	Micklton, Stephanie	Norelli, Terie	O'Keefe, Patricia
Pantelakos, Laura	Pitts, Jacqueline	Robertson, Carl	Sapareto, Frank
Shultis, Elizabeth	Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne
Whittier, John			

STRAFFORD

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Ferland, Paul	Gilmore, Gary
Goodwin, Earle	Grassie, Anne	Heon, Richard	Hughes, Christopher
Johnson, Nancy	Kaen, Naida	Knowles, William	Lent, Donald
McCarthy, Gerald	Pelletier, Arthur	Proulx, Raymond	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Woodill, Rodney			

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Franklin, Peter	Harris, Joseph	Harris, Sandra	Leone, Richard
Phinizy, James			

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Lawton, David	Nedeau, Stephen
Rice, Thomas Jr	Rosen, Ralph	Russell, David	Thomas, John
Wendelboe, Fran			

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	Quimby, Lee
Stevens, Stanley	Sullivan, P Judith	Torressen, Gary	

CHESHIRE

Avery, Stephen	Dexter, Judson	Emerson, Susan	Hunt, John
Roberts, William	Royce, H Charles	Smith, Edwin	

COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Rozek, Michael	Stohl, Eric	Tholl, John Jr	Woodward, David

GRAFTON

Alger, John	Barker, Robert	Cobb, John	Dudley, Terri
Eaton, Stephanie	Gabler, William	Gilman, G Michael	Giuda, Robert
Marshall, Gene	Mirski, Paul	Scanlan, David	Sova, Charles
Teschner, Douglass	Ward, Brien	Williams, Burton	

HILLSBOROUGH

Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence	Balboni, Michael
Batula, Peter	Bergeron, Jean-Guy	Bouchard, David	Bouldin, Michael
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Desrosiers, William	Dyer, Merton
Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis

Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Furman, Christine
Golding, William	Gonzalez, Carlos	Goulet, Maurice	Graham, John
Greenberg, Gary	Guinta, Frank	Hall, Charles	Herman, Keith
Holden, Randolph	Hopper, Gary	Jean, Loren	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lessard, Rudy	Martel, Andre
McHugh, Claire	McRae, Karen	Mercer, Robert	Milligan, Robert
Moran, Edward	Pappas, Marc	Pepino, Leo	Reeves, Sandra
Rowe, Robert	Salts, Greg	Sargent, Maxwell	Souza, Kathleen
Tahir, Saghir	Tate, Joan	Thompson, Rob	Thulander, O Alan
Vaillancourt, Steve	Wheeler, Robert	White, Donald	

MERRIMACK

Anderson, Eric	Colcord, J D	Cummings, Raymond	Dunne, Christopher
Fraser, Leo Jr	Hess, David	Hutchinson, John	Kennedy, Richard
L'Heureux, Stephen	Langer, Ray	Leber, William	MacKay, James
Maxfield, Roy	Poulin, David	Soltani, Tony	Swindlehurst, John
Whalley, Michael	Winter, Steven		

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Carson, Sharon	Clark, Vivian	Cooney, Richard
Corbin, Corey	Cox, Russell	Dalrymple, Janeen	Dodge, Robert
Dowling, Patricia	Downing, Michael	Fesh, Bob	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Giordano, Ronald	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hill, Jonathan	Holland, James Jr	Hutchinson, Karen	Introne, Robert
Itse, Daniel	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kelley, William	Kobel, Rudolph	Langley, Jane
Letourneau, Robert	Major, Norman	McKinney, Betsy	Moore, Benjamin
Morse, Charles	Nowe, Ronald	Packard, Sherman	Palermo, Diane
Power, Lucille	Priestley, Anne	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Rabideau, Marie	Rausch, James	Reardon, Neil
Ruffner, Walter	Saia, Pamela	Sloan, Stephen	Stone, Joseph
Stritch, C Donald	Varrell, Thomas	Welch, David	Weyler, Kenneth

Woekel, Ralph

Zolla, William

STRAFFORD

Albert, Russell

Bickford, David

Cossette, Larry

Harrington, Michael

Musler, George

Reid, Christopher

Tsiros, William

Twombly, James

Wall, Janet

Woods, Phyllis

SULLIVAN

Flint, Gordon Sr

Jones, Constance

Odell, Bob

Rodeschin, Beverly

and the minority amendment failed.

Rep. Kurk yielded to questions.

The question being adoption of the committee report.

On division vote, 244 members having voted in the affirmative and 141 in the negative the report was adopted.

Ordered to third reading.

HB 25-FN-A, making appropriations for capital improvements. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth L. Weyler for Finance: This is the capital appropriations budget. It represents bonded and long-term commitments for construction and repair as well as high-priced equipment with useful applications of eight years or more. Finance Committee supported the majority of the report as it came to us from the Committee on Public Works and Highways. Subsequent developments in the legislative process allowed the Finance Committee to make the following changes:

1. Anticipated new revenue to the unrestricted general fund revenue allowed us to add approximately \$5 million to the general fund bonding. 2. Nashua Vocational Center, the oldest vocational high school: \$4.5 million for equipment. 3. Health and Human Services: \$495,000 for laboratory equipment, funds moved from operating budget 4. Department of Safety: Dormitory and class rooms at Fire Standards and Training Academy to support federal grant for multi-state aviation fire fighting. Funds for the bond will not be from the general fund but will be from revenue generated by rent and additional revenue identified in HB 218 and HB 303, with a contingency statement should those bills be altered.

The Committee understood that there were ongoing negotiations relative to the University System section. At the time of our deliberations there was no final agreement. We anticipate a floor amendment. Vote 20-0.

Amendment 0901h)

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

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

I. Adjutant General.

	A. Armory Renovations - Statewide	\$ 400,000
210,000	B. Reroofing Plymouth and Franklin Armories and SMR building "F"	
	C. Army Aviation Support Facility Construction - Concord	30,600,000
	Less Federal	<u>-30,600,000</u>
	Net state appropriation subparagraph C	0
	D. NHSVC Administration Building	514,000
	Less Federal	<u>-514,000</u>
	Net state appropriation subparagraph D	0
	E. NHSVC Grave Locator and Public Restroom	94,000
	Less Federal	<u>-94,000</u>
	Net state appropriation subparagraph E	0
	F. NHSVC Columbarium Expansion	305,000
	Less Federal	<u>-305,000</u>
	Net state appropriation subparagraph F	0
	G. NHSVC Irrigation	141,000
	Less Federal	<u>-141,000</u>
	Net state appropriation subparagraph G	0
	H. NHSVC Foot Bridge	210,000
	Less Federal	<u>-210,000</u>
	Net state appropriation subparagraph H	0
	I. USPFO Addition and Renovation	4,036,700
	Less Federal	<u>-4,036,700</u>

Net state appropriation subparagraph I	0
J. NHNG Training Site Range-Center Strafford	2,280,800
Less Federal	<u>-2,280,800</u>
Net state appropriation subparagraph J	<u>0</u>
Total state appropriation paragraph I	\$610,000

II. Administrative Services.

A. Bureau of General Services.

1. State Laboratory - Complete HVAC Repairs	\$ 8,552,200
2. E-911 Install Ventilation Unit	133,000
3. 6 Hazen Drive - Install Fire Suppression System	807,500
4. State Library - Install Fire Suppression System	310,000
5. State House Annex - Life Safety Code Improvements	
6. State House Annex - Upgrade Elevators	198,000
7. 6 Hazen Drive - Replace State Laboratory Roof	160,000
8. State House - Upgrade Elevators	198,000
9. State House - Repoint Exterior Granite & Caulk Windows	
10. State House – Dome	300,000
11. State House Annex – Mailroom Lift	93,500
12. Johnson Hall Renovations - State Office Park South	
13. Storrs Street Garage - Parking Garage Repairs	<u>513,000</u>
Total state appropriation subparagraph A	\$11,806,276

106,500

205,000

229,576

B. Bureau of Court Facilities.

1. Carroll County Courthouse Construction	\$ 6,250,000
2. Roof - Nashua	<u>115,700</u>

Total state appropriation subparagraph B \$ 6,365,700

Total state appropriation paragraph II \$18,171,976

III. Agriculture, Markets, and Food.

A. NH Bldg. At Eastern States Exposition \$200,000

Total state appropriation paragraph III \$200,000

IV. Community-Technical College System.

A. Learning Resource Center - Stratham \$1,584,000

B. System Maintenance - Statewide 705,000

C. Machine Tool Lab - Nashua 350,000

D. New Academic Building - Laconia (Design) 700,000

E. Mezzanine Instruction Renovation - Manchester 739,850

F. Computer System Upgrades * 600,000

G. Computer System Upgrades – Claremont* 350,000

H. Mobile Equipment Center Design/Child Care – Berlin 250,000

I. Christa McAuliffe Planetarium – Alan B. Shepard Memorial Wing

100,000

Total state appropriation paragraph IV \$ 5,378,850

V. Department Of Corrections.

A. Upgrade Electronic Perimeter Fence Phase 2 - Concord \$100,000

Total state appropriation paragraph V \$100,000

VI. Department of Cultural Resources.

A. Statewide Union Catalog Hardware* \$225,000

Total state appropriation paragraph VI \$225,000

VII. Department Of Education.

A. Education Statistics System * \$200,000

B. Grants Management *	650,000
Less Federal	<u>-500,000</u>
Net state appropriation subparagraph B	150,000
C. Vocational Rehabilitation Case Management System *	170,000
Less Federal	<u>-140,000</u>
Net state appropriation subparagraph C	30,000
D. Career Development System (Phase 2) *	227,500
Less Federal	<u>-98,000</u>
Net state appropriation subparagraph D	<u>129,500</u>
E. Regional Vocational Center Renovation - Keene	4,500,000
F. Vocational Center Construction – Nashua (Phase I)	<u>4,500,000</u>
Total state appropriation paragraph VII	\$9,509,500

VIII. Department Of Environmental Services.

A. Drinking Water SRF Matching Funds	\$721,400
B. Wastewater SRF Matching Funds	<u>5,361,274</u>
Total state appropriation paragraph VIII	\$6,082,674

IX. Department Of Health & Human Services.

A. Patient Res. ADA & Fire Sys/Transitional Housing	
– State Office Park South	\$433,750
B. Asbestos Abatement - State Office Park South	996,250
C. Main Building - ADA, Fire/Life Safety Renovations	265,000
D. MOP Roof Replacement/Wiring, Phone, Alarm - Laconia	210,000
E. Laconia MR Offenders New Building	500,000
F. Patient Care Network *	700,000
G. LITS (Lab Information Tracking System) *	250,000

H. Bridges Enhancement *	\$3,000,000
Less Federal	<u>-1,500,000</u>
Net state appropriation subparagraph H	1,500,000
I. DFA New Heights Enhancements *	3,100,000
Less Federal	<u>-1,550,000</u>
Net state appropriation subparagraph I	1,550,000
J. Public Health Laboratories Replacement Equipment	<u>495,000</u>
Total state appropriation paragraph IX	\$6,900,000

X. Liquor Commission.

A. Renovate Store #38 & Parking Lot - Portsmouth	\$685,000
B. Renovate Store #34 - Salem & New HVAC	<u>593,000</u>
Total state appropriation paragraph X	\$1,278,000

XI. Department Of Resources and Economic Development.

A. Statewide Radio System	\$582,200
B. Exterior Repairs, Roofing - Statewide	200,000
C. Road Repairs/Parking Lot Maintenance - Statewide	200,000
D. Cannon Mt. Aerial Tram-Upgrade Drive & Control Sys.	995,000
Less Park Fund	<u>-995,000</u>
Net state appropriation subparagraph D	<u>0</u>
Total state appropriation paragraph XI	\$982,200

XII. Supreme Court.

A. Computer System Upgrade *	<u>\$1,100,000</u>
Total state appropriation paragraph XII	\$1,100,000

XIII. Department Of Transportation.

A. 5-10 percent match for FAA Projects	\$2,800,000
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B. Repair State Rail Lines	2,000,000	
Less Federal	<u>-1,000,000</u>	
Net state appropriation subparagraph B		1,000,000
C. Public Transit Bus Replacement	1,000,000	
Less Federal	-800,000	
Less Other	<u>-100,000</u>	
Net state appropriation subparagraph C		<u>100,000</u>
Total state appropriation paragraph XIII		\$3,900,000

XIV. Veterans Home.

A. 100 Electric Beds	\$150,000	
B. Parker Tubs	40,000	
Total state appropriation paragraph XIV		\$190,000

XV. Youth Development Services.

A. King Cottage Renovations - Const. YDS	\$415,000	
B. ADA Compliance and Sprinkler/Fire Detection - Const.	<u>500,000</u>	
Total state appropriation paragraph XV		<u>\$915,000</u>
Total state appropriation section 1		\$55,543,200

* The bonds issued for these projects shall be 5 year bonds.

2 Appropriation; University System of New Hampshire.

I. The general court intends to appropriate a total of \$100,000,000 during the bienniums ending June 30, 2003, June 30, 2005, and June 30, 2007 to fund capital improvement projects at the university system of New Hampshire. The legislature intends to appropriate \$33,000,000 for the biennium ending June 30, 2005; and \$33,000,000 for the biennium ending June 30, 2007.

II. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Murkland Hall renovation	\$ 8,500,000
B. Mason Library renovation	\$ 4,600,000

C. Boyd Hall renovation and expansion	\$16,000,000
D. Kingsbury Hall design	\$ 3,000,000
E. NHPTV equipment	<u>\$ 1,900,000</u>
Total state appropriation section 2	\$34,000,000

III. Requests by the university system of New Hampshire submitted in the capital budget request in accordance with RSA 9 for the bienniums ending June 30, 2005 and June 30, 2007 shall specify which projects the university system intends to include in the \$33,000,000 to be appropriated for that biennium.

3 Appropriation; Fish and Game Department. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Statewide Fish Hatchery Capital Improvement Study	<u>\$200,000</u>
Total state appropriation section 3	\$200,000

4 Appropriation; Department of Safety and Department of Transportation. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Department Of Safety.

A. Hayes Building Sprinkler System	\$424,500
B. Radio System – County Tie-in	<u>1,000,000</u>
Total state appropriation paragraph I	\$1,424,500

II. Department Of Transportation.

A. Security & Building Modifications - Traffic	\$ 626,000
B. Energy/Environmental Renovations/Replacements	
and Emergency Repairs - Statewide	1,000,000
C. Replacement of Shop Cranes - Mechanical Services - Statewide	
D. New Garage & Testing Lab Facility	\$18,423,000
Less Other (Sale of existing garage)	<u>-4,000,000</u>
Net state appropriation subparagraph D	<u>14,423,000</u>
Total state appropriation paragraph II	<u>\$16,456,000</u>

407,000

Total state appropriation section 4

\$17,880,500

5 Expenditures: General. The appropriation made for the purpose mentioned in sections 1, 3, and 4 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

6 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said buildings or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees, in its discretion, may wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees and subject to the provisions of section 13 of this act.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

7 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3, and 4 of this act, except such land, if any, as may be acquired under the appropriation for the department of environmental services, shall be purchased by the commissioner of the department of transportation with the approval of governor and council.

8 Bond Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$107,623,700 and for said purposes may issue bonds and

notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

9 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds in the state.

II. The payment of principal and interest on bonds issued for the projects in:

(a) Section 3 shall be made from the fish and game fund.

(b) Section 4 shall be made from the highway fund.

10 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1, 3, and 4 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 8 shall be reduced by the same amount.

11 Transfers. The individual project appropriations provided in sections 1, 2, 3, and 4 of this act shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, accepted, and final payment made, said balance or any part thereof may be transferred by governor and council, or for expenditures made pursuant to section 6 by the trustees of the university system, to any other individual project or projects, which are also fully funded by state funds, within the same section and from the same funding source, provided that prior approval of the capital budget overview committee is obtained.

12 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 3 and 4 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such projects and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 8 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

13 Oversight and Reporting Required; University System. The legislative budget assistant shall provide a report every 90 days to the governor and legislative capital budget overview committee on the progress of each of the capital projects funded from the sum appropriated and authorized in section 2 beginning September 30, 2001 until the funds appropriated in section 2 are fully expended. Said reports shall include the method of selecting contractors, the current total project cost, funds encumbered, actual expenditures, and estimated completion date for each project. The board of trustees of the university system of New Hampshire shall provide information necessary for the reports upon request of the legislative budget assistant.

14 Appropriation; Office of the Legislative Budget Assistant. The sum of \$50,000 for the biennium ending June 30, 2003, is hereby appropriated to the office of the legislative budget assistant for the purpose of preparing the reports required by section 13 of this act. This appropriation shall be in addition to any other sums appropriated to the office of the legislative budget assistant. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

15 Information Technology Equipment and Software. Individual project appropriations for information technology equipment provided for by sections 1, 3, or 4, or for any other agency in any budget bill enacted during the 2001 legislative session, shall not be spent, obligated, or encumbered until such time as the agency's information technology plans are reviewed by the division of information technology management pursuant to RSA 21-I:67 and approved by the capital budget overview committee. The division of information technology management shall review any such agency technology plans within 90 days. An agency may request an extension of time from the capital budget overview committee.

16 Appropriation; Payment of Bonds and Notes; Department of Regional Community-Technical Colleges; Addition to Student Center; Concord.

I. The sum of \$1,500,000 is appropriated to the department of regional community-technical colleges for the purpose of the construction of an addition to the Dr. Goldie Crocker Wellness Center on the Concord campus.

II. To provide funds for the appropriation made in paragraph I the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,500,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the technical institute private fund.

17 Appropriation Purpose Amended; Department of Transportation; Salt Sheds; Exeter, Gonic, Moultonborough. Amend 1999, 226:4, I, B to read as follows:

B. ~~[Roof repair/Stickney Ave.]~~ ***Salt Sheds – Exeter Patrol Shed,***

Gonic, Moultonborough

630,000

18 Appropriation; Payment of Bonds and Notes; Department of Safety; Addition to Dormitory; Fire Standards and Training.

I. The sum of \$2,687,400 is appropriated to the department of safety for the purpose of the construction of an addition to the dormitory at the fire standards and training center.

II. To provide funds for the appropriation made in paragraph I the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$2,687,400 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the fire standards and training and emergency medical services fund.

19 Contingency; Appropriation to Department of Safety. If both HB 303 and HB 218 of the 2001 legislative session do not become law, then section 18 of this act shall not take effect.

20 Lapse Dates Extended to June 30, 2003. The following appropriations are hereby extended to June 30, 2003.

I. The appropriation made to the department of corrections in 1995, 309:1, IV, K, as amended by 1997, 349:29, and as extended by 1997, 349:34, XVII and 1999, 226:32, VIII, for preliminary design of expanded correctional facilities, including land acquisition, in accordance with federal crime bill grants.

II. The appropriation made to the department of corrections in 1998, 223:2, as extended by 1999, 226:32, XLII, for the design and construction of the new medium security prison and for furnishings and equipment for inmates of the new prison.

III. The appropriation made to the department of corrections in 1999, 226:1, V, D, for a new halfway house.

IV. The appropriation made to the department of resources and economic development in 1997, 349:1, X, B, C, as extended by 1999, 226:32, XXXVI, for rocky bend seawall repairs and replacement of the Sunapee bathhouse.

V. The appropriation made to the department of resources and economic development in 1999, 226:1, XII, A, C, D, E, for ADA compliance for parks facilities, new toilet facilities – Hampton, septic gray water system – Mount Washington, and install power – Crawford Notch.

VI. The appropriation made to the department of administrative services in 1999, 226:I, II, A, 1, for Johnson Hall stair tower.

VII. The appropriation made to the department of administrative services in 1995, 309:1, II, A, 1, as extended by 1997, 349:34, XI and 1999, 226:32, V, for health and human services building and laboratory HVAC renovations.

VIII. The appropriation made to the department of administrative services in 1999, 226:1, II, A, 2, for state lab electrical wiring/panel replacement.

IX. The appropriation made to the department of administrative services in 1999, 226:I, II, A, 4, for health and human services flash and recoat stair tower.

X. The appropriation made to the department of administrative services in 2000, 283:2, for renovation to the Walker building.

XI. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 3, as extended by 1999, 226:32, XIX, for roof repairs – Supreme Court.

XII. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 12, as extended by 1999, 226:32, XXII, for emergency repairs, contingency fund.

XIII. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 13, as extended by 1999, 226:32, XXIII, for the life safety, renovations – health and human services building.

XIV. The appropriation made to the department of administrative services in 1999, 226:1, II, A, 8, for executive/legislative budget system.

XV. The appropriation made to the department of administrative services, bureau of court facilities in 1993, 359:1, II, B, 2, as extended by 1994, 171:1, 1996, 257:5 and 1998, 226:4, and as amended by 2000, 283:4, for the Plaistow district court.

XVI. The appropriation made to the department of administrative services in 1995, 309:1, II, B, 3, as amended by 1997, 349:34, XIV, and as extended by 1999, 226:32, VI, for the study and design of court facility on county donated land – Carroll County Superior Court.

XVII. The appropriation made to the department of administrative services in 1997, 349:1, II, C, 1, as extended by 1999, 226:32, XXV, for the bureau of court facilities Dover/Durham/Somersworth District Court.

XVIII. The appropriation made to the department of administrative services in 1999, 226:1, II, A, 9, for information technology plan consultants.

XIX. The appropriation made to the department of safety in 1999, 226:4, II, A, as amended by 2000, 132:2, for design and construct troop D barracks/DMC training.

XX. The appropriation made to the department of safety in 1999, 226:4, II, D, for carpeting at 10 Hazen Drive, Concord

XXI. The appropriation made to the department of safety in 1999, 226:4, II, B, for paving and roof replacement at troop stations.

XXII. The appropriation made to the department of education in 1999, 226:1, VI, A, for computer applications expansion/replacement.

XXIII. The appropriation made to the department of transportation in 1993, 359:1, XII, A, 1, as extended by 1994, 171:1, 1996, 215:3, III, 1997, 349:34, X and 1999, 226:32, IV, for land acquisition for navigation beacons.

XXIV. The appropriation made to the department of transportation in 1997, 349:1, XIV, A, as extended by 1999, 226:32, XXXVII, for 5-10 percent match FAA airport projects.

XXV. The appropriation made to the department of transportation in 1999, 226:1, XIII, A, for match for FAA projects.

XXVI. The appropriation made to the department of transportation in 1999, 226:1, XIII, B, for match for public transit bus replacement.

XXVII. The appropriation made to the department of transportation in 1999, 226:1, XIII, C, for acquisition for railroad and airport properties.

XXVIII. The appropriation made to the department of transportation in 1999, 226:1, XIII, E, for compliance, governor's commission on disability.

XXIX. The appropriation made to the department of transportation in 1999, 226:4, I, E, for energy and environmental renovations-statewide.

XXX. The appropriation made to the department of transportation in 1999, 226:4, I, F, for Conway rest area.

XXXI. The appropriation made to the department of transportation in 1999, 226:1, XIII, D for the Concord rail bridge.

XXXII. The appropriation made to the department of transportation in 1999, 226:4, I, B, as amended by section 17 of this act, for salt sheds - Exeter patrol shed, Gonic, Moultonborough.

XXXIII. The appropriation made to the department of health and human services in 1995, 309:1, VII, B, I, as extended by 1997, 349:34, XXIII and 1999, 226:32, XI, for RSA 171-B mentally retarded criminal offenders.

XXXIV. The appropriation made to the department of health and human service by 1995, 310:191, as amended by 1997, 349:31 and 1998, 276:2, as extended by 1997, 349:34, XXXVII and 1998, 276:3, and as amended by 1999, 226:29 and extended by 1999, 226:32, XVI for design and renovation of APS-B-wing, M and S building and Thayer building improvements, Glencliff home improvements, and improvements to the Brown building.

XXXV. The appropriation made to the department of health and human services in 1999, 226:1, VIII, A for laboratory safety improvements.

XXXVI. The appropriation made to the department of health and human services in 1999, 226:1, VIII, F for Laconia developmental services campus-designated receiving facility renovations- developmental services.

XXXVII. The appropriation made to the department of health and human services in 1999, 226:1, VIII, H for information technology.

XXXVIII. The appropriation made to the New Hampshire port authority in 1999, 226:1, XI, A, for building improvements.

XXXIX. The appropriation made to the New Hampshire veterans' home in 1999, 226:1, XIV, A, to design and build a new facility.

XL. The appropriation made to the adjutant general in 1999, 226:1, I, C, for renovation of state armories.

XLI. The appropriation made to the community technical college system in 1999, 226:1, IV, C, for maintenance/critical repairs.

XLII. The appropriation made to the community technical college system in 1999, 226:1, IV, D, for general science laboratory upgrades.

XLIII. The appropriation made to the department of environmental services in 1999, 226:1, VII, D, for storage building for emergency response equipment.

XLIV. The appropriation made to the department of environmental services in 1989, 367:1, IV, A, 1, as extended by 1991, 351:27, II(g), 1992, 149:2, I, 1993, 359:20, I, and 1995, 309:33, I for upgrading state-owned flood retardation structures at small watershed program sites.

XLV. The appropriation made to the department of environmental services in 1995, 309:1, VI, C, as extended by 1997, 349:34, XXI, for superfund program.

XLVI. The appropriation made to the department of environmental services in 1995, 309:1, VI, A as extended by 1997, 349:34, XIX and 1999, 226:32, X, for the state revolving fund program – wastewater.

XLVII. The appropriation made to the department of environmental services in 1997, 349:1, VI, A and 1999, 226:32, XXIX, for the wastewater state revolving fund match.

XLVIII. The appropriation made to the department of environmental services in 1997, 349:1, VI, B and 1999, 226:32, XXX, for the drinking water state revolving fund match.

XLIX. The appropriation made to the department of environmental services in 1997, 349:1, VI, F and 1999, 226:32, XXXII, for dam removal.

L. The appropriation made to the department of environmental services in 1999, 226:1, VII, A, for drinking water state revolving fund match.

LI. The appropriation made to the department of environmental services in 1999, 226:1, VII, B, for wastewater state revolving fund match.

LII. The appropriation made to the department of environmental services in 1999, 226:1, VII, C, for hazardous waste superfund match.

LIII. The appropriation made to the department of environmental services in 1999, 226:1, VII, H, for Winnepesaukee operations model.

LIV. The appropriation made to the department of health and human services in 1999, 226:1, VIII, F, for Laconia developmental services campus-designated receiving facility renovations-developmental services.

21 Contingency; Department of Transportation. Section 17 of this act and paragraph XXXII of section 20 of this act shall only take effect if the 2001 capital budget includes the appropriation to the department of transportation for a new garage and testing lab facility, as provided in paragraph II, D of section 4 of this act.

22 Effective Date.

I. Section 20 of this act shall take effect June 30, 2001.

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

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

Adopted.

Rep. Jeb Bradley offered a floor amendment (0952h).

Floor Amendment (0952h)

Amend the bill by replacing section 2 with the following:

2 Appropriation; University System of New Hampshire Projects.

I. The Knowledge Economy Education Plan (KEEP NH) documents the need for investment in university system of New Hampshire projects primarily to renovate and expand science, engineering, and technology facilities. A sum of \$100,000,000 is hereby committed to the university system of New Hampshire for KEEP NH, with the first \$37,000,000 appropriated effective July 1, 2001 and the remaining \$63,000,000 appropriated upon approval by the capital budget overview committee. The appropriations are for the following capital projects:

- (a) Murkland Hall renovations (UNH);
- (b) Mason Library renovations (KSC);
- (c) Boyd Hall renovation and expansion (PSC);
- (d) Kingsbury Hall renovation and expansion (UNH);
- (e) Science Building renovation and expansion (KSC);
- (f) Infrastructure work on all campuses (USNH); and
- (g) NHPTV equipment (UNH);

II. The university system board of trustees shall determine the timing of the projects and the specific dollar allocation to each from the sum available under paragraph I while ensuring the respective campus priorities are addressed. The board of trustees shall submit the programs and design development drawings which include cost estimates, design criteria, and square footage requirements for the projects in paragraph I to the capital budget overview committee for its review and approval as soon as possible. The board of trustees has stated that if the capital budget overview committee approval is received within 45 days of submittal then all 5 major facility projects listed in paragraph I(a)-(e) will be completed within the above appropriation. The capital budget overview committee approval is also required for the project in paragraph I(f). The appropriation shall be nonlapsing and in addition to any other appropriation to the university system; provided, however, that the university system shall not receive actual cumulative payments from the state for such purposes of more than:

- (a) \$40,000,000 in the biennium ending June 30, 2003.
- (b) \$70,000,000 through the biennium ending June 30, 2005.
- (c) \$100,000,000 through the biennium ending June 30, 2007.

Amend section 6 of the bill by inserting after paragraph IV the following new paragraph:

V. Notwithstanding paragraphs I, III, and IV, the sums appropriated by section 2, for any of the projects listed in paragraph I of section 2, may be expended and awarded by the trustees of the university system; provided that all contracts for all or any part of the building or facilities shall follow construction management procurement procedures and guidelines. If the trustees select construction management pursuant to this paragraph, paragraphs I, III, and IV shall not apply and the trustees shall retain the right to reject or negotiate following accepted construction management practices.

Amend the bill by replacing section 8 with the following:

8 Bond Authorized.

I. To provide funds for the total of the appropriations of state funds made in sections 1, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$73,623,700 and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

II. To provide funds for the appropriation made in section 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$100,000,000 and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A; provided the cumulative bonds or notes shall not be issued in excess of:

(a) \$40,000,000 in the biennium ending June 30, 2003.

(b) \$70,000,000 through the biennium ending June 30, 2005.

(c) \$100,000,000 through the biennium ending June 30, 2007.

Rep. Jeb Bradley spoke in favor.

The floor amendment was adopted.

Report adopted and ordered to third reading.

HB 748-FN-A-L, relative to the distribution of aid to pupils eligible for free or reduced-price meals.
MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Francine Wendelboe for the Majority of Finance: This bill as amended revises the formula used to calculate the cost of an adequate education. The first section changes the part of the formula dealing with targeted aid based on pupils receiving free and reduced-price lunch. It provides for three tiers of targeting, with weights increasing as the proportion of free and reduced-price lunch students increases. This will bring the total amount targeted closer to the level recommended by the consultants to the Adequacy Commission. A "hold harmless" provision insures that no district's grant will be reduced as a result of this change. Another section of the bill puts an inflation cap on the base amount component of the formula. A rolling, three-year average of the northeast consumer price index is the inflation standard. Other sections of the bill make technical changes to account for re-scaled test scores, to eliminate double-counted revenue with respect to transportation reimbursement, and to remove home-schooled pupils from the total pupil count, among others. None of these changes has a significant effect on cost calculation. Vote 12-7.

Rep. Mary Jane Wallner for the Minority of Finance: This bill will cause a reduction in adequate education grants to the districts. This reduction comes at the expense of children in the poorest school districts. The current formula distributes \$57 million on the basis of free and reduced lunch eligibility. The hold harmless provision evaporates when school populations increase and the base cost of adequacy rises. Without the hold harmless provision this bill reduces this targeted spending to less than \$20 million. The minority believes the question should be divided and that section one should be Inexpedient to Legislate

Amendment (0850h)

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

AN ACT revising the definition of an adequate education and revising the weighted pupil formula used to calculate the cost of an adequate education.

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

1 School Money; Definition of Weighted Pupil. RSA 198:38, VII (d) is repealed and reenacted to read as follows:

(d) Additional weights based on pupils eligible to receive a free or reduced-price meal shall be calculated by multiplying each municipality's elementary average daily membership in residence by the fraction of the district's pupils eligible to receive a free or reduced-price meal multiplied by:

(1) If less than 15 percent of the district's pupils are eligible to receive a free or reduced-price meal, zero.

(2) If at least 15 percent but less than 20 percent of the district's pupils are eligible to receive a free or reduced-price meal, 0.11.

(3) If at least 20 percent but less than 25 percent of the district's pupils are eligible to receive a free or reduced-price meal, 0.22.

(4) If 25 percent or more of the district's pupils are eligible to receive a free or reduced-price meal, 0.33.

Nothing in this subparagraph shall result in a decrease in the adequate education grant amount calculated and distributed under RSA 198:40 and 198:41 to a municipality in the fiscal year ending June 30, 2002, or any fiscal year thereafter.

2 School Money; Definitions. Amend RSA 198:38, X to read as follows:

X. "Average daily membership in residence" and "resident pupils" mean the average daily membership in residence as defined in RSA 189:1-d, IV except that no ***preschool or*** kindergarten pupil shall count as more than 1/2 day attendance per calendar day.

3 School Money; Definitions. Amend RSA 198:38, XI to read as follows:

XI. "Transportation costs" means the costs of transporting pupils to and from school and other school activities reported by school districts on the ~~[MS-25]~~ ***DOE-25*** form.

4 School Money; Determination of Per Pupil Adequate Education Grants. Amend RSA 198:40, I to read as follows:

I. For the biennium beginning July 1, ~~[1999]~~ ***2003***, and every biennium thereafter, the cost per pupil shall be established using the following formula:

(a) The department of education shall calculate the base expenditure per pupil for each school district that operates an elementary school by subtracting from the total expenditures at the elementary school level, tuition to other school districts or approved educational programs, capital costs and debt service on such costs, special education costs, food service costs, transportation costs, adult/continuing education and community services costs, and federal revenues not otherwise deducted. For each school district, this amount shall be divided by the average daily membership in attendance at the elementary school level to attain the base expenditure per pupil.

(b) The adequate education grant amount shall be calculated as follows:

(1) The department of education shall identify those school districts where ~~[40 to 60 percent of the elementary pupils enrolled in the grades tested on the day testing began, achieved a scaled score, in the statewide educational improvement and assessment program administered pursuant to RSA 193-C, in all areas tested, equivalent to performance at the basic level or above],~~ **for each of the 3 previous years, a minimum of 11 pupils were assessed in each subject area of the statewide assessment program administered to pupils in the third and sixth grades. For each grade and year, the department shall determine the average percentage of pupils performing at the basic level or above. The average shall be based on the number of pupils enrolled on the test date. A basic level or above percentage for each district shall be computed using the average of each grade and year. Districts where the 3-year average performance at the basic level or above is between 50 percent and 70 percent shall be selected.**

(2) From the school districts ~~[identified]~~ **selected** in subparagraph I(b)(1) of this section, the department of education shall then identify those school districts that have the lowest base expenditure per pupil as calculated pursuant to subparagraph I(a) and which represent, as nearly as possible, 50 percent of the average daily membership in attendance at the elementary level of the school districts identified in subparagraph I(b)(1) of this section.

(3) The department of education shall calculate ~~[the]~~ **an** average base cost per pupil of an adequate education at the elementary school level by multiplying the base expenditure per pupil of each school district identified in subparagraph I(b)(2) of this section by the average daily membership in attendance at each of the selected school districts, and add the results across all districts selected. This sum shall then be divided by the total average daily membership in attendance at the elementary school level in all of the selected school districts and the result shall be multiplied by .9025.

(4) The department shall calculate an alternative base cost per pupil by multiplying the base cost per pupil calculated in the immediately preceding biennium by an amount equal to one plus 2 times the average annual rate of inflation taken from the 4 calendar years immediately preceding the calendar year in which the calculation in this subparagraph is made. Inflation shall be measured by the northeast consumer price index as published by the United States Department of Labor.

(5) The base cost per pupil for the biennium shall be the lower of the base cost per pupil calculated in subparagraphs I(b)(3) and I(b)(4).

5 School Money; Determination of Per Pupil Adequate Education Grants. Amend RSA 198:40, III to read as follows:

III. For each fiscal year, the statewide cost of an adequate education for all pupils shall be calculated by multiplying the average base per pupil cost of an adequate education **as**

determined in RSA 198:40, I by the statewide weighted average daily membership in residence of pupils **as determined in RSA 198:40, II** and then adding 70 percent of total statewide transportation costs **less local transportation revenue**.

6 School Money; Duties of the Department of Education. Amend RSA 198:44, I to read as follows:

I. The department of education shall, on or before September 30 of each year, collect from the school districts final data concerning all aspects of student attendance for the school year ending June 30 of that year necessary to establish the average daily membership, average daily membership in residence, and weighted average daily membership in residence, including the municipality of residence for each pupil for that year. The department of education shall submit a report by December 31 **of each year** to the speaker of the house of representatives and the senate president to be used for purposes of determination by the legislature of the appropriation to the education trust fund. A copy of such report shall, at the same time, be given to the department of revenue administration.

7 School Boards, Teachers; Definitions; Attendance Added. Amend RSA 189:1-d, I to read as follows:

I. "Attendance" means full-time participation in a program of instruction under the direction of teachers employed by the school district.

I-a. "Average daily attendance" means the aggregate half-day attendance divided by the number of half-days actually in session for a given school district in a given school year.

8 School Boards, Teachers; Definitions; Average Daily Membership in Residence. Amend RSA 189:1-d, IV to read as follows:

IV. "Average daily membership in residence" means the average daily membership of students ~~[enrolled]~~ **in attendance** in public schools within the district or students whose tuition is being paid by the district to another approved public or private school for a given school district in a given school year.

9 Procedure for Formation of Cooperative School Districts; Apportioning Operating Expenses; Exclusion of Home Education Pupils Deleted. Amend RSA 195:18, III(e) to read as follows:

(e) The method of apportioning the operating expenses of the cooperative school district among the several preexisting districts and the time and manner of payment of such shares. ~~[Home education pupils who do not receive services from the cooperative school district, except an evaluation pursuant to RSA 193-A:6, II shall not be included in the average daily membership relative to apportionment formulas.]~~

10 Procedure for Formation of Cooperative School Districts; Apportioning Capital Expenses; Exclusion of Home Education Pupils Deleted. Amend RSA 195:18, III(g) to read as follows:

(g) The method of apportioning the capital expenses of the cooperative school district among the several preexisting districts, which need not be the same as the method for apportioning operating expenses, and the time and manner of payment of such shares. Capital expenses shall include the costs of acquiring land and buildings for school purposes, including property owned by a preexisting district; the construction, furnishing, and equipping of school buildings and facilities; and the payment of the principal and interest of any indebtedness which is

incurred to pay for the same or which is assumed by the cooperative school district. [~~Home education pupils who do not receive services from the cooperative school district, except an evaluation pursuant to RSA 193-A:6, II, shall not be included in the average daily membership relative to apportionment formulas.~~]

11 Effective Date. This act shall take effect July 1, 2002.

AMENDED ANALYSIS

This bill:

I. Revises the pupil weighting formula used to calculate the cost of an adequate education based on the number of pupils eligible to receive a free or reduced-price lunch.

II. Makes changes to the formula for calculating adequate education grants by using 3 years of statewide assessment program results administered in the third and sixth grades.

III. Defines "attendance" for purposes of determining average daily membership in attendance and average daily membership in residence.

IV. Deletes the home education pupil exclusions from the cooperative school district apportionment of expenses laws.

Rep. Marjorie Smith requested the question be divided.

The Speaker ruled the question was divisible

Rep. Estabrook requested that Section I be divided and spoke against.

Rep. Leone spoke against.

Rep. Cox spoke in favor and yielded to questions.

Rep. Hess spoke in favor.

Rep. Marjorie Smith yielded to questions.

Rep. Herman requested a roll call; sufficiently seconded.

The question being adoption of Section 1 of the amendment.

YEAS 197 NAYS 186

YEAS 197

BELKNAP

Bartlett, Gordon

Boyce, Laurie

Czech, Stanley

Dewhirst, Glenn

Holbrook, Robert	Lawton, David	Neddeau, Stephen	Rice, Thomas Jr
Rosen, Ralph	Russell, David	Thomas, John	Wendelboe, Fran

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Lyman, L Randy
Mock, Henry	Patten, Betsey	Stevens, Stanley	Sullivan, P Judith
Torressen, Gary			

CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Roberts, William	Royce, H Charles
Smith, Edwin			

COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Tholl, John Jr	Woodward, David		

GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gabler, William	Gilman, G Michael
Giuda, Robert	Marshall, Gene	Mirski, Paul	Scanlan, David
Sova, Charles	Ward, Brien	Williams, Burton	

HILLSBOROUGH

Alukonis, David	Arnold, Thomas Jr	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Bouchard, David	Bouldin, Michael	Bragdon, Peter
Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald
Chabot, Robert	Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr
Coughlin, Pamela	Desrosiers, William	Dionne, Kimberley	Elliott, Larry
Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Ford, Nancy	Furman, Christine	Gargasz, Carolyn	Golding, William
Gonzalez, Carlos	Goulet, Maurice	Graham, John	Greenberg, Gary
Guinta, Frank	Hall, Charles	Herman, Keith	Holden, Randolph

Hopper, Gary	Jean, Loren	Kurk, Neal	L'Heureux, Robert
LaFlamme, Paul	LaRose, Richard	Leach, Edward	Lessard, Rudy
Martel, Andre	McHugh, Claire	McRae, Karen	Mercer, Robert
Moran, Edward	Pappas, Marc	Reeves, Sandra	Salts, Greg
Sargent, Maxwell	Souza, Kathleen	Tahir, Saghir	Tate, Joan
Thompson, Rob	Thulander, O Alan	Wheeler, Robert	White, Donald

MERRIMACK

Anderson, Eric	Colcord, J D	Cummings, Raymond	Dunne, Christopher
Fraser, Leo Jr	Hess, David	Hutchinson, John	Kennedy, Richard
L'Heureux, Stephen	Leber, William	MacKay, James	Maxfield, Roy
Poulin, David	Soltani, Tony	Swindlehurst, John	Whalley, Michael
Winter, Steven			

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Carson, Sharon	Chalbeck, Kevin	Clark, Vivian
Corbin, Corey	Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce
Dodge, Robert	Dowling, Patricia	Fesh, Bob	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Giordano, Ronald	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hill, Jonathan	Holland, James Jr	Hutchinson, Karen
Introne, Robert	Itse, Daniel	Johnson, Robert	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, William	Kobel, Rudolph
Langley, Jane	Letourneau, Robert	Major, Norman	McKinney, Betsy
Moore, Benjamin	Morse, Charles	Nowe, Ronald	Packard, Sherman
Palermo, Diane	Priestley, Anne	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Reardon, Neil	Ruffner, Walter	Saia, Pamela
Stone, Joseph	Stritch, C Donald	Varrell, Thomas	Welch, David
Weyler, Kenneth			

STRAFFORD

Albert, Russell	Bickford, David	Cossette, Larry	Dunlap, Patricia
Harrington, Michael	Lachance, Douglas	Musler, George	Reid, Christopher

Twombly, James

Woods, Phyllis

SULLIVAN

Odell, Bob

Rodeschin, Beverly

NAYS 186

BELKNAP

Flanders, Donald
Salatiello, Thomas

Johnson, William
Wood, Jane

Millham, Alida

Pilliod, James

CARROLL

Philbrick, Donald

Quimby, Lee

CHESHIRE

Allen, Peter

Batchelder, Robert

Burnham, Daniel

DePecol, Benjamin

Espiefs, Peter

Manning, Joseph

McGuirk, Paul

Meader, David

Mitchell, McKim

Pratt, John

Richardson, Barbara

Russell, Ronald

Weed, Charles

Zerba, Roger

COOS

Bradley, Paula

Davis, Perley

Landers, Dana

Mears, Edgar

Rodrigue, Robert

Stohl, Eric

GRAFTON

Almy, Susan

Benn, Bernard

Cooney, Mary

Ham, Bonnie

Lovett, Sid

Naro, Debra

Nordgren, Sharon

Pawlek, Marion

Scovner, Nancy

Sokol, Hilda

Teschner, Douglass

HILLSBOROUGH

Allan, Nelson

Andosca, Mary

Artz, Lawrence

Balcom, John

Baroody, Benjamin

Bellavance, Paul

Bergin, Peter

Buckley, Raymond

Cardin, Lori	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Daigle, Robert	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Duval, Jeffrey	Dwyer, Paul
Eaton, Richard	Foster, Linda	Goley, Jeffrey	Gorman, Mary
Haley, Robert	Hall, Betty	Jean, Claudette	Johnson, Lionel
Kacavas, John	Keye, Harvey	Konys, Christine	Lasky, Bette
Lefebvre, Roland	Leishman, Peter	Lynde, Harold	Martin, Mary Ellen
McDonough-Wallace, Alice	Melcher, Harold	Messier, Irene	Milligan, Robert
Movsesian, Lori	O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas
Pepino, Leo	Peterson, Andrew	Rowe, Robert	Schulze, Joan
Seibel, Christopher	Shaw, Barbara	Spiess, Paul	Sweeney, Cynthia
Vaillancourt, Steve	White, John	Williams, Carol	

MERRIMACK

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Crosby, Toni
Daneault, Gabriel	Davis, Frank	Feuerstein, Martin	Fraser, Marilyn
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Jacobson, Alf	Langer, Ray	Lockwood, Priscilla	Moore, Carol
Owen, Derek	Perkins, Randy	Potter, Frances	Rodd, Beth
Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane	Whittemore, James
Yeaton, Charles			

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Clark, Martha Fuller
Coes, Betsy	Cooney, Richard	DiFruscia, Anthony	Downing, Michael
Kane, Cecelia	Kelley, Jane	Langone, John	McGuire, Robert
Micklon, Stephanie	Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura
Pitts, Jacqueline	Power, Lucille	Rausch, James	Robertson, Carl
Sapareto, Frank	Shultis, Elizabeth	Sloan, Stephen	Splaine, James
Trueman, Raymond	Weatherspoon, Jacquelyne	Whittier, John	Woekel, Ralph
Zolla, William			

STRAFFORD

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Estabrook, Iris	Ferland, Paul	Gilmore, Gary	Goodwin, Earle
Grassie, Anne	Heon, Richard	Hughes, Christopher	Johnson, Nancy
Kaen, Naida	Knowles, William	Lent, Donald	McCarthy, Gerald
Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Tsiros, William	Wall, Janet	Woodill, Rodney	

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Leone, Richard	Phinizy, James	

and Section I of the amendment was adopted.

The remainder of the amendment was adopted.

On a division vote, 214 members having voted in the affirmative and 169 in the negative, the majority report was adopted.

Ordered to third reading.

HB 749-FN-A-L, relative to the transportation cost component in the determination of adequate education grants. **INEXPEDIENT TO LEGISLATE**

Rep. Marjorie K. Smith for Finance: This bill would change the way that the cost of transportation is calculated related to the statewide cost of an adequate education. The school transportation needs of our communities vary significantly depending on whether they are rural, semi-rural or urban. New Hampshire has long valued those differences. The changes called for in this bill would result in an inequitable burden on our towns and cities. Vote 13-8.

Adopted.

HB 767-FN-A-L, establishing the excellence in learning in New Hampshire school funding and improvement program and making an appropriation therefor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Neal M. Kurk for the Majority of Finance: This bill was divided by the Speaker into sections which were then referred to the appropriate policy committees. Ways and Means moved Inexpedient to Legislate on all the sections on revenue, and the Education Committee moved Inexpedient to Legislate on the sections on education. The balance of sections remaining for Finance to consider no longer had any application when the other sections as acted on by Ways and Means and Education

were removed. Respecting the decisions of the policy committees, Finance came to the only logical conclusion and found the bill Inexpedient to Legislate. Vote 13-7.

Rep. Mary Jane Wallner for the Minority of Finance: HB 767 is comprehensive legislation that provides the sustainable funding necessary to meet our constitutional obligation to provide an adequate education for every child, reduces existing taxes, and sets us on a course toward educational excellence by setting rigorous performance standards for schools and through a model early literacy and reading initiative. HB 767 lowers the statewide property tax rate down to \$4.90, cuts the business enterprise tax in half, reduces the interest and dividends tax by 10 percent, and repeals the legacies and succession tax. HB 767 provides additional property tax relief to low and moderate income homeowners through a sliding scale homestead rebate on the state property tax. The 2.5 percent sales tax in HB 767 is half the rate of our three border states, low enough to maintain our retail advantage. HB 767 exempts every-day essential items from the sales tax, including food, clothes, prescription and over-the-counter medications, and heating fuel. The school performance and accountability provisions in HB 767 are consistent with those proposed by President Bush on a national level and are nearly identical to those recommended last fall by the bipartisan legislative adequacy commission led by the chairman of the House Finance Committee. HB 767 also modifies the poverty weighting formula in current law to eliminate the "cliff" effect and steer more state funds to the poorest communities in the state. It is time to enact a long-term school funding solution. HB 767 gets the job done and deserves to be passed on to the Senate.

Reps. Leishman and Dokmo spoke against.

Reps. Kurk and Whalley spoke in favor.

Rep. Scanlan requested a roll call; sufficiently seconded.

The question being the adoption of the majority committee report.

YEAS 235 NAYS 148

YEAS 235

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Lawton, David	Millham, Alida
Nedeau, Stephen	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Thomas, John	Wendelboe, Fran		

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	Quimby, Lee
Stevens, Stanley	Sullivan, P Judith		

CHESHIRE

Edwards, Dana	Emerson, Susan	Fairbanks, Chandler	Hunt, John
Roberts, William	Royce, H Charles	Smith, Edwin	

COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Tholl, John Jr	Woodward, David		

GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gabler, William	Gilman, G Michael
Giuda, Robert	Marshall, Gene	Mirski, Paul	Scanlan, David
Sova, Charles	Teschner, Douglass	Ward, Brien	

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Batula, Peter	Bergeron, Jean-Guy
Bouchard, David	Bouldin, Michael	Bragdon, Peter	Brundige, Robert
Bruno, Pierre	Calawa, Leon Jr	Cardin, Lori	Carlson, Donald
Chabot, Robert	Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr
Coughlin, Pamela	Desrosiers, William	Dionne, Kimberley	Drabinowicz, A Theresa
Drisko, Richard	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Furman, Christine
Gargas, Carolyn	Golding, William	Gonzalez, Carlos	Goulet, Maurice
Graham, John	Greenberg, Gary	Guinta, Frank	Hall, Charles
Herman, Keith	Holden, Randolph	Hopper, Gary	Jean, Claudette
Jean, Loren	Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul
LaRose, Richard	Leach, Edward	Lessard, Rudy	Martel, Andre
Martin, Mary Ellen	McHugh, Claire	McRae, Karen	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Salts, Greg	Sargent, Maxwell	Seibel, Christopher	Souza, Kathleen
Tahir, Saghir	Tate, Joan	Thompson, Rob	Thulander, O Alan

Vaillancourt, Steve

Wheeler, Robert

White, Donald

MERRIMACK

Anderson, Eric

Brewster, Richard

Colcord, J D

Cummings, Raymond

Dunne, Christopher

Hess, David

Hutchinson, John

Kennedy, Richard

L'Heureux, Stephen

Langer, Ray

Leber, William

MacKay, James

Owen, Derek

Poulin, David

Soltani, Tony

Swindlehurst, John

Whalley, Michael

Winter, Steven

ROCKINGHAM

Arndt, Janet

Belanger, Ronald

Bishop, Franklin

Bridle, Russell

Camm, Kevin

Carson, Sharon

Case, Margaret

Chalbeck, Kevin

Clark, Vivian

Cooney, Richard

Corbin, Corey

Cox, Russell

Dalrymple, Janeen

Dearborn, Bruce

DiFruscia, Anthony

Dodge, Robert

Dowling, Patricia

Downing, Michael

Fesh, Bob

Flanagan, Natalie

Flanders, John Sr

Francoeur, Sheila

Gilbert, Jeffrey

Gilbert, Karl

Giordano, Ronald

Griffin, Mary

Hamel, Albert

Henderson, Warren

Hill, Jonathan

Holland, James Jr

Hutchinson, Karen

Introne, Robert

Itse, Daniel

Johnson, Robert

Johnson, Rogers

Katsakiores, George

Katsakiores, Phyllis

Kelley, Jane

Kelley, William

Kobel, Rudolph

Langley, Jane

Letourneau, Robert

Major, Norman

McGuire, Robert

McKinney, Betsy

Micklon, Stephanie

Moore, Benjamin

Morse, Charles

Nowe, Ronald

Packard, Sherman

Palermo, Diane

Pantelakos, Laura

Power, Lucille

Priestley, Anne

Putnam, Ed II

Quandt, Marshall

Quandt, Matthew

Rabideau, Marie

Rausch, James

Reardon, Neil

Robertson, Carl

Ruffner, Walter

Saia, Pamela

Sapareto, Frank

Sloan, Stephen

Splaine, James

Stone, Joseph

Stritch, C Donald

Trueman, Raymond

Varrell, Thomas

Welch, David

Weyler, Kenneth

Whittier, John

Woekel, Ralph

Zolla, William

STRAFFORD

Albert, Russell

Bickford, David

Cossette, Larry

Dunlap, Patricia

Harrington, Michael

Lachance, Douglas

Musler, George

Reid, Christopher

Tsiros, William

Twombly, James

Woods, Phyllis

SULLIVAN

Ferland, Brenda	Odell, Bob	Phinizy, James	Rodeschin, Beverly
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NAYS 148**BELKNAP**

Johnson, William	Pilliod, James	Salatiello, Thomas	Wood, Jane
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CARROLL

Torressen, Gary

CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
DePecol, Benjamin	Dexter, Judson	Espieffs, Peter	Manning, Joseph
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, John
Richardson, Barbara	Russell, Ronald	Weed, Charles	Zerba, Roger

COOS

Bradley, Paula	Davis, Perley	Landers, Dana	Mears, Edgar
Rodrigue, Robert	Stohl, Eric		

GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Ham, Bonnie
Lovett, Sid	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scovner, Nancy	Sokol, Hilda	Williams, Burton	

HILLSBOROUGH

Andosca, Mary	Bellavance, Paul	Bergin, Peter	Buckley, Raymond
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daigle, Robert	Dokmo, Cynthia	Duval, Jeffrey
Dwyer, Paul	Eaton, Richard	Foster, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haley, Robert	Hall, Betty

Johnson, Lionel	Kacavas, John	Keye, Harvey	Konys, Christine
Lasky, Bette	Lefebvre, Roland	Leishman, Peter	Lynde, Harold
McDonough-Wallace, Alice	Melcher, Harold	Movsesian, Lori	O'Connell, Timothy
Palangas, Eric	Panagopoulos, Nicholas	Schulze, Joan	Shaw, Barbara
Spiess, Paul	Sweeney, Cynthia	White, John	Williams, Carol

MERRIMACK

Bouchard, Candace	Clarke, Claire	Crosby, Toni	Daneault, Gabriel
Davis, Frank	Feuerstein, Martin	Fraser, Leo Jr	Fraser, Marilyn
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Jacobson, Alf	Lockwood, Priscilla	Maxfield, Roy	Moore, Carol
Perkins, Randy	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Clark, Martha Fuller	Coes, Betsy
Gleason, John	Kane, Cecelia	Langone, John	Norelli, Terie
O'Keefe, Patricia	Pitts, Jacqueline	Shultis, Elizabeth	Weatherspoon, Jacquelyne

STRAFFORD

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Estabrook, Iris	Ferland, Paul	Goodwin, Earle	Grassie, Anne
Heon, Richard	Hughes, Christopher	Johnson, Nancy	Kaen, Naida
Knowles, William	Lent, Donald	McCarthy, Gerald	Pelletier, Arthur
Pelletier, Marsha	Proulx, Raymond	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Wall, Janet
Woodill, Rodney			

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Flint, Gordon Sr
Franklin, Peter	Harris, Joseph	Harris, Sandra	Jones, Constance
Leone, Richard	Robb, Amy		

and the majority report was adopted.

(Rep. Jeb Bradley in the Chair)

HB 50-FN-A-L, relative to sources of funding an adequate education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David J. Alukonis for the Majority of Ways and Means: HB 50, as amended, addresses our anticipated budget deficit with an appropriate funding source by recognizing that the forecast deficit in our education and general funded obligations is \$100 million per year. The bill establishes a permanent and durable funding solution for the state's general and education fund obligations by balancing the budget without implementing a new broad-based tax. It does not enact any radical and risky new taxes that are difficult or nearly impossible to predict. Rather, this proposal works largely within our current tax structure which is easy to forecast. In short, the bill raises approximately \$228 million for the 2002-2003 biennium (\$121 million in FY '02 and \$107 million in FY '03). This revenue is generated by three sources. The first, and largest (\$80 million in FY '02 and \$65 million in FY '03), adjusts our current business taxes by eliminating the credit that businesses can take by applying their Business Enterprise Taxes (BET) paid as a credit against their Business Profits Tax (BPT) obligations. Of the more than 60,000 business tax filers in New Hampshire, this business tax adjustment affects less than 2000 of the large multi-national and multi-state businesses that operate in New Hampshire. The second source of revenues involves adjustments to the credits available to insurance companies that sell policies in New Hampshire. Generating \$16 million in FY '02 and \$17 in FY '03, this adjustment eliminates the credit that an insurer can take by applying its BET payments against its insurance premium tax liability. Additionally, the adjustment calls for the elimination of the credit that insurers take by applying its insurance premium tax payments against its business profits tax liability. The third source of funding generated by this bill is the re-enactment of the Nuclear Station Property Tax. Repealed in 1999, during the early 1990's this tax generated \$22.4 million. At that time, the constitutionality of the nuclear tax was challenged and the federal court held that the provision, which allowed for a BPT credit was in violation of federal law. The current re-enactment does not allow for a BPT credit and the constitutionality of this tax is not in doubt. Only 17% of the State's nuclear property is owned by New Hampshire companies and approximately 36 % of the power generated by the nuclear property is contracted to the New Hampshire power grid. The state will receive \$25 million in revenue and only \$8.25 million of that amount could be incorporated into New Hampshire's rate base. It has been estimated that if this additional cost were directly passed to the consumer, it would amount to an increase of approximately one tenth of one cent per kilowatt-hour. In addition to funding the anticipated deficit, HB 50 also funds \$50 million in property tax relief. A significant property tax hardship relief program is included in the bill and is funded with \$14 million in each year of the biennium. This hardship relief program would allow for relief of up to 100% of the statewide property tax, which would otherwise be paid on a home with an equalized, assessed value of up to \$150,000. Unlike other plans, this hardship relief program takes effect immediately, in 2002, and is not delayed. Additionally, unlike the current property tax hardship program, this proposal will allow families throughout the state, in donor and receiver towns alike, to seek relief if they meet the eligibility requirements. Additional property tax relief is generated with the dedication of \$22 million, which is devoted to reducing the statewide property tax rate in all the communities throughout the state. As amended, HB 50 is a responsible, reliable, and sustainable plan to balance our budget with the amount of dollars needed, not three or four times more than we need. It minimizes risk by working within the tax structure, which we already have, and does not endanger our economy with a radical restructuring of our tax system. Unlike other plans, this one can be implemented swiftly and will not call for the establishment of a significant increase in the bureaucracy. Vote 13-7.

Rep. Christine M. Konys for the Minority of Ways and Means: The minority of the committee believes that HB 50 is fatally flawed. We received testimony that at least two and possibly three of

the sections of this bill are unconstitutional and will be challenged in court. HB 50 repeals the Business Enterprise Tax credit against Business Profit Tax, thus creating a double tax on some businesses, and effectively making New Hampshire's business taxes the highest in the nation. Not only will this have a negative impact on economic growth, but it will result in increased costs being passed on to consumers in areas such as bank loans, insurance rates, and electricity. The minority believes that HB 50 was hastily crafted and fails to provide an equitable, durable and constitutional source of school funding.

Reps. Furman and Eaton spoke in favor.

Reps. Kacavas, Maxfield, Spiess and Konys spoke against.

Reps. Jacobson and Bowles spoke against and yielded to questions.

Reps. Alukonis and Hess spoke in favor and yielded to questions.

Rep. Whalley requested a roll call; sufficiently seconded.

The question being adoption of the majority amendment.

YEAS 188 NAYS 193

YEAS 188

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Lawton, David	Nedeau, Stephen
Rice, Thomas Jr	Russell, David	Thomas, John	Wendelboe, Fran

CARROLL

Babson, David Jr	Chandler, Gene	Dickinson, Howard	Lyman, L Randy
Mock, Henry	Patten, Betsey	Stevens, Stanley	Sullivan, P Judith

CHESHIRE

Dexter, Judson	Edwards, Dana	Emerson, Susan	Fairbanks, Chandler
Hunt, John	Roberts, William	Royce, H Charles	Smith, Edwin

COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Stohl, Eric	Tholl, John Jr	Woodward, David	

GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gabler, William	Gilman, G Michael
Giuda, Robert	Marshall, Gene	Mirski, Paul	Scanlan, David
Sova, Charles	Teschner, Douglass	Williams, Burton	

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Batula, Peter	Bergeron, Jean-Guy
Bouchard, David	Bouldin, Michael	Bragdon, Peter	Brundige, Robert
Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald	Chabot, Robert
Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela
Desrosiers, William	Dionne, Kimberley	Eaton, Richard	Elliott, Larry
Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard	Furman, Christine
Gonzalez, Carlos	Goulet, Maurice	Graham, John	Guinta, Frank
Hall, Charles	Herman, Keith	Holden, Randolph	Hopper, Gary
Jean, Loren	Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul
LaRose, Richard	Lessard, Rudy	Martel, Andre	McHugh, Claire
McRae, Karen	Mercer, Robert	Moran, Edward	Pappas, Marc
Pepino, Leo	Reeves, Sandra	Rowe, Robert	Salts, Greg
Sargent, Maxwell	Souza, Kathleen	Tahir, Saghir	Tate, Joan
Thompson, Rob	Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert
White, Donald			

MERRIMACK

Anderson, Eric	Cummings, Raymond	Dunne, Christopher	Fraser, Leo Jr
Hess, David	Hutchinson, John	Kennedy, Richard	L'Heureux, Stephen
Langer, Ray	Leber, William	MacKay, James	Soltani, Tony
Swindlehurst, John	Whalley, Michael	Winter, Steven	

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Carson, Sharon	Chalbeck, Kevin	Clark, Vivian

Corbin, Corey	Dalrymple, Janeen	Dodge, Robert	Dowling, Patricia
Fesh, Bob	Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hill, Jonathan	Holland, James Jr
Hutchinson, Karen	Introne, Robert	Itse, Daniel	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Letourneau, Robert
Major, Norman	McKinney, Betsy	Morse, Charles	Nowe, Ronald
Packard, Sherman	Power, Lucille	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Rabideau, Marie	Rausch, James
Reardon, Neil	Sapareto, Frank	Stone, Joseph	Stritch, C Donald
Varrell, Thomas	Welch, David	Weyler, Kenneth	Zolla, William

STRAFFORD

Albert, Russell	Bickford, David	Cossette, Larry	Lachance, Douglas
Reid, Christopher	Tsiros, William	Twombly, James	Woods, Phyllis

SULLIVAN

Odell, Bob	Rodeschin, Beverly
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NAYS 193

BELKNAP

Johnson, William	Millham, Alida	Pilliod, James	Rosen, Ralph
Salatiello, Thomas	Wood, Jane		

CARROLL

Philbrick, Donald	Quimby, Lee	Torressen, Gary
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CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin
Espiefs, Peter	Manning, Joseph	McGuirk, Paul	Meader, David
Mitchell, McKim	Pratt, John	Richardson, Barbara	Russell, Ronald
Weed, Charles	Zerba, Roger		

COOS

Bradley, Paula	Davis, Perley	Landers, Dana	Mears, Edgar
Rodrigue, Robert			

GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Ham, Bonnie
Lovett, Sid	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scovner, Nancy	Sokol, Hilda	Ward, Brien	

HILLSBOROUGH

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Bergin, Peter
Buckley, Raymond	Cardin, Lori	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Daigle, Robert
Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard	Duval, Jeffrey
Dwyer, Paul	Dyer, Merton	Ford, Nancy	Foster, Linda
Gargas, Carolyn	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gorman, Mary	Haley, Robert	Hall, Betty	Jean, Claudette
Johnson, Lionel	Kacavas, John	Keye, Harvey	Konys, Christine
Lasky, Bette	Leach, Edward	Lefebvre, Roland	Leishman, Peter
Lynde, Harold	Martin, Mary Ellen	McDonough-Wallace, Alice	Melcher, Harold
Messier, Irene	Milligan, Robert	Movsesian, Lori	O'Connell, Timothy
Palangas, Eric	Panagopoulos, Nicholas	Peterson, Andrew	Schulze, Joan
Seibel, Christopher	Shaw, Barbara	Spiess, Paul	Sweeney, Cynthia
White, John	Williams, Carol		

MERRIMACK

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Colcord, J D
Crosby, Toni	Daneault, Gabriel	Davis, Frank	Feuerstein, Martin
Fraser, Marilyn	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Jacobson, Alf	Lockwood, Priscilla	Maxfield, Roy
Moore, Carol	Owen, Derek	Perkins, Randy	Potter, Frances
Poulin, David	Reardon, Tara	Rodd, Beth	Rush, Deanna

Seldin, Gloria	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles
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ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Clark, Martha Fuller
Coes, Betsy	Cooney, Richard	Cox, Russell	Dearborn, Bruce
DiFruscia, Anthony	Downing, Michael	Gleason, John	Johnson, Robert
Kane, Cecelia	Kelley, William	Kobel, Rudolph	Langley, Jane
Langone, John	McGuire, Robert	Micklon, Stephanie	Moore, Benjamin
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Robertson, Carl	Ruffner, Walter	Saia, Pamela	Shultis, Elizabeth
Sloan, Stephen	Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne
Whittier, John			

STRAFFORD

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Ferland, Paul	Gilmore, Gary
Goodwin, Earle	Grassie, Anne	Heon, Richard	Hughes, Christopher
Johnson, Nancy	Kaen, Naida	Knowles, William	Lent, Donald
McCarthy, Gerald	Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Wall, Janet	Woodill, Rodney	

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Leone, Richard	Phinizy, James	Robb, Amy

and the majority amendment failed.

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

laid on the table

Rep. Herman moved that ***HB 50-FN-A-L***, relative to sources of funding an adequate education, be laid on the table.

Rep. Buckley requested a roll call; sufficiently seconded.

YEAS 193 NAYS 190

YEAS 193

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Holbrook, Robert
Lawton, David	Nedeau, Stephen	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Thomas, John	Wendelboe, Fran	

CARROLL

Babson, David Jr	Chandler, Gene	Dickinson, Howard	Lyman, L Randy
Mock, Henry	Patten, Betsey	Stevens, Stanley	Sullivan, P Judith
Torressen, Gary			

CHESHIRE

Dexter, Judson	Edwards, Dana	Emerson, Susan	Fairbanks, Chandler
Hunt, John	Roberts, William	Royce, H Charles	Smith, Edwin

COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Holl, John Jr	Woodward, David		

GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gabler, William	Gilman, G Michael
Giuda, Robert	Marshall, Gene	Mirski, Paul	Scanlan, David
Sova, Charles	Teschner, Douglass	Ward, Brien	

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Batula, Peter	Bergeron, Jean-Guy
Bouchard, David	Bouldin, Michael	Bragdon, Peter	Brundige, Robert

Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald	Chabot, Robert
Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela
Dionne, Kimberley	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis
Fletcher, Richard	Furman, Christine	Golding, William	Gonzalez, Carlos
Goulet, Maurice	Graham, John	Greenberg, Gary	Guinta, Frank
Hall, Charles	Herman, Keith	Holden, Randolph	Hopper, Gary
Jean, Loren	Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul
LaRose, Richard	Lessard, Rudy	Martel, Andre	McHugh, Claire
McRae, Karen	Mercer, Robert	Milligan, Robert	Moran, Edward
Pappas, Marc	Pepino, Leo	Reeves, Sandra	Rowe, Robert
Salts, Greg	Sargent, Maxwell	Souza, Kathleen	Tahir, Saghir
Tate, Joan	Thompson, Rob	Thulander, O Alan	Vaillancourt, Steve
Wheeler, Robert	White, Donald		

MERRIMACK

Anderson, Eric	Cummings, Raymond	Dunne, Christopher	Fraser, Leo Jr
Hess, David	Hutchinson, John	Kennedy, Richard	L'Heureux, Stephen
Langer, Ray	Leber, William	MacKay, James	Soltani, Tony
Swindlehurst, John	Whalley, Michael	Winter, Steven	

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Carson, Sharon	Chalbeck, Kevin	Clark, Vivian
Corbin, Corey	Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert
Dowling, Patricia	Fesh, Bob	Flanagan, Natalie	Flanders, John Sr
Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hill, Jonathan
Holland, James Jr	Hutchinson, Karen	Introne, Robert	Itse, Daniel
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kelley, William
Letourneau, Robert	Major, Norman	McKinney, Betsy	Moore, Benjamin
Morse, Charles	Nowe, Ronald	Packard, Sherman	Power, Lucille
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Rabideau, Marie	Rausch, James	Reardon, Neil	Ruffner, Walter
Sapareto, Frank	Sloan, Stephen	Stone, Joseph	Stritch, C Donald

Varrell, Thomas

Welch, David

Weyler, Kenneth

Zolla, William

STRAFFORD

Albert, Russell

Bickford, David

Cossette, Larry

Harrington, Michael

Lachance, Douglas

Reid, Christopher

Tsiros, William

Twombly, James

Woods, Phyllis

SULLIVAN

Odell, Bob

Rodeschin, Beverly

NAYS 190

BELKNAP

Dewhirst, Glenn

Flanders, Donald

Johnson, William

Millham, Alida

Pilliod, James

Salatiello, Thomas

Wood, Jane

CARROLL

Philbrick, Donald

Quimby, Lee

CHESHIRE

Allen, Peter

Batchelder, Robert

Burnham, Daniel

DePecol, Benjamin

Espieffs, Peter

Manning, Joseph

McGuirk, Paul

Meador, David

Mitchell, McKim

Pratt, John

Richardson, Barbara

Russell, Ronald

Weed, Charles

Zerba, Roger

COOS

Bradley, Paula

Davis, Perley

Landers, Dana

Mears, Edgar

Rodrigue, Robert

Stohl, Eric

GRAFTON

Almy, Susan

Benn, Bernard

Cooney, Mary

Ham, Bonnie

Lovett, Sid

Naro, Debra

Nordgren, Sharon

Pawlek, Marion

Scovner, Nancy

Sokol, Hilda

Williams, Burton

HILLSBOROUGH

Andosca, Mary

Baroody, Benjamin

Bellavance, Paul

Bergin, Peter

Buckley, Raymond

Cardin, Lori

Clayton, William

Clemons, Jane

Cote, David

Cote, Peter

Craig, James

Daigle, Robert

Desrosiers, William

Dokmo, Cynthia

Drabinowicz, A Theresa

Drisko, Richard

Duval, Jeffrey

Dwyer, Paul

Dyer, Merton

Eaton, Richard

Ford, Nancy

Foster, Linda

Gargasz, Carolyn

Ginsburg, Ruth

Goley, Jeffrey

Gorman, Mary

Haley, Robert

Hall, Betty

Jean, Claudette

Johnson, Lionel

Kacavas, John

Keye, Harvey

Konys, Christine

Lasky, Bette

Leach, Edward

Lefebvre, Roland

Leishman, Peter

Lynde, Harold

Martin, Mary Ellen

McDonough-Wallace,
Alice

Melcher, Harold

Messier, Irene

Movsesian, Lori

O'Connell, Timothy

Palangas, Eric

Panagopoulos, Nicholas

Peterson, Andrew

Schulze, Joan

Seibel, Christopher

Shaw, Barbara

Spieß, Paul

Sweeney, Cynthia

White, John

Williams, Carol

MERRIMACK

Bouchard, Candace

Brewster, Richard

Clarke, Claire

Colcord, J D

Crosby, Toni

Daneault, Gabriel

Davis, Frank

Feuerstein, Martin

Fraser, Marilyn

French, Barbara

Gile, Mary

Greco, Vincent

Hager, Elizabeth

Jacobson, Alf

Lockwood, Priscilla

Maxfield, Roy

Moore, Carol

Owen, Derek

Perkins, Randy

Potter, Frances

Poulin, David

Reardon, Tara

Rodd, Beth

Rush, Deanna

Seldin, Gloria

Wallner, Mary Jane

Whittemore, James

Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn

Bowles, Raimond

Case, Margaret

Clark, Martha Fuller

Coes, Betsy

Cooney, Richard

Cox, Russell

Dearborn, Bruce

Downing, Michael

Gleason, John

Johnson, Robert

Kane, Cecelia

Kelley, Jane

Kobel, Rudolph

Langley, Jane

Langone, John

McGuire, Robert

Micklon, Stephanie

Norelli, Terie

O'Keefe, Patricia

Pantelakos, Laura	Pitts, Jacqueline	Robertson, Carl	Saia, Pamela
Shultis, Elizabeth	Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne
Whittier, John			

STRAFFORD

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Ferland, Paul	Gilmore, Gary
Goodwin, Earle	Grassie, Anne	Heon, Richard	Hughes, Christopher
Johnson, Nancy	Kaen, Naida	Knowles, William	Lent, Donald
McCarthy, Gerald	Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Wall, Janet	Woodill, Rodney	

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Leone, Richard	Phinizy, James	Robb, Amy

and ***HB 50-FN-A-L*** was laid on the table.

(Speaker in the Chair)

HB 170-FN-A, repealing the legacies and succession tax. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. David W. Hess for the Majority of Ways and Means: This bill, as amended by the committee, fully retains the complete repeal of the legacies and successions tax. To make up the revenue lost by that repeal, the amendment would impose a new titled motor vehicle transfer tax at a rate of 1% of the net purchase price of the vehicle. The tax will be imposed only on motor vehicles registered in New Hampshire, so it will have no impact on cross-border sales. As a tax on the "net" purchase price, no tax is put on the value of any trade-in. Finally, the tax is to be collected at the municipal level, which is entitled to charge a fee of up to \$2.50 for that service, except that the seller of the vehicle may, if it elects to do so, collect the tax instead. Vote 10-8.

Rep. Paul A. McGuirk for the Minority of Ways and Means: The repeal of the legacies and succession tax has been publicly acknowledged as a top priority for this legislative session. To accomplish this goal, HB 170 was introduced to replace the lost revenue of the legacy and succession repeal. The sponsor of HB 170 introduced HB 558 which proposed six revenue sources to achieve revenue neutrality. The majority of the House Ways & Means Committee elected instead to amend HB 170 with a motor vehicle sales tax. Should we, as legislators, impose an unfair, narrow-based, selective tax to replace an unfair, regressive, discriminatory tax? Not all motorized vehicles sold in the state would be taxed. Vehicles purchased by individuals if used for business purposes, or by business

enterprises will be able to deduct any tax paid as an expense on their federal tax returns. If purchased for personal use, one will not have that desirable option. The amendment provides for an option to pay the tax at the vendors place of business if they elect to collect the tax imposed. Vendors who refuse to act as tax collectors for the state leave the purchaser with the obligation to pay the tax to the municipal agent, you will be charged a fee of \$2.50. Fair taxation and public policy are desirable goals, but the amendment to HB 170 fails the grade.

Majority Amendment (0894h)

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

AN ACT establishing a titled motor vehicle transfer tax and repealing the legacies and successions tax.

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

1 New Chapter; Titled Motor Vehicle Transfer Tax. Amend RSA by inserting after chapter 78-C the following new chapter:

CHAPTER 78-D

TITLED MOTOR VEHICLE TRANSFER TAX

78-D:1 Definitions. In this chapter:

I. "Business activity" means a group of actions performed by a person or persons for the purpose of earning income or profit from such actions and includes every operation which forms a part of, or a step in, the process of earning income or profit from such group of actions. The actions ordinarily include, but are not limited to, the receipt of money, property, or other items of value and the incurring or payment of expenses.

II. "Commissioner" means the commissioner of the department of revenue administration.

III. "Department" means the department of revenue administration.

IV. "Electronic data submission" means the use of either the telephone or computer to transmit information.

V. "In this state" or "within this state" means within the legal jurisdictional boundaries of New Hampshire and includes all territory within these limits owned by or ceded to the United States.

VI "Lease," "leasing," or "rental" means any arrangement whereby, for a consideration, a motor vehicle is possessed or employed for or by a person other than the owner of the vehicle.

VII. "Maintaining a place of business in this state" means the following:

(a) Having or maintaining within this state, directly or by a subsidiary, an office, distribution house, sales house, warehouse, service enterprise, or other place of business, or

any agent of general or restricted authority irrespective of whether the place of business or agent is located here permanently or temporarily or whether the person or subsidiary maintaining such place of business or agent is authorized to do business within this state.

(b) The engaging in any business activity within this state by any person, directly or by a subsidiary, in connection with the sale, lease, or delivery of motor vehicles or the performance of services thereon for use or storage including, but not limited to, having, maintaining or using any office, distribution house, sales house, warehouse, or other place of business, any stock of goods or any solicitor, salesperson, agent, or representative under its authority, at its direction or with its permission, regardless of whether the person or subsidiary is authorized to do business in this state.

VIII. "Motor vehicle" means any self-propelled vehicle not operated exclusively on stationary tracks for which a certificate of title is required by RSA 261:1; provided, however, the following shall not be included in the definition of "motor vehicle":

(a) Exempt vehicles as provided in RSA 261:3 I, (a) through (j); and

(b) Construction equipment as defined in RSA 259:42.

IX. "Municipal registration agent" means any person appointed to issue, renew, or transfer motor vehicle registrations pursuant to RSA 261:74-a.

X. "Net purchase price" means the purchase price as defined in this section less any deductions allowed by RSA 78-D:4.

XI. "Person" means an individual, partnership, trust or association, with or without transferable shares, joint stock company, corporation, limited liability company, society, club, organization, institution, estate, receiver, trustee, assignee, or referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals acting as a unit.

XII. "Purchase or purchasing, sale or selling" means any transfer of title or possession, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of a motor vehicle for a consideration, including leases and transactions whereby the possession of the property is transferred but the seller retains the title as security for the payment of the purchase price.

XIII.(a) "Purchase price" means the gross consideration, exclusive of the tax hereby imposed, which is to be paid for the motor vehicle, expressed in terms of United States currency as of the time of the sale, and shall include the cash consideration, if any, plus the value of any services or property given or to be given, or both, in exchange for the motor vehicle.

(b) In the case of a lease, the purchase price shall mean an amount computed by subtracting the "lease end value" of the motor vehicle from the "original acquisition cost" of the motor vehicle. For purposes of this subparagraph, the "original acquisition cost" of a motor vehicle means the gross consideration which the lessee would pay for the motor vehicle if the lessee purchased the motor vehicle on the date of execution of the lease contract, as stated in the lease contract or worksheet, and the "lease end value" means the value of the motor vehicle at the end of the lease period, as stated in the lease contract or worksheet or as determined by the commissioner pursuant to RSA 78-D:10, III. Purchase price shall also include the value of anything paid or delivered, or promised to be paid or delivered by a lessee, whether it be money or otherwise, to any

person other than the vendor or lessor by reason of the maintenance, insurance, or repair of the leased motor vehicle.

XIV. "Tax" means the titled motor vehicle transfer tax imposed by this chapter.

XV. "Taxpayer" means any person required to make returns or pay the tax imposed by this chapter.

XVI. "Vendor" means any person maintaining a place of business in this state, engaged in the business activity of selling or leasing motor vehicles, the sale, lease or use of which is subject to the tax imposed by this chapter and who elects to collect the tax imposed under this chapter.

78-D:2 Imposition of Tax.

I. A tax is imposed upon each separate sale or lease of a motor vehicle within this state at the rate of one percent of the net purchase price, which tax shall be collected by the municipal registration agent or the vendor from the purchaser, and shall be paid over to the state as provided in this chapter.

II. A tax is imposed upon the use within this state of a motor vehicle, purchased on or after January 1, 2002, at the rate of one percent of the net purchase price, which tax shall be paid to the state by the person who makes such use as provided in this chapter, except that such tax shall not be paid to the state where the tax imposed by paragraph I has been paid by such person or such person has paid the tax imposed by this paragraph to a municipal registration agent or to the vendor with respect to such use.

III. A tax is imposed at the rate of one percent on any amount charged at the end of a motor vehicle lease contract executed on or after January 1, 2002 resulting from excess wear and tear or excess mileage.

78-D:3 Exemptions. The following motor vehicles shall be exempt from the tax imposed by this chapter :

I. Motor vehicles the rental of which is subject to tax under RSA 78-A; provided, however, that such exemption shall not apply to any vehicle not actually rented for at least 30 days in any single year or which is no longer used for such rentals.

II. Motor vehicles owned or registered, or motor vehicles rented, by any state or province or any political subdivision thereof.

III. Motor vehicles, title to which on January 1, 2002 is in the owner seeking registration thereof.

IV. Motor vehicles transferred to the spouse, mother, father, child, grandparent, grandchild, aunt, uncle, niece, or nephew of the donor, or to a trust established for the benefit of any such persons or for the benefit of the donor, or subsequently transferred among such persons provided such motor vehicle has been registered or titled in this state in the name of the original donor.

V. Motor vehicles owned by an individual purchased and used outside this state and brought into this state in connection with the establishment by such individual of an initial residence in this state, provided such motor vehicle was purchased by the individual more than 2 months prior to the date it was first brought into this state.

78-D:4 Deductions. There may be deducted from the purchase price for any motor vehicle the sale, lease, or use of which is taxable under this chapter the amount allowed by the vendor of any trade-in of a taxable motor vehicle received upon the sale of another motor vehicle to the purchaser. When any such motor vehicle traded in is subsequently sold or leased, the tax provided for in this chapter shall apply.

78-D:5 Credits. A credit against the tax imposed by this chapter shall be granted with respect to a motor vehicle to be registered in this state on which tax has been paid to another state by reason of the imposition by such other state of a tax similar to the tax imposed by this chapter equal to the amount of such other state tax paid, provided however, that no such credit shall be granted unless such other state grants substantially similar tax relief by reason of the payment of tax under this chapter.

78-D:6 Tax Form; Penalty.

I. Every vendor selling or leasing a motor vehicle in this state shall at the time of selling or leasing said motor vehicle compute for the purchaser or lessee the tax imposed by RSA 78-D:2 and complete in its entirety the information required on the form prescribed and furnished by the commissioner. Vendors whose average monthly tax collections do not exceed \$100 may apply to the commissioner to remit taxes annually or on such other schedule as the commissioner may require. Approval of such requests shall be at the discretion of the commissioner.

II. Any vendor failing to fill out the tax form as required in paragraph I shall be subject to a penalty of \$500 or the commissioner may suspend the vendor's license as provided in RSA 78-D:19. Such suspension shall be for a reasonable time and shall not exceed 10 days for each offense and shall be made only after a finding that the failure of such vendor is willful and intentional and not the result of inadvertence.

III. Any person registering the transfer of a motor vehicle upon which tax is due under this chapter and for which no form has been provided by a vendor shall complete such form at the time of registration.

78-D:7 Collection of Tax; Vendor Liability; Receipts Presumed Taxable.

I. Every purchaser of a motor vehicle subject to a tax under RSA 78-D:2, I shall present the tax form together with the amount of tax due to the municipal registration agent at the time of first registering or transferring a registration to such motor vehicle as a condition precedent to registration thereof. Said agent shall remit the tax to the state as provided in RSA 78-D:11.

II. Every person subject to a use tax under RSA 78-D:2, II shall present the tax form with the amount of tax due to the municipal registration agent at the time of first registering or transferring a registration to such motor vehicle as a condition precedent to registration thereof. Said agent shall remit the tax to the state as provided in RSA 78-D:11.

III. Every vendor maintaining a place of business in this state and leasing motor vehicles the lease of which is subject to tax shall collect the tax from the lessee at the time of making the sale, and shall remit the tax to the state as provided in RSA 78-D:11 in the case of the first lease

of a motor vehicle, and within 30 days after any extension of the lease or any subsequent lease of the motor vehicle. Every vendor leasing a motor vehicle shall collect the tax imposed by RSA 78-D:2, III from the lessee and remit it to the commissioner within 30 days after the end of the motor vehicle lease contract. Vendors whose average monthly tax collections do not exceed \$100 may apply to the commissioner to remit taxes annually or on such other schedule as the commissioner may require. Approval of such requests shall be at the discretion of the commissioner.

IV. Any vendor required under this chapter to collect tax from another person, who shall fail to collect the proper amount of such tax, shall be liable for the full amount of the tax which the vendor should have collected. Any tax required to be collected, and any tax received by a vendor, shall become a personal debt of the vendor until paid to the state. The vendor shall be relieved of further liability for such taxes in the event that the tax is paid directly to the state by the purchaser or other person.

V. It shall be presumed that all gross receipts of a vendor from the sale or lease of motor vehicles are from sales or leases subject to tax until the contrary is established. The burden of proving that a sale of or lease of motor vehicles by any vendor is not a taxable sale or lease shall be upon such vendor

78-D:8 Purchaser Liability for Tax; Prior Purchases Exempted.

I. Except as provided in paragraph II, every purchaser shall be liable for the tax imposed by this chapter and such liability shall not be extinguished until the tax has been paid to the state, except that payment to a municipal registration agent or vendor required to collect the tax pursuant to RSA 78-D:7 is sufficient to relieve the purchaser from further liability for the tax.

II. Purchasers shall not be liable for municipal registration agents or vendors required to collect tax on any motor vehicle purchased or used in this state prior to January 1, 2002.

78-D:9 Presumption of Taxability; Notice to Commissioner

I. For the purposes of this chapter, the New Hampshire registration, transfer of registration, or issuance of a New Hampshire certificate of title of a motor vehicle shall be presumed to be a transfer upon which the tax applies except as provided in RSA 78-D:3.

II. Upon the return of the certificate of registration, as required by RSA 261, the director of the division of motor vehicles shall forthwith inform the commissioner of the date of transfer and the names and addresses of the former and new owners.

78-D:10 Purchase Price, Investigation and Adjustment; Affiliated Interests.

I. The commissioner may investigate and adjust the purchase price of any motor vehicle the transfer of which is subject to the provisions of this chapter. In instances where it appears to the commissioner that the purchase price reported does not represent the actual value of such consideration, the commissioner may adjust the purchase price of said motor vehicle at the average book value of vehicles of the same make, type, model and year of manufacture as designated by the manufacturer, as shown in the Official Used Car Guide, National Automobile Dealers Association (New England Edition) or any comparable publication, less the lease end value of any leased vehicle. The commissioner may compute and assess the tax due thereon in the manner provided for the assessment of taxes in this chapter.

II. The commissioner may investigate and adjust the value of any motor vehicle trade-in allowed or taken as a deduction to the purchase price of a motor vehicle in the same manner as provided in paragraph I.

III. The commissioner may investigate and adjust the lease end value of any motor vehicle transferred subject to the provisions of this chapter. In instances where it appears to the commissioner that the reported lease end value of a motor vehicle does not represent a commercially reasonable value, the commissioner shall, pursuant to uniform and equitable rules, establish a reasonable, commercial value for the end of the lease period. The commissioner may compute and assess the tax due thereon in the manner provided for the assessment of taxes in this chapter.

IV.(a) In determining the purchase price on the sale, lease or use of a motor vehicle where, because of affiliation of interests between the vendor and purchaser, or irrespective of any such affiliation, if for any other reason the purchase price declared by the vendor or taxpayer on the taxable sale or use of such vehicle is, in the opinion of the commissioner, not indicative of the true value of the vehicle or the fair price thereof, the commissioner shall, pursuant to uniform and equitable rules, determine the amount of constructive purchase price upon the basis of which the tax shall be computed and levied. Such rules shall provide for a constructive amount of purchase price for each such sale, lease or use which would naturally and fairly be charged in an arm's-length transaction in which the element of common interest between the vendor or purchaser is absent or if no common interest exists, any other element causing a distortion of the price or value is likewise absent.

(b) For the purpose of this paragraph, where a taxable sale or purchase at retail transaction occurs between a parent and a subsidiary, affiliate, or controlled corporation of such parent corporation, there shall be a rebuttable presumption that, because of such common interest, such transaction was not an arm's-length transaction.

78-D:11 Tax Reports and Returns; Date Payment Due.

I.(a) Every vendor shall, on or before the 20th day of the calendar month following the collection of taxes imposed by this chapter, file a report by electronic data submission of the sales and leases and taxes collected thereon for the preceding month to the department. This report shall be filed even though no tax may be due.

(b) If a vendor has been granted permission to make other than monthly filings, as provided in RSA 78-D:6, I the vendor shall make the report required in subparagraph I(a) in accordance with the schedule permitted by the commissioner, even though no tax may be due.

(c) On or before the 20th day of September, every vendor liable to collect and pay over the taxes imposed by this chapter shall make a return to the department reporting the results of the preceding 12-month period beginning July 1 and ending June 30. Such return shall recapitulate the reports filed as required by subparagraph I(a) or (b) and shall provide such other information as the commissioner shall require.

II. Taxes collected by every vendor or municipal registration agent shall be paid to the state on or before the 20th day of the calendar month following collection of the tax or the purchase or use of tangible personal property. The vendor shall remit the taxes due by electronic funds transfer to the department. The municipal registration agent shall remit taxes to the department at the times and in the manner required by the commissioner

III. Notwithstanding the provisions of any other law, reports, returns, and remittances due under this chapter shall be considered timely only if received by the department on or before the 20th day of the calendar month in which they were due. If this due date falls on a Saturday, Sunday, or legal holiday, then the returns and remittances due under this chapter shall be filed no later than the next business day.

IV. The department shall notify the vendor of a successful electronic filing and remittance and provide the vendor with a confirmation number which shall serve as proof of filing and remittance.

V. All reports and returns shall contain an electronic authorization by the vendor or an authorized representative which shall be subject to the pains and penalties of perjury.

VI. Any vendor who ceases to engage in business activity in this state and is thereby not responsible for filing reports and returns under this chapter, shall file a final return with the department not more than one month after discontinuing such activity. This requirement shall apply notwithstanding any other provision of this chapter regarding the time within which to file a report or return.

VII. If the commissioner finds that the information required for the making of an accurate return cannot reasonably be compiled by a vendor within the period provided in this section, the commissioner may grant an extension of time for the filing of such return. Any such extension shall be granted for a period not to exceed 31 calendar days. The granting of such extension may be conditioned upon the payment by the vendor of an amount of money equal to the amount estimated by the commissioner to be due with the return when filed under extension. All such estimated payments shall be credited against the vendor's liabilities under this chapter. The vendor shall pay to the department the amount of tax imposed by this chapter at the time the return is due.

78-D:12 Books, Records, Papers, and Other Documents.

I. Every vendor maintaining a place of business in this state or required to file or actually filing in this state shall keep books, records, papers, certificates, and other documents which are adequate to reflect the information required to be reported to the department by the filing of timely reports or returns or maintained for inspection by the department.

II. All books, records, and other papers and documents required to be kept by this chapter shall, at all times during business hours of the day, be subject to inspection by the department.

78-D:13 Determination of Tax; Additional Returns.

I. If a return required by this chapter is not filed, or if a return when filed, is incorrect or insufficient, the amount of tax due shall be determined and assessed by the commissioner from any information available.

II. When the commissioner has reason to believe that a vendor has failed to file a report or return or to include any part of the taxable receipts of sales by such vendor in a filed report or return, the commissioner may require the vendor to file a return or a supplementary return showing such additional information as the commissioner prescribes. The making of such additional return does not relieve the vendor of any penalty for failure to make a correct original report or return, or relieve it from liability for interest imposed under RSA 21-J:28 or for any additional

charges imposed by the commissioner. This section shall not be construed to modify or extend the statute of limitations provided in RSA 21-J:29.

78-D:14 Administration; Rulemaking.

I. The commissioner shall collect the taxes imposed under this chapter, interest on tax, additions to tax, and penalties imposed, and pay over to the state treasurer the amount of funds collected under this chapter for deposit in the general fund.

II. The commissioner shall adopt rules, under RSA 541-A, relative to:

- (a) The form and content of the reports and returns required by this chapter.
- (b) The method of electronic authorization required by RSA 78-D:11.
- (c) Alternative filing procedures in the event there is an electronic equipment malfunction.
- (d) The administration of the tax.
- (e) The recovery of any tax, interest on tax, additions to tax, or penalties imposed by RSA 78-D or RSA 21-J.

III.(a) The commissioner shall adopt emergency rules under RSA 541-A relative to:

- (1) The form and content of the reports and returns required by this chapter.
 - (2) The method of electronic authorization required by RSA 78-D:11.
 - (3) Alternative filing procedures in the event there is an electronic equipment malfunction.
 - (4) The administration of the tax.
 - (5) The recovery of any tax, interest on tax, additions to tax, or penalties imposed by RSA 78-D or RSA 21-J.
- (b) Such emergency rules shall be effective for 180 days. After 180 days the commissioner shall adopt rules pursuant to RSA 541-A.

78-D:15 Surety Bonds.

I. When the commissioner deems it necessary to protect the revenues due under this chapter, the commissioner may, after notice and hearing, require any vendor required to collect the tax imposed by this chapter to file with the commissioner a bond issued by a surety company authorized by the New Hampshire insurance department to do business in this state, in an amount fixed by the commissioner, to secure the payment of any tax, interest, or penalties due, or which may become due. The vendor shall file a bond within 10 days after the department has issued and mailed such notice. Surety bonds may be required in situations such as, but not limited to, failure to file reports or returns, failure to make payments with reports or returns at the time required by law,

tender by a vendor of checks returned for insufficient funds, failure to pay interest and penalties assessed, vendors who are itinerant, transient, or temporary, and any other situation which, in the discretion of the commissioner, renders the collection of the tax in jeopardy.

II. The surety on such bond shall be discharged from the liability accruing on the bond after the expiration of 60 days from the date on which the surety shall have logged with the department a written request to be so discharged; but such request shall not discharge such surety from any liability already accrued or which shall accrue before the expiration of this 60-day period. The duration of surety bonds shall be for one year only, unless the requirement is canceled or revised by the commissioner before the expiration of the one-year period.

III. In lieu of a bond, cash in an amount prescribed by the commissioner may be deposited with the state treasurer who may, at any time, upon instructions from the commissioner and without notice to the depositor, apply the cash deposited to any tax or interest or penalties due. Cash deposited in lieu of a surety bond shall not earn interest.

IV. Failure to comply with the provisions of this section shall result in the suspension of the vendor's registration license, as provided in RSA 78-D:19.

78-D:16 Motor Vehicle Registration. No certificate of registration shall be issued by the director of the division of motor vehicles to the new owner until such new owner shall furnish evidence, on such forms as shall be prescribed by the commissioner and the director of the division of motor vehicles, that any tax due under the provisions of this chapter has been paid. If payment of any such tax due is made by check and said check is not duly paid, the director of the division of motor vehicles may, after hearing, revoke the certificate of registration. Such tax shall be considered as a first encumbrance against such vehicle and the vehicle may not be transferred without first payment in full of such tax and any interest additions or penalties which shall accrue thereon in accordance with this chapter or RSA 21-J.

78-D:17 Proceedings to Recover Taxes.

I. The commissioner may institute actions in the name of the state to recover any tax, interest on tax, additions to tax, or penalties imposed by this chapter.

II. In the collection of the tax imposed by this chapter, the commissioner may use all of the powers granted to tax collectors under RSA 80 for the collection of taxes, except that the tax imposed by this chapter shall not take precedence over prior recorded mortgages. The commissioner shall also have all of the duties imposed upon the tax collectors by RSA 80 that are applicable to the commissioner. The provisions of RSA 80:26 shall apply to the sale of land for the payment of taxes due under this chapter, and the state treasurer is authorized to purchase the land for the state. If the state purchases the land, the state treasurer shall certify the purchase to the governor, and the governor shall draw a warrant for the purchase price out of any money in the treasury not otherwise appropriated.

78-D:18 Vendor Licenses; Registration.

I. On or before January 1, 2002, or in the case of vendors commencing business or opening new places of business after that date, within 3 days after the commencement or opening, every vendor required to collect any tax imposed by this chapter shall file with the commissioner a license application in a form prescribed by the commissioner. The commissioner shall issue, without charge, to each applicant a license of authority empowering the applicant to collect the tax. Each license shall state the place of business to which it is applicable. The license shall be prominently

displayed in the place of business of the vendor. A vendor who has no regular place of doing business shall attach the certificate to the vendor cart, stand, truck, or other merchandising device, or carry it on the vendor's person. The certificate shall be nonassignable and nontransferable and shall be surrendered to the commissioner immediately upon the vendor ceasing to do business at the place named.

78-D:19 Suspension or Revocation of Licenses; Appeal.

I. The commissioner may, after notice and hearing, suspend or revoke the license of any vendor required to collect the tax or may refuse to issue or renew any license for failure to comply with this chapter or with any rules adopted hereunder.

II. Any person required to collect the tax aggrieved by a suspension, revocation, or refusal may appeal therefrom, in the same manner as provided in RSA 21-J:28-b for appeal for redetermination or reconsideration of assessments, within 10 days after written notice of the suspension, revocation, or refusal has been mailed or delivered to such person.

III. If the appealing person required to collect the tax files a bond running to the state as provided in RSA 78-D:15, then the suspension or revocation shall be inoperative during the appeal.

78-D:20 Refunds.

I. Claims for refund or credit may be made by a purchaser who has actually paid the tax or by a vendor required to collect the tax who has collected and paid over the tax to the department; provided, however, that the claim is timely made in accordance with RSA 21-J:28-a and RSA 21-J:29. No actual refund of moneys shall be made to a vendor until such person establishes to the satisfaction of the commissioner, under such rules as the commissioner may adopt, that such vendor has repaid to the purchaser the amount for which the application for refund is made or established that no refund is due the purchaser. The commissioner may, in lieu of any refund, allow credit on payments due from the claimant.

II. If the commissioner determines, on a claim for refund or otherwise, that a person has paid an amount of tax under this chapter which, as of the date of the determination, exceeds the amount of tax liability owing from the person to the state, with respect to the current and all preceding taxable periods, under any provision of this title, the commissioner shall forthwith refund the excess amount to the person together with interest as provided in RSA 21-J:28.

78-D:21 Liens. If any person required to pay or collect and transmit a tax under this chapter neglects or refuses to pay the same after demand, the amount, together with all penalties and interest provided for in this chapter and together with any costs that may accrue in addition thereto, shall be a lien in favor of the state of New Hampshire upon all property and rights to property, whether real or personal, belonging to such person. Such lien shall arise at the time demand is made by the commissioner and shall continue until the liability for such sum with interest and costs is satisfied or becomes unenforceable. No lien upon real estate for taxes imposed by this chapter is valid and binding against any person other than the taxpayer until notice of such lien, stating the name and address of the taxpayer and the amount of the tax due, shall have been filed and recorded in the registry of deeds in the grantor index in the county in which such real estate is located. Notwithstanding the provisions of any other law, the lien shall continue and shall be valid and binding until the liability for the sum, with interest and costs, is satisfied or becomes unenforceable.

2 Municipal Registration Agents; Reference. Amend RSA 261:74-a to read as follows:

261:74-a Agents Appointed. With the approval of the governing body of a city or town and subject to the direction and approval of the commissioner, the director may appoint municipal officials as agents to issue, renew or transfer motor vehicle registrations ***or to collect the tax imposed under RSA 78-D***. The director shall determine the optimum number of registration agents that the division can reasonably accommodate. The appointment of any municipal official as a registration agent for the purposes of this subdivision shall continue while the agent holds his office or employment with the municipality, except as provided in RSA 261:74-b and 261:74-f.

3 Municipal Registration Agents; Reference. Amend RSA 261:74-d to read as follows:

261:74-d Additional Fees Charged by Agents. Each registration agent may charge an applicant not more than \$2.50 in addition to the fees otherwise required to issue, renew or transfer a motor vehicle registration. ***Each registration agent may charge an additional fee of \$2.50 to collect the tax imposed under RSA 78-D.*** ~~[This fee]~~ ***These fees*** shall be retained either by the municipality if the registration agent receiving the ~~[fee]~~ ***fees*** is on salary to the municipality, or by the agent himself if he is not on salary to the municipality but is paid on a fee basis.

4 Municipal Registration Agents; Reference. Amend RSA 261:74-g, III to read as follows:

III. The collection, deposit and remittance of state funds pursuant to this subdivision ***and pursuant to RSA 78-D.***

5 Legacies and Successions Tax; Exemption. Amend RSA 86 by inserting after section 6-b the following new section:

86:6-c Exemption. Notwithstanding RSA 86:6, I, all property within the jurisdiction of the state, real or personal, and any interest therein, belonging to domiciliaries of the state; and all real estate within the state, or any interest therein, belonging to persons who are not domiciliaries of the state; which shall pass by will, or by the laws regulating intestate successions, or by deed, grant, bargain, sale or gift, made in contemplation of death, or made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor, to any person, absolutely or in trust, shall be exempt from tax imposed by this chapter, provided the death of such grantor or donor occurs on or after July 1, 2001.

6 Effective Date.

I. Sections 1-4 of this act shall take effect July 1, 2001 and shall apply to all motor vehicle transfers, whether by sale or lease, that occur on or after January 1, 2002.

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

AMENDED ANALYSIS

This bill establishes a titled motor vehicle transfer tax. The bill also repeals the legacies and successions tax.

Reps. McGuirk and Dokmo spoke against.

Reps. Alukonis, Vivian Clark and Hess spoke in favor and yielded to questions.

Rep. McGuirk requested a roll call; sufficiently seconded.

The question being adoption of the majority amendment.

YEAS 131 NAYS 251

YEAS 131

BELKNAP

Boyce, Laurie	Czech, Stanley	Nedeau, Stephen	Russell, David
Thomas, John			

CARROLL

Dickinson, Howard	Lyman, L Randy	Mock, Henry	Patten, Betsey
Stevens, Stanley	Sullivan, P Judith	Torressen, Gary	

CHESHIRE

Dexter, Judson	Edwards, Dana	Fairbanks, Chandler	Hunt, John
Royce, H Charles	Smith, Edwin		

COOS

Horton, Lynn	Pratt, Leighton	Tholl, John Jr	Woodward, David
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GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Giuda, Robert	Marshall, Gene
Mirski, Paul	Scanlan, David	Sova, Charles	Williams, Burton

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Batula, Peter	Bergeron, Jean-Guy
Bouchard, David	Bragdon, Peter	Bruno, Pierre	Calawa, Leon Jr
Chabot, Robert	Christiansen, Lars	Clegg, Robert Jr	Eaton, Richard
Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Golding, William	Gonzalez, Carlos	Goulet, Maurice	Guinta, Frank
Herman, Keith	Hopper, Gary	Jean, Loren	Kurk, Neal
LaRose, Richard	Leach, Edward	Lefebvre, Roland	Lessard, Rudy

Martel, Andre	Mercer, Robert	Moran, Edward	Pappas, Marc
Pepino, Leo	Reeves, Sandra	Sargent, Maxwell	Tahir, Saghir
Tate, Joan	Thompson, Rob	Thulander, O Alan	White, Donald

MERRIMACK

Anderson, Eric	Colcord, J D	Dunne, Christopher	Hess, David
Hutchinson, John	Kennedy, Richard	L'Heureux, Stephen	Leber, William
MacKay, James	Soltani, Tony	Swindlehurst, John	Whalley, Michael
Winter, Steven			

ROCKINGHAM

Arndt, Janet	Bridle, Russell	Clark, Vivian	Corbin, Corey
Cox, Russell	Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert
Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey
Giordano, Ronald	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hill, Jonathan	Holland, James Jr	Introne, Robert	Itse, Daniel
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Letourneau, Robert
Major, Norman	McKinney, Betsy	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Rabideau, Marie	Ruffner, Walter	Sapareto, Frank
Sloan, Stephen	Stone, Joseph	Stritch, C Donald	Varrell, Thomas
Welch, David	Weyler, Kenneth	Zolla, William	

STRAFFORD

Albert, Russell	Cossette, Larry	Twombly, James	Woods, Phyllis
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SULLIVAN

Rodeschin, Beverly

NAYS 251

BELKNAP

Bartlett, Gordon	Dewhirst, Glenn	Flanders, Donald	Holbrook, Robert
Johnson, William	Lawton, David	Millham, Alida	Pilliod, James

Rice, Thomas Jr	Rosen, Ralph	Salatiello, Thomas	Wendelboe, Fran
Wood, Jane			

CARROLL

Babson, David Jr	Bradley, Jeb	Philbrick, Donald	Quimby, Lee
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CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
DePecol, Benjamin	Emerson, Susan	Espieffs, Peter	Manning, Joseph
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, John
Richardson, Barbara	Roberts, William	Russell, Ronald	Weed, Charles
Zerba, Roger			

COOS

Bradley, Paula	Davis, Perley	Gallus, John	Guay, Lawrence
Landers, Dana	Mears, Edgar	Rodrigue, Robert	Stohl, Eric

GRAFTON

Almy, Susan	Benn, Bernard	Cobb, John	Cooney, Mary
Gabler, William	Ham, Bonnie	Lovett, Sid	Naro, Debra
Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy	Sokol, Hilda
Teschner, Douglass	Ward, Brien		

HILLSBOROUGH

Andosca, Mary	Arnold, Thomas Jr	Artz, Lawrence	Balboni, Michael
Balcom, John	Baroody, Benjamin	Bellavance, Paul	Bergin, Peter
Bouldin, Michael	Brundige, Robert	Buckley, Raymond	Cardin, Lori
Carlson, Donald	Christensen, D L Chris	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Daigle, Robert	Desrosiers, William	Dionne, Kimberley	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Duval, Jeffrey	Dyer, Merton
Elliott, Larry	Ford, Nancy	Foster, Linda	Furman, Christine
Gargasz, Carolyn	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary

Graham, John	Greenberg, Gary	Haley, Robert	Hall, Betty
Hall, Charles	Holden, Randolph	Jean, Claudette	Johnson, Lionel
Kacavas, John	Keye, Harvey	Konys, Christine	L'Heureux, Robert
LaFlamme, Paul	Lasky, Bette	Leishman, Peter	Lynde, Harold
Martin, Mary Ellen	McDonough-Wallace, Alice	McHugh, Claire	McRae, Karen
Melcher, Harold	Messier, Irene	Milligan, Robert	Movsesian, Lori
O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas	Peterson, Andrew
Rowe, Robert	Salts, Greg	Schulze, Joan	Seibel, Christopher
Shaw, Barbara	Souza, Kathleen	Spiess, Paul	Sweeney, Cynthia
Vaillancourt, Steve	Wheeler, Robert	White, John	Williams, Carol

MERRIMACK

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Crosby, Toni
Cummings, Raymond	Daneault, Gabriel	Davis, Frank	Feuerstein, Martin
Fraser, Leo Jr	Fraser, Marilyn	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Jacobson, Alf	Langer, Ray
Lockwood, Priscilla	Maxfield, Roy	Moore, Carol	Owen, Derek
Perkins, Randy	Potter, Frances	Poulin, David	Reardon, Tara
Rodd, Beth	Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

ROCKINGHAM

Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn	Bowles, Raimond
Camm, Kevin	Carson, Sharon	Case, Margaret	Chalbeck, Kevin
Clark, Martha Fuller	Coes, Betsy	Cooney, Richard	Dearborn, Bruce
Dowling, Patricia	Downing, Michael	Fesh, Bob	Gilbert, Karl
Gleason, John	Hutchinson, Karen	Johnson, Robert	Kane, Cecelia
Kelley, Jane	Kelley, William	Kobel, Rudolph	Langley, Jane
Langone, John	McGuire, Robert	Micklon, Stephanie	Morse, Charles
Norelli, Terie	Nowe, Ronald	Packard, Sherman	Palermo, Diane
Pantelakos, Laura	Pitts, Jacqueline	Power, Lucille	Priestley, Anne
Rausch, James	Reardon, Neil	Robertson, Carl	Saia, Pamela
Shultis, Elizabeth	Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne

Whittier, John

Woekel, Ralph

STRAFFORD

Berube, Roger

Bickford, David

Brennan, William

Callaghan, Frank

DeChane, Marlene

Dunlap, Patricia

Estabrook, Iris

Gilmore, Gary

Goodwin, Earle

Grassie, Anne

Harrington, Michael

Heon, Richard

Hughes, Christopher

Johnson, Nancy

Kaen, Naida

Knowles, William

Lent, Donald

McCarthy, Gerald

Pelletier, Arthur

Pelletier, Marsha

Proulx, Raymond

Reid, Christopher

Rollo, Michael

Smith, Marjorie

Snyder, Clair

Spang, Judith

Taylor, Kathleen

Tsiros, William

Wall, Janet

Woodill, Rodney

SULLIVAN

Allison, David

Burling, Peter

Cloutier, John

Ferland, Brenda

Flint, Gordon Sr

Franklin, Peter

Harris, Joseph

Harris, Sandra

Jones, Constance

Leone, Richard

Odell, Bob

Phinizy, James

Robb, Amy

and the majority amendment failed.

Rep. McGuirk offered a floor amendment (0895).

Floor Amendment (0895h)

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

1 Repeal. RSA 86:6, relative to taxable property under and tax rate of the legacies and successions tax, is repealed.

2 Applicability. Section 1 of this act shall apply only to estates established as the result of deaths occurring on or after July 1, 2001.

3 Effective Date. This act shall take effect July 1, 2001.h)

Rep. Gilman requested a roll call; sufficiently seconded.

The question being adoption of the McGuirk floor amendment.

YEAS 220 NAYS 162

YEAS 220

BELKNAP

Dewhirst, Glenn	Flanders, Donald	Johnson, William	Millham, Alida
Pilliod, James	Rice, Thomas Jr	Salatiello, Thomas	Wood, Jane

CARROLL

Babson, David Jr	Mock, Henry	Quimby, Lee	Sullivan, P Judith
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CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
DePecol, Benjamin	Emerson, Susan	Espieffs, Peter	Manning, Joseph
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, John
Richardson, Barbara	Zerba, Roger		

COOS

Bradley, Paula	Davis, Perley	Horton, Lynn	Landers, Dana
Mears, Edgar	Rodrigue, Robert	Woodward, David	

GRAFTON

Akins, Ralph	Almy, Susan	Benn, Bernard	Cooney, Mary
Dudley, Terri	Ham, Bonnie	Lovett, Sid	Naro, Debra
Nordgren, Sharon	Pawlek, Marion	Scanlan, David	Scovner, Nancy
Sokol, Hilda	Ward, Brien	Williams, Burton	

HILLSBOROUGH

Andosca, Mary	Arnold, Thomas Jr	Artz, Lawrence	Balboni, Michael
Baroody, Benjamin	Bellavance, Paul	Bergin, Peter	Bouldin, Michael
Bragdon, Peter	Brundige, Robert	Buckley, Raymond	Cardin, Lori
Carlson, Donald	Chabot, Robert	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Daigle, Robert	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A Theresa
Drisko, Richard	Duval, Jeffrey	Dwyer, Paul	Dyer, Merton

Fletcher, Richard	Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Gorman, Mary	Graham, John
Haley, Robert	Hall, Betty	Jean, Claudette	Johnson, Lionel
Kacavas, John	Keye, Harvey	Konys, Christine	L'Heureux, Robert
LaFlamme, Paul	LaRose, Richard	Lasky, Bette	Lefebvre, Roland
Leishman, Peter	Lynde, Harold	Martin, Mary Ellen	McDonough-Wallace, Alice
Melcher, Harold	Messier, Irene	Milligan, Robert	Movsesian, Lori
O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas	Sargent, Maxwell
Schulze, Joan	Seibel, Christopher	Shaw, Barbara	Spiess, Paul
Sweeney, Cynthia	Vaillancourt, Steve	White, John	Williams, Carol

MERRIMACK

Bouchard, Candace	Clarke, Claire	Colcord, J D	Crosby, Toni
Daneault, Gabriel	Davis, Frank	Dunne, Christopher	Feuerstein, Martin
Fraser, Marilyn	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Hutchinson, John	Jacobson, Alf	Lockwood, Priscilla
Moore, Carol	Owen, Derek	Perkins, Randy	Potter, Frances
Reardon, Tara	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

ROCKINGHAM

Bishop, Franklin	Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret
Chalbeck, Kevin	Clark, Martha Fuller	Coes, Betsy	Cooney, Richard
Cox, Russell	DiFruscia, Anthony	Downing, Michael	Flanagan, Natalie
Gilbert, Karl	Gleason, John	Hill, Jonathan	Johnson, Robert
Kane, Cecelia	Kelley, Jane	Kobel, Rudolph	Langley, Jane
Langone, John	McGuire, Robert	McKinney, Betsy	Micklon, Stephanie
Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline	Robertson, Carl
Ruffner, Walter	Saia, Pamela	Shultis, Elizabeth	Splaine, James
Trueman, Raymond	Weatherspoon, Jacquelyne	Whittier, John	Woekel, Ralph

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Callaghan, Frank
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Cossette, Larry	DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris
Gilmore, Gary	Goodwin, Earle	Grassie, Anne	Heon, Richard
Hughes, Christopher	Johnson, Nancy	Kaen, Naida	Knowles, William
Lent, Donald	McCarthy, Gerald	Pelletier, Arthur	Pelletier, Marsha
Proulx, Raymond	Reid, Christopher	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Wall, Janet
Woodill, Rodney			

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Leone, Richard	Phinizy, James	Robb, Amy

NAYS 162

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Holbrook, Robert
Lawton, David	Nedeau, Stephen	Rosen, Ralph	Russell, David
Thomas, John	Wendelboe, Fran		

CARROLL

Bradley, Jeb	Dickinson, Howard	Lyman, L Randy	Patten, Betsey
Philbrick, Donald	Stevens, Stanley	Torressen, Gary	

CHESHIRE

Dexter, Judson	Edwards, Dana	Fairbanks, Chandler	Hunt, John
Roberts, William	Royce, H Charles	Smith, Edwin	Weed, Charles

COOS

Gallus, John	Guay, Lawrence	Pratt, Leighton	Stohl, Eric
Tholl, John Jr			

GRAFTON

Alger, John	Barker, Robert	Cobb, John	Eaton, Stephanie
Gabler, William	Gilman, G Michael	Giuda, Robert	Marshall, Gene
Mirski, Paul	Sova, Charles	Teschner, Douglass	

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Balcom, John	Batula, Peter
Bergeron, Jean-Guy	Bouchard, David	Bruno, Pierre	Calawa, Leon Jr
Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr	Dionne, Kimberley
Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis
Flora, Kathleen	Ford, Nancy	Furman, Christine	Gonzalez, Carlos
Goulet, Maurice	Greenberg, Gary	Guinta, Frank	Hall, Charles
Herman, Keith	Holden, Randolph	Hopper, Gary	Jean, Loren
Kurk, Neal	Leach, Edward	Lessard, Rudy	Martel, Andre
McHugh, Claire	McRae, Karen	Mercer, Robert	Moran, Edward
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Salts, Greg	Souza, Kathleen	Tahir, Saghir
Tate, Joan	Thompson, Rob	Thulander, O Alan	Wheeler, Robert
White, Donald			

MERRIMACK

Anderson, Eric	Brewster, Richard	Cummings, Raymond	Fraser, Leo Jr
Hess, David	Kennedy, Richard	L'Heureux, Stephen	Langer, Ray
Leber, William	MacKay, James	Maxfield, Roy	Poulin, David
Soltani, Tony	Swindlehurst, John	Whalley, Michael	Winter, Steven

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bridle, Russell	Camm, Kevin
Carson, Sharon	Clark, Vivian	Corbin, Corey	Dalrymple, Janeen
Dearborn, Bruce	Dodge, Robert	Dowling, Patricia	Fesh, Bob
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Giordano, Ronald
Griffin, Mary	Hamel, Albert	Henderson, Warren	Holland, James Jr
Hutchinson, Karen	Introne, Robert	Itse, Daniel	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, William	Letourneau, Robert
Major, Norman	Morse, Charles	Nowe, Ronald	Packard, Sherman

Palermo, Diane	Power, Lucille	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Rabideau, Marie	Rausch, James
Reardon, Neil	Sapareto, Frank	Sloan, Stephen	Stone, Joseph
Stritch, C Donald	Varrell, Thomas	Welch, David	Weyler, Kenneth
Zolla, William			

STRAFFORD

Albert, Russell	Harrington, Michael	Tsiros, William	Twombly, James
Woods, Phyllis			

SULLIVAN

Odell, Bob	Rodeschin, Beverly
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and the McGuirk floor amendment was adopted.

Rep. Sapareto offered a floor amendment (0888h).

Floor Amendment (0888h)

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

AN ACT establishing a titled motor vehicle transfer tax and relative to estates taxable under the legacies and successions tax.

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

1 New Chapter; Titled Motor Vehicle Transfer Tax. Amend RSA by inserting after chapter 78-C the following new chapter:

CHAPTER 78-D

TITLED MOTOR VEHICLE TRANSFER TAX

78-D:1 Definitions. In this chapter:

I. "Business activity" means a group of actions performed by a person or persons for the purpose of earning income or profit from such actions and includes every operation which forms a part of, or a step in, the process of earning income or profit from such group of actions. The actions ordinarily include, but are not limited to, the receipt of money, property, or other items of value and the incurring or payment of expenses.

II. "Commissioner" means the commissioner of the department of revenue administration.

III. "Department" means the department of revenue administration.

IV. "Electronic data submission" means the use of either the telephone or computer to transmit information.

V. "In this state" or "within this state" means within the legal jurisdictional boundaries of New Hampshire and includes all territory within these limits owned by or ceded to the United States.

VI "Lease," "leasing," or "rental" means any arrangement whereby, for a consideration, a motor vehicle is possessed or employed for or by a person other than the owner of the vehicle.

VII. "Maintaining a place of business in this state" means the following:

(a) Having or maintaining within this state, directly or by a subsidiary, an office, distribution house, sales house, warehouse, service enterprise, or other place of business, or any agent of general or restricted authority irrespective of whether the place of business or agent is located here permanently or temporarily or whether the person or subsidiary maintaining such place of business or agent is authorized to do business within this state.

(b) The engaging in any business activity within this state by any person, directly or by a subsidiary, in connection with the sale, lease, or delivery of motor vehicles or the performance of services thereon for use or storage including, but not limited to, having, maintaining or using any office, distribution house, sales house, warehouse, or other place of business, any stock of goods or any solicitor, salesman, agent, or representative under its authority, at its direction or with its permission, regardless of whether the person or subsidiary is authorized to do business in this state.

VIII. "Motor vehicle" means any self-propelled vehicle not operated exclusively on stationary tracks for which a certificate of title is required by RSA 261:1; provided, however, the following shall not be included in the definition of "motor vehicle":

(a) Exempt vehicles as provided in RSA 261:3 I, (a) through (j); and

(b) Construction equipment as defined in RSA 259:42.

IX. "Municipal registration agent" means any person appointed to issue, renew, or transfer motor vehicle registrations pursuant to RSA 261:74-a.

X. "Net purchase price" means the purchase price as defined in this section less any deductions allowed by RSA 78-D:4.

XI. "Person" means an individual, partnership, trust or association, with or without transferable shares, joint stock company, corporation, limited liability company, society, club, organization, institution, estate, receiver, trustee, assignee, or referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals acting as a unit.

XII. "Purchase or purchasing, sale or selling" means any transfer of title or possession, exchange or barter, conditional or otherwise, in any manner or by any means

whatsoever, of a motor vehicle for a consideration, including leases and transactions whereby the possession of the property is transferred but the seller retains the title as security for the payment of the purchase price.

XIII.(a) "Purchase price" means the gross consideration, exclusive of the tax hereby imposed, which is to be paid for the motor vehicle, expressed in terms of United States currency as of the time of the sale, and shall include the cash consideration, if any, plus the value of any services or property given or to be given, or both, in exchange for the motor vehicle.

(b) In the case of a lease, the purchase price shall mean an amount computed by subtracting the "lease end value" of the motor vehicle from the "original acquisition cost" of the motor vehicle. For purposes of this subparagraph, the "original acquisition cost" of a motor vehicle means the gross consideration which the lessee would pay for the motor vehicle if the lessee purchased the motor vehicle on the date of execution of the lease contract, as stated in the lease contract or worksheet, and the "lease end value" means the value of the motor vehicle at the end of the lease period, as stated in the lease contract or worksheet or as determined by the commissioner pursuant to RSA 78-D:9, III. Purchase price shall also include the value of anything paid or delivered, or promised to be paid or delivered by a lessee, whether it be money or otherwise, to any person other than the vendor or lessor by reason of the maintenance, insurance, or repair of the leased motor vehicle.

XIV. "Tax" means the titled motor vehicle transfer tax imposed by this chapter.

XV. "Taxpayer" means any person required to make returns or pay the tax imposed by this chapter.

XVI. "Vendor" means any person maintaining a place of business in this state, engaged in the business activity of selling or leasing motor vehicles the sale, lease or use of which is subject to the tax imposed by this chapter.

78-D:2 Imposition of Tax.

I. A tax is imposed upon each separate sale or lease of a motor vehicle within this state at the rate of one percent of the net purchase price, which tax shall be collected by the vendor from the purchaser, and shall be paid over to the state as provided in this chapter.

II. A tax is imposed upon the use within this state of a motor vehicle, purchased on or after January 1, 2002, at the rate of one percent of the net purchase price, which tax shall be paid to the state by the person who makes such use as provided in this chapter, except that such tax shall not be paid to the state where the tax imposed by paragraph I has been paid by such person or such person has paid the tax imposed by this paragraph to the vendor with respect to such use.

III. A tax is imposed at the rate of one percent on any amount charged at the end of a motor vehicle lease contract executed on or after January 1, 2002 resulting from excess wear and tear or excess mileage.

78-D:3 Exemptions. The following motor vehicles shall be exempt from the tax imposed by this chapter :

I. Motor vehicles the rental of which is subject to tax under RSA 78-A; provided, however, that such exemption shall not apply to any vehicle not actually rented for at least 30 days in any single year or which is no longer used for such rentals.

II. Motor vehicles owned or registered, or motor vehicles rented, by any state or province or any political subdivision thereof.

III. Motor vehicles, title to which on January 1, 2002 is in the owner seeking registration thereof.

IV. Motor vehicles transferred to the spouse, mother, father, child, grandparent or grandchild of the donor, or to a trust established for the benefit of any such persons or for the benefit of the donor, or subsequently transferred among such persons provided such motor vehicle has been registered or titled in this state in the name of the original donor.

V. Motor vehicles owned by an individual purchased and used outside this state and brought into this state in connection with the establishment by such individual of a residence in this state, provided such motor vehicle was purchased by the individual more than 2 months prior to the date it was first brought into this state.

78-D:4 Deductions. There may be deducted from the purchase price for any motor vehicle the sale, lease, or use of which is taxable under this chapter the amount allowed by the vendor of any trade-in of a taxable motor vehicle received upon the sale of another motor vehicle to the purchaser. When any such motor vehicle traded in is subsequently sold or leased, the tax provided for in this chapter shall apply.

78-D:5 Credits. A credit against the tax imposed by this chapter shall be granted with respect to a motor vehicle to be registered in this state on which tax has been paid to another state by reason of the imposition by such other state of a tax similar to the tax imposed by this chapter equal to the amount of such other state tax paid, provided however, that no such credit shall be granted unless such other state grants substantially similar tax relief by reason of the payment of tax under this chapter.

78-D:6 Collection of Tax; Vendor Liability; Payment at Registration.

I. Every vendor maintaining a place of business in this state and selling motor vehicles the sale or use of which is subject to tax shall collect the tax from the purchaser at the time of making the sale, and shall remit the tax to the state as provided in RSA 78-D:10. Vendors whose average monthly tax collections do not exceed \$100 may apply to the commissioner to remit taxes annually or on such other schedule as the commissioner may require. Approval of such requests shall be at the discretion of the commissioner.

II. Every vendor maintaining a place of business in this state and leasing motor vehicles the lease of which is subject to tax shall collect the tax from the lessee at the time of making the sale, and shall remit the tax to the state as provided in RSA 78-D:10 in the case of the first lease of a motor vehicle, and within 30 days after any extension of the lease or any subsequent lease of the motor vehicle. Every vendor leasing a motor vehicle shall collect the tax imposed by RSA 78-D:2, III from the lessee and remit it to the commissioner within 30 days after the end of the motor vehicle lease contract. Vendors whose average monthly tax collections do not exceed \$100 may apply to the commissioner to remit taxes annually or on such other schedule as the commissioner may require. Approval of such requests shall be at the discretion of the commissioner.

III. Any vendor required under this chapter to collect tax from another person, who shall fail to collect the proper amount of such tax, shall be liable for the full amount of the tax which the vendor should have collected. Any tax required to be collected, and any tax received by a vendor, shall become a personal debt of the vendor until paid to the state. The vendor shall be relieved of

further liability for such taxes in the event that the tax is paid directly to the state by the purchaser or other person.

IV. It shall be presumed that all gross receipts of a vendor from the sale or lease of motor vehicles are from sales subject to tax until the contrary is established. The burden of proving that a sale of or lease of motor vehicles by any vendor is not a taxable sale or lease shall be upon such vendor

V. Tax due on any motor vehicle to be registered in this state upon which tax has not been collected as provided in paragraphs I or II shall be collected by the municipal registration agent at the time of such registration. Such agent shall remit the tax to the state as provided in RSA 78-D:10.

78-D:7 Purchaser Liability for Tax; Prior Purchases Exempted.

I. Except as provided in paragraph II, every purchaser shall be liable for the tax imposed by this chapter and such liability shall not be extinguished until the tax has been paid to the state, except that payment to a vendor or municipal registration agent required to collect the tax pursuant to RSA 78-D:6 is sufficient to relieve the purchaser from further liability for the tax.

II. Purchasers shall not be liable for or vendors or municipal registration agents required to collect tax on any motor vehicle purchased or used in this state prior to January 1, 2002.

78-D:8 Presumption of Taxability; Notice to Commissioner

I. For the purposes of this chapter, the New Hampshire registration, transfer of registration or issuance of a New Hampshire certificate of title of a motor vehicle shall be presumed to be a transfer upon which the tax applies except as provided in RSA 78-D:3.

II. Upon the return of the certificate of registration, as required by RSA 261, the director of the division of motor vehicles shall forthwith inform the commissioner of the date of transfer and the names and addresses of the former and new owners.

78-D:9 Purchase Price, Investigation and Adjustment; Affiliated Interests.

I. The commissioner may investigate and adjust the purchase price of any motor vehicle the transfer of which is subject to the provisions of this chapter. In instances where it appears to the commissioner that the purchase price reported does not represent the actual value of such consideration, the commissioner may adjust the purchase price of said motor vehicle at the average book value of vehicles of the same make, type, model and year of manufacture as designated by the manufacturer, as shown in the Official Used Car Guide, National Automobile Dealers Association (New England Edition) or any comparable publication, less the lease end value of any leased vehicle. The commissioner may compute and assess the tax due thereon in the manner provided for the assessment of taxes in this chapter.

II. The commissioner may investigate and adjust the value of any motor vehicle trade-in allowed or taken as a deduction to the purchase price of a motor vehicle in the same manner as provided in paragraph I.

III. The commissioner may investigate and adjust the lease end value of any motor vehicle transferred subject to the provisions of this chapter. In instances where it appears to the

commissioner that the reported lease end value of a motor vehicle does not represent a commercially reasonable value, the commissioner shall, pursuant to uniform and equitable rules, establish a reasonable, commercial value for the end of the lease period. The commissioner may compute and assess the tax due thereon in the manner provided for the assessment of taxes in this chapter.

IV.(a) In determining the purchase price on the sale, lease or use of a motor vehicle where, because of affiliation of interests between the vendor and purchaser, or irrespective of any such affiliation, if for any other reason the purchase price declared by the vendor or taxpayer on the taxable sale or use of such vehicle is, in the opinion of the commissioner, not indicative of the true value of the vehicle or the fair price thereof, the commissioner shall, pursuant to uniform and equitable rules, determine the amount of constructive purchase price upon the basis of which the tax shall be computed and levied. Such rules shall provide for a constructive amount of purchase price for each such sale, lease or use which would naturally and fairly be charged in an arm's-length transaction in which the element of common interest between the vendor or purchaser is absent or if no common interest exists, any other element causing a distortion of the price or value is likewise absent.

(b) For the purpose of this paragraph where a taxable sale or purchase at retail transaction occurs between a parent and a subsidiary, affiliate, or controlled corporation of such parent corporation, there shall be a rebuttable presumption that, because of such common interest, such transaction was not an arm's-length transaction.

78-D:10 Tax Reports and Returns; Date Payment Due.

I.(a) Every vendor shall, on or before the 20th day of the calendar month following the collection of taxes imposed by this chapter, file a report by electronic data submission of the sales and leases and taxes collected thereon for the preceding month to the department. This report shall be filed even though no tax may be due.

(b) If a vendor has been granted permission to make other than monthly filings, as provided in RSA 78-D:6, I the vendor shall make the report required in subparagraph I(a) in accordance with the schedule permitted by the commissioner, even though no tax may be due.

(c) On or before the 20th day of September, every vendor liable to collect and pay over the taxes imposed by this chapter shall make a return to the department reporting the results of the preceding 12-month period beginning July 1 and ending June 30. Such return shall recapitulate the reports filed as required by subparagraph I(a) or (b) and shall provide such other information as the commissioner shall require.

II. Taxes collected by every vendor or municipal registration agent shall be paid to the state on or before the 20th day of the calendar month following collection of the tax or the purchase or use of tangible personal property. The vendor shall remit the taxes due by electronic funds transfer to the department. The municipal registration agent shall remit taxes to the department at the times and in the manner required by the commissioner

III. Notwithstanding the provisions of any other law, reports, returns, and remittances due under this chapter shall be considered timely only if received by the department on or before the 20th day of the calendar month in which they were due. If this due date falls on a Saturday, Sunday, or legal holiday, then the returns and remittances due under this chapter shall be filed no later than the next business day.

IV. The department shall notify the vendor of a successful electronic filing and remittance and provide the vendor with a confirmation number which shall serve as proof of filing and remittance.

V. All reports and returns shall contain an electronic authorization by the vendor or an authorized representative which shall be subject to the pains and penalties of perjury.

VI. Any vendor who ceases to engage in business activity in this state and is thereby not responsible for filing reports and returns under this chapter, shall file a final return with the department not more than one month after discontinuing such activity. This requirement shall apply notwithstanding any other provision of this chapter regarding the time within which to file a report or return.

VII. If the commissioner finds that the information required for the making of an accurate return cannot reasonably be compiled by a vendor within the period provided in this section, the commissioner may grant an extension of time for the filing of such return. Any such extension shall be granted for a period not to exceed 31 calendar days. The granting of such extension may be conditioned upon the payment by the vendor of an amount of money equal to the amount estimated by the commissioner to be due with the return when filed under extension. All such estimated payments shall be credited against the vendor's liabilities under this chapter. The vendor shall pay to the department the amount of tax imposed by this chapter at the time the return is due.

78-D:11 Books, Records, Papers, and Other Documents.

I. Every vendor maintaining a place of business in this state or required to file or actually filing in this state shall keep books, records, papers, certificates, and other documents which are adequate to reflect the information required to be reported to the department by the filing of timely reports or returns or maintained for inspection by the department.

II. All books, records, and other papers and documents required to be kept by this chapter shall, at all times during business hours of the day, be subject to inspection by the department.

78-D:12 Determination of Tax; Additional Returns.

I. If a return required by this chapter is not filed, or if a return when filed, is incorrect or insufficient, the amount of tax due shall be determined and assessed by the commissioner from any information available.

II. When the commissioner has reason to believe that a vendor has failed to file a report or return or to include any part of the taxable receipts of sales by such vendor in a filed report or return, the commissioner may require the vendor to file a return or a supplementary return showing such additional information as the commissioner prescribes. The making of such additional return does not relieve the vendor of any penalty for failure to make a correct original report or return, or relieve it from liability for interest imposed under RSA 21-J:28 or for any additional charges imposed by the commissioner. This section shall not be construed to modify or extend the statute of limitations provided in RSA 21-J:29

78-D:13 Administration; Rulemaking.

I. The commissioner shall collect the taxes imposed under this chapter, interest on tax, additions to tax, and penalties imposed, and pay over to the state treasurer the amount of funds collected under this chapter for deposit in the general fund.

II. The commissioner shall adopt rules, under RSA 541-A, relative to:

- (a) The form and content of the reports and returns required by this chapter.
- (b) The method of electronic authorization required by RSA 78-D:10.
- (c) Alternative filing procedures in the event there is an electronic equipment malfunction.
- (d) The administration of the tax.
- (e) The recovery of any tax, interest on tax, additions to tax, or penalties imposed by RSA 78-D or RSA 21-J.

III.(a) The commissioner shall adopt emergency rules under RSA 541-A relative to:

- (1) The form and content of the reports and returns required by this chapter.
- (2) The method of electronic authorization required by RSA 78-D:10.
- (3) Alternative filing procedures in the event there is an electronic equipment malfunction.
- (4) The administration of the tax.
- (5) The recovery of any tax, interest on tax, additions to tax, or penalties imposed by RSA 78-D or RSA 21-J.

(b) Notwithstanding RSA 541-A:18, II, such emergency rules shall be effective for 180 days. After 180 days the commissioner shall adopt rules pursuant to RSA 541-A.

78-D:14 Surety Bonds.

I. When the commissioner deems it necessary to protect the revenues due under this chapter, the commissioner may, after notice and hearing, require any vendor required to collect the tax imposed by this chapter to file with the commissioner a bond issued by a surety company authorized by the New Hampshire insurance department to do business in this state, in an amount fixed by the commissioner, to secure the payment of any tax, interest, or penalties due, or which may become due. The vendor shall file a bond within 10 days after the department has issued and mailed such notice. Surety bonds may be required in situations such as, but not limited to, failure to file reports or returns, failure to make payments with reports or returns at the time required by law, tender by a vendor of checks returned for insufficient funds, failure to pay interest and penalties assessed, vendors who are itinerant, transient, or temporary, and any other situation which, in the discretion of the commissioner, renders the collection of the tax in jeopardy.

II. The surety on such bond shall be discharged from the liability accruing on the bond after the expiration of 60 days from the date on which the surety shall have logged with the department a written request to be so discharged; but such request shall not discharge such surety from any liability already accrued or which shall accrue before the expiration of this 60-day period. The duration of surety bonds shall be for one year only, unless the requirement is canceled or revised by the commissioner before the expiration of the one-year period.

III. In lieu of a bond, cash in an amount prescribed by the commissioner may be deposited with the state treasurer who may, at any time, upon instructions from the commissioner and without notice to the depositor, apply the cash deposited to any tax or interest or penalties due. Cash deposited in lieu of a surety bond shall not earn interest.

IV. Failure to comply with the provisions of this section shall result in the suspension of the vendor's registration license, as provided in RSA 78-D:18.

78-D:15 Motor Vehicle Registration. No certificate of registration shall be issued by the director of the division of motor vehicles to the new owner until such new owner shall furnish evidence, on such forms as shall be prescribed by the commissioner and the director of the division of motor vehicles, that any tax due under the provisions of this chapter has been paid. If payment of any such tax due is made by check and said check is not duly paid, the director of the division of motor vehicles may, after hearing, revoke the certificate of registration. Such tax shall be considered as a first encumbrance against such vehicle and the vehicle may not be transferred without first payment in full of such tax and any interest additions or penalties which shall accrue thereon in accordance with this chapter or RSA 21-J.

78-D:16 Proceedings to Recover Taxes.

I. The commissioner may institute actions in the name of the state to recover any tax, interest on tax, additions to tax, or penalties imposed by this chapter.

II. In the collection of the tax imposed by this chapter, the commissioner may use all of the powers granted to tax collectors under RSA 80 for the collection of taxes, except that the tax imposed by this chapter shall not take precedence over prior recorded mortgages. The commissioner shall also have all of the duties imposed upon the tax collectors by RSA 80 that are applicable to the commissioner. The provisions of RSA 80:26 shall apply to the sale of land for the payment of taxes due under this chapter, and the state treasurer is authorized to purchase the land for the state. If the state purchases the land, the state treasurer shall certify the purchase to the governor, and the governor shall draw a warrant for the purchase price out of any money in the treasury not otherwise appropriated.

78-D:17 Vendor Licenses; Registration.

I. On or before January 1, 2002, or in the case of vendors commencing business or opening new places of business after that date, within 3 days after the commencement or opening, every vendor required to collect any tax imposed by this chapter shall file with the commissioner a license application in a form prescribed by the commissioner. The commissioner shall issue, without charge, to each applicant a license of authority empowering the applicant to collect the tax. Each license shall state the place of business to which it is applicable. The license shall be prominently displayed in the place of business of the vendor. A vendor who has no regular place of doing business shall attach the certificate to the vendor cart, stand, truck, or other merchandising device, or carry it on the vendor person. The certificate shall be nonassignable and nontransferable and shall be

surrendered to the commissioner immediately upon the vendor ceasing to do business at the place named.

78-D:18 Suspension or Revocation of Licenses; Appeal.

I. The commissioner may, after notice and hearing, suspend or revoke the license of any vendor required to collect the tax or may refuse to issue or renew any license for failure to comply with this chapter or with any rules adopted hereunder.

II. Any person required to collect the tax aggrieved by a suspension, revocation, or refusal may appeal therefrom, in the same manner as provided in RSA 21-J:28-b for appeal for redetermination or reconsideration of assessments, within 10 days after written notice of the suspension, revocation, or refusal has been mailed or delivered to such person.

III. If the appealing person required to collect the tax files a bond running to the state as provided in RSA 78-D:14, then the suspension or revocation shall be inoperative during the appeal.

78-D:19 Refunds.

I. Claims for refund or credit may be made by a purchaser who has actually paid the tax or by a vendor required to collect the tax who has collected and paid over the tax to the department; provided, however, that the claim is timely made in accordance with RSA 21-J:28-a and RSA 21-J:29. No actual refund of moneys shall be made to a vendor until such person establishes to the satisfaction of the commissioner, under such rules as the commissioner may adopt, that such vendor has repaid to the purchaser the amount for which the application for refund is made or established that no refund is due the purchaser. The commissioner may, in lieu of any refund, allow credit on payments due from the claimant. If the commissioner determines, on a claim for refund or otherwise, that a person has paid an amount of tax under this chapter which, as of the date of the determination, exceeds the amount of tax liability owing from the person to the state, with respect to the current and all preceding taxable periods, under any provision of this title, the commissioner shall forthwith refund the excess amount to the person together with interest as provided in RSA 21-J:28.

78-D:20 Liens. If any person required to pay or collect and transmit a tax under this chapter neglects or refuses to pay the same after demand, the amount, together with all penalties and interest provided for in this chapter and together with any costs that may accrue in addition thereto, shall be a lien in favor of the state of New Hampshire upon all property and rights to property, whether real or personal, belonging to such person. Such lien shall arise at the time demand is made by the commissioner and shall continue until the liability for such sum with interest and costs is satisfied or becomes unenforceable. No lien upon real estate for taxes imposed by this chapter is valid and binding against any person other than the taxpayer until notice of such lien, stating the name and address of the taxpayer and the amount of the tax due, shall have been filed and recorded in the registry of deeds in the grantor index in the county in which such real estate is located. Notwithstanding the provisions of any other law, the lien shall continue and shall be valid and binding until the liability for the sum, with interest and costs, is satisfied or becomes unenforceable.

2 Legacies and Succession Tax; Taxable Property. Amend RSA 86:6, I to read as follows:

I. All property within the jurisdiction of the state, real or personal, and any interest therein, belonging to domiciliaries of the state; and all real estate within the state, or any interest therein, belonging to persons who are not domiciliaries of the state; which shall pass by will, or by

the laws regulating intestate successions, or by deed, grant, bargain, sale or gift, made in contemplation of death, or made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor, to any person, absolutely or in trust, shall be subject to a tax of 18 percent of its fair market value for the use of the state, except as provided in paragraphs II and III and RSA 86:9-a ***and except as follows:***

(a) From July 1, 2001 to June 30, 2002, the first \$200,000 of estate value shall not be taxable under this chapter.

(b) From July 1, 2002 to June 30, 2003, the first \$400,000 of estate value shall not be taxable under this chapter.

(c) From July 1, 2003 to June 30, 2004, the first \$500,000 of estate value shall not be taxable under this chapter.

(d) From July 1, 2004 to June 30, 2005, the first \$600,000 of estate value shall not be taxable under this chapter.

(e) From July 1, 2005 to June 30, 2006, the first \$800,000 of estate value shall not be taxable under this chapter.

(f) On or after July 1, 2006, the first \$1,000,000 of estate value shall not be taxable under this chapter.

3 Effective Date.

I. Section 1 of this act shall take effect July 1, 2001 and shall apply to all motor vehicle transfers, whether by sale or lease, that occur on or after January 1, 2002.

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

AMENDED ANALYSIS

This bill establishes a titled motor vehicle transfer tax.

This bill also establishes phase-in provisions under the legacies and successions tax. Beginning July 1, 2001, estates are exempt from taxation on the first \$200,000 of value. This tax exempt amount increases each year until July 1, 2006, when estates of \$1,000,000 or less in value shall be exempt from the legacies and succession tax.

Rep. Sapareto requested the question be divided.

The Speaker ruled the question was divisible

Rep. Sapareto requested that Section II be divided, spoke in favor and yielded to questions.

Rep. John Pratt spoke against.

On a division vote, 155 members having voted in the affirmative and 226 in the negative, Section II of the Sapareto floor amendment failed.

Rep. Sapareto withdrew the remainder of his floor amendment.

Rep. McGuirk requested a roll call; sufficiently seconded.

The question being Ought To Pass with Amendment.

YEAS 221 NAYS 158

YEAS 221

BELKNAP

Bartlett, Gordon	Dewhirst, Glenn	Flanders, Donald	Johnson, William
Millham, Alida	Pilliod, James	Rice, Thomas Jr	Salatiello, Thomas
Wood, Jane			

CARROLL

Babson, David Jr	Dickinson, Howard	Mock, Henry	Philbrick, Donald
Quimby, Lee	Stevens, Stanley	Sullivan, P Judith	

CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
DePecol, Benjamin	Emerson, Susan	Espieffs, Peter	Manning, Joseph
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, John
Richardson, Barbara	Russell, Ronald	Zerba, Roger	

COOS

Bradley, Paula	Davis, Perley	Landers, Dana	Mears, Edgar
Rodrigue, Robert	Woodward, David		

GRAFTON

Akins, Ralph	Almy, Susan	Benn, Bernard	Cooney, Mary
Dudley, Terri	Ham, Bonnie	Lovett, Sid	Naro, Debra
Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy	Sokol, Hilda
Ward, Brien	Williams, Burton		

HILLSBOROUGH

Allan, Nelson	Andosca, Mary	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Baroody, Benjamin	Bellavance, Paul	Bouchard, David
Brundige, Robert	Buckley, Raymond	Cardin, Lori	Carlson, Donald
Christensen, D L Chris	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Daigle, Robert	Desrosiers, William
Dokmo, Cynthia	Drisko, Richard	Duval, Jeffrey	Dwyer, Paul
Dyer, Merton	Foster, Linda	Gargasz, Carolyn	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Gorman, Mary	Goulet, Maurice
Graham, John	Haley, Robert	Hall, Betty	Jean, Claudette
Johnson, Lionel	Kacavas, John	Keye, Harvey	Konys, Christine
L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard	Lasky, Bette
Leach, Edward	Leishman, Peter	Lynde, Harold	McDonough-Wallace, Alice
Melcher, Harold	Messier, Irene	Movsesian, Lori	O'Connell, Timothy
Palangas, Eric	Panagopoulos, Nicholas	Pappas, Marc	Sargent, Maxwell
Schulze, Joan	Seibel, Christopher	Shaw, Barbara	Spiess, Paul
Sweeney, Cynthia	Tate, Joan	Vaillancourt, Steve	White, John
Williams, Carol			

MERRIMACK

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Colcord, J D
Crosby, Toni	Daneault, Gabriel	Davis, Frank	Dunne, Christopher
Feuerstein, Martin	Fraser, Marilyn	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Jacobson, Alf	L'Heureux, Stephen
Lockwood, Priscilla	Maxfield, Roy	Moore, Carol	Owen, Derek
Perkins, Randy	Potter, Frances	Reardon, Tara	Rodd, Beth
Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane	Whittemore, James
Yeaton, Charles			

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Camm, Kevin	Case, Margaret
Clark, Martha Fuller	Coes, Betsy	Cooney, Richard	Cox, Russell
DiFruscia, Anthony	Downing, Michael	Flanagan, Natalie	Hill, Jonathan

Johnson, Robert	Kane, Cecelia	Kelley, Jane	Kelley, William
Kobel, Rudolph	Langley, Jane	Langone, John	McGuire, Robert
Micklon, Stephanie	Norelli, Terie	Palermo, Diane	Pantelakos, Laura
Pitts, Jacqueline	Robertson, Carl	Ruffner, Walter	Saia, Pamela
Shultis, Elizabeth	Splaine, James	Stone, Joseph	Trueman, Raymond
Weatherspoon, Jacquelyne	Whittier, John	Woekel, Ralph	

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Callaghan, Frank
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary
Goodwin, Earle	Grassie, Anne	Heon, Richard	Hughes, Christopher
Johnson, Nancy	Kaen, Naida	Knowles, William	Lent, Donald
McCarthy, Gerald	Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond
Reid, Christopher	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Wall, Janet	Woodill, Rodney

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Leone, Richard	Odell, Bob	Phinizy, James
Robb, Amy			

NAYS 158

BELKNAP

Boyce, Laurie	Czech, Stanley	Holbrook, Robert	Lawton, David
Nedeau, Stephen	Rosen, Ralph	Russell, David	Thomas, John
Wendelboe, Fran			

CARROLL

Bradley, Jeb	Lyman, L Randy	Patten, Betsey	Torressen, Gary
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CHESHIRE

Dexter, Judson
Roberts, William

Edwards, Dana
Royce, H Charles

Fairbanks, Chandler
Smith, Edwin

Hunt, John
Weed, Charles

COOS

Gallus, John
Stohl, Eric

Guay, Lawrence
Tholl, John Jr

Horton, Lynn

Pratt, Leighton

GRAFTON

Alger, John
Gabler, William
Mirski, Paul

Barker, Robert
Gilman, G Michael
Scanlan, David

Cobb, John
Giuda, Robert
Sova, Charles

Eaton, Stephanie
Marshall, Gene
Teschner, Douglass

HILLSBOROUGH

Alukonis, David
Bouldin, Michael
Chabot, Robert
Dionne, Kimberley
Emerton, Lawrence Sr
Ford, Nancy
Guinta, Frank
Hopper, Gary
Lessard, Rudy
Mercer, Robert
Peterson, Andrew
Souza, Kathleen
Wheeler, Robert

Balcom, John
Bragdon, Peter
Christiansen, Lars
Drabinowicz, A Theresa
Fields, Dennis
Furman, Christine
Hall, Charles
Jean, Loren
Martel, Andre
Milligan, Robert
Reeves, Sandra
Tahir, Saghir
White, Donald

Batula, Peter
Bruno, Pierre
Clegg, Robert Jr
Eaton, Richard
Fletcher, Richard
Gonzalez, Carlos
Herman, Keith
Kurk, Neal
McHugh, Claire
Moran, Edward
Rowe, Robert
Thompson, Rob

Bergeron, Jean-Guy
Calawa, Leon Jr
Coughlin, Pamela
Elliott, Larry
Flora, Kathleen
Greenberg, Gary
Holden, Randolph
Lefebvre, Roland
McRae, Karen
Pepino, Leo
Salts, Greg
Thulander, O Alan

MERRIMACK

Anderson, Eric
Kennedy, Richard
Soltani, Tony

Cummings, Raymond
Langer, Ray
Swindlehurst, John

Fraser, Leo Jr
Leber, William
Whalley, Michael

Hutchinson, John
MacKay, James
Winter, Steven

ROCKINGHAM

Arndt, Janet

Belanger, Ronald

Bishop, Franklin

Bridle, Russell

Carson, Sharon	Chalbeck, Kevin	Clark, Vivian	Corbin, Corey
Dalrymple, Janeen	Dearborn, Bruce	Dodge, Robert	Dowling, Patricia
Fesh, Bob	Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey
Gilbert, Karl	Giordano, Ronald	Gleason, John	Griffin, Mary
Hamel, Albert	Henderson, Warren	Holland, James Jr	Hutchinson, Karen
Introne, Robert	Itse, Daniel	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Letourneau, Robert	Major, Norman	McKinney, Betsy
Morse, Charles	Nowe, Ronald	Packard, Sherman	Power, Lucille
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Rabideau, Marie	Rausch, James	Reardon, Neil	Sapareto, Frank
Sloan, Stephen	Stritch, C Donald	Varrell, Thomas	Welch, David
Weyler, Kenneth	Zolla, William		

STRAFFORD

Albert, Russell	Cossette, Larry	Harrington, Michael	Tsiros, William
Twombly, James	Woods, Phyllis		

SULLIVAN

Rodeschin, Beverly

And the report was adopted.

Ordered to third reading.

removed from table

Rep. Scanlan moved that ***HB 50-FN-A-L***, relative to sources fo funding an adequate education, be removed from the table. (Pending question: Ought to Pass).

Rep. Soltani requested a roll call; sufficiently seconded.

YEAS 195 NAYS 184

YEAS 195

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Flanders, Donald
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Holbrook, Robert
Russell, David

Lawton, David
Thomas, John

Neddeau, Stephen
Wendelboe, Fran

Rice, Thomas Jr

CARROLL

Babson, David Jr
Mock, Henry
Torressen, Gary

Bradley, Jeb
Patten, Betsey

Dickinson, Howard
Stevens, Stanley

Lyman, L Randy
Sullivan, P Judith

CHESHIRE

Dexter, Judson
Hunt, John

Edwards, Dana
Roberts, William

Emerson, Susan
Royce, H Charles

Fairbanks, Chandler
Smith, Edwin

COOS

Gallus, John
Stohl, Eric

Guay, Lawrence
Tholl, John Jr

Horton, Lynn
Woodward, David

Pratt, Leighton

GRAFTON

Akins, Ralph
Dudley, Terri
Giuda, Robert
Sova, Charles

Alger, John
Eaton, Stephanie
Marshall, Gene
Teschner, Douglass

Barker, Robert
Gabler, William
Mirski, Paul

Cobb, John
Gilman, G Michael
Scanlan, David

HILLSBOROUGH

Allan, Nelson
Balcom, John
Bouldin, Michael
Calawa, Leon Jr
Christiansen, Lars
Dionne, Kimberley
Fields, Dennis
Golding, William
Greenberg, Gary
Hopper, Gary

Alukonis, David
Batula, Peter
Bragdon, Peter
Carlson, Donald
Clegg, Robert Jr
Eaton, Richard
Fletcher, Richard
Gonzalez, Carlos
Guinta, Frank
Jean, Loren

Artz, Lawrence
Bergeron, Jean-Guy
Brundige, Robert
Chabot, Robert
Coughlin, Pamela
Elliott, Larry
Flora, Kathleen
Goulet, Maurice
Herman, Keith
Kurk, Neal

Balboni, Michael
Bouchard, David
Bruno, Pierre
Christensen, D L Chris
Desrosiers, William
Emerton, Lawrence Sr
Furman, Christine
Graham, John
Holden, Randolph
L'Heureux, Robert

LaFlamme, Paul	LaRose, Richard	Lessard, Rudy	Martel, Andre
McHugh, Claire	McRae, Karen	Mercer, Robert	Milligan, Robert
Moran, Edward	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Reeves, Sandra	Salts, Greg	Sargent, Maxwell	Souza, Kathleen
Tahir, Saghir	Tate, Joan	Thompson, Rob	Thulander, O Alan
Vaillancourt, Steve	Wheeler, Robert	White, Donald	

MERRIMACK

Anderson, Eric	Colcord, J D	Cummings, Raymond	Dunne, Christopher
Fraser, Leo Jr	Hutchinson, John	Kennedy, Richard	L'Heureux, Stephen
Langer, Ray	Leber, William	MacKay, James	Soltani, Tony
Swindlehurst, John	Whalley, Michael	Winter, Steven	

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Carson, Sharon	Chalbeck, Kevin	Clark, Vivian
Corbin, Corey	Cox, Russell	Dalrymple, Janeen	DiFruscia, Anthony
Dodge, Robert	Dowling, Patricia	Fesh, Bob	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Giordano, Ronald	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hill, Jonathan	Holland, James Jr	Hutchinson, Karen
Introne, Robert	Itse, Daniel	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kelley, William	Letourneau, Robert	Major, Norman
McKinney, Betsy	Morse, Charles	Nowe, Ronald	Packard, Sherman
Power, Lucille	Priestley, Anne	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Rabideau, Marie	Rausch, James	Reardon, Neil
Ruffner, Walter	Saia, Pamela	Sapareto, Frank	Stone, Joseph
Stritch, C Donald	Varrell, Thomas	Welch, David	Weyler, Kenneth
Woekel, Ralph	Zolla, William		

STRAFFORD

Albert, Russell	Bickford, David	Cossette, Larry	Harrington, Michael
Reid, Christopher	Tsiros, William	Twombly, James	Woods, Phyllis

SULLIVAN

Odell, Bob

Rodeschin, Beverly

NAYS 184

BELKNAP

Dewhirst, Glenn

Johnson, William

Millham, Alida

Pilliod, James

Rosen, Ralph

Salatiello, Thomas

Wood, Jane

CARROLL

Philbrick, Donald

Quimby, Lee

CHESHIRE

Allen, Peter

Batchelder, Robert

Burnham, Daniel

DePecol, Benjamin

Espiefs, Peter

Manning, Joseph

McGuirk, Paul

Meadar, David

Mitchell, McKim

Pratt, John

Richardson, Barbara

Russell, Ronald

Weed, Charles

Zerba, Roger

COOS

Bradley, Paula

Davis, Perley

Landers, Dana

Mears, Edgar

Rodrigue, Robert

GRAFTON

Almy, Susan

Benn, Bernard

Cooney, Mary

Ham, Bonnie

Lovett, Sid

Naro, Debra

Nordgren, Sharon

Pawlek, Marion

Scovner, Nancy

Sokol, Hilda

Ward, Brien

Williams, Burton

HILLSBOROUGH

Andosca, Mary

Arnold, Thomas Jr

Baroody, Benjamin

Bellavance, Paul

Buckley, Raymond

Cardin, Lori

Clayton, William

Clemons, Jane

Cote, David

Cote, Peter

Craig, James

Daigle, Robert

Dokmo, Cynthia

Drabinowicz, A Theresa

Drisko, Richard

Duval, Jeffrey

Dwyer, Paul

Dyer, Merton

Ford, Nancy

Foster, Linda

Gargas, Carolyn	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haley, Robert	Hall, Betty	Hall, Charles	Jean, Claudette
Johnson, Lionel	Kacavas, John	Keye, Harvey	Konys, Christine
Lasky, Bette	Leach, Edward	Lefebvre, Roland	Leishman, Peter
Lynde, Harold	Martin, Mary Ellen	McDonough-Wallace, Alice	Melcher, Harold
Messier, Irene	Movsesian, Lori	O'Connell, Timothy	Palangas, Eric
Panagopoulos, Nicholas	Rowe, Robert	Schulze, Joan	Seibel, Christopher
Shaw, Barbara	Spiess, Paul	Sweeney, Cynthia	White, John
Williams, Carol			

MERRIMACK

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Crosby, Toni
Daneault, Gabriel	Davis, Frank	Feuerstein, Martin	Fraser, Marilyn
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Jacobson, Alf	Lockwood, Priscilla	Maxfield, Roy	Moore, Carol
Owen, Derek	Perkins, Randy	Potter, Frances	Reardon, Tara
Rodd, Beth	Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Clark, Martha Fuller
Coes, Betsy	Cooney, Richard	Dearborn, Bruce	Downing, Michael
Johnson, Robert	Kane, Cecelia	Kelley, Jane	Kobel, Rudolph
Langley, Jane	Langone, John	McGuire, Robert	Micklon, Stephanie
Norelli, Terie	Palermo, Diane	Pantelakos, Laura	Pitts, Jacqueline
Robertson, Carl	Shultis, Elizabeth	Sloan, Stephen	Splaine, James
Trueman, Raymond	Weatherspoon, Jacquelyne	Whittier, John	

STRAFFORD

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Goodwin, Earle
Grassie, Anne	Heon, Richard	Hughes, Christopher	Johnson, Nancy
Kaen, Naida	Knowles, William	Lent, Donald	McCarthy, Gerald

Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Wall, Janet	Woodill, Rodney		

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Leone, Richard	Phinizy, James	Robb, Amy

and the motion was adopted.

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

reconsideration

Having voted on the prevailing side, Rep. DiFruscia moved that the House reconsider its action on ***HB 50-FN-A-L***, relative to sources of funding an adequate education.

Rep. DiFruscia spoke in favor and yielded to questions.

Reps. Spiess and Kacavas spoke against.

Rep. Scanlan requested a roll call; sufficiently seconded.

The question being reconsideration of the vote whereby the committee amendment was defeated.

YEAS 184 NAYS 194

YEAS 184

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Holbrook, Robert
Lawton, David	Nedeau, Stephen	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Thomas, John	Wendelboe, Fran	

CARROLL

Babson, David Jr	Dickinson, Howard	Lyman, L Randy	Mock, Henry
Patten, Betsey	Stevens, Stanley	Sullivan, P Judith	Torressen, Gary

CHESHIRE

Dexter, Judson	Edwards, Dana	Emerson, Susan	Fairbanks, Chandler
Hunt, John	Roberts, William	Royce, H Charles	Smith, Edwin

COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Stohl, Eric	Tholl, John Jr	Woodward, David	

GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gabler, William	Gilman, G Michael
Giuda, Robert	Marshall, Gene	Mirski, Paul	Scanlan, David
Sova, Charles	Teschner, Douglass		

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Balcom, John	Batula, Peter	Bergeron, Jean-Guy	Bouchard, David
Bouldin, Michael	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Desrosiers, William	Dionne, Kimberley
Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard
Flora, Kathleen	Furman, Christine	Gonzalez, Carlos	Goulet, Maurice
Graham, John	Greenberg, Gary	Guinta, Frank	Hall, Charles
Herman, Keith	Holden, Randolph	Hopper, Gary	Jean, Loren
Kurk, Neal	LaFlamme, Paul	LaRose, Richard	Lessard, Rudy
Martel, Andre	McRae, Karen	Mercer, Robert	Milligan, Robert
Moran, Edward	Pappas, Marc	Pepino, Leo	Reeves, Sandra
Salts, Greg	Sargent, Maxwell	Souza, Kathleen	Tahir, Saghir
Tate, Joan	Thompson, Rob	Thulander, O Alan	Vaillancourt, Steve
Wheeler, Robert	White, Donald		

MERRIMACK

Anderson, Eric	Cummings, Raymond	Dunne, Christopher	Fraser, Leo Jr
Hess, David	Hutchinson, John	Kennedy, Richard	L'Heureux, Stephen
Langer, Ray	Leber, William	MacKay, James	Poulin, David
Soltani, Tony	Swindlehurst, John	Whalley, Michael	Winter, Steven

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Carson, Sharon	Chalbeck, Kevin	Clark, Vivian
Corbin, Corey	Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert
Dowling, Patricia	Fesh, Bob	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hill, Jonathan	Holland, James Jr
Hutchinson, Karen	Introne, Robert	Itse, Daniel	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, William	Letourneau, Robert
Major, Norman	McKinney, Betsy	Morse, Charles	Nowe, Ronald
Packard, Sherman	Power, Lucille	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Rabideau, Marie	Rausch, James
Reardon, Neil	Ruffner, Walter	Sapareto, Frank	Stone, Joseph
Stritch, C Donald	Varrell, Thomas	Welch, David	Weyler, Kenneth
Zolla, William			

STRAFFORD

Albert, Russell	Bickford, David	Cossette, Larry	Reid, Christopher
Tsiros, William	Twombly, James	Woods, Phyllis	

SULLIVAN

Odell, Bob	Rodeschin, Beverly
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NAYS 194

BELKNAP

Dewhirst, Glenn	Flanders, Donald	Johnson, William	Millham, Alida
Pilliod, James	Salatiello, Thomas	Wood, Jane	

CARROLL

Bradley, Jeb	Philbrick, Donald	Quimby, Lee
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CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin
Espieffs, Peter	Manning, Joseph	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, John	Richardson, Barbara	Russell, Ronald
Weed, Charles	Zerba, Roger		

COOS

Bradley, Paula	Davis, Perley	Landers, Dana	Mears, Edgar
Rodrigue, Robert			

GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Ham, Bonnie
Lovett, Sid	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scovner, Nancy	Sokol, Hilda	Ward, Brien	Williams, Burton

HILLSBOROUGH

Andosca, Mary	Arnold, Thomas Jr	Baroody, Benjamin	Bellavance, Paul
Buckley, Raymond	Cardin, Lori	Carlson, Donald	Clayton, William
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard
Duval, Jeffrey	Dwyer, Paul	Dyer, Merton	Eaton, Richard
Ford, Nancy	Foster, Linda	Gargasz, Carolyn	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Gorman, Mary	Haley, Robert
Hall, Betty	Jean, Claudette	Johnson, Lionel	Kacavas, John
Keye, Harvey	Konys, Christine	L'Heureux, Robert	Lasky, Bette
Leach, Edward	Lefebvre, Roland	Leishman, Peter	Lynde, Harold
McDonough-Wallace, Alice	McHugh, Claire	Melcher, Harold	Messier, Irene
Movsesian, Lori	O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas
Peterson, Andrew	Rowe, Robert	Schulze, Joan	Seibel, Christopher

Shaw, Barbara
Williams, Carol

Spiess, Paul

Sweeney, Cynthia

White, John

MERRIMACK

Bouchard, Candace
Crosby, Toni
Fraser, Marilyn
Hager, Elizabeth
Moore, Carol
Reardon, Tara
Wallner, Mary Jane

Brewster, Richard
Daneault, Gabriel
French, Barbara
Jacobson, Alf
Owen, Derek
Rodd, Beth
Whittemore, James

Clarke, Claire
Davis, Frank
Gile, Mary
Lockwood, Priscilla
Perkins, Randy
Rush, Deanna
Yeaton, Charles

Colcord, J D
Feuerstein, Martin
Greco, Vincent
Maxfield, Roy
Potter, Frances
Seldin, Gloria

ROCKINGHAM

Blanchard, MaryAnn
Coes, Betsy
Downing, Michael
Kane, Cecelia
Langone, John
Pantelakos, Laura
Shultis, Elizabeth
Weatherspoon,
Jacquelyne

Bowles, Raimond
Cooney, Richard
Flanagan, Natalie
Kelley, Jane
McGuire, Robert
Pitts, Jacqueline
Sloan, Stephen
Whittier, John

Case, Margaret
Cox, Russell
Gleason, John
Kobel, Rudolph
Micklon, Stephanie
Robertson, Carl
Splaine, James
Woekel, Ralph

Clark, Martha Fuller
Dearborn, Bruce
Johnson, Robert
Langley, Jane
Norelli, Terie
Saia, Pamela
Trueman, Raymond

STRAFFORD

Berube, Roger
Dunlap, Patricia
Grassie, Anne
Kaen, Naida
Pelletier, Arthur
Smith, Marjorie
Wall, Janet

Brennan, William
Estabrook, Iris
Heon, Richard
Knowles, William
Pelletier, Marsha
Snyder, Clair
Woodill, Rodney

Callaghan, Frank
Gilmore, Gary
Hughes, Christopher
Lent, Donald
Proulx, Raymond
Spang, Judith

DeChane, Marlene
Goodwin, Earle
Johnson, Nancy
McCarthy, Gerald
Rollo, Michael
Taylor, Kathleen

SULLIVAN

Allison, David

Burling, Peter

Cloutier, John

Ferland, Brenda

Flint, Gordon Sr
Jones, Constance

Franklin, Peter
Leone, Richard

Harris, Joseph
Phinizy, James

Harris, Sandra
Robb, Amy

And the motion failed.

The question now being adoption of Ought to Pass.

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

YEAS 171 NAYS 208

YEAS 171

BELKNAP

Bartlett, Gordon
Lawton, David
Thomas, John

Boyce, Laurie
Nedeau, Stephen
Wendelboe, Fran

Czech, Stanley
Rice, Thomas Jr

Flanders, Donald
Russell, David

CARROLL

Babson, David Jr
Mock, Henry
Torressen, Gary

Bradley, Jeb
Patten, Betsey

Dickinson, Howard
Stevens, Stanley

Lyman, L Randy
Sullivan, P Judith

CHESHIRE

Dexter, Judson
Hunt, John

Edwards, Dana
Roberts, William

Emerson, Susan
Royce, H Charles

Fairbanks, Chandler
Smith, Edwin

COOS

Gallus, John
Stohl, Eric

Guay, Lawrence
Tholl, John Jr

Horton, Lynn

Pratt, Leighton

GRAFTON

Akins, Ralph
Dudley, Terri
Giuda, Robert

Alger, John
Eaton, Stephanie
Marshall, Gene

Barker, Robert
Gabler, William
Mirski, Paul

Cobb, John
Gilman, G Michael
Sova, Charles

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Balcom, John	Batula, Peter	Bergeron, Jean-Guy	Bouchard, David
Bouldin, Michael	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Chabot, Robert	Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr
Coughlin, Pamela	Dionne, Kimberley	Eaton, Richard	Elliott, Larry
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Furman, Christine
Gonzalez, Carlos	Goulet, Maurice	Graham, John	Greenberg, Gary
Guinta, Frank	Hall, Charles	Holden, Randolph	Hopper, Gary
Jean, Loren	L'Heureux, Robert	LaRose, Richard	Lessard, Rudy
Martel, Andre	McHugh, Claire	Mercer, Robert	Milligan, Robert
Moran, Edward	Pappas, Marc	Pepino, Leo	Reeves, Sandra
Salts, Greg	Sargent, Maxwell	Souza, Kathleen	Tahir, Saghir
Tate, Joan	Thompson, Rob	Vaillancourt, Steve	White, Donald

MERRIMACK

Anderson, Eric	Cummings, Raymond	Dunne, Christopher	Fraser, Leo Jr
Hess, David	Hutchinson, John	Kennedy, Richard	L'Heureux, Stephen
Langer, Ray	Leber, William	MacKay, James	Poulin, David
Soltani, Tony	Swindlehurst, John	Winter, Steven	

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Carson, Sharon	Chalbeck, Kevin	Clark, Vivian
Corbin, Corey	Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert
Dowling, Patricia	Fesh, Bob	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hill, Jonathan	Holland, James Jr
Hutchinson, Karen	Introne, Robert	Itse, Daniel	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Letourneau, Robert	Major, Norman
McKinney, Betsy	Nowe, Ronald	Packard, Sherman	Power, Lucille
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Rabideau, Marie	Rausch, James	Reardon, Neil	Ruffner, Walter

Sapareto, Frank
Welch, David

Stone, Joseph
Weyler, Kenneth

Stritch, C Donald
Zolla, William

Varrell, Thomas

STRAFFORD

Albert, Russell
Tsiros, William

Bickford, David
Twombly, James

Cossette, Larry
Woods, Phyllis

Harrington, Michael

SULLIVAN

Rodeschin, Beverly

NAYS 208

BELKNAP

Dewhirst, Glenn
Pilliod, James

Holbrook, Robert
Rosen, Ralph

Johnson, William
Salatiello, Thomas

Millham, Alida
Wood, Jane

CARROLL

Philbrick, Donald

Quimby, Lee

CHESHIRE

Allen, Peter
Espiefs, Peter
Mitchell, McKim
Weed, Charles

Batchelder, Robert
Manning, Joseph
Pratt, John
Zerba, Roger

Burnham, Daniel
McGuirk, Paul
Richardson, Barbara

DePecol, Benjamin
Meader, David
Russell, Ronald

COOS

Bradley, Paula
Rodrigue, Robert

Davis, Perley
Woodward, David

Landers, Dana

Mears, Edgar

GRAFTON

Almy, Susan
Lovett, Sid
Scanlan, David

Benn, Bernard
Naro, Debra
Scovner, Nancy

Cooney, Mary
Nordgren, Sharon
Sokol, Hilda

Ham, Bonnie
Pawlek, Marion
Teschner, Douglass

Ward, Brien

Williams, Burton

HILLSBOROUGH

Andosca, Mary	Arnold, Thomas Jr	Baroody, Benjamin	Bellavance, Paul
Buckley, Raymond	Calawa, Leon Jr	Cardin, Lori	Carlson, Donald
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daigle, Robert	Desrosiers, William	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Duval, Jeffrey	Dwyer, Paul
Dyer, Merton	Emerton, Lawrence Sr	Ford, Nancy	Foster, Linda
Gargas, Carolyn	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gorman, Mary	Haley, Robert	Hall, Betty	Herman, Keith
Jean, Claudette	Johnson, Lionel	Kacavas, John	Keye, Harvey
Konys, Christine	Kurk, Neal	LaFlamme, Paul	Lasky, Bette
Leach, Edward	Lefebvre, Roland	Leishman, Peter	Lynde, Harold
Martin, Mary Ellen	McDonough-Wallace, Alice	McRae, Karen	Melcher, Harold
Messier, Irene	Movsesian, Lori	O'Connell, Timothy	Palangas, Eric
Panagopoulos, Nicholas	Peterson, Andrew	Rowe, Robert	Schulze, Joan
Seibel, Christopher	Shaw, Barbara	Spieß, Paul	Sweeney, Cynthia
Thulander, O Alan	White, John	Williams, Carol	

MERRIMACK

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Colcord, J D
Crosby, Toni	Daneault, Gabriel	Davis, Frank	Feuerstein, Martin
Fraser, Marilyn	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Jacobson, Alf	Lockwood, Priscilla	Maxfield, Roy
Moore, Carol	Owen, Derek	Perkins, Randy	Potter, Frances
Reardon, Tara	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Wallner, Mary Jane	Whalley, Michael	Whittemore, James	Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Clark, Martha Fuller
Coes, Betsy	Cooney, Richard	Cox, Russell	Dearborn, Bruce
Downing, Michael	Flanagan, Natalie	Gleason, John	Johnson, Robert

Kane, Cecelia	Kelley, Jane	Kelley, William	Kobel, Rudolph
Langley, Jane	Langone, John	McGuire, Robert	Micklon, Stephanie
Morse, Charles	Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline
Robertson, Carl	Saia, Pamela	Shultis, Elizabeth	Sloan, Stephen
Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne	Whittier, John
Woekel, Ralph			

STRAFFORD

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Goodwin, Earle
Grassie, Anne	Heon, Richard	Hughes, Christopher	Johnson, Nancy
Kaen, Naida	Knowles, William	Lent, Donald	McCarthy, Gerald
Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond	Reid, Christopher
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Wall, Janet	Woodill, Rodney	

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Leone, Richard	Odell, Bob	Phinizy, James
Robb, Amy			

and the motion failed.

Rep. Hager moved Inexpedient to Legislate.

Adopted.

motion to special order

Reps. Scanlan and Burling moved that ***HB 759-FN-A-L***, establishing a flat rate education income tax, relative to the state education property tax and certain other taxes, and relative to other sources of funding for education, and ***HB 766-FN-A-L***, establishing a New Hampshire education tax on consumption as a source of funding for education, reducing the rates of other state taxes, and increasing certain exemptions to the interest and dividends tax be made a Special Order for Thursday, April 19, 2001 for the beginning of the Regular Calendar; and the bills removed from the Consent Calendar be made a Special Order for the end of Thursday's calendar.

Adopted.

RESOLUTION

Rep. Scanlan offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 19, 2001 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 289-FN, implementing procedures for a hospital to assume care and custody of an abandoned child and creating an exception to the crime of endangering the welfare of a child.

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

HB 699, relative to the rights of non-offending parents in the context of abuse and neglect cases.

HB 394, relative to short-term health insurance policies for certain persons.

HB 525, relative to property and casualty insurance.

HB 534, relative to "salvage" motor vehicles.

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

HB 591, relative to certain prescription discount cards.

HB 680, relative to foreign reinsurers.

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

HB 731, relative to securities laws.

HB 745-FN, revising Article 9 of the Uniform Commercial Code and related statutes.

HB 753, relative to exemptions from issuer dealer licenses for the sale of securities.

HB 481, relative to access to certain communications common carrier records.

HB 659-FN, relative to penalties for attempting to purchase firearms illegally.

HB 764-FN, relative to interference with custody.

HB 412, relative to requiring the public higher education study committee to study the feasibility of granting of state franchise rights to providers of on-line education courses.

HB 154, relative to candidates of parties nominated by nomination papers.

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

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

HB 387, relative to the regulation of dentistry by the board of dental examiners.

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

HB 511, relative to continuing medical education requirements for physicians.

HB 584-FN-A, relative to the registration and licensure of OHRV dealers and rental agents.

HB 630, establishing a committee to study ayurvedic health care.

HB 727, making certain changes concerning the authority and operation of the port authority.

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

HB 206-FN-A, establishing an equipment depository and disabled person's employment fund in the department of administrative services.

HB 288-FN, relative to the licensure of interpreters for the deaf and hard of hearing.

HB 305-FN-A, establishing a dedicated fund for certain fish and game funds to be expended for the purpose of operation game thief.

HB 547-FN, authorizing participation in a regional electronic toll collection system.

HB 612, relative to expenditures from the dam maintenance fund by the department of environmental services.

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

HB 616, clarifying sessions to be held at the satellite district court in Durham.

HB 622, , relative to the time period for the executive council to confirm nominees to the Supreme Court.

HB 703, relative to durable powers of attorney.

HB 275, relative to the expenditure of funds received pursuant to the Workforce Investment Act.

HB 614, relative to certain duties, responsibilities, and authority of the fiscal committee.

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

HB 512, relative to off-site improvements imposed on applicants to a planning board.

HB 723, relative to vacancies in county offices.

HB 413, relative to ownership of rail properties.

HB 653-FN, relative to certain signs within highway rights-of-way.

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

HB 578, relative to requirements for nonpublic utility providers of telephone services and competitive telecommunications providers, and relative to the information technology management advisory board.

HB 219, relative to the rules of the road involving school buses.

HB 615, relative to the duties of motor vehicle inspectors.

HB 652, , relative to the penalties for reckless or negligent operation of a motor vehicle.

HB 663, relative to lights on school buses.

HB 669, requiring certain safety devices on freight locomotives.

HB 186-FN-A, , establishing a pesticides training program.

HB 303-FN-A-L, relative to funding of training and certification of fire fighters and emergency medical service providers programs in the department of safety, extending certain motor vehicle license expiration dates, and increasing certain motor vehicle license fees.

HB 310, , setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2003.

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2002, and June 30, 2003.

HB 2-FN-A, relative to state fees, funds, revenues, and expenditures.

HB 25-FN-A, making appropriations for capital improvements.

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

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

motion to reconsider

Having voted on the prevailing side, Rep. Burling moved that the House reconsider its action whereby it found ***HB 50-FN-A-L***, relative to sources of funding an adequate education, Inexpedient to Legislate.

Rep. Pappas requested a roll call; sufficiently seconded.

The question being reconsideration of Inexpedient to Legislate.

YEAS 190 NAYS 189

YEAS 190

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Lawton, David	Nedeau, Stephen
Rice, Thomas Jr	Rosen, Ralph	Russell, David	Thomas, John
Wendelboe, Fran			

CARROLL

Babson, David Jr	Chandler, Gene	Dickinson, Howard	Lyman, L Randy
Mock, Henry	Patten, Betsey	Stevens, Stanley	Sullivan, P Judith
Torressen, Gary			

CHESHIRE

Dexter, Judson	Edwards, Dana	Emerson, Susan	Fairbanks, Chandler
Hunt, John	Roberts, William	Royce, H Charles	Smith, Edwin

COOS

Gallus, John	Guay, Lawrence	Pratt, Leighton	Tholl, John Jr
Woodward, David			

GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
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Dudley, Terri	Eaton, Stephanie	Gabler, William	Gilman, G Michael
Giuda, Robert	Marshall, Gene	Mirski, Paul	Scanlan, David
Sova, Charles	Teschner, Douglass	Ward, Brien	

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Balcom, John	Batula, Peter	Bergeron, Jean-Guy	Bouchard, David
Bouldin, Michael	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Dionne, Kimberley	Elliott, Larry
Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Furman, Christine	Gonzalez, Carlos	Goulet, Maurice	Graham, John
Greenberg, Gary	Guinta, Frank	Hall, Charles	Herman, Keith
Holden, Randolph	Hopper, Gary	Jean, Loren	Kurk, Neal
L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard	Leach, Edward
Lefebvre, Roland	Lessard, Rudy	Martel, Andre	McHugh, Claire
McRae, Karen	Mercer, Robert	Milligan, Robert	Moran, Edward
Pappas, Marc	Pepino, Leo	Reeves, Sandra	Rowe, Robert
Salts, Greg	Sargent, Maxwell	Souza, Kathleen	Tahir, Saghir
Tate, Joan	Thompson, Rob	Thulander, O Alan	Vaillancourt, Steve
White, Donald			

MERRIMACK

Anderson, Eric	Dunne, Christopher	Feuerstein, Martin	Hess, David
Hutchinson, John	Kennedy, Richard	L'Heureux, Stephen	Langer, Ray
Leber, William	MacKay, James	Poulin, David	Soltani, Tony
Swindlehurst, John	Whalley, Michael	Winter, Steven	

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Carson, Sharon	Chalbeck, Kevin	Clark, Vivian
Corbin, Corey	Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert
Dowling, Patricia	Fesh, Bob	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald	Griffin, Mary

Hamel, Albert	Henderson, Warren	Hill, Jonathan	Holland, James Jr
Hutchinson, Karen	Introne, Robert	Itse, Daniel	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, William	Letourneau, Robert
Major, Norman	McKinney, Betsy	Morse, Charles	Nowe, Ronald
Packard, Sherman	Power, Lucille	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Rabideau, Marie	Rausch, James
Reardon, Neil	Ruffner, Walter	Saia, Pamela	Sloan, Stephen
Stone, Joseph	Stritch, C Donald	Varrell, Thomas	Welch, David
Weyler, Kenneth	Zolla, William		

STRAFFORD

Albert, Russell	Bickford, David	Cossette, Larry	Harrington, Michael
Reid, Christopher	Tsiros, William	Twombly, James	Woods, Phyllis

SULLIVAN

Odell, Bob	Rodeschin, Beverly
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NAYS 189

BELKNAP

Johnson, William	Millham, Alida	Pilliod, James	Salatiello, Thomas
Wood, Jane			

CARROLL

Bradley, Jeb	Philbrick, Donald	Quimby, Lee
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CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
DePecol, Benjamin	Espieffs, Peter	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Russell, Ronald	Weed, Charles	Zerba, Roger	

COOS

Bradley, Paula	Davis, Perley	Horton, Lynn	Landers, Dana
Mears, Edgar	Rodrigue, Robert	Stohl, Eric	

GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Ham, Bonnie
Lovett, Sid	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scovner, Nancy	Sokol, Hilda	Williams, Burton	

HILLSBOROUGH

Andosca, Mary	Arnold, Thomas Jr	Baroody, Benjamin	Bellavance, Paul
Buckley, Raymond	Cardin, Lori	Carlson, Donald	Clayton, William
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Daigle, Robert	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A Theresa
Drisko, Richard	Duval, Jeffrey	Dwyer, Paul	Dyer, Merton
Eaton, Richard	Ford, Nancy	Foster, Linda	Gargasz, Carolyn
Ginsburg, Ruth	Golding, William	Goley, Jeffrey	Gorman, Mary
Haley, Robert	Hall, Betty	Jean, Claudette	Johnson, Lionel
Kacavas, John	Keye, Harvey	Konys, Christine	Lasky, Bette
Leishman, Peter	Lynde, Harold	McDonough-Wallace, Alice	Melcher, Harold
Messier, Irene	Movsesian, Lori	O'Connell, Timothy	Palangas, Eric
Panagopoulos, Nicholas	Peterson, Andrew	Schulze, Joan	Seibel, Christopher
Shaw, Barbara	Spiess, Paul	Sweeney, Cynthia	White, John
Williams, Carol			

MERRIMACK

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Colcord, J D
Crosby, Toni	Cummings, Raymond	Daneault, Gabriel	Davis, Frank
Fraser, Leo Jr	Fraser, Marilyn	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Jacobson, Alf	Lockwood, Priscilla
Maxfield, Roy	Moore, Carol	Owen, Derek	Perkins, Randy
Potter, Frances	Reardon, Tara	Rodd, Beth	Rush, Deanna
Seldin, Gloria	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Clark, Martha Fuller
Coes, Betsy	Cooney, Richard	Cox, Russell	Dearborn, Bruce
Downing, Michael	Flanagan, Natalie	Gleason, John	Johnson, Robert
Kane, Cecelia	Kelley, Jane	Kobel, Rudolph	Langley, Jane
Langone, John	McGuire, Robert	Micklon, Stephanie	Norelli, Terie
Pantelakos, Laura	Pitts, Jacqueline	Robertson, Carl	Shultis, Elizabeth
Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne	Whittier, John
Woekel, Ralph			

STRAFFORD

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Goodwin, Earle
Grassie, Anne	Heon, Richard	Hughes, Christopher	Johnson, Nancy
Kaen, Naida	Knowles, William	Lent, Donald	McCarthy, Gerald
Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Wall, Janet	Woodill, Rodney		

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Leone, Richard	Phinizy, James	Robb, Amy

and the motion to reconsider was adopted.

laid on the table

Rep. Herman moved to lay ***HB 50-FN-A-L***, relative to sources of funding an adequate education, on the table.

Rep. Bruno requested a roll call; sufficiently seconded.

YEAS 198 NAYS 181

YEAS 198

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Lawton, David	Nedeau, Stephen
Rice, Thomas Jr	Rosen, Ralph	Russell, David	Thomas, John
Wendelboe, Fran			

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Lyman, L Randy
Mock, Henry	Patten, Betsey	Stevens, Stanley	Sullivan, P Judith
Torressen, Gary			

CHESHIRE

Dexter, Judson	Edwards, Dana	Emerson, Susan	Fairbanks, Chandler
Hunt, John	Roberts, William	Royce, H Charles	Smith, Edwin

COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Stohl, Eric	Tholl, John Jr	Woodward, David	

GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gabler, William	Gilman, G Michael
Giuda, Robert	Marshall, Gene	Mirski, Paul	Scanlan, David
Sova, Charles	Teschner, Douglass	Williams, Burton	

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Balcom, John	Batula, Peter	Bergeron, Jean-Guy	Bouchard, David
Bouldin, Michael	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela	Dionne, Kimberley

Dyer, Merton	Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Furman, Christine
Gonzalez, Carlos	Goulet, Maurice	Graham, John	Greenberg, Gary
Guinta, Frank	Hall, Charles	Herman, Keith	Holden, Randolph
Hopper, Gary	Jean, Loren	Kurk, Neal	L'Heureux, Robert
LaFlamme, Paul	LaRose, Richard	Lessard, Rudy	Martel, Andre
McHugh, Claire	McRae, Karen	Mercer, Robert	Milligan, Robert
Moran, Edward	Pappas, Marc	Pepino, Leo	Reeves, Sandra
Rowe, Robert	Salts, Greg	Sargent, Maxwell	Souza, Kathleen
Tahir, Saghir	Tate, Joan	Thompson, Rob	Thulander, O Alan
Vaillancourt, Steve	White, Donald		

MERRIMACK

Anderson, Eric	Cummings, Raymond	Dunne, Christopher	Fraser, Leo Jr
Hess, David	Hutchinson, John	Kennedy, Richard	L'Heureux, Stephen
Langer, Ray	Leber, William	Lockwood, Priscilla	MacKay, James
Poulin, David	Soltani, Tony	Swindlehurst, John	Whalley, Michael
Winter, Steven			

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Carson, Sharon	Chalbeck, Kevin	Clark, Vivian
Cooney, Richard	Corbin, Corey	Dalrymple, Janeen	DiFruscia, Anthony
Dodge, Robert	Dowling, Patricia	Fesh, Bob	Flanders, John Sr
Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hill, Jonathan	Holland, James Jr	Hutchinson, Karen	Introne, Robert
Itse, Daniel	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kelley, William	Letourneau, Robert	Major, Norman	McKinney, Betsy
Morse, Charles	Nowe, Ronald	Packard, Sherman	Power, Lucille
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Rabideau, Marie	Rausch, James	Reardon, Neil	Ruffner, Walter
Saia, Pamela	Sloan, Stephen	Stone, Joseph	Stritch, C Donald
Varrell, Thomas	Welch, David	Weyler, Kenneth	Woekel, Ralph

Zolla, William

STRAFFORD

Albert, Russell
Reid, Christopher

Bickford, David
Tsiros, William

Cossette, Larry
Twombly, James

Harrington, Michael
Woods, Phyllis

SULLIVAN

Odell, Bob

Rodeschin, Beverly

NAYS 181

BELKNAP

Johnson, William
Wood, Jane

Millham, Alida

Pilliod, James

Salatiello, Thomas

CARROLL

Philbrick, Donald

Quimby, Lee

CHESHIRE

Allen, Peter
DePecol, Benjamin
Meador, David
Russell, Ronald

Avery, Stephen
Espieffs, Peter
Mitchell, McKim
Weed, Charles

Batchelder, Robert
Manning, Joseph
Pratt, John
Zerba, Roger

Burnham, Daniel
McGuirk, Paul
Richardson, Barbara

COOS

Bradley, Paula
Rodrigue, Robert

Davis, Perley

Landers, Dana

Mears, Edgar

GRAFTON

Almy, Susan
Lovett, Sid
Scovner, Nancy

Benn, Bernard
Naro, Debra
Sokol, Hilda

Cooney, Mary
Nordgren, Sharon
Ward, Brien

Ham, Bonnie
Pawlek, Marion

HILLSBOROUGH

Andosca, Mary	Arnold, Thomas Jr	Baroody, Benjamin	Bellavance, Paul
Buckley, Raymond	Cardin, Lori	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Daigle, Robert
Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard
Duval, Jeffrey	Dwyer, Paul	Ford, Nancy	Foster, Linda
Gargas, Carolyn	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gorman, Mary	Haley, Robert	Hall, Betty	Jean, Claudette
Johnson, Lionel	Kacavas, John	Keye, Harvey	Konys, Christine
Lasky, Bette	Leach, Edward	Lefebvre, Roland	Leishman, Peter
Lynde, Harold	Martin, Mary Ellen	McDonough-Wallace, Alice	Melcher, Harold
Messier, Irene	Movsesian, Lori	O'Connell, Timothy	Palangas, Eric
Panagopoulos, Nicholas	Peterson, Andrew	Schulze, Joan	Seibel, Christopher
Shaw, Barbara	Spiess, Paul	Sweeney, Cynthia	White, John
Williams, Carol			

MERRIMACK

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Colcord, J D
Crosby, Toni	Daneault, Gabriel	Davis, Frank	Feuerstein, Martin
Fraser, Marilyn	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Jacobson, Alf	Maxfield, Roy	Moore, Carol
Owen, Derek	Perkins, Randy	Potter, Frances	Reardon, Tara
Rodd, Beth	Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Clark, Martha Fuller
Coes, Betsy	Cox, Russell	Dearborn, Bruce	Downing, Michael
Flanagan, Natalie	Johnson, Robert	Kane, Cecelia	Kelley, Jane
Kobel, Rudolph	Langley, Jane	Langone, John	McGuire, Robert
Micklon, Stephanie	Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline
Robertson, Carl	Shultis, Elizabeth	Splaine, James	Trueman, Raymond

Weatherspoon,
Jacquelyne

Whittier, John

STRAFFORD

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Goodwin, Earle
Grassie, Anne	Heon, Richard	Hughes, Christopher	Johnson, Nancy
Kaen, Naida	Knowles, William	Lent, Donald	McCarthy, Gerald
Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Wall, Janet	Woodill, Rodney		

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Leone, Richard	Phinizy, James	Robb, Amy

and ***HB 50-FN-A-L*** was laid on the table.

unanimous consent

Rep. Buckley addressed the House.

Rep. Mirski requested that Rep. Buckley's remarks be printed in the Journal.

Adopted.

Thank you, Mr. Speaker. Members of the House, I know this has been a long day full of heated emotion but I ask your indulgence for just a few moments. Last week we lost a colleague that I don't believe many of you really had the opportunity to know. So I would like to take just a few moments at the end of the day as we take our breath before we go home to either untwist our twisted arms or take that extra swig of whatever you wish to swig and reflect on the person who was so proud to be a member of this House. There was a book published just a few months ago Under the Bridge. Stories and Poems by Manchester's Homeless. First I would like to read a poem, "How Could I Say No", that was written by a constituent of mine in Manchester's Ward 8. This is about Bonnie Patria.

How Could I Say No

How could I say no to someone I hold dear?

Through no fault of her own left homeless.

When it was me who told her put up with the abuse no longer.
Her struggle has been for so long and
Where she got her strength God only knows.
Through many miracles He healed her.
Now how can I refuse to give her a place to stay? I cannot.
It will be He who judges me someday.
I have so much; she so little, yet she has faith and her smile brightens my day.
I wish I could be as strong as her!
I know what people who have and not need think.
I can't take a chance; I just can't trust.
When one looks really deep inside you find what really matters.
Compassion, caring, concern and love.
It hides inside deep down where it can be reached.
So I did it for a short time, but it took more.
A lot more of time, research, working with agencies, housing and filling out lots of papers.
It gave her a feeling of worth. No more being pushed aside.
Yes there was someone who cared.
Now wouldn't it be just wonderful
if more people could do just the same to someone homeless?
The rewards are worth it.

by Sandra Rogers

There's a story that Bonnie, when she was talking about this book was very proud, that was published in here herself. This, hopefully, will give you a little insight on this wonderful colleague of ours that we just lost.

Fighting For The Homeless

by Bonnie Patria

I've been fighting for lunch for the homeless people in New Hampshire since 1996. The State House recognized the bill I put in the state legislature to provide lunch to all homeless people who do volunteer work in a shelter or the community. This bill is called SB-100.

State Senator Lou D'Allesandro and Representative Martha Fuller Clark sponsored this important bill. However, the bill was killed by the Finance committee Office because of insufficient funds.

It seems that education has top priority over hunger in New Hampshire. Mr. Kurk said that WMUR-TV Channel 9 News and the Union Leader newspaper could tell the generous people of New Hampshire to donate sandwiches to local homeless shelters. I feel there are many caring citizens who would help to feed the homeless people.

Governor Jeanne Shaheen gave me an award on Dec. 6, 1997, because I used my own money to feed lunch to the homeless people at New Horizons for four months in 1996. Recently, Mr. & Mrs. Gore thanked me for my good work with the homeless and mentally ill people.

In April and May of 1999, I was homeless due to serious marital problems and lack of money. Selectman Sandra Rogers took me into her home until I found an apartment in Ward Three. I even slept one night on a park bench in front of the State House in Concord.

Breast cancer and surgery in 1998 didn't kill me, but I had to curtail my volunteer services at the New Horizons shelter. I received a clean bill of health from a recent mammogram and I was able to walk for the Breast Cancer Research and join in a candlelight vigil for the Mental Health Alliance.

For two years I have served as a state delegate and in September 1999 I won the primary in a selectman election which placed me on the ballot for the coming November election.

I wrote a story about Jeanne Shaheen that won Rutgers' approval and received recognition from Good Housekeeping and Esquire magazines. This story was about how hard the governor fights for the poor and homeless.

It was fun lobbying at the State House for a nursing home for the elderly. The bill never reached the Senate because it was killed in the House.

The states of Massachusetts, New York and New Jersey are interested in the New Hampshire SB-100 for a pilot program, but I think New Hampshire should be the first to adopt it since the idea originated with me in New Hampshire.

My reason for going into politics is to provide a voice for the homeless and poor people. There is a strong need for better services to end the hunger and poverty here in New Hampshire. I pray that New Hampshire will be the leader of all the states in providing lunch to all the homeless people demonstrating unconditional empathy and compassion. Community support may be obtained working through the media.

Before she was sworn in, she gave me a copy of a letter she sent to Justice Brock. To many people, talking about how the issues affect the low income and those who have different challenges is cumbersome, they do it every once in a while. The very first letter that Bonnie wrote and that she placed on my desk, she was so very proud of it, it was to Justice to Brock, was a request as an individual member-elect actually, about how she as a legislator could provide affordable housing and help the homeless people.

Last week I received a handwritten letter from Bonnie. It was misdirected, the address was wrong on the envelope, so I didn't get it 'til later on. It's in her handwriting and it says "Dear Ray, I have to give up my seat in Ward Three because the cancer has gotten worse. I can no longer go to the State House and I'm homebound now. I miss everyone at the Democratic Party and faithfully watch your show every week. You and Mark do a good show. Please give everyone my love at the State House. Representative Bonnie Patria."

I know that so often we talk about a passing member and then move on with our life; but tomorrow (Thursday) evening at 7:00 p.m. your presence would certainly be appreciated. She's not one of a great family, or huge amount of support system and she cared for each one of us very, very deeply. I know Rep. Burling announced earlier, but I think it would do all of us a world of good if each and everyone of us went to honor this person who was so proud and cared so much about this legislature.

It will be at the Hope Tabernacle Church at 222 Cedar Street in Manchester and I hope to see all of you there tomorrow evening. Thank you.

RECESS MOTION

Rep. Scanlan moved that the House stand in recess for the purpose of enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 5:45 p.m.