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HOUSE JOURNAL No. 18(cont.)

Thursday, May 24, 2001

(Rep. Herman in the Chair)

senate messages

concurrences

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

HB 164, relative to exceptions to the confidentiality of certain department of employment security records.

HB 175-FN-L, relative to the amount of the homestead right.

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

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

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

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 370, relative to the regulation of the trapping by the fish and game department.

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

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

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

HB 452, establishing a committee to study the reimbursement for expenses of legislators.

HB 574, establishing a committee to study the recodification of laws relating to the joint committee on legislative facilities and the application of the right-to-know law.

HB 594, establishing a committee to study the law on justification for the use of physical force and its implications for teachers or other persons entrusted with the care and supervision of minors.

HB 595, relative to single producer licensing.

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

HB 639, relative to the preparation of town ballots.

HB 663, relative to lights on school buses.

HB 680, relative to foreign reinsurers.

re-referred to committee

HB 237, relative to filling a vacancy in an alumni trustee position on the board of trustees of the university system.

HB 448, relative to procedures for crews and provision of counseling services following a railway accident.

HB 270, increasing the mileage reimbursement rate for members of the legislature.

concurrence with amendments

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

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

SB 45, relative to the legislative oversight committee on electric utility restructuring and relative to service from a rural electric cooperative under special contracts to the legislative oversight committee on electric utility restructuring.

SB 61, establishing a procedure for summary administration of estates.

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

enrolled bill amendment

HB 107, naming a certain bridge in the town of Milford and naming the LaMott Wing at the Glencliff Home for the Elderly

Amendment (EBA 1300)

Amend section 3 of the bill by replacing line 4 with the following:

under sections 1 or 2 of this act shall be approved by the department of transportation.

Adopted.

RECESS

(Rep. Stritch in the Chair)

enrolled bill amendments

HB 225, establishing a committee to study the practice of "body works."

Amendment (1226-EBA)

Amend section 1 of the bill by replacing line 3 with the following:

Therefore, the general court recommends the formation of a committee to study the practice of

Adopted.

SB 49, establishing a committee to study the creation of a landlord-tenant mediation project.
(Amendment printed in SJ 5/31/01)

Adopted.

RECESS

(Speaker Chandler in the Chair)

committee assignments

Rep. Hill, off State-Federal Relations and Veterans Affairs; on Criminal Justice and Public Safety.

Rep. Leone, off Municipal and County Government; on State-Federal and Veterans Affairs.

RECESS

Rep. Scanlan moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 19

Thursday, May 31, 2001

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

Prayer was offered by Guest Chaplain, Father Aime Boisselle of Sacred Heart Church in Concord.

Heavenly and loving Father, we come to offer You a simple prayer from a simple people in a complicated and complex world with problems that often seem difficult to find solutions. We find ourselves inadequate sometimes to face the complexities surrounding us. And we know that science by itself cannot be sufficient in pointing out the way. Alone it does not contain the whole truth.

Lord, give us a persevering zest for life. Give us a willingness to let things be as they are, at least as a starting point. Grant us a certain patience and withstanding of pressures.

The prophet Isaiah says, "Young men may grow tired and weary, youth may stumble, but those who wait for the Lord renew their strength. They put out wings like eagles. They run and do not grow weary, walk and never tire."

Lord, we pray that we may ever see our neighbor and realize that we only find ourselves, when we find and know our neighbor. And so we wish to be exposed without fear to human life and to be receptive to Your presence. Today, may our journey which plunges us into the lives of people in New Hampshire allow us to be human among humans. And may we be willing to let You and our fellow citizens shape our destiny.

O Guardian of our lives, we know that the best public servants are those who love well. We pray for Ronald Russell who has come to the end of his many years of service. Welcome him in the company of those good and faithful servants where he may enjoy the eternal peace he deserves. And we know that we are all in Your hands. And so we pray, knowing everything depends on You, act knowing everything depends upon God.

Rep. John Graham led the Pledge of Allegiance.

Elizabeth Masten, a student from Coe Brown Academy, sang our National Anthem.

LEAVES OF ABSENCE

Reps. Brown, Cardin, Jane Kelley, Langone, Martel Pitts and Irene Pratt, the day, illness.

Reps. Bouldin, Crosby, DePecol, Dowling, Naida Kaen, Leishman, Lessard, Millham, Mirski, O'Keefe, Pantelakos, Marsha Pelletier, Perkins, Leighton Pratt, Tara Reardon, Reid, Rodrigue, Saia, Salts, Taylor, Tholl, Welch, Wendelboe, Winter, and Woodward, the day, important business.

Reps. Karen Hutchinson and Messier, the day, illness in the family.

INTRODUCTION OF GUESTS

William Bradley, husband of Rep. Paula Bradley. Barbara, John-Luc and Travis Comtois, daughter and grandsons of Rep. Lynde. Mary Ella and Mara Keith, daughter and granddaughter of Rep. Bowles.

House Resolution No. 13

Memorializing State Representative Ronald G. Russell of Keene

WHEREAS, we have learned with great sorrow of the death of our friend and colleague Ronald G. Russell of Keene, who was serving his fifth consecutive term as a dedicated member of the House of Representatives; and

WHEREAS, having served with distinction for two terms on the Committee on Corrections and Criminal Justice, Ronald G. Russell was in his third term as a valued and respected member of the Committee on Commerce; and

WHEREAS, having been born and raised in Troy, New Hampshire, Ronald G. Russell, following his graduation from St. Michael's College, lived all of his adult life in Keene, a city he served with an abundance of energy and pride as a member of the City Council, the Zoning Board of Adjustment, the Downtown Merchants' Association, the Chamber of Commerce, the Lions' Club, the Knights of Columbus and the Cheshire Housing Trust, and

WHEREAS, Ronald G. Russell was a gentleman widely known for his sartorial splendor, his ready smile and his genuine interest in and caring for all people; a man who had a ready knowledge of good restaurants and who shared many interests with his friends and family, including trains, fishing, gardening and, especially, a good round of golf; and a man who, although he did not drive a car, always got where he was going; now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Ronald G. Russell be granted the highest of accolades for his outstanding and dedicated service to his community and his state, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family and all who loved him, and that a copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote.

Rep. Avery moved that the remarks made by Rep. John Pratt be printed in the Permanent Journal. Without objection, the Speaker so ordered.

remarks

Rep. John Pratt: Thank you, Mr. Speaker. Mr. Speaker, Ron Russell was preeminently, quintessentially, a son of Cheshire County. And for that reason, I hope and trust I speak not just for myself this morning and not just for the 23 other members of the present Cheshire County delegation. I hope I speak also for all those men and women from my county who served with Ron Russell in this House over the past nine years. And I hope I speak especially for those two representatives from Cheshire County who served with him and preceded him in death, Dick Champagne, and in this session, Mickey Lambert.

I hope I speak for all of us in saying thank you to the Governor, to you, Speaker Chandler, to the Deputy Speaker, to the Democratic Leaders and most of all thank you to all the members of both chambers who honored Ron by your presence at his wake or at his funeral. In honoring him you have honored us. At the reception which followed the service, and it was a moving, moving service, Pat said to me, "Ron must have loved every minute of it." And I am sure he did. He was, after all, among his friends and his colleagues.

Our colleague was an extraordinary human being. Ron Russell was a man who loved telling stories. He would start one when he got in the car in Keene and still be in the midst of it as we pulled up to the LOB. He was a true raconteur. Ron loved clothes, buying them and selling them and wearing them. He got away with, and looked good in, outfits you and I wouldn't dare put on. He was a true Dapper Dan. Ron loved good food and good parties and good times. Many of us here know that from personal experience. He was a true bon vivant. But most of all, Ron loved doing the people's work. He loved representing them. He loved this chamber, this room. He was a true legislator. He didn't wear his name tag often, but you never saw him without his lapel pin. He treasured it and he took it with him to the grave.

Mr. Speaker, perhaps somewhere out there is a great celestial legislature whose job it is to plead perpetually to those in charge to give another chance to us poor mortals down here struggling so hard and, most often, so unsuccessfully to manage our freewill. And, Mr. Speaker, if such an assembly exists, I ask you to imagine the scene when it convenes next and its two newest freshmen legislators enter the chamber arm-in-arm, ready and delighted to take up their new duties, New Hampshire's own Ron Russell and our neighbor from the south, Massachusetts Representative Joe Moakly.

If we on earth have lost two of our finest legislators, we have gained two powerful intercessors. And so, Ron, when the time comes for our sake, if you get the chance, would you press the green button?

senate messages

requests concurrence with amendments

HB 501, relative to licensure of foster homes and the duties of the department of health and human services advisory board. (Amendment printed SJ 5/24/01)

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

Adopted.

HB 394, relative to short-term health insurance policies for certain persons. (Amendment printed SJ 5/24/01)

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

Adopted.

HB 753, relative to exemptions from issuer-dealer licenses for the sale of securities. (Amendment printed SJ 5/24/01)

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

Adopted.

HB 610, allowing the sale of raw milk cheese and unpasteurized apple cider in New Hampshire. (Amendment printed SJ 5/24/01)

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

Adopted.

HB 371, relative to fiscal impact statements for proposed administrative rules prepared by the legislative budget assistant and relative to certain time periods for review by the joint legislative committee on administrative rules. (Amendment printed SJ 5/24/01)

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

Adopted.

HB 158, relative to the use of an artificial light to locate moose. (Amendment printed SJ 5/24/01)

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

Adopted.

HB 612, relative to expenditures from the dam maintenance fund by the department of environmental services and extending a study committee report date. (Amendment printed in SJ 5/24/01)

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

Adopted.

HCR 5, urging the federal government to consider the impacts on New Hampshire and the smaller states of interstate waste legislation. (Amendment printed in SJ 5/24/01)

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

Adopted.

HCR 13, calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. (Amendment printed in SJ 5/24/01)

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

Adopted.

HB 219, relative to the rules of the road involving school buses. (Amendment printed in SJ 5/24/01)

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

Adopted.

HB 260, establishing a commission to examine child care resources for parents who work hours other than first shift. (Amendment printed in SJ 5/24/01)

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

Adopted.

The Speaker appointed Reps. Dowling, Moran, Pantelakos and Lyman.

HB 676-L, establishing a committee to study the creation of a regional program for collection and marketing certain components of the municipal solid waste stream. (Amendment printed in SJ 5/24/01)

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

Adopted.

The Speaker appointed Reps. O'Connell, Phinizy, Babson and Cobb.

HB 585, relative to the membership and duties of the council on resources and development. (Amendment printed in SJ 5/19/01)

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

Adopted.

The Speaker appointed Reps. Dyer, Zolla, Schulze and Charles Hall.

HB 723, relative to vacancies in county offices. Amendment printed in SJ 5/24/01)

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

Adopted.

The Speaker appointed Reps. Brundige, Marilyn Fraser, Lockwood and Twombly.

committee reports

consent calendar

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

HB 712-FN, relative to the coordination of state, regional, and local planning efforts, removed by Rep. Hamel.

SB 193-FN-A-L, relative to changes in the property tax system and making an appropriation therefor, removed by Rep. Patten.

Consent Calendar adopted.

Rep. Scanlan declared a conflict of interest on **SB 147**, relative to the calculation of stumpage value in determining the timber tax assessment, and did not participate.

HB 386, relative to the relocation of the principal residence of a child. **OUGHT TO PASS WITH AMENDMENT**

Rep. Claire B. McHugh for Children and Family Law: The objection of this bill is to provide a reasonable notice of 60 days to a non-custodial parent that the custodial parent intends to relocate. It provides the non-custodial parent an opportunity to challenge the move if (s)he doesn't approve it. If challenged, it places the burden on the custodial parent to defend the move as having a legitimate purpose. The custodial parent is under no obligation to provide a notice if the relocation results in the child moving closer to the non-custodial parent or within the child's current school district. Vote 17-0.

Amendment (1144h)

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

1 New Section; Annulment, Divorce and Separation; Custody; Relocation of the Principal Residence of a Minor Child. Amend RSA 458 by inserting after section 23 the following new section:

458:23-a Relocation of the Principal Residence of a Child.

I. This section shall apply to relocation of the principal residence of a child if the existing custody order or other enforceable agreement between the parties does not expressly govern the relocation issue. This section shall not apply if the relocation results in the child moving closer to the non-custodial parent or to any location within the child's current school district.

II. The custodial parent, prior to relocating, shall provide reasonable notice to the non-custodial parent. For purposes of this section, 60 days notice shall be presumed to be reasonable unless other factors are found to be present.

III. At the request of either the custodial or non-custodial parent, the court shall hold a hearing on the relocation issue.

IV. The custodial parent seeking permission to relocate bears the initial burden of demonstrating, by a preponderance of the evidence, that:

(a) The relocation is for a legitimate purpose; and

(b) The proposed location is reasonable in light of that purpose.

V. If the burden of proof established in paragraph IV is met, the burden shifts to the non-custodial parent to prove, by a preponderance of the evidence, that the proposed relocation is not in the best interest of the child.

VI. If the court has issued a temporary order authorizing temporary relocation, the court shall not give undue weight to that temporary relocation as a factor in reaching its final decision.

VII. The court, in reaching its final decision, shall not consider whether the custodial parent seeking to relocate has declared that he or she will not relocate if relocation of the child is denied.

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

SB 74, relative to providing services under the Child Protection Act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Christopher J. Seibel for Children and Family Law: This bill, as amended, would allow families to request services from DCYF without being found guilty of abuse or neglect. The committee felt that this amended version would be a preventive step for families to avoid instances for unintended abuse/neglect. Vote 15-0.

Amendment (1216h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Duties of the Bureau of Children; Voluntary Service Plan. Amend RSA 169-C:34 by inserting after paragraph IV the following new paragraph:

V. Notwithstanding any other provision of law to the contrary, the department may, pursuant to a voluntary service plan that is developed at the request of the minor's parent or legal guardian, and provided for a minor and the minor's family by the department, offer voluntary services to families without making a determination of the person or persons apparently responsible for the abuse or neglect. The department shall adopt rules, pursuant to RSA 541-A, relative to the provision of voluntary services under this paragraph.

HB 631-L, relative to access to public school programs by home educated pupils. **OUGHT TO PASS WITH AMENDMENT**

Rep. Steven J. Winter for Education: Although current law permits home school students access to education choices in their home district public schools, there have been interpretations that this ability to access ends at age sixteen. This bill adds language that continues access to programs of study, instructional programs and co-curricular programs until graduation, in a manner that treats home-schooled students the same as public schooled students. Vote 15-2.

Amendment (1244h)

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

AN ACT relative to access to public school programs by nonpublic or home educated pupils.

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

1 New Section; Pupils; School Attendance; Access to Public School Programs. Amend RSA 193 by inserting after section 1-b the following new section:

193:1-c Access to Public School Programs by Nonpublic or Home Educated Pupils.

I. Nonpublic or home educated pupils shall have access to programs of study, instructional programs, and cocurricular programs offered by the school district in which the pupil resides. The local school board may adopt a policy regulating such access, provided that such policy shall not be more restrictive than the policy governing the school district's resident pupils. In this section, "cocurricular" shall include those activities which are designed to supplement and enrich regular academic programs of study, provide opportunities for social development, and encourage participation in clubs, athletics, performing groups, and service to school and community. For purposes of allowing access as described in this section, a "home educated pupil" shall include any pupil who has not yet graduated from a high school level program of home education, or its equivalent.

II. Nothing in this section shall be construed to require a parent to establish a home education program which exceeds the requirements of RSA 193:1.

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

AMENDED ANALYSIS

This bill provides that home educated pupils shall not be denied access to programs of study, instructional programs, or cocurricular programs offered by the school district in which the pupil resides, and that local school boards may establish a policy regulating such access, provided the policy is not more restrictive than the policy governing the school district's resident pupils.

SB 130-FN, extending the period in which an expired electrician's license may be renewed. **OUGHT TO PASS WITH AMENDMENT**

Rep. David G. Poulin for Executive Departments and Administration: This bill would have extended the period of time within which an expired electrician's license could be renewed from one to six years. As amended, electricians who have been performing electrical work in another state who can

show proof of completion of the most current continuing education requirement and who have placed their license in an inactive status in New Hampshire, shall be allowed to renew their license within one year of termination of employment in the other state. Vote 18-0.

Amendment (1202h)

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

AN ACT relative to renewals of licenses of certain electricians.

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

1 New Paragraph; Renewal of Licenses. Amend RSA 319-C:9 by inserting after paragraph II the following new paragraph:

III. Upon request of a master or journeyman electrician who is or will be performing electrical work in another state, the board shall place the such licensee on inactive status, unless the inactive status conflicts with existing administrative rules concerning interstate reciprocity of licenses. The license may be reactivated within one year of termination of employment in the other state by payment of the renewal fee and with proof of completion of the most current continuing education requirement.

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

AMENDED ANALYSIS

This bill requires the electricians' board to place a licensee in an inactive status if such licensee requests such action and if the licensee will be employed in other states. The licensee may renew the inactive license within one year of termination of employment in the other state by paying the required fee and providing proof of completion of continuing education requirements.

SB 132, directing the department of health and human services to coordinate a comprehensive review of demographic trends in the New Hampshire population and the impact of such trends.
OUGHT TO PASS

Rep. Nelson S. Allan for Executive Departments and Administration: This bill directs the Department of Health and Human Services with the assistance of other state agencies and with participation of the general court, representatives of business and industry, service providers, consumers and advocacy groups and the general public to collect and analyze relevant demographic data concerning the projected aging of the New Hampshire population and the impact of the demographic data through 2025 and to report periodically to the general court on actions taken pursuant to this responsibility. Vote 12-1.

SB 143-FN, establishing a study committee relative to registering and regulating home improvement contractors. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice E. Goulet for Executive Departments and Administration: This bill started out as a licensing bill, but was amended by the senate to create a study committee. The committee heard testimony about the broad range of services that are involved in home improvement such as driveway paving, landscaping, painting, wallpapering, etc. The sub-committee was interested in the extent of the problem and it was revealed by the committee researcher that only 15% of calls to the

Better Business Bureau were related to home improvement issues. It was also revealed that in those states that have registration of these types of contractors, there are still problems. The committee finally decided that the best resolution to shoddy practices of a contractor is still the court system. At a time when other bills relating to building codes are still working their way through the house, the majority felt that this study was unnecessary and unlikely to be productive. Vote 17-1.

SB 167-FN-A, relative to the medicaid payment for long-term care services. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill forms a committee to advise the Commissioner of Health and Human Services on issues relating to long-term care rates. The committee is representative of long-term care providers. Rate setting remains as the responsibility of the Health and Human Services Commissioner. The bill also requires a memorandum of agreement with counties requiring cooperative work. Certain reporting requirements are included. There is no fiscal impact involved with this bill.

Amendment (1299h)

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

1 Intent. The general court recognizes that the elderly represent a growing population that will require long-term care services. Therefore, it is important to review the rates paid to all providers of long-term care in order to allocate resources for the provision of these services.

2 New Sections; Long-Term Care Rate Advisory Committee. Amend RSA 151-E by inserting after section 6 the following new sections:

151-E:6-a Long-Term Care Rate Advisory Committee.

I.(a) There is hereby established a long-term care rate advisory committee to advise the department of health and human services regarding long-term care payment rates. The committee shall be appointed by the commissioner of the department of health and human services and shall consist of the following members:

(1) Two members of the house of representatives, one of whom shall be from the health and human services, and elderly affairs committee, appointed by the speaker of the house.

(2) Two members of the senate appointed by the president of the senate.

(3) Two persons representing county nursing facilities, recommended by the New Hampshire Association of Counties.

(4) Two persons representing private nursing facilities, recommended by the New Hampshire Health Care Association.

(5) Two persons representing home health care providers, including one for-profit provider and one not-for-profit provider, recommended by the Home Health Care Association of New Hampshire.

(6) Two persons representing adult medical day care providers, recommended by the Adult Medical Day Care Providers Association.

(7) One person representing meals on wheels providers, recommended by the New Hampshire Nutrition Providers Association.

(8) One person representing transportation providers, recommended by the New Hampshire Association of Transportation Providers.

(9) One person representing other qualified agencies that provide personal care services, recommended by any such agencies.

(10) One person who is a geriatric psychiatrist.

(11) One person representing residential care providers, recommended by the Association of Residential Care Homes of New Hampshire.

(12) Two consumer representatives.

(13) Two persons representing ServiceLink New Hampshire, one from a rural area and one from an urban area, recommended by the ServiceLink New Hampshire network.

(14) One direct care provider of personal care.

(15) One certified nurse assistant, recommended by the New Hampshire board of nursing.

(16) One registered nurse, recommended by the New Hampshire board of nursing.

(b) The legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

(c) The committee shall review the commissioner's rate setting structure for reimbursement of long-term care providers, required under paragraph II, and submit its report, together with its recommendation for legislation to the president of the senate, the speaker of the house, the governor and the executive council on or before September 1, 2002 and at least every 2 years thereafter.

II. The long-term care rate advisory committee shall evaluate long-term care provider rate payments and make recommendations to the department. The commissioner shall include the results and outcome of this analysis in the report required in subparagraph I(c). This analysis shall be completed periodically and not less frequently than every 2 years.

151-E:6-b Memorandum of Agreement. The department of health and human services shall establish, by means of a memorandum of agreement with the New Hampshire Association of Counties, a mechanism for the receipt of input from the Association of Counties regarding the type, cost, utilization, and procedures relative to payments which the counties are obligated to make pursuant to RSA 167:18-b. The memorandum of agreement shall be reviewed annually and amended as may be determined to be necessary by the parties.

151-E:6-c Payment System for Nursing Facilities. The payment system for nursing facility level of care shall be as follows:

I. Rate calculation worksheets for all providers will be provided at least 30 days prior to the effective date of any rate changes.

II. Acuity levels must be updated at least semi-annually, on a regular, predictable basis using the latest available data.

III. The commissioner of the department of health and human services shall continue to evaluate the effectiveness of the acuity-based payment system for medicaid payments for nursing facility care. The commissioner shall determine if any changes in the payment system are appropriate.

IV. Any changes to the payment system for medicaid services in nursing facilities in this section shall be completed as quickly as possible but no later than March 1, 2002.

V. Any rate changes due to the updating of acuity or cost data shall occur only with proper prior notification and explanation to affected providers and the affected beneficiary population.

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

SB 62, relative to guardianships. OUGHT TO PASS WITH AMENDMENT

Rep. Peter S. Espieffs for Judiciary: This bill requires the probate court to inquire into any criminal and child abuse and neglect records of a proposed guardian for a minor child. It also establishes new procedures for termination of guardianships, and the death, removal or resignation of a guardian, and the transfer of guardianships to and from foreign jurisdictions. Finally, it increases the time for filing the required annual report of the guardian of an incapacitated person. Vote 12-0.

Amendment (1171h)

Amend RSA 464-A:40, II and III as inserted by section 7 of the bill by replacing them with the following:

II.(a) The ward or any person interested in the ward's welfare may, at any time, file a motion for the termination of the guardianship based upon a finding that the ward is no longer incapacitated. Provided, however, an order adjudicating incapacity may specify a minimum period, not exceeding one year, during which no motion concerning such adjudication may be filed without special leave.

(b) A ward may request the termination of the guardianship based on a finding that he or she is no longer incapacitated in an informal letter to the court or judge. Persons directly responsible for the care and supervision of the ward may assist the ward in preparing a letter of this kind. Any person who knowingly interferes with a transmission made by, or on behalf of, a ward to the court or judge may be adjudged guilty of contempt of court.

(c) Unless the motion is without merit, the court shall hold a hearing similar to that provided for in RSA 464-A:8 and RSA 464-A:9 at which the guardian shall be required to prove that the grounds for appointment of a guardian provided in RSA 464-A:9 continue to exist.

III. Upon termination of a guardianship of the estate, the guardian shall file a final account with the court within 90 days after the date of termination, or as ordered by the court. When the guardianship is terminated as a result of the ward's death, the guardian shall include a copy of the death certificate. Upon approval of the account, the guardian shall be discharged and his or her bond released.

SB 82, relative to service of process in marital matters. **OUGHT TO PASS**

Rep. Phyllis Woods for Judiciary: The committee felt that this bill provided a more respectful and considerate way to deal with service of a libel for divorce rather than subjecting someone to the embarrassment of having service be made to them at their home or place of employment. It will allow the libel to be picked up by the person himself or herself at the court within a specified time period if they so wish. Vote 13-0.

SB 100, establishing a committee to study the feasibility of creating a mental health court division. **OUGHT TO PASS**

Rep. Peter Leishman for Judiciary: There was enough support during the public hearing that the majority of the Judiciary committee saw no harm in a study of the feasibility of such a court division. We would suggest the study committee work with the Health, Human Services and Elderly Affairs Committee that has retained HB 235 that establishes a committee to study certain mental health systems and the mentally ill persons in New Hampshire. Vote 11-2.

SB 114, establishing a committee to study issues relating to judicial reform, and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Rowe for Judiciary: This bill establishes a committee to study seven subjects for judicial reform that must be reported on by November 1, 2001. Some of the subjects have been addressed by the committee this year. The other subjects are of great importance to the committee and should be addressed individually. Each subject is complex and to study all would be unwieldy and difficult to efficiently accomplish by November 1, 2001. One subject alone, "whether all judges should be full-time" would probably require the committee to hold local hearings throughout the state. Vote 12-1.

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

Rep. Loren Jean for Judiciary: This resolution addresses the same topic that is the core of the 73-A issue – Court Rules. CACR 5, which passed this House by an 86% margin and is pending in the Senate addresses this very issue. CACR 5 would deal with any rules from the Court regardless if there were legislative members on the court committee or not. The committee felt there was an unnecessary duplication of efforts and clouded the separation of powers issue. Vote 13-1.

SB 134-FN-A, establishing a committee to study allowing the use of business logo signing on the mainline of limited access and divided highways. **OUGHT TO PASS**

Rep. Gabriel J. Daneault for Public Works and Highways: This study committee would bring forward concerns of constituents who felt these issues were not being addressed via the New Hampshire Department of Transportation rule making process. Many states have developed guidelines helpful to the motoring public, beneficial to the state, local communities and businesses. Vote 16-0.

SB 107-FN, relative to violations of motor vehicle laws by foreign diplomatic and consular officers.
OUGHT TO PASS WITH AMENDMENT

Rep. Robert J. Letourneau for Transportation: This bill would require the Department of Safety to report traffic violations and accidents to the United States Department of State. Currently there is no process in place to cover notification in the event of accidents resulting in serious injury or death. This bill does not change or undermine diplomatic immunity as currently accepted by diplomatic service. Vote 14-0.

Amendment (1224h)

Amend RSA 262:28-a, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The provisions of this section shall not prohibit or limit the application of any other provision of law to a person who has or claims immunities or privileges under Title 22, Chapter 6 of the United States Code.

SB 165-FN, relative to the sale, registration, and use of 3-wheeled all-terrain vehicles for off-highway recreational use. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill prohibits the sale or transfer of 3-wheeled all-terrain vehicles by state and local government. This bill also encourages training and education for persons registering a 3-wheeled ATV. The amendment changes the education component from mandatory to voluntary. Vote 12-0.

Amendment (1225h)

Amend RSA 262:28-a, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The provisions of this section shall not prohibit or limit the application of any other provision of law to a person who has or claims immunities or privileges under Title 22, Chapter 6 of the United States Code.

HB 523, relative to filing fees and legislative approval of certain settlements by the attorney generals. **OUGHT TO PASS**

Rep. Vivian R. Clark for Ways and Means: The committee found that both the fee increase and the legislative oversight, contained within this bill, were justified. Vote 13-0.

SB 58, revising the requirements for a license as a bingo supplies or lucky 7 tickets distributor.
OUGHT TO PASS

Rep. Howard C. Dickinson for Ways and Means: This bill, as amended by the Senate, corrects the statute (RSA 187-E) to require the applicants for license to distribute bingo supplies and equipment and lucky 7 tickets to have a principal place of business within the state. The previous law required the applicant to have been a resident of New Hampshire for at least 2 years, a requirement which is unconstitutional according to the attorney general's office. This change was requested by the Sweepstakes Commission. Vote 12-0.

SB 147, relative to the calculation of stumpage value in determining the timber tax assessment.
OUGHT TO PASS WITH AMENDMENT

Rep. Howard C. Dickinson for Ways and Means: This bill, as amended, recodifies RSA 79:1, III, the section defining stumpage value for the calculation of the Timber Tax (aka "Yield Tax"). This change requires the assessing officials to consider the actual stumpage prices paid when determining the "yield tax" on timber cut. In the past selectmen and other assessing officials unfamiliar with the wood industry and logging practices have frequently used the highest stumpage values provided by the Dept. of Revenue Administration without regard for what the landowner actually received. This bill, as amended, helps resolve this long-standing problem related to the determination of stumpage value. Vote 13-0.

Amendment (1172h)

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

1 Definition; Stumpage Value; Timber Tax. RSA 79:1, III is repealed and reenacted to read as follows:

III. "Stumpage value" means the amount determined by the assessing officials in the same manner as other property values for the purposes of taxation at the time the timber is cut. The assessing official shall take into consideration the location of the timber, the quality of the timber, the size of the sale, and any other factors necessary to harvest the wood or timber that affect the value of timber being cut. Stumpage value of all forest products except those customarily measured by the cord, by weight, or by the piece shall be determined on the basis of international 1/4 inch rule log scale. If there are questions by the assessors regarding the true and accurate stumpage values reflected in contracts presented by the owner as the basis for timber tax assessment, the department of revenue administration, property appraisal division, shall be available to assist or advise the municipalities in the proper calculation of the stumpage value for assessment purposes. The burden shall be upon the owner filing the "Report of Wood Cut" form to demonstrate the reasonableness of a claim under this paragraph.

(a) For standing timber sold to a purchaser, the assessing official shall consider the stumpage price paid on a per cord, per 1,000 board foot, by weight or other basis when calculating stumpage value. If the assessing official finds that a claim is not commercially reasonable then the assessing official may, after conducting an inspection of the property, use the average stumpage value list provided by the department of revenue.

(b) For sales of timber where the product is not sold as standing timber, the assessing official shall use the average stumpage value list provided by the department of revenue administration.

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

regular calendar

HB 757, revising the definition of an adequate education; establishing an education improvement fund, and implementing a professional development program and an early literacy initiative within the department of education; and revising the formula to calculate the cost of an adequate education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Steven J. Winter for the Majority of Education: In accordance with the recommendation of the Adequacy Commission, this bill creates and offers, but does not mandate an early literacy/reading initiative using only outcome-proven programs to "Teach the Teachers" of young children, parents and other primary caregivers, early childcare providers and primary school teachers. The committee heard compelling testimony about the importance of high quality early childhood experiences, especially the development of pre-literacy language skills, to the importance of school success. The committee felt this initiative to be a wise investment, which would pay future dividends in the education of our state's children. Vote 17-3.

Rep. John R. Alger for the Minority of Education: This bill and this amendment introduce preschool education as a state responsibility (children through age 5), with implications to full adoption into "adequacy" in the future. Further, it introduces the concept of drawing funds from the Education Trust Fund for preschool program administration, development and payment to early childcare providers, specialists, as well as, parents, guardians and other primary caregivers. Early learning to read is certainly important, but there is serious controversy over the optimum methods to accelerate reading ability of youngsters, which this bill leaves open to a committee and those receiving aid. Finally, it remains vague as to who shall administer the funds and follow up for demonstration of success or lack thereof. The Cato Institute reports that "experience provides little reason to believe universal preschool would significantly benefit children, regardless of family income".

Majority Amendment (1285h)

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

AN ACT establishing an early literacy and reading improvement initiative.

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

1 New Chapter; Early Literacy and Reading Improvement. Amend RSA by inserting after chapter 193-F the following new chapter:

CHAPTER 193-G

EARLY LITERACY AND READING IMPROVEMENT

193-G:1 Purpose. The general court finds that in order to implement New Hampshire's policy of providing all pupils with the opportunity to acquire an adequate public elementary and secondary education, it is essential that by the end of grade 3 virtually every child is reading independently at grade level. Therefore, the general court enacts a program of professional development and support for those who impact the child's reading skill: parents and early child care providers who prepare young children for reading, and primary school teachers.

193-G:2 Definitions. In this chapter:

- I. "Commissioner" means the commissioner of the department of education.
- II. "Department" means the department of education.
- III. "State board" means the state board of education.

IV. "Primary school" means a school that includes grades K-3 or any grouping thereof.

V. "Pre-school children" means children through age 5 that are not enrolled in a primary school.

VI. "Early child care providers" means individuals that are paid to provide care and education to children through age 5 that are not enrolled in a primary school.

VII. "Early childhood specialist" means an experienced teacher who, by virtue of specialized training, appropriate experience, and demonstrated success, has the knowledge and skills necessary to provide early learning and reading assistance to other individuals.

VIII. "Primary caregivers" means parents, guardians, or others with primary responsibility for the child.

193-G:3 Comprehensive Early Literacy and Reading Improvement Initiative. It shall be the policy of this state to provide outcome-proven programs of support and education to primary caregivers, early child care providers, and primary school teachers and administrators that shape the language and literacy development of children through a comprehensive, coordinated, early literacy and reading improvement initiative which shall:

I. Provide primary caregivers with an outcome-proven program of information and support including the key elements of the young child's developing early literacy knowledge and skills.

II. Provide to early childhood providers:

(a) An outcome-proven program of instruction and support in the developing literacy of pre-school children delivered by early childhood specialists.

(b) Scholarships to participate in college credit courses in the development of early literacy in pre-school children.

III. Provide primary school teachers and administrators with structured, outcome-proven, school-wide professional development in reading instruction through the use of intensive summer institutes, regional meetings, and reading specialists who will provide follow-up activities and continuous technical assistance during the school year. Participating teachers will receive training and materials to implement baseline and checkpoint reading assessments on an individual basis in grades 1 and 2.

IV. Involve institutions of higher education in partnerships to:

(a) Better prepare new teachers to utilize outcome-proven early literacy knowledge and skills and deliver outcome-proven reading instruction.

(b) Coordinate opportunities for local school districts, institutions of higher education, early child care providers, and primary caregivers to work together to deliver high-quality, outcome-proven reading instruction to primary school children as well as provide research-based support for the development of early literacy in preschool children.

193-G:4 Early Literacy and Reading Improvement Fund.

I. There is hereby established an early literacy and reading improvement fund in the office of the state treasurer. This fund shall be used for the purpose of providing education and support to primary caregivers of young children, early child care providers and primary school teachers and administrators in developmentally appropriate literacy instruction. This fund shall be nonlapsing. For the fiscal year beginning July 1, 2002, an amount equal to 1/3 of one percent of the statewide cost of providing an adequate education for that fiscal year, as calculated in accordance with RSA 198:40, III, shall be transferred from the education trust fund to the early literacy and reading improvement fund. Approximately equal parts of this fund shall be used to support the primary school professional development program in reading instruction established in this section and the program of early literacy and reading improvement established in this subdivision. Beginning July 1, 2003, and each July 1 thereafter, an amount equal to 2/3 of one percent of the statewide cost of providing an adequate education for that fiscal year, as calculated in accordance with RSA 198:40, III, shall be transferred from the education trust fund to the early literacy and reading improvement fund. Moneys transferred to this fund shall be in addition to the funds required to distribute adequate education grants to school districts pursuant to RSA 198:42. The governor is authorized to draw a warrant from the education trust fund to satisfy the provisions of this paragraph.

II. In addition to the provisions of paragraph I, and to carry out the purposes for which this fund is established, the amounts transferred to the fund shall be used to provide early literacy and reading improvement assistance, including grants, to local school districts as well as to administer the fund. These funds shall also be used to develop, provide, and evaluate outcome-proven programs and courses established in RSA 193-G:3, I-III, and to provide technical assistance and professional development activities through grants, contracts with consultants, and the employment of individuals to fill authorized, program-related positions. Not more than 3 percent of annual fund expenditures shall be used to administer the fund. Moneys in this fund shall not be used for any other purpose.

III. For the fiscal year beginning July 1, 2002, and each fiscal year thereafter, grants to local school districts shall be used to address the areas specified in RSA 193-G:3, as well as other demonstrated needs related directly to early literacy and the improvement of reading. The administration of the early literacy and reading improvement grant program involves the following:

(a) Establishing forms and procedures for districts to use for the development and submission of early literacy and reading improvement grant requests, including:

(1) A detailed plan and budget, with the opportunity to request up to 3 years of financial assistance for both primary school professional development and preschool or caregiver components; and the further opportunity to apply for additional assistance based on demonstrated need.

(2) An assurance that grant funds will be used only to supplement and not supplant on-going local efforts.

(3) A description, if applicable, of how grant activities were planned in consultation with, and will be implemented in coordination with the goals of the initiative, institutions of higher education, early child care providers, and primary caregivers.

(4) A delineation of the geographic area to be served by the project.

(b) Providing assistance to districts in the development of grant requests.

(c) Establishing an equitable grant review process that:

(1) Includes an evaluation of each proposal's adequacy, educational appropriateness, and cost effectiveness, and the extent to which additional revenues are required to implement the proposed plan and activities.

(2) Gives priority to districts with lower-performing schools in reading that have satisfactorily addressed the review criteria in subparagraph (1) and are proposing reasonable efforts to address early literacy needs and/or improve reading performance.

(d) Reviewing grant requests with recommendations for approval, including level of funding and, to the extent possible, balanced geographic distribution.

(e) Distributing grant payments to school districts in accordance with an established payment schedule specified in the district's grant approval notification.

(f) Monitoring the implementation of funded plans and activities.

(g) Evaluating the educational impact of the programs established in RSA 193-G:3, I-III on:

(1) Parent and early childhood provider understanding of child development concepts.

(2) Adult-child interactions in early childhood programs, as well as the phonological awareness, development of vocabulary, access to books and appropriate reading and writing opportunities, and understanding of print concepts of children in early childhood programs.

(3) Reading skill and comprehension in primary school students.

193-G:5 Rulemaking. The state board shall, pursuant to RSA 541-A, and not later than July 1, 2002, adopt rules relative to the administration of the early literacy and reading improvement program established in RSA 193-G:3 and the early literacy and reading improvement fund established in RSA 193-G:4.

193-G:6 Early Learning Oversight Committee Established.

I. An early learning oversight committee shall be established and shall consist of the following members:

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

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

(c) Three members of the public appointed by the governor, 2 of whom shall serve a 2-year term, and one of whom shall serve a 3-year term.

(d) Two members of the public, appointed by the speaker of the house, one of whom shall serve a 3-year term and one of whom shall serve a 2-year term.

(e) Two members of the public, appointed by the senate president, one of whom shall serve a 3-year term and one of whom shall serve a 2-year term.

II. Legislative members of the committee shall serve a term of office coterminous with their membership in the general court.

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

193-G:7 Duties.

I. The duties of the early learning oversight committee shall be to:

(a) Examine administrative models in place in New Hampshire and in other states to determine the most effective administrative structure and oversight to assure the effective implementation of the early literacy and reading programs funded in this act.

(b) Determine the most effective administrative relationship between the department of education, the department of health and human services and other providers of early literacy and reading programs to assure that the services provided interact in a manner which promotes efficiency and maximizes benefits to children.

(c) Review the development and implementation of the program to ensure it is in accordance with legislative policy. Implementation of the program shall be in conjunction with the committee's approval.

(d) Oversee the outcome-proven early literacy and reading improvement programs established in RSA 193-G:3, I-III, including the impact of each program on the improvement of reading skills and comprehension of students in low-performing schools.

(e) Oversee the effect of each early literacy and reading improvement program established in RSA 193-G:3, I-III on the improvement of reading skill and comprehension of students in low-performing schools and early literacy and language skills of children in child care settings in the region of the schools.

II. The department of education shall provide administrative oversight and support to the committee.

193-G:8 Report. The committee shall submit a report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the state library, and the governor on or before November 1 of each year.

2 School Money; Education Trust Fund Amended. Amend the introductory paragraph of RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities' school districts pursuant to RSA 198:42, ~~and~~ to provide education property tax

hardship relief under RSA 198:55, ***and to provide early literacy and reading improvement assistance to school districts through the early literacy and reading improvement fund established in RSA 193-G:4.*** The state treasurer shall deposit into this fund immediately upon receipt:

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

AMENDED ANALYSIS

This bill establishes an early literacy and reading improvement initiative and provides that beginning July 1, 2002, 1/3 of one percent of the statewide cost of providing an adequate education for that fiscal year shall be transferred from the education trust fund into the early literacy and reading improvement fund. The bill also provides that on July 1, 2003, and each July 1 thereafter, 2/3 of one percent of the statewide cost of providing an adequate education for that fiscal year shall be transferred from the education trust fund into the early literacy and reading improvement fund.

Reps. Sullivan, Sova, Alger and Harrington spoke against.

Reps. Estabrook and Kurk spoke in favor.

Rep. Harrington requested a roll call; sufficiently seconded.

The question being adoption of the majority amendment.

YEAS 246 NAYS 101

YEAS 246

BELKNAP

Flanders, Donald	Holbrook, Robert	Neddeau, Stephen	Pilliod, James
Rice, Thomas Jr	Rosen, Ralph	Russell, David	Thomas, John
Wood, Jane			

CARROLL

Babson, David Jr	Bradley, Jeb	Kenney, Joseph	Patten, Betsey
Philbrick, Donald	Quimby, Lee	Stevens, Stanley	

CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Edwards, Dana	Espieffs, Peter	Fairbanks, Chandler	Hunt, John
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim

Pratt, John	Richardson, Barbara	Roberts, William	Royce, H Charles
Smith, Edwin	Weed, Charles	Zerba, Roger	

COOS

Bradley, Paula	Davis, Perley	Gallus, John	Horton, Lynn
Landers, Dana	Mears, Edgar	Stohl, Eric	

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	Solow, Martha	Teschner, Douglass	Ward, Brien

HILLSBOROUGH

Allan, Nelson	Andosca, Mary	Arnold, Thomas Jr	Artz, Lawrence
Balcom, John	Baroody, Benjamin	Batula, Peter	Bellavance, Paul
Bergin, Peter	Brundige, Robert	Buckley, Raymond	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Christensen, D L Chris	Clayton, William
Clegg, Robert Jr	Clemons, Jane	Cote, David	Cote, Peter
Dionne, Kimberley	Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard
Duval, Jeffrey	Dwyer, Paul	Dyer, Merton	Elliott, Larry
Emerton, Lawrence Sr	Fields, Dennis	Flora, Kathleen	Ford, Nancy
Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Graham, John	Greenberg, Gary
Guinta, Frank	Haley, Robert	Hall, Charles	Jean, Claudette
Johnson, Lionel	Kacavas, John	Keye, Harvey	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard
Lasky, Bette	Leach, Edward	Lefebvre, Roland	Lynde, Harold
Martin, Mary Ellen	McDonough-Wallace, Alice	Melcher, Harold	Milligan, Robert
Movsesian, Lori	Palangas, Eric	Panagopoulos, Nicholas	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Sargent, Maxwell	Schulze, Joan	Shaw, Barbara	Spiess, Paul
Sweeney, Cynthia	Thulander, O Alan	White, John	Williams, Carol

MERRIMACK

Anderson, Eric	Bouchard, Candace	Clarke, Claire	Colcord, J D
Daneault, Gabriel	Davis, Frank	Feuerstein, Martin	Fraser, Leo Jr
Fraser, Marilyn	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Jacobson, Alf	L'Heureux, Stephen	Lockwood, Priscilla
MacKay, James	Maxfield, Roy	Moore, Carol	Owen, Derek
Potter, Frances	Poulin, David	Rodd, Beth	Rush, Deanna
Seldin, Gloria	Swindlehurst, John	Wallner, Mary Jane	Whittemore, James
Yeaton, Charles			

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn	Bowles, Raimond
Bridle, Russell	Carson, Sharon	Case, Margaret	Clark, Martha Fuller
Coes, Betsy	Cooney, Richard	Corbin, Corey	Cox, Russell
Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony	Downing, Michael
Flanagan, Natalie	Flanders, John Sr	Gilbert, Jeffrey	Giordano, Ronald
Griffin, Mary	Henderson, Warren	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Major, Norman	McGuire, Robert	McKinney, Betsy	Micklton, Stephanie
Norelli, Terie	Power, Lucille	Priestley, Anne	Robertson, Carl
Ruffner, Walter	Sapareto, Frank	Shultis, Elizabeth	Sloan, Stephen
Splaine, James	Stone, Joseph	Stritch, C Donald	Weatherspoon, Jacquelyne
Whittier, John	Woekel, Ralph		

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	Knowles, William	Lent, Donald	McCarthy, Gerald
Musler, George	Pelletier, Arthur	Proulx, Raymond	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Wall, Janet
Woodill, Rodney			

SULLIVAN

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 101

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Lawton, David			

CARROLL

Dickinson, Howard	Lyman, L Randy	Mock, Henry	Sullivan, P Judith
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CHESHIRE

Dexter, Judson	Emerson, Susan	Liebl, George
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COOS

Guay, Lawrence	Rozek, Michael
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GRAFTON

Alger, John	Barker, Robert	Cobb, John	Gabler, William
Gilman, G Michael	Giuda, Robert	Marshall, Gene	Sova, Charles
Williams, Burton			

HILLSBOROUGH

Alukonis, David	Balboni, Michael	Bergeron, Jean-Guy	Bouchard, David
Bragdon, Peter	Bruno, Pierre	Christiansen, Lars	Coughlin, Pamela
Desrosiers, William	Eaton, Richard	Fletcher, Richard	Furman, Christine
Gleneck, David	Golding, William	Gonzalez, Carlos	Herman, Keith
Holden, Randolph	Hopper, Gary	Jean, Loren	McHugh, Claire
McRae, Karen	Mercer, Robert	Moran, Edward	O'Connell, Timothy

Seibel, Christopher
Vaillancourt, Steve

Souza, Kathleen
Wheeler, Robert

Tahir, Saghir
White, Donald

Tate, Joan

MERRIMACK

Brewster, Richard
Hutchinson, John
Soltani, Tony

Cummings, Raymond
Kennedy, Richard
Whalley, Michael

Dunne, Christopher
Langer, Ray

Hess, David
Leber, William

ROCKINGHAM

Bishop, Franklin
Dodge, Robert
Gleason, John
Introne, Robert
Letourneau, Robert
Palermo, Diane
Rausch, James
Zolla, William

Camm, Kevin
Fesh, Bob
Hamel, Albert
Itse, Daniel
Moore, Benjamin
Putnam, Ed II
Trueman, Raymond

Chalbeck, Kevin
Francoeur, Sheila
Hill, Jonathan
Johnson, Rogers
Morse, Charles
Quandt, Marshall
Varrell, Thomas

Clark, Vivian
Gilbert, Karl
Holland, James Jr
Kelley, William
Packard, Sherman
Quandt, Matthew
Weyler, Kenneth

STRAFFORD

Albert, Russell
Tsiros, William

Bickford, David
Twombly, James

Cossette, Larry
Woods, Phyllis

Harrington, Michael

SULLIVAN

Rodeschin, Beverly

And the majority amendment was adopted.

Rep. Gonzalez voted nay and intended to vote yea.

Report adopted and referred to Finance.

SB 36-FN-A, making an appropriation to the postsecondary education commission for the purpose of tuition incentive grants. **OUGHT TO PASS WITH AMENDMENT**

Rep. Iris W. Estabrook for Education: The committee supports the bill's action of increasing the allocation of state dollars to match federal incentive grant dollars for scholarship assistance to our most financially needy higher education students. The amendment clarifies the intent to use a portion of the increased funding for assistance to part-time students. The amendment also provides

additional funding for the Granite State Scholars program, which gives scholarship assistance to NH's most academically successful high school students who also demonstrate need and enroll in one of NH's public higher education institutions. State dollars in this program are matched on a more than 1 to 1 basis by private contributions. The committee feels state policy should be to support both the incentive grant and Granite State Scholars programs. Vote 15-5.

Amendment (1295h)

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

AN ACT relative to the availability of tuition incentive grants for part-time students and making an appropriation to the postsecondary education commission for the purpose of tuition incentive grants.

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

1 Appropriation for Postsecondary Education Tuition Incentive Grants. The sum of \$1,721,879, for the fiscal year ending June 30, 2002 and the sum of \$1,721,879, for the fiscal year ending June 30, 2003, are appropriated to the postsecondary education commission for postsecondary tuition incentive grants. These amounts shall be in addition to any other sums appropriated to the commission. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. The postsecondary education commission, in conjunction with members of the general court and within the rules of the program, shall notify members of the general court of grant recipients in their district.

2 Appropriation. The sum of \$1,000,000 for the fiscal year ending June 30, 2002, and the sum of \$1,000,000 for the fiscal year ending June 30, 2003, are appropriated to the postsecondary education commission to fund the granite state scholars endowment fund established in RSA 188-D:40. These amounts shall be in addition to any other amounts appropriated to the commission. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

3 New Paragraph; New Hampshire Tuition Incentive Program; Grants to Part-Time Students. Amend RSA 188-D:13 by inserting after paragraph VI the following new paragraph:

VI-a. To the extent possible, the postsecondary education commission shall award grants to eligible part-time students in the same proportion as such students are represented in the eligible applicant pool.

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

AMENDED ANALYSIS

This bill makes an appropriation of \$1,721,879 for the fiscal year ending June 30, 2002, and \$1,721,879 for the fiscal year ending June 30, 2003, to the postsecondary education commission for the purpose of funding postsecondary tuition incentive grants and provides that tuition incentive grants shall be made to part-time students in the same proportion as part-time students are represented in the eligible applicant pool.

Adopted.

Report adopted and referred to Finance.

SB 110-FN-A, extending the kindergarten construction program. **OUGHT TO PASS WITH AMENDMENT**

Rep. John R. Alger for Education: This bill, as amended, continues the policy of extra state aid for kindergarten, but phases it out to the standard policy by fiscal year 2007. While the House already, through HB 354, established a position on kindergarten construction finances, it was the committee's opinion that the Senate bill should be moved forward, both to establish a policy portion on kindergarten and for the House, as well, to recognize the work on the subject done in good faith by the Senate. Vote 14-2.

Amendment (1201h)

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

AN ACT relative to renewals of licenses of certain electricians.

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

1 New Paragraph; Renewal of Licenses. Amend RSA 319-C:9 by inserting after paragraph II the following new paragraph:

III. Upon request of a master or journeyman electrician who is or will be performing electrical work in another state, the board shall place the such licensee on inactive status, unless the inactive status conflicts with existing administrative rules concerning interstate reciprocity of licenses. The license may be reactivated within one year of termination of employment in the other state by payment of the renewal fee and with proof of completion of the most current continuing education requirement.

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

AMENDED ANALYSIS

This bill requires the electricians' board to place a licensee in an inactive status if such licensee requests such action and if the licensee will be employed in other states. The licensee may renew the inactive license within one year of termination of employment in the other state by paying the required fee and providing proof of completion of continuing education requirements.

Adopted.

Report adopted and referred to Finance.

SB 164-FN-A-L, establishing a comprehensive statewide accountability system concerning an adequate education. **OUGHT TO PASS WITH AMENDMENT**

Rep. Warren C. Henderson for Education: As amended, SB 164 contains a number of effective school accountability measures. The accountability provisions, which closely resemble the "Ward/Hoadley amendment" that passed the House by a large margin last year, improve school report cards, improve the collection of vital information and help communities better monitor improvement in their schools. Another accountability measure in the bill is badly needed reform known as "teacher

tenure". Teacher tenure reform has broad public support and has passed the House by large margins in recent years. The bill, also specifically limits the power of the State Board of Education to "take over" a local school, by limiting their authority to that which is specifically identified in law. It is critical that we maintain the balance between state and local authority as we continue to address school accountability. Lastly, the bill establishes an Education Quality Review Commission to conduct a comprehensive review of the Department of Education. In order to fulfill our responsibilities to help educate our children, we must know for certain, the strengths and weaknesses of the state department charged to address that responsibility. Vote 12-8.

Amendment (1301h)

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

AN ACT establishing a comprehensive statewide accountability system concerning an adequate education and relative to the process for nonrenewal of teacher contracts.

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

1 New Paragraph; State School Organization; State Board of Education Rulemaking Authority; Rules for Appeals. Amend RSA 186:8 by inserting after paragraph V the following new paragraph:

VI. Appeals from a school board on the matter of nonrenewal of teacher contracts, providing that the appeal to the state board of education shall be limited to the record developed at the school board hearing, except where the state board of education determines that new evidence is available which could not have been reasonably discovered at the time of the school board hearing and that such evidence may have materially affected the outcome of the school board hearing. In such cases, the state board of education shall render a final decision in the matter or remand it to the school board for a new hearing.

2 School Boards, Teachers; Teacher Renewal; Reference Amended. Amend RSA 189:14-a, II to read as follows:

II. Any teacher who has a professional standards certificate from the state board of education and who has taught for 3 consecutive years or more in any school district in the state shall, after having taught for 2 consecutive years in any other school district in the state, be entitled to all of the rights for notification and hearing in ~~[paragraph I(b)]~~ **paragraphs I(b), III, and IV of this section.**

3 New Paragraphs; School Boards, Teachers; Teacher Renewal; Nonrenomination Procedure. Amend RSA 189:14-a by inserting after paragraph II the following new paragraphs:

III. In cases of nonrenomination because of unsatisfactory performance, the superintendent of the local school district shall demonstrate, at the school board hearing, by a preponderance of the evidence, that the teacher had received written notice that the teacher's unsatisfactory performance may lead to nonrenomination, that the teacher had a reasonable opportunity to correct such unsatisfactory performance, and that the teacher had failed to correct such unsatisfactory performance. Nothing in this paragraph shall be construed to require the superintendent or the school board to provide a teacher with remedial assistance to correct any deficiencies that form the basis for such teacher's nonrenomination.

IV. In all proceedings before the school board under this section, the burden of proof for nonrenewal of a teacher shall be on the superintendent of the local school district by a preponderance of the evidence.

4 School Boards, Teachers; Review by State Board of Education. Amend RSA 189:14-b to read as follows:

189:14-b Review by State Board.

I. A teacher aggrieved by such decision may request the state board of education for review thereof. Such request must be in writing and filed with the state board within 10 days after the issuance of the decision to be reviewed. Upon receipt of such request, the state board shall notify the school board of the request for review, and shall forthwith proceed to a consideration of the matter. Such consideration shall include a hearing if either party shall request it. The state board shall issue its decision within ~~[15]~~ 30 days after the request for review is filed, and the decision of the state board shall be final and binding upon both parties. A request for review under this section shall constitute the exclusive remedy available to a teacher on the issue of the nonrenewal of such teacher.

II. The state board of education shall uphold a decision of a local school board to nonrenew a teacher's contract unless the local school board's decision is clearly erroneous.

5 Public Employee Labor Relations; Grievance Procedures; Nonrenewal of Teacher Contract not Subject to Binding Arbitration. Amend RSA 273-A:4 to read as follows:

273-A:4 Grievance Procedures. Every agreement negotiated under the terms of this chapter shall be reduced to writing and shall contain workable grievance procedures. ***No grievance resulting from the failure of a teacher to be renewed pursuant to RSA 189:14-a, shall be subject to arbitration or any other binding resolution, except as provided by RSA 189:14-a and RSA 189:14-b. Any such provision in force as of the effective date of this section shall be null and void upon the expiration date of that collective bargaining agreement.***

6 New Subdivision; School District Improvement and Assessment Program. Amend RSA 193-E by inserting after section 3 the following new subdivision:

School District Improvement and Assessment Program

193-E:4 Definitions. In this subdivision:

- I. "Commissioner" means the commissioner of the department of education.
- II. "Department" means the department of education.
- III. "Plan" means the improvement and assessment plan as defined in RSA 193-E:5.
- IV. "State board" means the state board of education.

193-E:5 School District Quality Standards; Improvement and Assessment Plan. In order to implement New Hampshire's policy of providing all pupils with the opportunity to acquire an adequate education, each school district shall implement the following quality standards:

I. By July 1, 2002, each district shall file its current plan with the department. Each school district shall prepare and implement its plan in accordance with a staggered schedule established by the department such that all plans shall be filed no later than June 1, 2008. Each plan shall be developed through a process involving parents, teachers, employers, and other community members. The department shall comment to the district on the plan in a timely fashion. Every 5 years following the filing of the initial plan, each school district shall file an updated plan developed through the process outlined in this paragraph. Districts may reference the statewide education improvement and assessment plan established in RSA 193-C:3, in preparing the plan. At a minimum, the plan shall include:

- (a) Curriculum and proficiency standards for all pupils.
- (b) School and district performance goals based on reported data on educational indicators listed in paragraph II of this section.
- (c) Procedures for aligning curriculum, instructional practices, and pupil and programmatic assessments, including annual reporting of results.
- (d) Local assessment measures which focus on individual pupil performance.
- (e) Role of support services and programs.
- (f) Role of instructional leadership.
- (g) Strategies to promote family and community involvement.
- (h) Staff supervision and evaluation and performance-based professional development.
- (i) Procedures for ongoing review and evaluation of the plan.
- (j) Pupil behavior and conduct codes.
- (k) Procedures detailing how the school district budget reflects the goals of the plan.
- (l) Provisions for addressing individual school needs.

II. By September 1, 2003, and annually thereafter, each school district shall report to the department its data for the previous school year on its school and district performance and demographic indicators. The requirements for data keeping and the form of the report shall be established in accordance with rules adopted by the state board.

(a) Performance and demographic indicators shall include the following areas:

- (1) Attendance, tardiness, truancy, transfer, and drop-out rates.
- (2) Length of school day and length of instructional time.
- (3) School environment indicators, such as safe-schools data.

(4) Proportion of graduating pupils going on to post-secondary education, military service, and the workplace.

(5) Performance on state tests administered pursuant to RSA 193-C and other standardized tests administered at local option.

(6) Extent to which pupils meet behavior conduct codes.

(7) Extent to which teachers are certified in all areas in which they teach.

(8) Extent to which teachers and staff engage in performance-based professional development to promote pupil learning.

(9) Frequency and resulting actions of staff supervision and evaluations.

(10) Extent to which district schools implement components of effective family/community involvement standards including communicating, parenting, pupil learning, volunteering, school decision-making and advocacy, and collaborating with the community.

(11) Frequency and resulting actions of supervision and evaluations of instructional and administrative leaders.

(12) Teacher and administrator turnover rates reported by area of certification and by elementary, middle, junior high, and high school levels.

(b) In addition, local districts shall report on locally developed performance indicators and assessment measures.

III. Each elementary, middle, junior high, and high school in the school district shall meet the standards for school approval adopted by the state board.

IV. Beginning December 1, 2004, and annually thereafter, the commissioner, in accordance with rules adopted by the state board pursuant to RSA 541-A, shall determine whether each school district is meeting the quality standards established in paragraphs I–III of this section. The commissioner, annually, shall provide a report of such determinations to the governor and council, the speaker of the house, the senate president, the chairpersons of the house and senate education committees, the state board, and the attorney general.

V. No later than December 1, 2003, and annually thereafter, the department shall issue a report on the condition of education statewide and on a district-by-district and school-by-school basis. The report shall include demographic and pupil performance data including, but not limited to, school and district performance on state tests administered pursuant to RSA 193-C, other standardized tests administered at local option by at least 25 percent of school districts, and data provided under paragraph II of this section, as well as other relevant statistics including English as a second language pupils, special education pupils, and pupils eligible for free or reduced-price meals. Comparisons with state averages and with the condition of each district and school in comparison with previous years shall be provided, including, but not limited to, statewide rankings of each district and school on the state tests administered pursuant to RSA 193-C and on other standardized tests administered at local option by at least 25 percent of school districts, and a

statewide ranking of each school and school district based on the percentage increase of improvement as compared with the same school district's performance in the previous year. The report shall be organized and presented in a manner that is easily understood by the public and that assists each school district with the identification of trends, strengths, and weaknesses and the development of its local education improvement and assessment plan.

VI. Within 90 days of the issuance of the annual report on the condition of education as required in paragraph II of this section, each school district shall provide an opportunity for public discussion of the report at a meeting of the governing body called for the exclusive purpose of reviewing the report. If requested by a school district, a representative from the department of education or the state board of education shall make every reasonable effort to be in attendance at the public meeting to present the report to the public. Additionally, the department of education shall determine a priority list for districts that may have significant areas of concern based on the annual report on the condition of education and shall exercise every reasonable effort to attend the public meetings in those identified school districts within the 90 days on a priority basis. At least 7 days advance public notice shall be given. A written report of the public input and recommendations made at this meeting shall be made and retained by the school district governing body for future use. Within 60 days of the meeting, each school board shall issue a written response to the annual report at a regularly noticed and scheduled meeting and make any recommendations the board deems appropriate.

VII. Any school district, school, or teacher that demonstrates a best practice worthy of recognition shall also receive formal recognition from the state board and the governor.

193-E:6 Request for Assistance.

I. A school district, in response to the annual report on the condition of education, may request from the department school improvement assistance on behalf of the district as a whole or on behalf of one or more schools in the district. Within 30 days of such request, the commissioner may, based on the availability of resources, provide appropriate assistance to the district. The commissioner shall prioritize any assistance based on the determinations made in the annual report on the condition of education. The commissioner shall work with local school board and school district officials in determining the assistance specific to the district's needs.

II. If any assistance provided by the department of education includes the use of a technical assistance advisor, the commissioner shall appoint a technical assistance advisor.

III. The powers of the department and the state board relative to requests for assistance under this section shall be limited to the provisions of this section.

193-E:7 Request for Assistance by School District Legislative Body. If a school district has not submitted a request for assistance by the time of the annual school district meeting in a town, or by April 30 in a city, then the majority of the appropriate legislative body of the school district may vote to direct the governing body to submit a request for assistance pursuant to this section. If a majority of the legislative body votes in favor of requesting assistance, then that assistance shall be requested and provided in accordance with RSA 193-E:6.

193-E:8 Additional School Improvement Funds. The department and the local school districts shall collaborate in an initiative to apply for grant money from any source that may be available to address school improvement issues. This collaborative effort should target funds which will be used to remedy specific areas at the local school district level identified as in need of improvement in the annual report on the condition of education.

193-E:9 Rulemaking. The state board shall, pursuant to RSA 541-A:

I. No later than July 1, 2002, adopt rules relative to data keeping, the form of the school district report required under RSA 193-E:5, II, the annual report on the condition of education statewide required under RSA 193-E:5, V, and the scheduling of the local public meetings for the presentation of the annual reports under RSA 193-E:5, VI. In developing these rules, the state board shall solicit advice and information from educators at all levels, including those within the university system, business people, government officials, legislators and legislative committees, community representatives, parents, and members of the public.

II. No later than July 1, 2003, adopt rules relative to the criteria and procedures for determining compliance with quality standards. In developing these rules, the state board shall solicit advice and information from educators at all levels, including those within the university system, as well as business people, government officials, legislators and legislative committees, parents, and members of the public.

7 New Paragraph; Statewide Improvement and Assessment Plan; Review Required. Amend RSA 193-C by inserting after paragraph IV the following new paragraph:

V. By June 30, 2002, and every 5 years thereafter, the state board shall review and update the statewide education improvement plan developed in accordance with RSA 193-C that describes how the department will help schools and school districts improve pupil achievement, through a process that provides opportunities for public input from parents, employers, educators, and other citizens. The plan shall include goals and strategies for the delivery of technical assistance and professional development, the sharing of best practices, the modification or expansion of existing programs, and the establishment of new programs.

8 Statewide Improvement and Assessment Program; Legislative Oversight Committee; Duties Amended. Amend RSA 193-C:8 to read as follows:

193-C:8 Duties of the Legislative Oversight Committee; Report. ***The oversight committee shall:***

I. [The oversight committee shall review] Review the development and implementation of the program to ensure that they are in accordance with legislative policy. Implementation of the program shall be in conjunction with the committee's review.

II. Review all of the provisions of RSA 193-C and 193-E, relative to an adequate public education and school district accountability, and file a report of such review to the speaker of the house of representatives, the president of the senate, the governor, and the chairpersons of the house and senate education committees every 2 years.

III. Prepare any legislation that is needed as a result of the review of the progress and results of the policies implemented under RSA 193-E by the legislature during the 2004 legislative session.

9 New Paragraph; State Board of Education; Duties of the State Board; Review of School Approval Standards Inserted. Amend RSA 186:11 by inserting after paragraph XXXV the following new paragraph:

XXXVI. REVIEW OF SCHOOL APPROVAL STANDARDS. No later than June 30, 2003, and every 5 years thereafter, the state board of education shall review and update as necessary

school approval standards based on input from parents, employers, educators, and other citizens. No later than 60 days from the date of each review, the state board of education shall submit a report of its findings, including recommendations for proposed legislation, to the chairpersons of the house and senate education committees. At the discretion of the committee chairpersons, a public hearing on the report may be scheduled.

10 Education Quality Assurance Commission Established; Purpose. An education quality assurance commission is hereby established for the purpose of undertaking a thorough examination, analysis, and evaluation of the capacity of the department of education to provide necessary support for the improvement of school performance. The department of education shall promptly and fully comply with the commission's requests for information and documentation, as permitted by law.

11 Membership and Compensation.

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

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

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

II. The commission may consult with any individual or organization with expertise or information relevant to its objectives.

III. Members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The commission may apply for, accept, and expend any funds received from state, federal, or private grant programs.

12 Duties. The duties of the commission shall be as follows:

I. Identify operational principles which should guide the work of the department of education in supporting improved school performance and accountability.

II. Analyze existing department of education programs and initiatives which support improved school performance and accountability and the determine the necessity of enhancing such programs and services, if deemed necessary.

13 Report. The commission shall issue a preliminary report on its activities by December 31, 2001 and a final report of its findings, including recommendations for changes in staffing, organization, and funding necessary for the department of education to provide necessary support to local school districts and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the chairpersons of the house and senate education committees, and the governor, on or before February 28, 2002.

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

AMENDED ANALYSIS

This bill:

I. Implements a local school district assessment program to identify local school districts which are in need of assistance and to assist in improving the overall quality of educational programs and services offered by such districts.

II. Establishes a 4-year pupil achievement assessment pilot program in 10 selected school districts in the state.

III. Establishes an education quality assessment commission composed to analyze and evaluate the capacity of the department of education to provide the necessary support and services for the local school district assessment program.

IV. Clarifies the process for conducting hearings before local school boards on the issue of nonrenewal of teacher contracts, and for the appeal of such nonrenewal decisions to the state board of education.

Rep. Bowles inquired if the question was divisible. The Speaker ruled the question divisible.

Rep. Bowles moved that Sections 1 through 5 be divided from the amendment and considered separately.

Without objection, the Speaker so ordered.

The question being the adoption of Sections 1 through 5 of the amendment.

Reps. Brennan and Proulx spoke against.

Reps. Ward, Thomas and Herman spoke in favor.

Rep. Henderson spoke in favor and yielded to questions.

Rep. Herman requested a roll call; sufficiently seconded.

The question being the adoption of Sections 1 through 5 of the amendment.

YEAS 226 NAYS 118

YEAS 226

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Lawton, David	Nedeau, Stephen
Pilliod, James	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Thomas, John	Wood, Jane		

CARROLL

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

CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Liebl, George	Manning, Joseph
Roberts, William	Royce, H Charles	Smith, Edwin	

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Rozek, Michael	Stohl, Eric	

GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Gabler, William	Gilman, G Michael	Giuda, Robert
Marshall, Gene	Scanlan, David	Solow, Martha	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
Bouchard, David	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clegg, Robert Jr	Cote, Peter	Coughlin, Pamela
Desrosiers, William	Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard
Dyer, Merton	Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Ford, Nancy
Furman, Christine	Gargas, Carolyn	Ginsburg, Ruth	Gleneck, David
Golding, William	Gonzalez, Carlos	Goulet, Maurice	Graham, John
Greenberg, Gary	Guinta, Frank	Hall, Charles	Herman, Keith
Holden, Randolph	Jean, Loren	Kurk, Neal	L'Heureux, Robert

LaFlamme, Paul	LaRose, Richard	Leach, Edward	Lefebvre, Roland
Martin, Mary Ellen	McHugh, Claire	McRae, Karen	Melcher, Harold
Mercer, Robert	Milligan, Robert	Moran, Edward	O'Connell, Timothy
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Sargent, Maxwell	Seibel, Christopher	Sweeney, Cynthia
Tahir, Saghir	Tate, Joan	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	Hager, Elizabeth
Hess, David	Hutchinson, John	Jacobson, Alf	Kennedy, Richard
Langer, Ray	Leber, William	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	Poulin, David	Swindlehurst, John	Whalley, Michael

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Camm, Kevin
Carson, Sharon	Case, Margaret	Chalbeck, Kevin	Clark, Vivian
Cooney, Richard	Corbin, Corey	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	Dodge, Robert	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	Introne, Robert
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kelley, William	Kobel, Rudolph	Langley, Jane
Letourneau, Robert	Major, Norman	McKinney, Betsy	Micklton, Stephanie
Moore, Benjamin	Morse, Charles	Packard, Sherman	Palermo, Diane
Power, Lucille	Priestley, Anne	Putnam, Ed II	Rausch, James
Ruffner, Walter	Sapareto, Frank	Sloan, Stephen	Stone, Joseph
Stritch, C Donald	Varrell, Thomas	Weyler, Kenneth	Whittier, John
Woekel, Ralph	Zolla, William		

STRAFFORD

Albert, Russell	Bickford, David	Cossette, Larry	Dunlap, Patricia
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Harrington, Michael
Spang, Judith

McCarthy, Gerald
Tsiros, William

Musler, George
Twombly, James

Rollo, Michael
Woods, Phyllis

SULLIVAN

Franklin, Peter

Jones, Constance

Odell, Bob

Rodeschin, Beverly

NAYS 118

BELKNAP

None

CARROLL

None

CHESHIRE

Allen, Peter
McGuirk, Paul
Richardson, Barbara

Batchelder, Robert
Meader, David
Weed, Charles

Burnham, Daniel
Mitchell, McKim
Zerba, Roger

Espieffs, Peter
Pratt, John

COOS

Bradley, Paula

Mears, Edgar

GRAFTON

Almy, Susan
Lovett, Sid
Scovner, Nancy

Benn, Bernard
Naro, Debra
Sokol, Hilda

Cooney, Mary
Nordgren, Sharon

Ham, Bonnie
Pawlek, Marion

HILLSBOROUGH

Andosca, Mary
Clayton, William
Dwyer, Paul
Haley, Robert
Kacavas, John

Baroody, Benjamin
Cote, David
Foster, Linda
Hopper, Gary
Keye, Harvey

Bellavance, Paul
Drabinowicz, A Theresa
Goley, Jeffrey
Jean, Claudette
Konys, Christine

Buckley, Raymond
Duval, Jeffrey
Gorman, Mary
Johnson, Lionel
Lasky, Bette

Lynde, Harold	McDonough-Wallace, Alice	Movsesian, Lori	Palangas, Eric
Panagopoulos, Nicholas	Schulze, Joan	Shaw, Barbara	Souza, Kathleen
Spiess, Paul	White, John	Williams, Carol	

MERRIMACK

Bouchard, Candace	Clarke, Claire	Daneault, Gabriel	Davis, Frank
Fraser, Marilyn	French, Barbara	Gile, Mary	Greco, Vincent
L'Heureux, Stephen	Moore, Carol	Owen, Derek	Potter, Frances
Rodd, Beth	Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Bridle, Russell	Clark, Martha Fuller
Coes, Betsy	DiFruscia, Anthony	Downing, Michael	Kane, Cecelia
McGuire, Robert	Norelli, Terie	Quandt, Marshall	Quandt, Matthew
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
Knowles, William	Lent, Donald	Pelletier, Arthur	Proulx, Raymond
Smith, Marjorie	Snyder, Clair	Wall, Janet	Woodill, Rodney

SULLIVAN

Burling, Peter	Cloutier, John	Ferland, Brenda	Flint, Gordon Sr
Harris, Joseph	Harris, Sandra	Leone, Richard	Phinizy, James
Robb, Amy			

And Sections 1 through 5 of the amendment were adopted.

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

Rep. Arthur Pelletier spoke against

Rep. Yeaton spoke against and yielded to questions.

Reps Ward and Henderson spoke in favor.

Rep. Herman requested a roll call; sufficiently seconded.

The question being adoption of the remainder of the amendment.

YEAS 224 NAYS 119

YEAS 224

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Lawton, David	Nedeau, Stephen
Pilliod, James	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Thomas, John			

CARROLL

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

CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Liebl, George	Manning, Joseph
Roberts, William	Royce, H Charles	Smith, Edwin	

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Rozek, Michael	Stohl, Eric	

GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
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Dudley, Terri	Gabler, William	Gilman, G Michael	Giuda, Robert
Ham, Bonnie	Lovett, Sid	Marshall, Gene	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
Bouchard, David	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clegg, Robert Jr	Cote, Peter	Coughlin, Pamela
Desrosiers, William	Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard
Dyer, Merton	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Furman, Christine
Gargas, Carolyn	Gleneck, David	Golding, William	Gonzalez, Carlos
Goulet, Maurice	Graham, John	Greenberg, Gary	Guinta, Frank
Hall, Charles	Herman, Keith	Holden, Randolph	Jean, Loren
Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard
Leach, Edward	Lefebvre, Roland	McHugh, Claire	McRae, Karen
Melcher, Harold	Mercer, Robert	Milligan, Robert	Moran, Edward
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Sargent, Maxwell	Seibel, Christopher	Souza, Kathleen
Spiess, Paul	Sweeney, Cynthia	Tahir, Saghir	Tate, Joan
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	Hager, Elizabeth
Hess, David	Hutchinson, John	Jacobson, Alf	Kennedy, Richard
L'Heureux, Stephen	Langer, Ray	Leber, William	Lockwood, Priscilla
MacKay, James	Poulin, David	Swindlehurst, John	Whalley, Michael

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
Downing, Michael	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	Introne, Robert	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kelley, William	Kobel, Rudolph	Langley, Jane	Letourneau, Robert
Major, Norman	McKinney, Betsy	Micklon, Stephanie	Morse, Charles
Packard, Sherman	Palermo, Diane	Power, Lucille	Priestley, Anne
Putnam, Ed II	Rausch, James	Ruffner, Walter	Sapareto, Frank
Stone, Joseph	Stritch, C Donald	Varrell, Thomas	Weyler, Kenneth
Whittier, John	Woekel, Ralph	Zolla, William	

STRAFFORD

Albert, Russell	Bickford, David	Cossette, Larry	Dunlap, Patricia
Harrington, Michael	Musler, George	Spang, Judith	Tsiros, William
Twombly, James	Woods, Phyllis		

SULLIVAN

Franklin, Peter	Jones, Constance	Leone, Richard	Odell, Bob
Rodeschin, Beverly			

NAYS 119

BELKNAP

Wood, Jane

CARROLL

None

CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espieffs, Peter
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McGuirk, Paul
Richardson, Barbara

Meader, David
Weed, Charles

Mitchell, McKim
Zerba, Roger

Pratt, John

COOS

Bradley, Paula

Mears, Edgar

GRAFTON

Almy, Susan
Nordgren, Sharon
Solow, Martha

Benn, Bernard
Pawlek, Marion

Cooney, Mary
Scovner, Nancy

Naro, Debra
Sokol, Hilda

HILLSBOROUGH

Andosca, Mary
Clayton, William
Duval, Jeffrey
Ginsburg, Ruth
Hopper, Gary
Keye, Harvey
Martin, Mary Ellen

Palangas, Eric
White, John

Baroody, Benjamin
Clemons, Jane
Dwyer, Paul
Goley, Jeffrey
Jean, Claudette
Konys, Christine
McDonough-Wallace,
Alice

Panagopoulos, Nicholas
Williams, Carol

Bellavance, Paul
Cote, David
Eaton, Richard
Gorman, Mary
Johnson, Lionel
Lasky, Bette
Movsesian, Lori

Schulze, Joan

Buckley, Raymond
Drabinowicz, A Theresa
Foster, Linda
Haley, Robert
Kacavas, John
Lynde, Harold
O'Connell, Timothy

Shaw, Barbara

MERRIMACK

Bouchard, Candace
Fraser, Marilyn
Moore, Carol
Rush, Deanna
Yeaton, Charles

Clarke, Claire
French, Barbara
Owen, Derek
Seldin, Gloria

Daneault, Gabriel
Gile, Mary
Potter, Frances
Wallner, Mary Jane

Davis, Frank
Greco, Vincent
Rodd, Beth
Whittemore, James

ROCKINGHAM

Blanchard, MaryAnn
Kane, Cecelia
Quandt, Matthew

Bowles, Raimond
McGuire, Robert
Robertson, Carl

Clark, Martha Fuller
Norelli, Terie
Shultis, Elizabeth

Coes, Betsy
Quandt, Marshall
Sloan, Stephen

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

Knowles, William

Lent, Donald

McCarthy, Gerald

Pelletier, Arthur

Proulx, Raymond

Rollo, Michael

Smith, Marjorie

Snyder, Clair

Wall, Janet

Woodill, Rodney

SULLIVAN

Burling, Peter

Cloutier, John

Ferland, Brenda

Flint, Gordon Sr

Harris, Joseph

Harris, Sandra

Phinizy, James

Robb, Amy

and remainder of the amendment was adopted.

Report adopted and ordered to third reading.

HB 666, permitting the placement of political advertising on highway rights-of-way.
INEXPEDIENT TO LEGISLATE

Rep. Janet S. Arndt for Election Law: The committee recommitted this bill in order to look at a new amendment, which the sponsor felt would help clarify the bill. After review of the amendment, the committee still voted the bill inexpedient. If this bill passed, it would violate several federal statutes and regulations that may cause the state to lose federal funding. Size and visual clutter would also be problematic. The committee felt this bill would cause more problems than it would solve. Vote 11-2.

Rep. Leber spoke against.

Adopted.

SB 182-FN-A, establishing a brain and spinal cord injury trust fund and appropriating certain moneys to such fund. **OUGHT TO PASS**

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: This bill addresses a growing problem. With the great advances in trauma treatment, many people who would not have survived an accident now live on with severe disabilities. The fund established by this bill will be used to educate and assist families in obtaining support, advocacy, vocational help, etc., and to fund prevention efforts. The money will come from the excess incomes of the victim's assistance fund and from certain forfeited bail money, both of which now go into the General Fund. Vote 16-0.

Adopted.

Referred to Finance.

SB 69-FN-A-L, relative to a New Hampshire legal assistance office in Nashua and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. James W. Craig for Judiciary: This bill establishes a New Hampshire Legal Assistance office in Nashua to service that city and its surrounding areas. New Hampshire Legal Assistance provides legal services to low income people such as housing, social security, and other government benefits, health care, domestic violence and consumer issues. It does not provide representation for criminal actions. This is a means to get basic legal services to those who need them most yet are least able to pay for them. Vote 17-2.

Amendment (1306h)

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

AN ACT relative to a New Hampshire Legal Assistance office in Nashua.

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

1 New Hampshire Legal Assistance Office. The legislature hereby establishes a New Hampshire Legal Assistance office in the city of Nashua to provide civil legal services to low income persons in that city and the surrounding area. These civil legal services include services related to such issues as housing, social security and other government benefits, health care, domestic violence, and consumer issues.

AMENDED ANALYSIS

This bill establishes a New Hampshire Legal Assistance office in the city of Nashua to provide civil legal services to low-income persons in Nashua and the surrounding area.

Adopted.

On a division vote, 212 members having voted in the affirmative and 116 in the negative, the report was adopted.

Ordered to third reading.

SB 144-L, increasing bail commissioners' fees. **OUGHT TO PASS**

Rep. Peter S. Espieffs for Judiciary: This bill increases the fees of bail commissioners from \$20 to \$30. The fee is paid by the defendant at the time of bail proceedings before the commissioner in a criminal or civil matter. Bail commissioners are on duty 24 hours a day and must appear to set bail whenever their services are required by a district or superior court case. In addition to setting appropriate bail, the commissioner sets out the conditions of bail in writing, schedules an arraignment date, and completes all paperwork and further process required. New Hampshire bail commissioners' fees are the lowest in New England. Commissioners are not salaried employees and receive no state benefits or pensions. The committee felt that the increase was reasonable in view of the scope and demands of their responsibilities. Vote 10-2.

Adopted and ordered to third reading.

SB 133-FN-A, relative to Skyhaven airport and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. James B. Rausch for Public Works and Highways: The amended version of this bill provides for funding maintenance and operations at Skyhaven airport and additionally prioritized funding for wetland mitigation at the airport. The appropriation is contingent upon a signed agreement for the transfer of Skyhaven airport to a local public entity. It is the feeling of the committee that the city of Rochester has a definite interest in owning the facility. The committee also realized that the city doesn't want to be burdened with making repairs soon after it takes over the facility. Under this proposal, needed repairs would be completed by the state as soon as the future of the airport was determined. The amendment also ties this legislation into prior action of the legislature, Chapter 56, Laws of 2000. Vote 18-0.

Amendment (1276h)

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

3 Contingency. Sections 1 and 2 of this act shall take effect upon the effective date of a signed agreement for the transfer of Skyhaven airport to a local public entity, pursuant to 1998, 317:1, I as amended by 2000, 56:1; provided that such agreement is signed before July 1, 2003. If such agreement is not signed before July 1, 2003, sections 1 and 2 of this act shall not take effect.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect as provided in section 3 of this act.

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

AMENDED ANALYSIS

This bill requires the department of transportation to prioritize funding the wetland mitigation project for Skyhaven airport. The bill also appropriates funds to the Skyhaven airport maintenance and operations fund.

The provisions of this bill take effect only if an agreement for the transfer of Skyhaven airport to a local public entity is signed before July 1, 2003.

Adopted.

Report adopted and referred to Finance.

SCR 2, calling on the President and the Congress to fully fund the federal government's share of the average per pupil expenditure in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Cynthia P. Sweeney for State-Federal Relations and Veterans Affairs: The committee continues to support a strong message to Congress and the Federal Government that the Congress fulfill its obligation to fund at 40% the Special Education costs incurred by local school districts as a result of I.D.E.A. (Individuals with Disabilities Act). Vote 14-0.

Amendment (1242h)

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

Whereas, when the federal government enacted the Individuals with Disabilities Education Act (IDEA), in 1975 it promised to fund up to 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, the federal government currently funds, on average, less than 14 percent of the actual cost of special education services; and

Whereas, local school districts and state government end up bearing the largest share of the cost of special education services; and

Whereas the IDEA has helped break down stereotypes and ignorance about people with disabilities, improving the quality of life and economic opportunity for millions of Americans; and

Whereas, the federal government's failure to adequately fulfill its responsibility to special needs children undermines public support for special education and creates hardship for disabled children and their families; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

That the New Hampshire general court urges the President and the Congress to fund, not later than October 1, 2002 and prior to spending any surplus in the federal budget, 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States as promised under the Individuals with Disabilities Education Act to ensure that all children, regardless of disability, receive a quality education and are treated with the dignity and respect they deserve; and

That copies of this resolution be forwarded by the senate clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the New Hampshire congressional delegation.

Adopted.

Reps. Avery and Nordgren spoke in favor.

Rep. Matthew Quandt requested a roll call, sufficiently seconded.

YEAS 333 NAYS 0

YEAS 333

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Lawton, David	Nedeau, Stephen
Pilliod, James	Rice, Thomas Jr	Rosen, Ralph	Russell, David

Thomas, John

Wood, Jane

CARROLL

Babson, David Jr

Bradley, Jeb

Dickinson, Howard

Kenney, Joseph

Lyman, L Randy

Mock, Henry

Patten, Betsey

Philbrick, Donald

Quimby, Lee

Stevens, Stanley

Sullivan, P Judith

CHESHIRE

Allen, Peter

Avery, Stephen

Batchelder, Robert

Burnham, Daniel

Dexter, Judson

Edwards, Dana

Emerson, Susan

Espieffs, Peter

Fairbanks, Chandler

Hunt, John

Liebl, George

Manning, Joseph

McGuirk, Paul

Meader, David

Mitchell, McKim

Pratt, John

Richardson, Barbara

Roberts, William

Royce, H Charles

Smith, Edwin

Weed, Charles

Zerba, Roger

COOS

Bradley, Paula

Davis, Perley

Gallus, John

Guay, Lawrence

Horton, Lynn

Landers, Dana

Mears, Edgar

Rozek, Michael

Stohl, Eric

GRAFTON

Akins, Ralph

Alger, John

Almy, Susan

Barker, Robert

Benn, Bernard

Cobb, John

Cooney, Mary

Dudley, Terri

Gabler, William

Gilman, G Michael

Giuda, Robert

Lovett, Sid

Marshall, Gene

Naro, Debra

Nordgren, Sharon

Pawlek, Marion

Scanlan, David

Scovner, Nancy

Sokol, Hilda

Solow, Martha

Sova, Charles

Ward, Brien

Williams, Burton

HILLSBOROUGH

Allan, Nelson

Alukonis, David

Andosca, Mary

Arnold, Thomas Jr

Artz, Lawrence

Balboni, Michael

Balcom, John

Baroody, Benjamin

Batula, Peter

Bellavance, Paul

Bergeron, Jean-Guy

Bouchard, David

Bragdon, Peter

Brundige, Robert

Bruno, Pierre

Buckley, Raymond

Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clayton, William	Clegg, Robert Jr	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Desrosiers, William
Dionne, Kimberley	Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard
Duval, Jeffrey	Dwyer, Paul	Dyer, Merton	Eaton, Richard
Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard
Ford, Nancy	Foster, Linda	Ginsburg, Ruth	Gleneck, David
Golding, William	Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary
Goulet, Maurice	Graham, John	Greenberg, Gary	Guinta, Frank
Haley, Robert	Hall, Charles	Herman, Keith	Holden, Randolph
Hopper, Gary	Jean, Claudette	Jean, Loren	Johnson, Lionel
Kacavas, John	Keye, Harvey	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard	Lasky, Bette
Leach, Edward	Lefebvre, Roland	Lynde, Harold	Martin, Mary Ellen
McDonough-Wallace, Alice	McHugh, Claire	McRae, Karen	Melcher, Harold
Mercer, Robert	Milligan, Robert	Moran, Edward	Movsesian, Lori
O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas	Pepino, Leo
Peterson, Andrew	Reeves, Sandra	Rowe, Robert	Sargent, Maxwell
Schulze, Joan	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	Williams, Carol		

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Clarke, Claire
Colcord, J D	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	Langer, Ray	Leber, William	Lockwood, Priscilla
MacKay, James	Moore, Carol	Owen, Derek	Potter, Frances
Poulin, David	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Swindlehurst, John	Wallner, Mary Jane	Whalley, Michael	Whittemore, James
Yeaton, Charles			

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Bowles, Raimond	Bridle, Russell	Camm, Kevin	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
Downing, Michael	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	Introne, Robert	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Kelley, William	Kobel, Rudolph	Langley, Jane
Letourneau, Robert	Major, Norman	McGuire, Robert	McKinney, Betsy
Micklon, Stephanie	Morse, Charles	Norelli, Terie	Packard, Sherman
Palermo, Diane	Power, Lucille	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Robertson, Carl	Ruffner, Walter
Sapareto, Frank	Shultis, Elizabeth	Sloan, Stephen	Splaine, James
Stone, Joseph	Stritch, C Donald	Trueman, Raymond	Varrell, Thomas
Weatherspoon, Jacquelyne	Weyler, Kenneth	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	Goodwin, Earle	Harrington, Michael
Heon, Richard	Hughes, Christopher	Johnson, Nancy	Knowles, William
Lent, Donald	McCarthy, Gerald	Musler, George	Pelletier, Arthur
Proulx, Raymond	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Tsiros, William	Twombly, James	Wall, Janet	Woodill, Rodney
Woods, Phyllis			

SULLIVAN

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
Rodeschin, Beverly			

and the report was unanimously adopted.

Ordered to third reading

HB 712-FN, relative to the coordination of state, regional, and local planning efforts. **OUGHT TO PASS WITH AMENDMENT**

Rep. William Johnson for Municipal and County Government: Economic growth in our state impacts all levels of society and government. It is therefore extremely important to plan land use through a coordinated process. This bill requires the Office of State Planning and the Regional Planning Commissions to develop a comprehensive development plan, comprised of the basic principals of smart growth, which are listed in the amendment. This bill also requires the Office of State Planning and the Regional Planning Commissions to provide assistance to municipalities through data collection and planning guidance. Any financial requirement, "to the extent practical", pertains only to the Office of State Planning and the Regional Planning Commissions who testified in its favor. Local planning boards can use the assistance in developing or amending their master plans at their discretion. Vote 9-4.

Amendment (1235h)

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

1 Findings and Intent.

I. The general court finds that promoting smart growth is critical to the future well-being of the state. Since growth is often incremental and has local, regional and statewide impacts, the office of state planning and the regional planning commissions must take the lead by developing goals for their work consistent with the principles of smart growth, gathering specific data and offering guidance for the communities to use when they are developing or amending their master plans.

II. The purpose of this act is to establish a more coordinated process to create statewide and regional land use plans that promote smart growth, based upon local plans and citizen participation, and requiring the state to provide smart growth direction to regional planning goals.

2 New Subparagraph; Office of State Planning; State Development Plan; Duty Added.
Amend RSA 4-C:2, I by inserting after subparagraph (c) the following new subparagraph:

(d) Coordinate and monitor the planning efforts of the regional planning commissions to ensure that the plans published by the commissions are consistent, to the extent practical, with the policies and priorities established in the state development plan.

3 State Development Plan; Consultation with Local and Regional Planning Commissions Required. Amend RSA 4-C:2, II to read as follows:

II. In preparing the state development plan, the office of state planning shall consult with the chief executive officers of the various departments and agencies of state government [~~with responsibilities which are relevant to economic development~~]. The office [~~may~~] **shall** also consult with officials of regional planning commissions and regional and local planning and development agencies [~~and representatives of business and industry~~], **local officials, representatives of the business and environmental community, and the general public.**

4 State Development Plan; Comprehensive Development Plan Components. Amend RSA 9-A:1 to read as follows:

9-A:1 Comprehensive Plan.

I. There shall be a comprehensive state development plan which establishes state policy on development related issues and proposes new or expanded programs to implement such policies. ***The plan shall provide a basis for identifying critical issues facing the state, determining state priorities, allocating limited state resources, and taking into account the plans of various state, regional, and local governmental units.***

II. The comprehensive development plan shall establish policies in areas related to the orderly ***physical, social, and economic*** growth and development of the state.

III. The comprehensive development plan shall include:

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

(b)] State policies to provide for the orderly [economic] ***growth and development of the state***[;] ***and to maximize smart growth.***

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

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

(b) Goals and policies which are relevant to the topical areas included in the plan, including but not limited to:

(1) An overall vision section that serves as the direction for the other sections of the plan. This section shall contain a set of statements which articulates the desires of the public relative to the future. It shall contain a set of guiding principles and priorities to implement that vision, with special emphasis on maximizing the smart growth principles in RSA 9-B.

(2) A land use section which examines the state's role in land development and in funding projects and programs which affect land uses.

(3) A transportation section which considers all pertinent modes of transportation and provides a framework of policies and actions which will provide for a safe and adequate transportation system to serve the needs of the state.

(4) A public facilities section which examines the projected needs of state institutions and coordinates with other governmental units, whether federal, county, local, special districts, or school districts, as to their needs as well.

(5) A housing section which sets forth approaches to meeting the need for affordable housing.

(6) An economic development section which proposes actions and policies to suit the state's economic goals and needs, based on the current and projected economic strengths and weaknesses.

(7) A natural resources section which identifies trends in land protection, open space, farm land preservation and protection, and proposes policies and actions necessary at the state level to protect those resources which are perceived to be of statewide significance.

(8) A natural hazards section which identifies actions to improve the ability of the state to minimize damages from future disasters that affect land and property subject to such disasters.

(9) A recreation section which assesses current and future recreation needs within the foreseeable future and identifies policies and a plan of action to support them at the state level.

(10) A utility and public service section which details state level policies and actions necessary to assure adequate service to the citizens of the state.

(11) A regional concerns section which describes specific areas of the state with potentially unique concerns and identifies policies and actions which may reasonably be undertaken to assist in addressing those issues.

(12) A section which identifies state policies and actions necessary to protect cultural and historic resources of statewide significance and assist in their rehabilitation or preservation, and generally assure their availability for future generations of state citizens.

(13) An implementation section, which is a long range action program for assessing the effectiveness of each section of the plan.

IV. The comprehensive development plan shall serve as the basis for policy and program development by the various departments of state government **and the regional planning commissions. Consistent with RSA 674:2, these topics may also be addressed in local master plans. To the extent practical,** state agencies **and regional planning commissions** shall develop, [program] **and local planning boards may develop,** plans which are consistent with the policies and priorities established in the comprehensive development plan.

V. The comprehensive development plan shall be renewed or revised every 4 years, beginning on October 1, 2003.

5 New Paragraph; State Development Plan; Office of State Planning; Duty Added. Amend RSA 9-A:4 by inserting after paragraph III the following new paragraph:

IV. Coordinate and monitor the planning efforts of the regional planning commissions to ensure that the plans published by the commissions are consistent with the policies and priorities established in the state development plan, and vice versa.

6 State Economic Growth, Resource Protection, and Planning Policy; Report to the General Court and the Governor. Amend the introductory paragraph of RSA 9-B:6 to read as follows:

By October 1 of [~~each year, beginning in the year 2000,~~] **2001, and every 4 years thereafter**, the council on resources and development, established in RSA 162-C, shall report to the general court and the governor on the following:

7 New Paragraph; State Economic Growth, Resource Protection, and Planning Policy; Content of Annual Report. Amend RSA 9-B:6 by inserting after paragraph IV the following new paragraph:

V. An assessment on how state agencies are complying with the goals and objectives established in the statewide development plan, under RSA 9-A, and an identification of any suggested changes.

8 New Paragraphs; General Powers and Duties of the Regional Planning Commission. Amend RSA 36:47 by inserting after paragraph II the following new paragraphs:

III. Regional planning commission members shall develop a regional development plan that provides regional smart growth goals for all applicable sections of the state comprehensive plan, as outlined in RSA 9-a, and which embodies, as far as possible, all local and regional conditions. Such plan shall be updated every 5 years or sooner if desired by the regional planning commission. Prior to its adoption, the plan shall be distributed to every library, planning board and board of selectmen/aldermen/city council in each of the communities within the region, and to the office of state planning. The regional planning commission shall address in writing all comments received prior to the publication of a final draft. A public hearing shall be held by the regional planning commission with 30 days' notice published in all newspapers of general circulation in the region, and shall state where the document can be viewed, the time and place of the public hearing, and shall allow for written comments. For each regional plan, the office of state planning shall offer comments as to its consistency with the state plan. The first regional development plans affected by this statute shall be adopted within 5 years of the effective date of this paragraph and renewed at least every 5 years thereafter.

IV. Regional planning commissions shall make a good faith effort to inform and respond to their local communities regarding the purposes and progress of their work in developing the regional development plan.

9 Local Land Use Boards; Master Plan Preparation. Amend RSA 674:3, III to read as follows:

III. During the preparation of the various sections of the master plan, the board shall inform the general public **and the office of state planning and regional planning commissions** and solicit public comments regarding the future growth of the municipality in order to involve citizens in the preparation of the master plan in a way which is most appropriate for the municipality.

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

Adopted.

Report adopted and ordered to third reading.

SB 193-FN-A-L, relative to changes in the property tax system and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marilyn A. Fraser for Municipal and County Government: The basic bill as amended by the Senate establishes two boards – an assessing standards board and an equalization standards board – both administratively attached to the department of revenue administration (DRA). The duties of the assessing standards board are to adopt rules and recommend any legislation for: the annual publication of an assessing manual; the standards for the administration of the property tax and assessment of real property; the establishment of certification requirements for assessing officials; the establishment of standards for assessment practices, tax maps and other records and audit standards for the department of revenue administration; the identification of "sales-chasing" and penalties related to those practices; the process needed for public comment; and any study needed to determine the status of assessing practices or the improvement of assessing in New Hampshire. The duties of the equalization standards board are to include: reviewing ratio studies relative to the equalization process and the procedures needed to improve the ratio studies; developing standards for equalization; reviewing standards of the International Association of Assessing Officials (IAAO); and determining the ratio study procedure. These two boards are required to have at least three public forums throughout the state to receive input from any interested parties. The bill authorizes the commissioner of the DRA to adopt rules relative to the qualifications for certification, standards for continuing education and the standards for revocation or suspension of certification, which will stay in place until the Assessing Standards Board adopts rules for their assessing standards. Since there are many small municipalities that do not have a large number of real estate sales, sufficient varieties of real property or significant levels of development to justify the hiring of a professional assessor, this bill authorizes municipalities to create cooperative assessment districts in order to share the financial burden of such an assessor. The process for creating these districts and the requirements for an inter-local agreement are outlined in the bill. SB 193 also requires the DRA to make available to those boards the reports of any experts hired to analyze the States assessing practices. Section 14 of SB 193 changes the equalization formula by removing the values derived from the original stock and trade tax which are compensated through RSA 31-A, the Revenue Sharing statute. Another committee has been established to review the local selectmen's role in the assessing functions and to review the possibility of establishing a professional assessors' licensing board. The amendment to SB 193 contains the original language of HB 549 which deals with orders for reassessment made by the Board of Tax and Land Appeals (BTLA); the criteria for allowing the DRA to petition the BTLA for a local reassessment and the process needed by the DRA to require those reassessments if a municipality does not abide by the reassessment order. Vote 16-0.

Amendment (1298h)

Amend RSA 21-J:14-f as inserted by section 2 of the bill by replacing it with the following:

21-J:14-f Certification Required.

I. Every person, whether working individually, for a firm or corporation, or as a municipal or department of revenue administration employee, making appraisals of a municipality for tax assessment purposes, except elected officials making appraisals pursuant to RSA 75:1, shall be certified by the department. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to qualifications for certification, standards for continuing education, and standards for revocation or suspension of certification. Rules adopted by the commissioner under this paragraph shall remain effective until the assessing standards board adopts rules under RSA 21-J:14-b, I(c).

II. No person, except boards of assessors and selectmen making appraisals pursuant to RSA 75:1, shall make appraisals on behalf of a municipality for tax assessment purposes without first obtaining the certification required by this section. Certification is non-assignable and cannot be transferred. Any person who willfully fails to obtain certification as provided in this section shall be subject to the penalties imposed under RSA 21-J:39.

III. All persons approved or certified by the department or by the New Hampshire Association of Assessing Officials on the effective date of this section shall be deemed certified subject to standards which may be developed for continuing education and revocation or suspension of certification until the assessing standards board adopts rules under RSA 21-J:14-b, I(c).

Amend RSA 21-J:14-j, I as inserted by section 2 of the bill by replacing it with the following:

I. The intergovernmental agreement used to form a cooperative assessing district shall substantially conform to the provisions outlined in RSA 53-A:3 and shall include the following:

(a) A district cost allocation formula based in whole or in part on the number of parcels of real property in each member municipality.

(b) A governing board on which each municipality in the district is represented by at least one member who has at least one vote.

(c) A term of initial membership of at least 5 years.

(d) A requirement of at least 12 months written notice and a vote of the municipality's legislative body before a member may withdraw from the district.

(e) Provisions for holding a withdrawing municipality responsible for payment of its proportionate share of future district expenses to which the district may be committed because of the withdrawing municipality's membership such as capital costs and retirement costs.

(f) Provisions that require a municipality which joins a district to provide its annual pro rata share of the district's budget without regard to whether or not said share is approved and supported by the governing body, the budget committee, or the legislative body of the municipality.

(g) Provisions for administratively attaching the district staff to a political subdivision for the purposes of accounting, payroll, retirement, insurance and fringe benefits, and for compensating that political subdivision for these administrative services.

(h) Provisions for compensation and oversight if private entities are hired by the district, rather than staff administratively attached to and serving as employees of a political subdivision.

(i) A formula for staffing the district with full-time, trained, and certified professional appraisers which may be based on the number of parcels and types of properties found in the district and other necessary staff.

Amend RSA 21-J:39, IV as inserted by section 5 of the bill by replacing it with the following:

IV.(a) No person, except elected officials making appraisals pursuant to RSA 75:1, shall willfully engage in making appraisals of a municipality for tax assessment purposes, unless such person is certified as provided in RSA 21-J:14-f.

(b) No person engaged in making appraisals of a municipality for tax assessment purposes shall willfully fail to maintain and provide the department access to the records required to be kept under RSA 21-J:14-e.

(c) Any person who violates subparagraph (a) or (b) shall be guilty of violation.

Amend the bill by inserting after section 15 the following and renumbering the original section 16 to read as 20, respectively:

16 Revenue Administration; Duties of Commissioner; Reassessment. Amend RSA 21-J:3, XXV to read as follows:

XXV. Petition the board of tax and land appeals to issue an order for reassessment of property pursuant to the board's powers under RSA 71-B:16-19 whenever the valuation of property ~~[for equalization purposes]~~ in a particular city, town, or unincorporated place is disproportional to the valuation ~~[for equalization purposes in other cities, towns, or unincorporated places in the state]~~ ***of other property within that city, town, or unincorporated place.***

17 Equalization Procedure; Options. Amend the introductory paragraph of RSA 21-J:9-a, III to read as follows:

III. If less than 2 percent of the total taxable parcels in a city, town, or unincorporated place has been transferred by an arm's length sale or transfer during the 6 months prior to and 6 months following April 1 of the tax year for which such equalization is made or the commissioner determines the sales are unrepresentative of the property within the municipality, the commissioner may choose one or more of the following options ~~[in the order listed]~~:

18 New Sections; Petition for Order of Reassessment; Procedure and Expenses. Amend RSA 21-J by inserting after section 9-a the following new sections:

21-J:9-b Petition for Order of Reassessment. The commissioner, in petitioning for an order of reassessment pursuant to RSA 21-J:3, XXV, may consider any information that indicates that property in a city, town, or unincorporated place is valued disproportionately to other property within that municipality in determining whether to petition the board of tax and land appeals to issue an order for reassessment. Additionally, the commissioner shall petition the board of tax and land appeals to issue an order for reassessment of property if the following criteria are met:

I. The commissioner's most recent annual sales-assessment ratio study indicates that the coefficient of dispersion exceeds 20 employing a 95-percent level of confidence, provided however that if the sample size for a sales-assessment ratio study is less than 30, the commissioner may use a level of confidence as low as 70 percent;

II. The municipality has not conducted a full revaluation within 6 years; and

III. A municipality has not contracted for a full revaluation of the property within such municipality to be effective no later than the tax year following such determination.

21-J:9-c Orders for Reassessment. The following provisions shall govern cases in which the board of tax and land appeals has certified an order for reassessment to the department pursuant to RSA 71-B:18:

I. The commissioner may contract for the services of certified appraisers as needed to complete such reassessments in compliance with any certified orders of the board of tax and land appeals.

II. All reasonable expenses incurred by the department in completing a reassessment shall be paid in the first instance from the appropriation for the department, but each city, town, or county in the case of an unincorporated place, shall, upon notification by the commissioner of the amount due, reimburse the department for such expenses incurred as follows:

(a) The expenses for completing a reassessment, including, but not limited to, salaries of staff of the department for such time as the staff have spent on the reassessment, with the exception of expenses incurred by the department in the supervision and monitoring of appraisals pursuant to RSA 21-J:11, shall be reimbursed; and

(b) The amount of such reimbursement to the department shall, without vote of the municipality, be assessed and collected.

19 Property Taxes; What Taxes Assessed; Expenses of Reassessment. Amend RSA 76:5 to read as follows:

76:5 What Taxes Assessed. The selectmen shall seasonably assess all state and county taxes for which they have the warrants of the commissioner of revenue administration and county treasurers respectively; all taxes duly voted in their towns; and all school and village district taxes authorized by law or by vote of any school or village district duly certified to them; and all sums required to be assessed by RSA 33 *and RSA 21-J:9-c*.

AMENDED ANALYSIS

I. Establishes an assessing standards board and an equalization standards board, both of which are administratively attached to the department of revenue administration.

II. Requires appraisers, except for boards of assessors and selectmen, to be certified by the department of revenue administration. The bill grants the department the authority to audit such appraisers.

III. Permits 2 or more municipalities to form a cooperative assessing district.

IV. Makes a change in the formula for annual equalization of valuation of property by the department of revenue administration.

V. Establishes a committee to study the role of selectmen in the assessing function and the feasibility of establishing a professional assessors' licensing board.

VI. Allows the department of revenue administration to petition the board of tax and land appeals for an order of reassessment of valuation of property within a municipality. The bill also allows the department to contract for appraisers to complete reassessments and to receive reimbursement of costs.

VII. Makes an appropriation for purposes of the bill.

Rep. Patten spoke against.

Amendment failed.

Rep. Patten offered a floor amendment (1374h).

Floor Amendment (1374h)

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

1 Administratively Attached Boards. RSA 21-J:1-a is repealed and reenacted to read as follows:

21-J:1-a Boards Administratively Attached. The following boards shall be administratively attached to the department of revenue administration, under RSA 21-G:10:

I. The current use board, established under RSA 79-A:3.

II. The assessing standards board, established under RSA 21-J:14-a.

III. The equalization standards board, established under RSA 21-J:14-b.

2 New Subdivisions; Assessing Standards Board; Equalization Standards Board; Certification of Assessors and Auditing Authority; Cooperative Assessment Districts. Amend RSA 21-J by inserting after section 14 the following new subdivisions:

Assessing Standards Board

21-J:14-a Assessing Standards Board; Members; Appointments; Terms.

I. There is hereby established an assessing standards board which shall be administratively attached to the department of revenue administration, as provided in RSA 21-J:1-a.

II. The board shall be comprised of the following members:

(a) Five members nominated by the New Hampshire Association of Assessing Officials and appointed by the governor with the consent of the council, one of whom shall be an assessing official for a town with a population of less than 5,000; one of whom shall be an assessing official for a town with a population of more than 5,000; and one of whom shall be an assessing official for a city. Each member shall hold office for the term of such member's position for 2 years and until a successor shall have been appointed and qualified. Any vacancy shall be filled for the unexpired term by the governor with the consent of the council.

(b) Two members of the senate appointed by the president of the senate. The term of each member shall be coterminous with the member's term as senator. A vacancy for an unexpired term shall be filled by the president of the senate.

(c) Two members of the house of representatives appointed by the speaker of the house. The term of each member shall be coterminous with the member's term as representative. A vacancy for an unexpired term shall be filled by the speaker of the house.

(d) The commissioner of the department of revenue administration, or the commissioner's designee.

(e) Three members of the public appointed by the governor with the consent of the council, at least one of whom shall be a selectman in a town with a population of 5,000 or less.

III. Members of the assessing standards board who are not state employees or legislators shall each be paid \$25 a day for such time as the members are actually engaged in the work of the board. All members shall be paid their actual expenses incurred as the result of such work. Non-legislative members shall be paid mileage at the same rate as state employees, but legislative members shall receive mileage at the legislative rate.

IV. The board shall annually elect a chairperson from among its members. The first meeting of the board shall be called by the first-named house member and shall be held within 30 days after the effective date of this section. A chairperson shall be elected from the board's membership at the first meeting and annually thereafter.

21-J:14-b Powers and Duties of the Board.

I. The assessing standards board shall adopt rules, pursuant to RSA 541-A, and recommend appropriate legislation relative to:

(a) The annual update and publication of an assessing procedures manual for selectmen and boards of assessors. Such manual shall include the department of revenue administration's appraisal manual, a calendar of tasks to be completed on a periodic basis including those tasks required by state statute, and such other information as the board deems necessary. The board shall examine the report of the expert hired by the department of revenue administration.

(b) Standards to be followed by assessors, selectmen, and the board of assessors throughout the state, relating to the administration of the property tax and assessment of real property used in any state property tax system.

(c) The establishment of certification, continuing education, and revocation and suspension standards for assessing officials. The commissioner of the department of revenue administration shall be responsible for enforcement of those standards.

(d) The establishment of standards for monitoring of local assessment practices by the department of revenue administration, standards for the adequacy of tax maps and other records, and standards for audit by the department of revenue administration of municipalities.

(e) The identification of practices which constitute sales-chasing and penalties to be adopted by the legislature regarding such practices.

(f) Forms and procedures necessary to fulfill the duties of the board consistent with board recommendations and to assure a fair opportunity for public comment.

(g) Any study conducted for the purpose of determining the status of assessing practices or the improvement of assessing in the state.

II. All standards and practices developed or identified by the board, pursuant to this section, shall be reviewed and updated annually. The board shall hold a series of at least 3 public forums annually throughout the state to receive general comment through verbal and written testimony on assessing standards and practices. After the public forums are concluded and the board has made its recommended changes, in accordance with paragraph III, the chairperson shall proceed to adopt any proposed rules.

III. The board, on or before December 1 of each year, shall report its findings and recommendations for proposed legislation to the governor, president of the senate, speaker of the house of representatives, the senate clerk, the house clerk, and the state library.

Equalization Standards Board

21-J:14-c Equalization Standards Board; Members; Appointments; Terms.

I. There is hereby established an equalization standards board which shall be administratively attached to the department of revenue administration, as provided in RSA 21-J:1-a.

II. The board shall be comprised of the following members:

(a)(1)(A) One member nominated by the New Hampshire Association of Counties and appointed by the governor with the consent of the council.

(B) One member nominated by the New Hampshire Association of School Boards and appointed by the governor with the consent of the council.

(C) One member nominated by the New Hampshire Municipal Association and appointed by the governor with the consent of the council.

(D) Two members nominated by the New Hampshire Association of Assessing Officials and appointed by the governor with the consent of the council, one of whom shall be an assessing official for a town with a population of less than 5,000, the other of whom shall be an assessing official for a town or city with a population of more than 5,000.

(2) Each member appointed under subparagraph (a)(1) shall hold office for 2 years, and until such member's successor shall have been appointed and qualified. Any vacancy shall be filled for the unexpired term by the governor with the consent of the council.

(b) Three members of the public, one of whom shall have experience with equalization processes and one with experience in statistics, appointed by the governor with the consent of the council. Each member shall serve for a term of 3 years and until such member's successor shall have been appointed and qualified. Any vacancy shall be filled for the unexpired term by the governor with the consent of the council.

(c) Two members of the senate, appointed by the president of the senate. The term of each member shall be coterminous with the member's term as senator. A vacancy for an unexpired term shall be filled by the president of the senate.

(d) Two members of the house of representatives, appointed by the speaker of the house. The term of each member shall be coterminous with the member's term as representative. A vacancy for an unexpired term shall be filled by the speaker of the house.

(e) The commissioner of the department of revenue administration, or the commissioner's designee.

III. Members of the equalization standards board who are not state employees or legislators shall each be paid \$25 a day for such time as the members are actually engaged in the work of the board. All members shall be paid their actual expenses incurred as a result of such work. Non-legislative members shall be paid mileage at the same rate as state employees, but legislative members shall receive mileage at the legislative rate.

IV. The first meeting of the board shall be called by the first-named senate member and shall be held within 30 days after the effective date of this section. A chairperson shall be elected from among the board's membership at the first meeting and annually thereafter.

21-J:14-d Powers and Duties of the Board. The equalization standards board shall have the following powers and duties:

I. The board shall meet, at least annually, to review the procedures of the prior year's ratio studies conducted by the department of revenue administration for the purposes of equalization and the evaluation of assessment performance and to establish procedures for improving the ratio studies for the forthcoming property tax year.

II. The board shall develop standards for equalization and shall review, revise, and approve the equalization manual published by the department of revenue administration. In developing its standards, the board shall review the standards of the International Association of Assessing Officials and any other standards that are consistent with the work of the board.

III. The board shall annually determine, vote upon, and recommend to the chairperson of the board, the ratio study procedures for use in the forthcoming tax year. The board shall hold a series of at least 3 public forums annually throughout the state to receive general comment through verbal and written testimony on the ratio study procedures. After the public forums are concluded and the board has made its recommended changes, in accordance with paragraph IV, the chairperson shall proceed to adopt any proposed rules.

IV. The board, on or before December 1 of each year, shall report its findings and recommendations for proposed legislation to the governor, president of the senate, speaker of the house of representatives, the senate clerk, the house clerk, and the state library.

V. The board shall adopt rules, on or before December 31, 2001, pursuant to RSA 541-A and with specific attention to RSA 541-A:25, relative to unfunded state mandates, relative to:

(a) Standards and procedures for the calculation of equalization ratios and confidence intervals as recommended by the board.

(b) The equalization manual.

(c) Other forms and procedures necessary to fulfill the duties of the board consistent with board recommendations and to assure a fair opportunity for public comment.

Certification of Assessors and Auditing Authority

21-J:14-e Auditing Authority. Every person, firm, or corporation making appraisals on behalf of a municipality for tax assessment purposes shall maintain records of its appraisal activities and shall make all such records available for inspection by the commissioner or authorized agents, upon request, at reasonable times during regular business hours. Any willful violation of the provisions of this section shall be subject to the penalties included in RSA 21-J:39.

21-J:14-f Certification Required.

I. Every person, whether working individually, for a firm or corporation, or as a municipal or department of revenue administration employee, making appraisals of a municipality for tax assessment purposes, except elected officials making appraisals pursuant to RSA 75:1, shall be certified by the department. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to qualifications for certification, standards for continuing education, and standards for revocation or suspension of certification. Rules adopted by the commissioner under this paragraph shall remain effective until the assessing standards board adopts rules under RSA 21-J:14-b, I(c).

II. No person, except boards of assessors and selectmen making appraisals pursuant to RSA 75:1, shall make appraisals of a municipality for tax assessment purposes without first obtaining the certification required by this section. Certification is non-assignable and cannot be transferred. Any person who willfully fails to obtain certification as provided in this section shall be subject to the penalties imposed under RSA 21-J:39.

III. All persons approved or certified by the department or by the New Hampshire Association of Assessing Officials on the effective date of this section shall be deemed certified subject to standards which may be developed for continuing education and revocation or suspension of certification until the assessing standards board adopts rules under RSA 21-J:14-b, I(c).

21-J:14-g Suspension and Revocation of Certification.

I. The commissioner, after notice and hearing, may suspend or revoke the certification of any person or may refuse to issue or renew any certification for failure to comply with the provisions of RSA 21-J:14-e and RSA 21-J:14-f or with rules adopted by the commissioner under RSA 21-J:14-e and RSA 21-J:14-f.

II. Any person aggrieved by a suspension, revocation, or refusal of the commissioner may appeal from the ruling either by application to the board of tax and land appeals or by petition to the superior court in the county in which such person resides or maintains his or her business within 30 days after receiving written notice of the commissioner's ruling. The board of tax and land appeals or the court, as the case may be, shall hear the appeal forthwith.

Cooperative Assessment Districts

21-J:14-h Purpose. The general court finds that the encouragement and support of the establishment of multi-jurisdictional assessing districts is in the state's interest in order to ensure the accuracy and fairness of valuations of real property for the purposes of administration of the statewide property tax, county property taxes, school district property taxes, municipal property taxes, the distribution of various forms of state aid, and the equalization of property values among jurisdictions. The general court further recognizes that many municipalities do not have sufficient numbers of real estate parcels, sufficient varieties of real property, or sufficient levels of new development to make it practical or economical to engage full-time, trained, and certified assessing

professionals. The general court further finds that the state has a vested interest in encouraging and supporting the establishment of cooperative assessing districts which can efficiently and economically provide full-time, trained, and certified assessing professionals to serve the municipalities which elect to create and join said districts.

21-J:14-i Cooperative Assessing Districts Authorized.

I. Any 2 or more municipalities may form a cooperative assessing district under this chapter by utilizing the process set forth in RSA 53-A, relative to agreements between government units.

II. A cooperative assessing district agreement may include a county as an administrative party to the agreement.

III. A cooperative assessing district may have municipalities from more than one county as members.

21-J:14-j Minimum Requirements for a District Inter-local Agreement.

I. The intergovernmental agreement used to form a cooperative assessing district shall substantially conform to the provisions outlined in RSA 53-A:3 and shall include the following:

(a) A district cost allocation formula based in whole or in part on the number of parcels of real property in each member municipality.

(b) A governing board on which each municipality in the district is represented by at least one member who has at least one vote.

(c) A term of initial membership of at least 5 years.

(d) A requirement of at least 12 months written notice and a vote of the municipality's legislative body before a member may withdraw from the district.

(e) Provisions for holding a withdrawing municipality responsible for payment of its proportionate share of future district expenses to which the district may be committed because of the withdrawing municipality's membership such as capital costs and retirement costs.

(f) Provisions that require a municipality which joins a district to provide its annual pro rata share of the district's budget without regard to whether or not said share is approved and supported by the governing body, the budget committee, or the legislative body of the municipality.

(g) Provisions for administratively attaching the district staff to a political subdivision for the purposes of accounting, payroll, retirement, insurance and fringe benefits, and for compensating that political subdivision for these administrative services.

(h) Provisions for compensation and oversight if private entities are hired by the district, rather than staff administratively attached to and serving as employees of a political subdivision.

(i) A formula for staffing the district with full-time, trained, and certified professional appraisers which may be based on the number of parcels and types of properties found in the district and other necessary staff.

II. All appraisers employed by a district shall meet current standards pursuant to RSA 21-J:14-f.

3 Duties of Commissioner; Hearings. Amend RSA 21-J:3, XVIII to read as follows:

XVIII. Hear appeals on disputed taxes, penalties, and interest ***and on certification suspension, revocation, or rejection under RSA 21-J:14-g.***

4 New Paragraph; Rulemaking. Amend RSA 21-J:13 by inserting after paragraph XI the following new paragraph:

XII. Certification, enforcement, and hearing requirements under RSA 21-J:14-f and 21-J:14-g.

5 New Paragraph; Penalties. Amend RSA 21-J:39 by inserting after paragraph III the following new paragraph:

IV.(a) No person, except elected officials making appraisals pursuant to RSA 75:1, shall willfully engage in making appraisals of a municipality for tax assessment purposes, unless such person is certified as provided in RSA 21-J:14-f.

(b) No person engaged in making appraisals of a municipality for tax assessment purposes shall willfully fail to maintain and provide the department access to the records required to be kept under RSA 21-J:14-e.

(c) Any person who violates subparagraph (a) or (b) shall be guilty of violation.

6 New Section; Option to Assign Appraisal Responsibility. Amend RSA 31 by inserting after section 95-f the following new section:

31:95-g Option to Assign Appraisal Responsibility. The legislative body of any municipality may vote to authorize the elected officials to delegate the assessing functions imposed on them under RSA 75:1, 75:11, and 79-A:5 to a person certified by the department of revenue administration under RSA 21-J:14-f.

7 Appraisals; Oaths of Selectmen and Assessors. Amend RSA 75:7 to read as follows:

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

8 Expert Report. The commissioner of the department of revenue administration shall make available to the assessing standards board, established under RSA 21-J:14-a, and the equalization standards board, established under RSA 21-J:14-c, the findings and reports of any expert hired by the department to analyze the state's equalization and assessing practices. Both boards shall consider the expert's findings in carrying out their statutory duties.

9 Committee Established. There is hereby established a committee to study the role of selectmen in the assessing function and to study the feasibility of establishing a professional assessors' licensing board to improve the practice of assessing in the state of New Hampshire.

10 Membership and Compensation.

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

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

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

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

11 Duties. The committee shall study:

I. The role of selectmen in the assessing process.

II. The feasibility of establishing a professional assessors licensing board. The committee shall focus on whether such a board would improve the practice of assessing the state of New Hampshire and on the related part I, article 28-a cost issues.

III. Other matters pertaining to improving the administration and equity of the state's property tax system.

12 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.

13 Report. The committee shall report its findings and any recommendations for proposed legislation to the governor, the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, and the state library on or before December 1, 2001.

14 Equalized Valuation. Amend RSA 21-J:3, XIII to read as follows:

XIII. Equalize annually by May 1 the valuation of the property as assessed in the several towns, cities, and unincorporated places in the state including the value of property exempt pursuant to RSA 72:37, 72:37-b, 72:39-a, 72:62, 72:66, and 72:70 by adding to or deducting from the aggregate valuation of the property in towns, cities, and unincorporated places such sums as will bring such valuations to the true and market value of the property, ~~[including the equalized value of property formerly taxed pursuant to the provisions of RSA 72:7; 72:15, I, V, VII, VIII, IX, X, and XI; 72:16; 72:17; 73:26; 73:27; and 73:11 through 16 inclusive, which were relieved from taxation by the~~

~~laws of 1970, 5:3; 5:8; 57:12; and 57:15, the equalized valuation of which is to be determined by the amount of revenue returned in such year in accordance with RSA 31-A,] and by making such adjustments in the value of other property from which the towns, cities, and unincorporated places receive taxes or payments in lieu of taxes as may be equitable and just, so that any public taxes that may be apportioned among them shall be equal and just. In carrying out the duty to equalize the valuation of property, the commissioner shall follow the procedures set forth in RSA 21-J:9-a.~~

15 Revenue Administration; Duties of Commissioner; Reassessment. Amend RSA 21-J:3, XXV to read as follows:

XXV. Petition the board of tax and land appeals to issue an order for reassessment of property pursuant to the board's powers under RSA 71-B:16-19 whenever the valuation of property ~~[for equalization purposes]~~ in a particular city, town, or unincorporated place is disproportional to the valuation ~~[for equalization purposes in other cities, towns, or unincorporated places in the state]~~ ***of other property within that city, town, or unincorporated place.***

16 Equalization Procedure; Options. Amend the introductory paragraph of RSA 21-J:9-a, III to read as follows:

III. If less than 2 percent of the total taxable parcels in a city, town, or unincorporated place has been transferred by an arm's length sale or transfer during the 6 months prior to and 6 months following April 1 of the tax year for which such equalization is made or the commissioner determines the sales are unrepresentative of the property within the municipality, the commissioner may choose one or more of the following options ~~[in the order listed]~~:

17 New Sections; Petition for Order of Reassessment; Procedure and Expenses. Amend RSA 21-J by inserting after section 9-a the following new sections:

21-J:9-b Petition for Order of Reassessment. The commissioner, in petitioning for an order of reassessment pursuant to RSA 21-J:3, XXV, may consider any information that indicates that property in a city, town, or unincorporated place is valued disproportionately to other property within that municipality in determining whether to petition the board of tax and land appeals to issue an order for reassessment. Additionally, the commissioner shall petition the board of tax and land appeals to issue an order for reassessment of property if the following criteria are met:

I. The commissioner's most recent annual sales-assessment ratio study indicates that the coefficient of dispersion exceeds 20 employing a 95-percent level of confidence, provided however that if the sample size for a sales-assessment ratio study is less than 30, the commissioner may use a level of confidence as low as 70 percent;

II. The municipality has not conducted a full revaluation within 6 years; and

III. A municipality has not contracted for a full revaluation of the property within such municipality to be effective no later than the tax year following such determination.

21-J:9-c Orders for Reassessment. The following provisions shall govern cases in which the board of tax and land appeals has certified an order for reassessment to the department pursuant to RSA 71-B:18:

I. The commissioner may contract for the services of certified appraisers as needed to complete such reassessments in compliance with any certified orders of the board of tax and land appeals.

II. All reasonable expenses incurred by the department in completing a reassessment shall be paid in the first instance from the appropriation for the department, but each city, town, or county in the case of an unincorporated place, shall, upon notification by the commissioner of the amount due, reimburse the department for such expenses incurred as follows:

(a) The expenses for completing a reassessment, including, but not limited to, salaries of staff of the department for such time as the staff have spent on the reassessment, with the exception of expenses incurred by the department in the supervision and monitoring of appraisals pursuant to RSA 21-J:11, shall be reimbursed; and

(b) The amount of such reimbursement to the department shall, without vote of the municipality, be assessed and collected.

18 Property Taxes; What Taxes Assessed; Expenses of Reassessment. Amend RSA 76:5 to read as follows:

76:5 What Taxes Assessed. The selectmen shall seasonably assess all state and county taxes for which they have the warrants of the commissioner of revenue administration and county treasurers respectively; all taxes duly voted in their towns; and all school and village district taxes authorized by law or by vote of any school or village district duly certified to them; and all sums required to be assessed by RSA 33 **and RSA 21-J:9-c**.

19 Effective Date.

I. Sections 9-13 of this act shall take effect upon its passage.

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

AMENDED ANALYSIS

I. Establishes an assessing standards board and an equalization standards board, both of which are administratively attached to the department of revenue administration.

II. Requires appraisers, except for boards of assessors and selectmen, to be certified by the department of revenue administration. The bill grants the department the authority to audit such appraisers.

III. Permits 2 or more municipalities to form a cooperative assessing district.

IV. Makes a change in the formula for annual equalization of valuation of property by the department of revenue administration.

V. Establishes a committee to study the role of selectmen in the assessing function and the feasibility of establishing a professional assessors' licensing board.

VI. Allows the department of revenue administration to petition the board of tax and land appeals for an order of reassessment of valuation of property within a municipality. The bill also allows the department to contract for appraisers to complete reassessments and to receive reimbursement of costs.

Rep. Patten spoke in favor and yielded to questions.

Rep. Marilyn Fraser spoke in favor.

Adopted.

Report adopted and ordered to third reading.

senate message

request concurrence with amendment

HB 310 FN-A, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2003. (Amendment printed SJ 05/31/01)

Rep. Alukonis moved that the House concur.

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, June 7, 2001 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 386, relative to the relocation of the principal residence of a child.

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

HB 631-L, relative to access to public school programs by nonpublic or home educated pupils.

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

SB 132, directing the department of health and human services to coordinate a comprehensive review of demographic trends in the New Hampshire population and the impact of such trends.

SB 167-FN-A, relative to the medicaid payment for long-term care services.

SB 62, relative to guardianships.

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

SB 100, establishing a committee to study the feasibility of creating a mental health court division.

SB 134-FN-A, establishing a committee to study allowing the use of business logo signing on the mainline of limited access and divided highways.

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

SB 165-FN, relative to the sale, registration, and use of 3-wheeled all-terrain vehicles for off-highway recreational use.

HB 523, relative to filing fees and legislative approval of certain settlements by the attorney generals.

SB 58, revising the requirements for a license as a bingo supplies or lucky 7 tickets distributor.

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

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

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

SB 144-L, increasing bail commissioners' fees.

SCR 2, calling on the President and the Congress to fully fund the federal government's share of the average per pupil expenditure in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act.

HB 712-FN, relative to the coordination of state, regional, and local planning efforts.

SB 193-FN-A-L, relative to changes in the property tax system and making an appropriation therefor.

unanimous CONSENT

Rep. Burling moved that the remarks made by Reps. Buckley, Rosen and Avery be printed in the Permanent Journal.

Rep. Buckley: Thank you, Mr. Speaker. Last week we once again heard moving stories about the men and women who so bravely served our country. Over the years, I have come to look forward to and deeply appreciate the fine tradition of this House to pause every so often from the debates of the day to honor those among us, and all those who wore our nation's uniform, those who are no longer with us and those who never returned.

I rise today to honor the memory of one particular soldier who never returned to his native Granite State. As you enter the State House through the Hall of Flags, in a place, I believe of high honor, we have a display that lists the names of those still listed as missing in action in the Korean conflict and Vietnam war. The first name listed is US Army Corporal Arthur Delbert Buckley of Cheshire

County. My dad's cousin was not yet twenty years old when he was declared missing in action on December 9, 1950, which was two days after my dad's tenth birthday. Over the years, it has been with great reverence, pride and emotion that my dad has shared with his children and grandchildren the story of his brave young cousin.

Young Arthur Buckley was eager to fight for America and it must have been frustrating for him as a young adolescent during World War II. Following the war, at age 15, he joined the US Navy but was, of course, promptly sent home when they discovered his true age. After his 17th birthday, he joined the US Army. While in Keene between his basic training and heading out for Korea, Arthur made headlines in the *Keene Sentinel* by saving the life of a man by leaping into a burning dump fire and pulling the man out while other bystanders stood frozen with utter fear.

Those two examples of his willingness to fight and his bravery give added credence to the last story my family ever heard regarding Arthur. Following the declaration of Arthur's MIA status, his father was visited by a man who served with Arthur in Korea. He was told of Arthur's last act of bravery. While wounded and unable to walk, Arthur insisted that he be allowed to stay behind – alone – to fight the advancing Communist troops allowing for the rest of the men to escape to safety. The young man told my dad's uncle that without young Arthur's brave sacrifice it was unlikely that any of them would have survived.

So I rise today, this week of Memorial Day, to mark the 50th Memorial Day that has been celebrated since US Army Corporal Arthur Delbert Buckley, that brave teenager from Keene, New Hampshire, was lost. I also rise today to honor his memory, the memory of the other 19 men still listed as missing in action from Korea and all those who have ever served our country. Thank you.

Rep. Rosen: Thank you, Mr. Speaker. This a brief reminder that we have an important anniversary coming up this weekend, next week, anniversary of the Battle of Midway. Battle of Midway is probably one of the most important battles or events in the history of the United States that changed our whole future. It compares in importance to other battles in the world, naval battles, by the way, that were important to the whole world. I was speaking to someone who remembers the Battle of Salamis sometime before the birth of Christ when the Greeks turned back the Persians and thus preserved the western way of life, the western thought as opposed to the eastern despotism. This battle was the same sort of thing. The Japanese came up with their carriers, and we had battle and fortunately, we turned them back. We hear a lot these days about the events at Pearl Harbor, truly a significant and tragic event. It was important, it brought us into the war. But remember, our carriers were not at Pearl Harbor, they did escape that carnage. They went on to fight the Japanese and eventually won. What the history of the United States would have been if we had lost Midway, I don't know. We might have won the war finally but it would have been a far different battle and much more costly. I ask you all to think of the people who fought in the Battle of Midway. I was not one of them by the way, but please think of them. Thank you.

Rep. Avery: Thank you, Mr. Speaker. I just wanted to take a couple of minutes to call to attention to the enormous support that members of this House have contributed to Memorial Day ceremonies over the past four days culminating with an outstanding event that took place last night at the Center of New Hampshire. Mr. Speaker, over 500 people attended a salute to 320 years of military history in New Hampshire. An esteemed keynote speaker, Senator Bob Dole, who has been the prime mover for the World War II memorial in Washington, DC, has lent his support and efforts here in New Hampshire to raise money for the Veterans' Cemetery in Boscawen.

Mr. Speaker, I would like to acknowledge all the members here who have served their country in uniform. Would all the members who have served in the military, please stand for a moment. On behalf of all of us, we thank you for your service.

RECESS MOTION

Rep. Scanlan moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 1:25 p.m.

RECESS