HOUSE RECORD

First Year of the 157th Session of the General Court

Calendar and Journal of the 2001 Session

Vol. 23 **Concord N.H.** **Thursday, June 7, 2001** **No. 54**

HOUSE JOURNAL No. 19 (cont.)

Thursday, May 31, 2001

RECESS

(Rep. Clegg in the Chair)

enrolled bill reports

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 107, 255, 452, 569, 574, 594, and Senate Bills 23, 49, 71 and 136.

Rep. Nowe, Sen. Pignatelli for the Committee

enrolled bill amendments

SB 45, relative to the legislative oversight committee on electric utility restructuring and relative to service from a rural electric cooperative under special contracts. (Amendment printed SJ 5/31/01)

Adopted

SB 55, creating a commission to study the need for and location of architecturally secure facilities and community shelter care facilities to service juveniles. (Amendment printed SJ)

Adopted.

SB 61, establishing a procedure for summary administration of estates. (Amendment printed SJ)

Adopted.

SB 63, relative to administration of estates and filing of wills by executors. (Amendment printed SJ)

Adopted.

SB 131-FN-A, establishing a **study committee** relative to charitable bingo operations. (Amendment printed SJ)

Adopted.

SB 150, relative to community services for persons with developmental disabilities. (Amendment printed SJ)

Adopted.

senate messages

concurrence

HB 413, relative to ownership of rail properties.

HB 520, relative to clarifying qualifications of candidates.

HB 534, relative to "salvage" motor vehicles.

HB 573, relative to the role of certain advanced registered nurse practitioners in the state mental health services system.

HB 579, relative to nominating a political organization by nomination papers.

HB 590, permitting life insurance companies access to certain motor vehicle records.

HB 635, relative to family mutual support services.

HB 677, relative to certification and filing of nomination papers.

HB 740, relative to decommissioning of nuclear electric generating facilities.

HCR 12, requesting that the federal government authorize greater state regulation of gas pipelines and pipelines carrying other hazardous substances.

nonconcurrence

HB 229, relative to third person liability under the workers' compensation law.

HB 576, establishing a committee to study laws, protocols, rules, and regulations pertaining to the various state agencies that have responsibilities relative to all aspects of the utilization of drug prescriptions in New Hampshire.

concurrence with amendment

SB 57, relative to the economic development matching grants program.

accedes to requests for committees of conference

HB 238, relative to interstate banking.

The President appointed Sens. Larsen, Johnson and Fernald.

HB 240, requiring the department of health and human services to develop a plan reducing the number of persons awaiting certain services for developmental disabilities.

The President appointed Sens. Wheeler, Prescott and McCarley.

REREFERRED TO COMMITTEE

HB 295-FN, relative to medicaid recoveries from third party settlements.

HB 393-FN, relative to plant nurseries and nursery stock.

HB 485, relative to physicians employed by hospitals.

HB 553-FN-L, requiring background checks for nursing home employees.

HB 690, relative to disclosure of nonpublic personal health information.

RECESS

(Rep. Sullivan the Chair)

enrolled bill amendments

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

Amendment (1463-EBA)

Amend the bill by replacing section 1 with the following:

1 Employment Security; Unemployment Compensation; Confidentiality of Reports or Statements. Amend RSA 282-A:118, II-III to read as follows:

II. That a claimant may inspect records and reports of an individual or employing unit which are directly connected with any claim for benefits which he may have made, including any which he has submitted in support of his claim for benefits; but he shall not be entitled to inspect the separate account or records directly connected therewith of any employing unit; [~~and~~]

III. That public employees in the performance of their public duties may inspect records and reports of an individual, an employing unit***,*** or a claimant where such information will aid in the performance of their public duties***;***

IV. That authorized federal employees granted access as provided in paragraph III shall be granted access on a case-by-case basis. In no event shall access to or copies of any database, whether written, electronic, or other, be provided to any agency, employee, or agent of the federal government except as required by federal or state law and duly authorized by the commissioner; and

V. That for the purpose of assessing governmental performance and accountability, the commissioner may provide information to the Wage Record Interchange System developed by the U.S. Department of Labor as administered by the National Association of State Workforce Agencies (NASWA) and utilized by each state's Performance Accountability and Customer Information Agency (PACIA). The use of the information shall be limited to the purposes contained in the federal Workforce Investment Act or the Wagner-Peyser Act. Information under this paragraph shall only be provided upon a finding by the commissioner that sufficient guarantees of continued confidentiality are in place.

Adopted.

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.

Amendment (1436-EBA)

Amend section 1 of the bill by replacing line 4 with the following:

and EMS responders play in the maintenance of the health and safety of the citizens of and visitors to

Amend section 1 of the bill by replacing lines 15-16 with the following:

responsibility of the divisions of fire standards and training and emergency medical services to provide these professions with their services at a regional level. It is recognized that these funds will be used for the delivery of

Amend section 4 of the bill by replacing line 14 with the following:

standards and training and emergency medical services, the development of technological

Amend section 5 of the bill by replacing lines 7-8 with the following:

(a) Fees for tuition, services, and licenses under RSA 21-P:12-a and RSA 21 P:12-b.
(b) Tuition reimbursement under RSA 21-P:12-a and RSA 21-P:12-b.

Amend section 12 of the bill by replacing line 8 with the following:

the original or youth operator's license. Under certain conditions the commissioner may waive

Adopted.

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

Amendment (1407-EBA)

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

AN ACT relative to the regulation of trapping by the fish and game department.

Adopted.

HB 532, establishing a committee to study the adequacy of funding for the continued universal distribution of children's vaccines.

Amendment (1430-EBA)

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

manufacturers, health maintenance organizations, insurance carriers, and health care providers

Adopted.

HB 595, relative to single producer licensing.

(Amendment (1451-EBA)

Amend RSA 402-J:14, II as inserted by section 1 of the bill by replacing line 5 with the following:

insurer's holding company system or group by the filing of [~~an~~] ***a*** single appointment request

Adopted.

senate message

concurrences

HB 105-FN-A, establishing an agricultural nutrient management program and making an appropriation therefor.

HB 181-FN, relative to group II retirement system membership for police and corrections officers who become police trainers.

HB 183-FN, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system.

HB 186-FN-A, establishing a pesticides training program.

HB 302-FN, relative to an optional retirement allowance for certain spouses upon a retiree's remarriage.

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

HB 311-FN-A, increasing the fees under the laws relative to sewage disposal systems to support a position at the department of environmental services to advocate for and implement long-term septage disposal solutions in partnership with New Hampshire municipalities.

HB 350-FN, relative to persons with disabilities participating in the work incentive

program.

HB 471-FN, relative to fish and game licenses issued to resident and nonresident minors and relative to complimentary fishing licenses for legally blind persons.

HB 606-FN, relative to the Christa McAuliffe planetarium.

HB 637-FN, requiring annual training for members of the workers' compensation appeals board.

HB 769-FN-L, relative to fees paid by municipalities for excavating and dredging permit applications.

RECESS

Rep. Scanlan moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 20

Thursday, June 7, 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 House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Compassionate Creator, in You we live and move and have our being. We thank You today for the life of Dorothy Osborn and for all the men and women of our beloved New Hampshire who give generously of their time, wisdom, and treasure to support us and generations to come. May the work of this honorable House reflect the true benefits of freedom and democracy which empowers us as citizens to be ambassadors of Your grace and love. Amen.

Rep. Robert Fesh led the Pledge of Allegiance.

Sara Blanchard, a student from Merrimack Valley High School, sang our National Anthem.

LEAVES OF ABSENCE

Reps. Cardin, Chris Christensen, Dudley, Ginsburg, Jane Kelley, Langone, Lent, O'Keefe, Pepino, Pitts and Irene Pratt, the day, illness.

Reps. Nelson Allan, Bergin, DePecol, Dewhirst, Fairbanks, Marilyn Fraser, Naida Kaen, Leishman, McDonough-Wallace, Pappas, Marsha Pelletier, Neil Reardon, Salts, Shultis, Taylor, Tsiros and Weatherspoon, the day, important business.

Reps. Carlson and McCarthy, the day, illness in the family.

INTRODUCTION OF GUESTS

Meredith Cooper, guest of Rep. Owen. Rosemary Fesh, wife of Rep. Fesh. Abigail, Zachary, Nathaniel, Olivia and Cheryl Taylor and Janine, Maria, Ryan, Peter and Mark Landry, guests of the Londonderry delegation. Krishna Prajapati, guest of Reps. Seldin and Gile. Dr. James Backer, guest of Rep. Balcom. Richard Guinta, father of Rep. Guinta.

special guest

Laura Gerraughty, a student from Nashua High School, three-time high school all American athlete, current top placed national high school shot putter and the Manchester Union Leader's 2001 Athlete of the Year, with her parents Donna and Jim Gerraughty, guests of the House.

amendment to house rules

The Rules Committee offered the following:

Amendment (1410h)

Amend House Rule 64 by adding the following:

Legislative action in the second-year session shall be subject to the following deadlines:

Thursday, January 24, 2002	Last day to report retained bills and supplemental House bills being referred to a second committee.
Thursday, January 31, 2002	Last day to act on retained bills and supplemental House bills being referred to a second committee.
Thursday, February 21, 2002	Last day to report all remaining retained bills and supplemental House bills.
Thursday, March 7, 2002	CROSSOVER. Last day to act on all remaining retained bills and supplemental House bills.
Friday, May 3, 2002	Last day to act on committee of conference reports.

Reps. Scanlan and Burling moved that the amendment to House Rule 64, establishing deadlines for legislative action in the second-year, be adopted.

Adopted.

senate messages

requests concurrence with amendments

HB 112, establishing a study committee on issues relating to hospital business practices and managed care organizations' networks. (Amendment printed SJ 5/31/01)

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

Adopted.

HB 525, relative to property and casualty insurance. (Amendment printed SJ 5/31/01)

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

Adopted.

HB 580, requiring health insurance carriers to provide loss information to large employers at least once every 6 months. (Amendment printed SJ 5/31/01)

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

Adopted.

HB 591, relative to certain prescription discount cards. (Amendment printed SJ 5/31/01)

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

Adopted.

HB 720, relative to permitting the use of certain firearms for hunting deer. (Amendment printed SJ 5/31/01)

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

Adopted.

HB 388, clarifying the rights of patients of nursing facilities in the event of a proposed transfer or discharge from the facility. (Amendment printed SJ 5/31/01)

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

Adopted.

HB 396, relative to the practice of physicians and surgeons. (Amendment printed SJ 5/31/01)

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

Adopted.

HB 347-FN, relative to terminal pay for certain state officials or employees. (Amendment printed SJ 6/05/01)

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

Adopted.

HB 570, relative to the unemployment compensation law and creating a dedicated fund for the job training program for economic growth and making certain changes to the program. (Amendment printed SJ 6/05/01)

Rep. Gilman moved that the House concur.

Rep Clegg and spoke in favor.

Adopted.

HB 499, making state-appointed advisory committees subject to the right-to-know law. (Amendment printed SJ 6/05/01)

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

Adopted.

HJR 5, encouraging the use of renewable energy systems in new or rehabilitated state buildings. (Amendment printed SJ 5/31/01)

Rep. Edwin Smith moved that the House concur and spoke in favor.

Adopted.

HB 459-FN, relative to inspection requirements for antique vehicles. (Amendment printed SJ 5/01/01)

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

Adopted.

HB 615, relative to the duties of motor vehicle inspectors and fees payable to the department of safety. (Amendment printed SJ 5/24/01)

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

Adopted.

HB 332-FN-L, relative to resuscitation protocols for emergency medical care providers and relative to payment of autopsy expenses. (Amendment printed SJ 5/31/01)

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

Adopted.

The Chair appointed Reps. Batula, Pilliod, French and Rogers Johnson.

nonconcurs with amendments

requests committee of conference

SB 18, relative to termination of small trusts.

The President appointed Sens. Gordon, Roberge and Pignatelli.

Rep. Mock moved that the House accede.

Adopted.

The Chair appointed Reps. Craig, Rowe, Reid and Espiefs.

committee reports

consent calendar

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

SB 99, relative to the exemption from the community benefits law for charitable trusts, removed by Rep. Kenney.

HB 678, relative to notice of release of an inmate from state prison, removed by Rep. Welch.

SB 168-FN, relative to education property tax hardship relief, removed by Rep. Alukonis.

Consent Calendar adopted.

SB 21, establishing a commission to develop recommendations for legislation to reduce regulatory barriers to the creation of affordable housing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: This bill establishes a commission to develop recommendations toward reducing regulation barriers to the creation of affordable housing. The commission as constituted by the Senate provides for 21 members, which includes selectmen, legislators, public members, as well as representatives of the housing industry. The Commerce Committee added to the commission the director of the Granite State Foundation for Independent Living or designee as well as deleted from the commission one of the Selectmen. Further we have added to the purpose clause the need to recognize individuals with disabilities and families with members with disabilities.

Amendment (1292h)

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

AN ACT establishing a commission to develop recommendations for legislation to reduce regulatory barriers to and possible incentives for the creation of affordable housing in order to encourage the development of such housing.

Amend the bill by replacing sections 1-4 with the following:

1 Declaration of Purpose. The general court has recently recognized that an acute shortage of housing affordable to a large number of working households, individuals with disabilities and families with members with disabilities in this state is approaching crisis proportions and that for households on fixed or low incomes, the shortage of affordable housing, with the resulting increase in housing costs, presents an immediate threat of homelessness. The general court has also found that this situation threatens to undermine the state's capacity for economic growth by limiting the ability of employers to attract and retain workers. The general court has further found that local land use ordinances and other government regulations may create barriers to a response by the market to the demand for affordable housing. The general court now finds that it is necessary to act to encourage the private and non-profit sectors to address the critical shortage of affordable housing by reducing unnecessary regulatory barriers and encouraging the development of such housing. The commission established by this act is intended to recommend legislation that can accomplish this important goal without compromising the legitimate environmental, health, and safety concerns of local communities.

2 Commission Established. There is established a commission to develop and recommend legislation aimed at reducing regulatory barriers to the creation of affordable housing, encouraging the development thereof, including possible incentives to build such housing, in order to maintain safe, healthy, and diverse communities for all residents of New Hampshire.

3 Membership.

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

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

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

(c) Three public members, appointed by the governor.

(d) The executive director of the New Hampshire Municipal Association, or designee.

(e) The executive director of the New Hampshire Home Builders Association, or designee.

(f) The executive director of the office of state planning, or designee.

(g) The executive director of the New Hampshire housing finance authority, or designee.

(h) The executive director of the New Hampshire Realtors Association, or designee.

(i) The chair of a town board of selectmen, appointed by the senate president.

(j) The executive director of a community-based, non-profit housing developer, appointed by the governor.

(k) The president of the New Hampshire Manufactured Housing Association, or designee.

(l) A professional planner from a regional planning commission, appointed by the speaker of the house.

(m) The president of the New Hampshire community loan fund, or designee.

(n) The president of the New Hampshire Property Owners Association, or designee.

(o) The mayor of a city or designee, appointed by the senate president.

(p) The commissioner of the department of health and human services, or designee.

(q) The director of the Granite State Foundation for Independent Living, or designee.

(r) A president of a local chamber of commerce, or designee, appointed by the governor.

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

4 Duties. The commission shall:

I. Identify unnecessary local and state regulatory policies and practices which create barriers to the production of affordable housing; and

II. Recommend state legislation and local policy changes which will encourage the creation of affordable housing, including possible incentives to build such housing, in order to maintain the health, safety, and diversity of local communities and residents of the state.

SB 41, relative to technical corrections for life, accident and health insurance. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: Sections 3, 4 and 5 of SB 41 mandates allowances of $350 per year toward the purchase of scalp hair prostheses (a wig) for alopecia medicamentosa, resulting from the treatment from any form of cancer or leukemia. It also repeals RSA 420-D:1, I relative to the advisory council on continuing care. Part 1 and Part 2 have to do with extending the period of coverage for dependent child under title XVIII of the Social Security Act. Part 2 of the bill allows certain retirees and dependents who have experienced a substantial loss within one year of the employers filing for protection under the bankruptcy provisions of the United States Code to have coverage extended for 35 months. Vote 14-0.

Amendment (1218h)

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

3 Coverage for Scalp Hair Prostheses. Amend RSA 415:18-d, I to read as follows:

I. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses and which also provides coverage for other prostheses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses for scalp hair prostheses worn for hair loss suffered as a result of alopecia areata, alopecia totalis, ***alopecia medicamentosa resulting from the treatment from any form of cancer or leukemia,*** or permanent loss of scalp hair due to injury. Such coverage, however, shall be subject to a written recommendation by the treating physician stating that the hair prosthesis is a medical necessity. Such coverage shall be subject to the same limitations and guidelines as other prostheses***, provided, that such coverage for alopecia medicamentosa shall not exceed $350 per year***.

4 Coverage for Scalp Hair Prostheses. Amend RSA 420-A:14, I to read as follows:

I. Every health service corporation and every other similar corporation licensed under the laws of another state, which provides coverage for other prostheses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses for scalp hair prostheses worn for hair loss suffered as a result of alopecia areata, alopecia totalis, ***alopecia medicamentosa resulting from the treatment from any form of cancer or leukemia,*** or permanent loss of scalp hair due to injury. Such coverage, however, shall be subject to a written recommendation by the treating physician stating that the hair prosthesis is a medical necessity. Such coverage shall be subject to the same limitations and guidelines as other prostheses***, provided, that such coverage for alopecia medicamentosa shall not exceed $350 per year***.

5 Benefits for Scalp hair Prostheses. Amend RSA 420-B:8-f, I to read as follows:

I. Benefits for scalp hair prostheses shall conform to the requirements of RSA [~~415:18-c~~] ***415:18-d***. Such benefits shall not be subject to any greater deductible than any other prostheses benefits provided by the health maintenance organization. The coinsurance required by the enrolled participant shall not exceed the amount allowed under the contract for the reasonable and customary charge for the services provided. Such coverage, however, shall be subject to a written recommendation by the treating physician stating that the hair prosthesis is a medical necessity. Such coverage shall be subject to the same limitations and guidelines as other prostheses.

6 Repeal. The following are repealed:

I. RSA 420-D:1, I, relative to the definition of advisory council.

II. RSA 420-D:19, relative to the advisory council on continuing care.

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

SB 47, relative to ownership of certified public accounting firms. **OUGHT TO PASS**

Rep. Paul D. Spiess for Commerce: This bill amends RSA 309-B: 8 pertaining to Certified Public Accounting (CPA) firms. The current law requires that not less than two-thirds of the ownership of such firms belong to individuals who are licensed CPA's. This bill drops the statutory ownership requirement from 66.66% to 51%. The stated purpose of the proposed change is to allow increased ownership by non-licensed individuals who provide skills and services to the firm and its clients in areas other than public accounting. The committee believes that flexibility and adaptability of ownership are essential elements to survival in the rapidly changing financial services industry. By

keeping the standard at 51%, effective control of the firm remains vested individually licensed CPA's, but allows firms to attract professionals with other areas of specialization into the ownership structure. Vote 12-2.

SB 51, relative to financial holding companies; cash dispensing machines; the participation in meetings by out-of-state, nondepository trust company directors; and a clarification of the status of student loans. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: This bill contains several sections all regarding the conduct of financial interest. Part l amends the incorporation provisions of our banking laws to bring them into compliance with Gramm-Leach-Bliley, the federal Financial Services Modernization Act. Part 2 also applies to Gramm-Leach-Bliley and another financial holding company. The ability to incorporate a land or trust company in its own right with incorporations. The next five sections of the bill have to do with licensing of operations of cash dispensing machines. Currently ATM's are required to register with the Banking Department with little or no regulatory oversight. The committee felt that the new regulations included in the bill were extreme and would be harmful in maintaining a competitive marketplace for ATM's. Competition is critical if we hope to increase the availability of ATM's and central ATM fees. Therefore that portion of the bill was converted to a study committee. We felt that this issue should be explored and a hearing held on its own merits. Section 7 relaxes a requirement on members serving on boards of some financial institutions (trustees of non-depository trust companies). The final section of SB 51 brings the state of New Hampshire in compliance with the federal government on student loan issues. Vote 14-0.

Amendment (1366h)

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

AN ACT relative to financial holding companies, establishing a cash dispensing machines study committee, and relative to the participation in meetings by out-of-state, nondepository trust company directors, and clarifying the status of student loans.

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

3 Committee to Study Licensing Cash Dispensing Machines.

I. There is established a committee to study licensing cash dispensing machines.

II.(a) The members of the committee shall be as follows:

(1) Two members of the house of representatives, appointed by the speaker of the house.

(2) One member of the senate, appointed by the president of the senate.

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

III. The duty of the committee shall be to study the licensing of cash dispensing machines.

IV. 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. Two members of the committee shall constitute a quorum.

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

4 Directors; Participation in Meetings. Amend RSA 384:7-b to read as follows:

384:7-b Participation in Meetings. Unless the charter or bylaws provide otherwise, a board of directors or trustees may permit any or all directors or trustees to participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all of the directors or trustees participating may simultaneously hear each other during the meeting. A director or trustee participating in a meeting by this means is deemed to be present in person at the meeting. However, a director or trustee shall be physically present at a majority of the meetings such director or trustee attends. ***If any member of the board of directors of a nondepository trust company resides outside of the state of New Hampshire, the board may permit such out-of-state director to be physically present at a lesser number of meetings, if such arrangement is approved in writing by the bank commissioner, based upon a finding that the safety and soundness of such trust company will not be impaired by such less frequent physical presence.***

5 Consumer Credit Transactions; Application of Chapter to Student Loans. Amend RSA 358-K:6 to read as follows:

358-K:**6** Application of Chapter to Types of Transactions. The provisions of this chapter shall apply to all consumer credit transactions, both secured and unsecured, including those transactions secured by a real property mortgage. ***The provisions of this chapter shall not apply to student loans, the proceeds of which are exclusively for the payment of tuition and other education-related expenses.***

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

AMENDED ANALYSIS

This bill

(1) Adds references to financial holding companies to provisions regarding incorporation of banks.

(2) Creates a committee to study licensing cash dispensing machines.

(3) Permits out-of-state directors of nondepository trust companies to be physically present at fewer directors' meetings under certain circumstances.

(4) Clarifies that student loans are not subject to regulation as consumer credit transactions under RSA 358-K.

SB 76-FN, requiring attendance in an education and training program by those who obtain a liquor license and relative to applications for one-day liquor licenses. **OUGHT TO PASS**

Rep. Stephen G. Avery for Commerce: This is a new program that would require all new retail liquor licensees to attend a training program administered by the liquor commission. This is a different program than the one now administered for bartenders and service personnel. The training program will be provided at no charge and will give the licensee an overview of laws and regulations affecting his or her license. Vote 14-0.

SB 83, relative to the New Hampshire film and television commission. **OUGHT TO PASS**

Rep. Leo W. Fraser, Jr. for Commerce: This legislation repeals the sunset date allowing the New Hampshire Television and Film Commission to continue its important work in promoting New Hampshire as an ideal destination for filming. The impact of the television and film industry particularly benefits the state's travel and tourism efforts and ultimately the state's economy. As we all know, New Hampshire offers a number of scenic and cultural amenities that attracts millions of visitors each year. These visitors bring approximately $2.8 billion annually into our state and contribute a great deal to state general fund revenues. By showcasing New Hampshire through film and television, the state will have an even greater opportunity to promote the state to potential visitors throughout the world. The economic benefit of bringing film production is important. DRED reports that in 2000 $500,000 came into the state through film projects alone, with no marketing dollars spent. Revenues for film promotion come from lodging, meals, crew hires, equipment purchases, facility rentals and car rentals. This legislation is an important step in supporting the Film Commission in their efforts to compete with other states in pursuing film and television. Vote 12-0.

SB 98, relative to notice requirements prior to the sale of manufactured housing parks. **OUGHT TO PASS**

Rep. Leo W. Fraser, Jr. for Commerce: This bill requires mobile home park owners who intend to sell their park to not only notify the tenants under current law, but also send notification to the New Hampshire Authority. This additional notice will offer to the tenants the opportunity to learn of an additional possible financial vehicle that may be available should they desire to purchase the park themselves. Vote 12-2.

SB 106, relative to consumers' cooperative associations. **OUGHT TO PASS**

Rep. Gene B. Marshall for Commerce: This bill increases the flexibility in the Consumers' Cooperative Association statute, permitting the Hanover Co-op (and other co-ops organized under RSA 301, if any) to amend their bylaws in a number of ways to improve efficiency of operations. No one appeared to oppose this bill, and the only real question was whether or not the state should remain involved in setting parameters for these by-law issues. The Hanover Co-op made it clear that they were deeply desirous of having a state-sanctioned framework within which to operate. Vote 14-0.

SB 108, relative to the definition of "funeral home." **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Commerce: The intent of the bill was to ensure that only full service funeral homes could be called funeral homes. The committee feels that the consumer is not hurt by some funeral homes outsourcing some of their services (such as embalming) and, as a matter of fact, the consumer may benefit by the savings this practice may generate. After a constructive subcommittee, the funeral directors asked that the bill be withdrawn Vote 13-0.

SB 109, implementing certain federal regulations relative to setting minimum requirements for employee benefit plan procedures pertaining to the filing of benefit claims, notification of benefit determinations, and appeal of adverse benefit determinations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Martha Fuller Clark for Commerce: This bill implements at the state level certain federal regulations pertaining to the filing of health benefit claims and establishes minimum requirements that must be met by health insurance companies with regard to employee benefits claims; and most specifically to the means and content of notification and determination of benefits on appeal. The amendment simply clarifies and corrects language within the bill. There was no opposition to this legislation. Vote 13-0.

Amendment (1309h)

Amend RSA 415-A:4-a, IV as inserted by section 3 of the bill by replacing it with the following:

IV. In any request for a benefit determination, the claimant may authorize a representative to pursue the claim or benefit determination by submitting a written statement to the licensed entity that acknowledges the representation.

Amend RSA 415-A:4-b, I(c) as inserted by section 3 of the bill by replacing it with the following:

(c) The claimant or claimant's representative shall have at least 180 days following receipt of a notification of an adverse claim determination to appeal;

Amend RSA 415-A:4-b, V(a)(3)-(5) as inserted by section 3 of the bill by replacing them with the following:

(3) A statement describing all other dispute resolution options available to the claimant, including, but not limited to other options for internal review and options for external review, and options for bringing a legal action;

(4) A statement that the claimant is entitled to receive, upon request and free of charge, reasonable access to, and copies of, all documents, records, and other information relevant to the claimant's claim for benefits;

(5) If an internal rule, guideline, protocol, or other similar criterion was relied upon in making the claim denial, either the specific rule, guideline, protocol, or other similar criterion; or a statement that such rule, guideline, protocol, or other similar criterion was relied upon in making the claim denial, and that a copy of the rule, guideline, protocol, or other similar criterion will be provided free of charge to the claimant upon request;

Amend the introductory paragraph of RSA 415-A:4-b, V(d) as inserted by section 3 of the bill by replacing it with the following:

(d) A carrier or other licensed entity that offers group health plans, employee benefit plans, or disability plans shall provide to consumers:

SB 121, relative to the advisory committee on international trade. **OUGHT TO PASS**

Rep. John B. Hunt for Commerce: SB 121 expands the membership of the advisory committee on international trade and adds new members including: a representative of the New Hampshire High Technology Council, a representative of the Software Association of New Hampshire, the director of the Manchester airport or designee, and one or more representatives of the business community Vote 13-0.

SB 139, relative to uniform electronic transactions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Martha Fuller Clark for Commerce: Advances in computer hardware, software and communications over the last several years have created an opportunity to use computers to create, generate, sign, send, receive and store essentially any type of document or information in a secure manner. The purpose of SB 139 is to create greater efficiency by regulating the use of small electronic records with regard to business and governmental transactions. By adopting this legislation New Hampshire will be consistent with recent federal legislation on electronic signature and transactions. Passage of this bill also involves repealing RSA 294-D, RSA 506:8 and RSA 506:9 that are rendered obsolete by SB 139. The committee heard no opposition to this legislation. Vote 13-0.

Amendment (1399h)

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

2 Uniform Commercial Code; Article 9; Facsimile and Electronic Signatures; Filing and Recording in Electronic Form; Reference Change. Amend RSA 382-A:9-410(1) to read as follows:

(1) Any signature on any writing or filing authorized to be filed under this Article may be a facsimile, an electronic signature under RSA [~~294-D:3~~] ***294-E:2, VIII***, or any other symbol made or adopted by a party with present intention to authenticate the writing or filing.

3 Repeal. The following are repealed:

I. RSA 294-D, relative to digital signatures.

II. RSA 506:8, relative to definitions of digital signatures.

III. RSA 506:9, relative to when digital signatures are given effect.

SB 148, relative to certain penalties for violations of the youth tobacco laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: This bill is an excellent piece of legislation directed at youth smoking. The amendment to Section 1 not only requires fines for the sale and distribution of cigarettes to minors, but also mandates that the vendor's license shall be revoked for a period of one year. This would also apply to giving free samples in Section 2. Section 3 clarifies a change made last year by stating that offenses shall be counted over a three-year period only. Section 4 applies to vending machines, and Section 5 sets up a committee to study the propriety of changing the issue of licenses by the Department of Revenue Administration to the Liquor Commission. The Liquor Commission already is the enforcement arm of government in the illegal sale of cigarettes. Since the intent of the bill was to clarify legislation that was passed last year, the amendment removes new language that the committee felt created more problems than it was intended to solve. Vote 12-0.

Amendment (1284h)

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

AN ACT relative to certain penalties for violations of the youth tobacco laws and establishing a committee to study the feasibility of transferring some of the responsibilities currently held by the commissioner of the department of revenue administration under RSA 78 to the liquor commission.

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

1 Sale and Distribution of Tobacco Products to Minors Prohibited; License Revocation. Amend RSA 126-K:4, II to read as follows:

II. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed $250 for the first offense and $500 for the second offense. For the third offense, the commission shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from $500 to $1500. In addition, the license to sell tobacco products of the manufacturer, wholesaler, sub-jobber, vending machine operator, or retailer where the offense occurred shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commission shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from $ 750 to $3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the commission shall revoke any license ***for the business or business entity or any principal thereof for a period of one year from the date of revocation. The commission shall determine the level of the violation by reviewing the licensee's record and counting violations that have occurred within 3 years of the date of the violation being considered***.

2 Distribution of Free Samples of Tobacco Products to Minors; License Revocation. Amend RSA 126-K:5, III to read as follows:

III. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed $250 for the first offense and $500 for the second offense. For the third offense, the commission shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from $500 to $1,500. In addition, the sampler's license shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commission shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from $750 to $3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the commission shall revoke any license ***for the business or business entity or any principal thereof for a period of one year from the date of revocation. The commission shall determine the level of the violation by reviewing the licensee's record and counting violations that have occurred within 3 years of the date of the violation being considered***.

3 Youth Access to Tobacco Products; Special Provisions; Penalty Provisions Amended. Amend RSA 126-K:8, IV to read as follows:

IV. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed $250 for the first offense and $500 for the second offense. For the third offense, the commission shall

issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from $500 to $1,500. In addition, the license to sell tobacco products of the manufacturer, wholesaler, sub-jobber, vending machine operator, or retailer where the offense occurred shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commission shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from $750 to $3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the commission shall revoke any license for the business or business entity or any principal thereof for a period of one year from the date of revocation. ***The commission shall determine the level of the violation by reviewing the licensee's record and counting violations that have occurred within 3 years of the date of the violation being considered.***

4 Vending Machines; License Revocation. Amend RSA 78:12-d, VII to read as follows:

VII. Violations of this section shall be civil infractions punishable by administrative action by the commissioner against the licensee. Fines for violations of paragraphs I-V shall be no more than $100 for a first offense and no more than $200 for a second offense. For the third offense, the commissioner shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from $500 to $1,500. In addition, the license to sell tobacco products shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commissioner shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from $750 to $3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the commissioner shall revoke any license ***for the business or business entity or any principal thereof for a period of one year from the date of revocation. The commission shall determine the level of the violation by reviewing the licensee's record and counting violations that have occurred within 3 years of the date of the violation being considered***.

5 Committee Established. There is established a committee to study the feasibility of transferring some of the responsibilities currently held by the commissioner of the department of revenue administration under RSA 78 to the liquor commission.

6 Membership and Compensation.

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

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

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

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

7 Duties. The committee shall review the feasibility of transferring some of the responsibilities currently held by the commissioner of the department of revenue administration under RSA 78 to the liquor commission. The responsibilities reviewed shall include, but not be limited to, licensing tobacco manufacturers, wholesalers, subjobbers, vending machine operators, retailers and samplers and enforcing RSA 78:12-d relative to vending machines.

8 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

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

10 Effective Date.

I. Sections 1-4 of this act shall take effect January 1, 2002.

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

AMENDED ANALYSIS

This bill provides that sellers of tobacco products who are found guilty of selling to minors on more than 4 occasions shall have their licenses revoked for one year. The bill also establishes a committee to study the feasibility of transferring some of the responsibilities of the commissioner of the department of revenue administration under RSA 78 to the liquor commission.

SB 152-FN, relative to the regulation of business practices between motor vehicle manufacturers, distributors, and dealers. **OUGHT TO PASS**

Rep. John B. Hunt for Commerce: The bill makes technical corrections to the motor vehicle manufacturers, distributors and dealers law (RSA 357-C). These changes have been agreed to by all the parties, including the fees to fund the "Lemon Law" Board. Vote 11-0.

SB 178, establishing a committee to study the uniform computer information transactions act. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Commerce: Since the Senate was unable to pass the original bill, they instead created a study committee. The purpose of the legislation was to create a model uniform law, but the original bill as written was far from a model act, and in fact, is a work in progress. The committee felt it was premature to create a study committee when there's nothing to study yet with much of the rest of the nation still in limbo in the area of computer information transactions Vote 13-0.

SB 181, relative to the manufacture, sale, or installation of certain smoke detectors. **INEXPEDIENT TO LEGISLATE**

Rep. Ronald J. Belanger for Commerce: The committees felt that passage of this legislation would, in effect, ban smoke detectors and require the use of a particular detector with a 10- year lithium battery. This bill would create higher costs to consumers and may give consumers false confidence due to the fact Underwriter's Laboratory has not approved a 10-year battery for smoke detectors. Vote 11-1.

SB 176-FN-A, establishing an equipment depository and disabled person's employment fund in the department of administrative services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Raymond C. Cummings for Executive Departments and Administration: This bill sets up a restricted revenue account to which donations of money and equipment may be given to the division of personnel to purchase reasonably priced equipment which will help prospective employees to perform their jobs more efficiently and effectively. Passage may help avoid possible ADA complaints and could save the state considerable money in legal expenses. There is no state money required to set up the equipment depository. The amendment removes the cumbersome process of requiring all purchases to be approved by governor and council. Vote 16-0.

Amendment (1330h)

Amend RSA 21-I:44-e as inserted by section 1 of the bill by replacing it with the following:

21-I:44-e Equipment Depository. There is hereby established an equipment depository within the division of personnel. Moneys contained in the disabled persons' employment fund, established by RSA 21-I:44-f, shall be used to purchase adaptive equipment and accommodations to enable disabled persons to become gainfully employed by the state. The division shall determine the equipment or services, or both to be purchased. The purchases shall be limited to equipment and services which provide reasonable, and not extraordinary, accommodations to the needs of employees with disabilities, such as telephone adapters, adjustable desks, and other like equipment, or such other accommodations which permit employees with disabilities to perform their job tasks efficiently and effectively. The division shall have authority to reissue equipment returned to the depository and to dispose of any equipment that is no longer useful and to deposit any sale proceeds in the fund established by RSA 21-I:44-f.

AMENDED ANALYSIS

This bill establishes an equipment depository and disabled person's employment fund in the department of administrative services, for purposes of purchasing adaptive equipment or services, or both, for disabled persons. Both the equipment depository and the fund are repealed on June 30, 2006.

The bill is a request of the developmental disabilities council, health and human services.

SB 192-FN, relative to the issuance of high/medium voltage licenses by the electricians' board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Judson K. Dexter for Executive Departments and Administration: This bill creates a specific license for persons who deal with power systems operating at or over 600 volts. This is a specialized segment within the electrical industry in which existing rules as to who can do this work are vague. The committee unanimously agreed with the senate that this type of license is needed because of the obvious safety concerns for the people of the State of New Hampshire. The amendment makes a small clarification in a definition in RSA 319-C:2, III-b. Vote 16-0.

Amendment (1331h)

Amend RSA 319-C:2, III-b as inserted by section 2 of the bill by replacing it with the following:

III-b. "High/medium voltage electrician" means a person who, as a business, hires or employs another, as defined in administrative rules, to make electrical installations on high/medium voltage power distribution systems operating at over 600 volts, or without hiring another, makes electrical installations on high/medium voltage

power distribution systems operating at over 600 volts, including associated controls and metering, as a principal or auxiliary business for their own account.

SB 48, relative to the rental of shared living facilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Phyllis L. Woods for Judiciary: This bill provides special remedies to owners of property who rent a bedroom with other shared facilities to a tenant in their home while they are still living in the home. The committee felt that people in this unique position are more vulnerable and require protection from the possibility of abusive "houseguests" and they should be able to evict them from their home with more dispatch. Vote 15-0.

Amendment (1384h)

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

3 New Chapter; Rental of Shared Facilities. Amend RSA by inserting after chapter 540-A the following new chapter:

CHAPTER 540-B

RENTAL OF SHARED FACILITIES

540-B:1 Definition; Shared Facility.

I. A "shared facility" means real property rented for residential purposes which has separate sleeping areas for each occupant and in which each occupant has access to and shares with the owner of the facility one or more significant portions of the facility in common, such as kitchen, dining area, bathroom, or bathing area, for which the occupant has no rented right of sole personal use.

II. A shared facility shall not include:

(a) Facilities rented to transient guests intended for use of less than 90 days.

(b) Rooms in hotels, motels, inns, tourist homes, and other dwellings rented for recreational or vacationing use.

(c) Rooms provided ancillary to other primary purposes such as jails, student dormitories, nursing homes, hospitals, group homes, and emergency shelters.

540-B:2 Nature of Tenancy. Every tenancy shall be deemed to be at will, and the rent payable as agreed, unless a written contract defines the terms of the tenancy differently. Except as otherwise provided, a verbal rental agreement shall be permitted.

540-B:3 Termination of Tenancy; Notice of Termination.

I. The owner or agent of the owner of a shared facility may terminate any tenancy without stating any reason. A written 30-day notice of termination shall be required.

II. The owner or agent of the owner of a shared facility may terminate any tenancy for non-payment of rent. A written 7-day notice of termination shall be required.

III. The owner or agent of the owner of a shared facility may terminate any tenancy for damage to the premise, or behavior of the occupant or guest of any family member of the occupant which adversely affects the health or safety of the other occupants or the owner or the agent of the owner, or material breech of any rental agreement. A written 72-hour notice of termination shall be required.

540-B:4 Termination by Occupant. An occupant may terminate any at will tenancy by a written 30-day notice or in accordance with any notice requirement of a written rental agreement.

540-B:5 Service of Notice.

I. The owner or agent of the owner of a shared facility shall give the notice of termination personally to the occupant or attach the notice to the primary entrance to the occupant's separated area.

II. The occupant shall give the notice of termination by the same method used to pay rent or in accordance with any written rental agreement.

540-B:6 Possessory Rights. The occupant shall have no possessory rights to any portion of a shared facility. The owner or agent of the owner may request law enforcement intervention for any behavior if such action is deemed necessary. The law enforcement officer shall not be precluded from any normal response based on the fact of the rental agreement.

540-B:7 Remedies. Violations of this chapter shall be subject to the remedies set forth in RSA 540-A:4.

540-B:8 Possession. The owner or agent of the owner of a shared facility may take possession of the separated areas used by the occupant at the end of the notice period. The owner or agent of the owner may request law enforcement intervention as necessary.

540-B:9 Personal Property. The owner or agent of the owner of a shared facility shall retain and exercise reasonable care in the storage of the personal property of the occupant who has vacated the premises for a period of 3 days after the date on which such occupant has vacated. After the 3-day period, the owner or agent of the owner of a shared facility may dispose of such property without notice to the occupant.

540-B:10 Security Deposit. The owner or agent of the owner of a shared facility may require a security deposit in an amount to be determined by the owner or agent of the owner. If the deposit amount is more than the equivalent of 30 days rent, there shall be a written instrument acknowledging receipt and explaining where the deposit shall be maintained and when it shall be returned. If there is no written agreement, the deposit shall be returned within 20 days after the occupant has vacated.

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

AMENDED ANALYSIS

This bill excludes shared facilities from RSA 540, relative to actions against tenants. It defines a shared facility as residential property in which the occupants have separate sleeping areas, but share with the owner one or more significant portions of the living space. The bill provides the rights and remedies available to owners and occupants of shared facilities.

SB 75, relative to physicians who make a report when a person is unfit to drive a motor vehicle. **INEXPEDIENT TO LEGISLATE**

Rep. Tony F. Soltani for Judiciary: The mechanisms presently in place readily provide for reports of unfitness of a driver to be made to the Director of the Division of Motor Vehicles by family members and friends. According to the Director, these reports are investigated. Additionally, professionals such as physicians may file a report with the proper authorities if they perceive imminent harm to life and safety. The committee is of the opinion that the institution of the patient-physician privilege is a sacred one which is necessary to ensure that the people of the state receive proper medical attention and treatment. Vote 13-0.

SB 46, relative to payments of scheduled awards under the workers' compensation law. **OUGHT TO PASS**

Rep. Raymond E. Trueman for Labor, Industrial and Rehabilitative Services: This bill provides for lump sum awards thus avoiding continuing administration cost in the disbursement of relatively small settlements. Generally, these awards are under $30,000. Vote 12-0.

SB 53, relative to attorneys' fees in certain circumstances under the workers' compensation law. **OUGHT TO PASS WITH AMENDMENT**

Rep. Randolph Holden for Labor, Industrial and Rehabilitative Services: The majority of the committee felt that this bill addresses the problem of workers' compensation carriers challenging payment after lump sum settlements have been reached. Vote 11-0.

Amendment (1373h)

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

HB 517-L, relative to supply of water by village districts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kimberly O.M. Dionne for Municipal and County Government: This bill requires that the Public Utilities Commission hold public hearings concerning expansions of water district franchise areas and that if any changes of boundaries are indicated, those boundaries need to be ratified in the same manner as the initial establishment of the water district. This bill does not require a property owner to connect to the municipal water district if the owners water supply is in compliance with the protective well regulations in RSA 485:29 and RSA 485:30-b. Vote 11-1.

Amendment (1177h)

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

1 New Section; Village District Water Systems. Amend RSA 38 by inserting after section 25 the following new section:

38:25-a Village District Hearings. Prior to authorizing the expansion of a franchise area of a water company owned or operated by a water village district, the public utilities commission shall, after notice, hold a public hearing in each town or city in which the village district is located, at which it shall hear testimony and receive evidence from any interested party.

2 Changing Boundaries. Amend RSA 52.:5 to read as follows:

52:**5** Changing Boundaries.

I. The selectmen of towns in which any such district has been established upon petition, after notice to parties interested and a hearing, may change the boundaries thereof; and the district shall cause the petition and the return of the selectmen's proceedings and decision thereon to be recorded in the records of the district, and of the towns in which it is situated, within 60 days after the decision.

II. In the case of any district formed for the purpose of impoundment of water, any such change of boundaries shall be ratified before taking effect by the voters residing in the district and in any area proposed to be added to the district in the same manner as is required for the initial establishment of the district.

III. In the case of any district formed for the purpose of the supply of water for domestic and fire purposes, which may include the protection of sources of supply, any such change of boundaries shall be ratified before taking effect by the voters residing in the district and in any area proposed to be added to the district in the same manner as is required for the initial establishment of the district.

3 New Paragraph; Water Companies, When Public Utilities. Amend RSA 362:4 by inserting after paragraph IV the following new paragraph:

V. ***No property owner shall be required to connect to a municipal corporation furnishing water, provided such property owner can demonstrate the ability to comply with the requirements of RSA 485-A:29 and RSA 485-A:30-b.***

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

AMENDED ANALYSIS

This bill provides that the public utilities commission shall hold public hearings. concerning expansions of water district franchise areas, and that any change of boundaries be ratified in the same manner as the initial establishment of the district. This bill also allows a property owner to connect to municipal water supplies at his or her discretion.

HB 522-L, establishing discretionary preservation easements for preserving historic agricultural structures. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nancy K. Johnson for Municipal and County Government: This bill allows a property owner to apply for a discretionary preservation easement of an historic agricultural structure such as a barn, which provides a demonstrated public benefit. A public hearing is required to be held by the governing body prior to the acceptance of the discretionary easement. The governing body may determine the reduced assessment to be between 25% to 75% of the full market value. The easement may be for a period of ten years and may be renewable upon application. Vote 11-0.

Amendment (1267h)

Amend RSA 79-D:2, I as inserted by section 1 of the bill by replacing it with the following:

I. "Discretionary preservation easement" means a preservation easement of an historic agricultural structure, including the land necessary for the function of the building, granted to a city or town for a term of 10 or more years.

Amend RSA 79-D:4, II as inserted by section 1 of the bill by replacing it with the following:

II. No owner of an historic agricultural structure shall be entitled to have a particular structure classified for any tax year under the provisions of this chapter unless the owner has applied to the governing body on or before April 15 of the tax year on a form provided by the commissioner of the department of revenue administration. Such application shall include a map showing the location of the structure to be subject to the discretionary preservation easement, a description of how the property meets the tests of public benefit in RSA 79-D:3.

Amend RSA 79-D:5, I as inserted by section 1 of the bill by replacing it with the following:

I. If, after a duly noticed public hearing, the governing body finds that the proposed preservation of such historic agricultural structure is consistent with the purposes of this chapter, it may take steps to acquire discretionary preservation easement as provided in this chapter. In exercising its discretion, the local governing body may weigh the public benefit to be obtained versus the tax revenue to be lost if such an easement is granted. The governing body shall have no more than 60 days to act upon the application.

Amend RSA 79-D:7, II as inserted by section 1 of the bill by replacing it with the following:

II. The local governing body shall have the discretion to set the value of the discretionary preservation easement at a level within this range which it believes reflects the public benefit conferred by the property under the criteria set forth in RSA 79-D:3, II. The assessment shall not be increased because the owner undertakes maintenance and repairs designed to preserve the structure.

Amend the bill by replacing section 2 with the following:

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

SB 149-FN, permitting persons involved in motor vehicle accidents and certain medical researchers access to motor vehicle records. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sherman A. Packard for Transportation: This bill will enable medical researchers at Dartmouth Medical School to continue ongoing medical research projects, including contact with individuals. The committee amendment provides that the New Hampshire Commissioner of Safety will set the terms and conditions for access to records and may charge reasonable fees for such access. This bill expands the definition of "person" with respect to motor vehicle records by including the personal representative of any person killed or injured in a motor vehicle accident. Vote 14-0.

Amendment (1394h)

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

AN ACT changing the definition of "person" with respect to motor vehicle records and certification and permitting certain medical researchers access to motor vehicle records

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

1 Administration of Motor Vehicle Laws; Records and Certification, Definition of Person. Amend RSA 260:14, I(b) to read as follows:

(b) "Person" means an individual, organization or entity, but shall not include this state or an agency thereof. ***"Person" shall include the personal representative of any person injured or killed in the motor vehicle accident, including the person's conservator, executor, administrator, or next of kin as defined in RSA 259:66-a.***

2 Access to Motor Vehicle Records by Certain Medical Researchers. Notwithstanding any other provision of law, medical researchers who initiated a specific medical research project prior to August 20, 2000 and who require access to motor vehicle records under RSA 260:14 in order to complete the project, shall be entitled to the records under terms and conditions set by the commissioner of safety, which are consistent with RSA 260:14. The commissioner may also charge reasonable fees for such access, pursuant to RSA 260:14, XIII.

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

AMENDED ANALYSIS

This bill expands the definition of "person" with respect to motor vehicle records by including the personal representative of any person killed or injured in a motor vehicle accident.

The bill also permits access to motor vehicle records for medical research projects initiated prior to August 20, 2000.

regular calendar

SB 118, relative to individual health insurance coverage. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: Possibly the most important bill relative to individual health insurance is SB 118. The amendments to this very important legislation, in the view of the Commerce Committee, makes a good bill better. For the very first time if SB 118 is adopted with amendments the General Court has made a serious effort to address the problems inherent with individuals ability to obtain health insurance. First of all the committee proposes amending the law so that insurance carriers can modify premiums for age, health status and tobacco. The maximum differential is 4-1 and shall not apply to individuals until they obtain the age of 19. The bill allows for a tobacco user to be rated up. The most dynamic change in the law is the creation of a high-risk pool. The premium must be affordable and coverage must be fairly comprehensive. The pool shall be funded through an assessment and if necessary a special assessment as well. Part 6 and the ensuing sections through Section 10 refer to the establishment of the pool, membership governance, administration and plan of operation. Section 11 requires an examination of the pool by the Insurance Commissioner on an annual basis. Such examinations shall cover the activities of the pool as well as the former risk sharing mechanism, premium development, enrollment, and expenses and paid and incurred losses. Section 15 establishes a study by the Commissioner to evaluate the effectiveness of the program as outlined. The study shall be completed within six months of when hard data becomes available. Section 16 is the original HB 697, the healthy kids bills that passed on a voice vote in the House and has now been tabled in the Senate. Last but not least is the purpose

clause for the healthy kids program - "The purpose of the cooperation is to provide access to affordable health care and health coverage and to facilitate programs, preventive health care services for low income, and venerable populations with a focus on the needs of children. Vote 13-0.

Rep. Hunt inquired if the amendment was divisible regarding Sections 16 and 17.

The Speaker ruled that the amendment was divisible and that Sections 16 and 17 constituted a non-germane amendment requiring a two-thirds vote of the House for adoption.

The question being the adoption of Sections 16 and 17 of the amendment.

Rep. Hunt spoke in favor and yielded to questions.

Rep. Rogers Johnson spoke against.

Rep. Leo Fraser spoke in favor.

On a division vote, 244 members having voted in the affirmative and 99 in the negative, Sections 16 and 17 of the amendment were adopted by the necessary two-thirds.

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

Adopted.

Report adopted and ordered to third reading.

SB 119, relative to small group health insurance coverage. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: What is being presented to the House today is the result of a very long deliberative process by the House Commerce Committee. The committee adopted unanimously an amendment to the bill after seven hours of public hearings and several subcommittee meetings. Under the current RSA's we have community rating for small groups, i.e. groups of 100 or less. As a part of that entire group there is age banding (0-18, 19-24, etc and so forth up the ladder to age 65 and over). The committee determined it to be appropriate to eliminate from banding requirements the youngest group (0-18) as it was felt that this group in all likelihood could obtain insurance at a cost less than what would be required under the banding requirements. The amendment also establishes two open enrollment periods for small employers who are self-employed individuals. Currently such individuals can enroll at any time during the year. The rest of the bill, as adopted by the Senate, raised grave concerns about the effect of the provisions adopted by the Senate. First and foremost was the recommendation by the Senate to reduce the definition of small group size from 100 down to 50. Everyone on the committee was deeply concerned about exposing employers of groups between ages 51 and 100 to what in all likelihood would be strict underwriting requirements. Obviously the young and healthy groups would probably experience a great reduction, however the older groups could possibly be the victims of premium rate shock. Beyond that of course those groups between 51 and 100 could also be subject to being written out of the business if their experience was particularly bad as insurance carriers frequently engage in what is known as cherry-picking. Cherry picking is the practice of underwriting risks with good claims experience and then rating groups with poor experience at such high levels that they can't afford to purchase insurance. The committee is well aware of the fact that there are major financial problems both in the group market as well as the individual market. In substance the committee believes that if the foregoing

coupled with other recommendations contained in SB 119 were adopted by the House it would literally wreak havoc on many business owners who employ between 51 and 100 people as well as increase the amount of subscribers in the small group member who would probably also experience rate increases as the small group market would literally be cut in half. Vote 13-0.

Amendment (1381h)

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

1 New Subparagraph; Premium Rates for Small Employers. Amend RSA 420-G:4,I(a) by inserting after subparagraph (2) the following new subparagraph:

(3) Health carriers providing coverage to small employers under this chapter may modify such average premium as established pursuant to subparagraph I(a)(1) only in accordance with the following limitations:

(A) The maximum premium differential for age as determined by ratio shall be 3 to 1 beginning with age 19.

(B) Health carriers modifying such average premium for age may do so only by using the following age brackets:

0 - 18

19 - 24

25 - 29

30 - 34

35 - 39

40 - 44

45 - 49

50 - 54

55 - 59

60 - 64

65 +

(C) Carriers may use group size as a rating factor; however, the highest factor based on group size shall not exceed the lowest factor based on group size by more than 20 percent.

2 Premium Rates. Amend RSA 420-G:4, I(d) to read as follows:

(d) [~~The only other modification to be allowed in community rating will be that component of the administrative fees which reflects the cost of doing business with different group sizes.~~] ***The commissioner shall not approve any filing if such filing is excessive, inadequate or contrary to the intent of this chapter.***

3 New Paragraph; Limited Open Enrollment; Certain Small Employers. Amend RSA 420-G:8 by inserting after paragraph I the following new paragraph:

I-a. Small employers who are self-employed individuals shall have 2 open enrollment periods that shall occur during the months of June and December of each calendar year. During these periods, health carriers shall make their plans available to these employers for effective dates beginning on the first day of the month following the open enrollment period. Self-employed individuals who seek coverage during other times of the year shall be treated as late enrollees.

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

AMENDED ANALYSIS

This bill revises certain laws relative to small group health insurance.

Adopted.

Report adopted and ordered to third reading.

HB 478, relative to campaign finance reporting requirements, availability of voter checklists on computer disks, and permissible campaign contributions by business organizations.

motion to special order

Rep. Scanlan moved that ***HB 478,*** relative to campaign finance reporting requirements, availability of voter checklists on computer disks, and permissible campaign contributions by business organizations, be Special Ordered to the end of bills listed in today's calendar under the Election Law Committee.

Adopted.

regular calendar- (cont'd)

HB 722, relative to town elections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter E. Bragdon for Election Law: This bill would require a minimum number of write-in votes be received in order for a person to be elected in local races where there are no candidates on the ballot. The intent is to eliminate situations where people's names are written in as a joke by friends and family and end up winning a race with only 2 or 3 votes. Vote 9-8.

Amendment (1328h)

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

AN ACT relative to town, village district, and school district elections.

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

1 New Section; Town Elections; Number of Write-In Votes Required. Amend RSA 669 by inserting after section 14 the following new section:

669:14-a Number of Write-In Votes Required.

I. In towns which have adopted an official ballot system, a person whose name was not printed on the ballot as a candidate for a specific office shall not be elected to that office unless the person received 10 write-in votes or write-in votes equaling 10 percent or more of the total votes cast for that office, whichever is the smaller, but in no event less than 5 write-in votes.

II. If no person is elected to an office as a result of the restrictions in paragraph I, the office shall be filled in the same manner as vacancies occurring during the term of that office.

2 New Section; Village District Elections; Number of Write-In Votes Required. Amend RSA 670 by inserting after section 12 the following new section:

670:8-a Number of Write-In Votes Required.

I. In village districts which have adopted an official ballot system, a person whose name was not printed on the ballot as a candidate for a specific office shall not be elected to that office unless the person received 10 write-in votes or write-in votes equaling 10 percent or more of the total votes cast for that office, whichever is the smaller, but in no event less than 5 write-in votes.

II. If no person is elected to an office as a result of the restrictions in paragraph I, the office shall be filled in the same manner as vacancies occurring during the term of that office.

3 New Section; School District Elections; Number of Write-In Votes Required. Amend RSA 671 by inserting after section 26-a the following new section:

671:26-b Number of Write-In Votes Required.

I. A person whose name was not printed on the ballot as a candidate for a specific office shall not be elected to that office unless the person received 10 write-in votes or write-in votes equaling 10 percent or more of the total votes cast for that office, whichever is the smaller, but in no event less than 5 write-in votes.

II. If no person is elected to an office as a result of the restrictions in paragraph I, the office shall be filled in the same manner as vacancies occurring during the term of that office.

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

AMENDED ANALYSIS

This bill provides that a person whose name was not printed on the ballot for a town, village district, or school district election shall not be entitled to any elective office unless the person received 10 write-in votes or write-in votes equaling 10 percent or more of the total votes cast for

that office, whichever is the smaller, but in no event less than 5 write-in votes. If a person is disqualified from a nomination for failure to receive the required minimum votes, the nomination shall be awarded to a qualified person chosen by the selectmen or other appropriate town officials, in the same manner as vacancies occurring during a term of town office are filled.

Adopted.

Report adopted and ordered to third reading.

SB 19, establishing a committee to study prevention of voter fraud. **OUGHT TO PASS**

Rep. Peter E. Bragdon for Election Law: This bill establishes a committee to study the prevention of voter fraud. The committee feels that voter confidence in the integrity of the election process is of great importance and a committee of this type would be beneficial. Vote 16-1.

Adopted and ordered to third reading.

SB 95, relative to campaign contribution limits. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael S. Rollo for Election Law: This bill was amended to reflect the four years of bi-partisan work of the House Election Law Committee. The amendment does the following: 1) The bill removed the ability of the secretary of state's office or the attorney general's office through the publishing of a political calendar to supercede state statute. 2) It maintains the historical voluntary spending cap, while increasing the limits to reflect inflation and realistic campaign costs. 3) We leveled the playing field in accordance with the recent Supreme Court decisions between corporate and union donations. 4) Requires full disclosure of all contributions, and expenditures and requires additional filing dates of expenditures and receipts of candidates and campaigns prior to the primary and general elections. To allow voters full knowledge of where each candidate receives his/her money prior to casting his/her vote. Vote 13-4.

Amendment (1341h)

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

AN ACT relative to campaign finance reporting requirements, political expenditure limitation amounts, and permissible campaign contributions by business organizations.

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

1 Political Calendar. Amend RSA 652:21 to read as follows:

652:21 Authority; Format. Prior to the state primary election, the secretary of state with the advice and approval of the attorney general shall prepare a political calendar for state and town elections setting forth the dates when action required under the election laws must be taken. [~~Any action taken by any candidate or official in connection with the election laws which shall be taken in accordance with the dates set forth in said calendar shall be deemed to be duly performed for the purposes of the election laws.~~] The expense of printing said political calendar shall be a charge upon the appropriation for the office of the secretary of state.

2 Political Expenditures and Contributions; Definitions; Independent Expenditures. Amend RSA 664:2, XI to read as follows:

XI. "Independent expenditures" means expenditures by a person, political committee, or other entity [~~expressly~~] advocating the election or defeat of a clearly identified candidate which are ***not*** made [~~without~~] ***in*** cooperation or consultation ***or conjunction or coordination*** with any candidate, or any authorized committee or agent of such candidate, and which are not made in [~~concert~~] ***coordination*** with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate. As used in this paragraph, "clearly identified" means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

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

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

XIX. "Coordinated expenditure" means an expenditure by a political party, a political committee of a political party, or other entity, on behalf of a candidate or candidate's committee in a state primary or general election with the consent of the candidate. Any expenditure that is not an independent expenditure or direct expenditure shall be considered to be a coordinated expenditure.

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

I. By any business organization, or by any officer, director, executive, agent, partner, or employee acting in behalf of such business organization. This shall not prohibit the establishment by a business organization of a political committee that operates independently of the business organization, provided that the committee's expenditures and contributions are made through a separate, segregated account consisting only of voluntary contributions solicited from individuals who are employees, officers, shareholders, directors, partners, or members of the business organization. The provisions of this section shall not apply to sole proprietorships.

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

III. By any labor union or group of labor unions, or by any officer, director, executive, agent or employee acting in behalf of such union or group of unions; or by any organization representing or affiliated with any such union or group of unions, or by any officer, director, executive, agent or employee acting in behalf of such organization. ***This shall not prohibit the establishment by a labor union or group of labor unions of a political committee that operates independently of the labor union or group of labor unions, provided that the committee's expenditures and contributions are made through a separate, segregated account consisting only of voluntary contributions solicited from individuals who are employees, officers, shareholders, directors, partners, or members of the labor union or group of labor unions.***

6 Prohibited Political Contributions; General Limitations. Amend RSA 664:4, V to read as follows:

V. By any person (1) if in excess of $5,000 in value, except for contributions made by a candidate in behalf of his ***or her*** own candidacy, or if in excess of [~~$1,000~~] ***$1,500*** in value by any

person or by any political committee to a candidate or a political committee working on behalf of a candidate who does not voluntarily agree to limit his campaign expenditures and those expenditures made on his behalf as provided in RSA 664:5-a, (2) if made anonymously or under a name not that of the donor, (3) if made in the guise of a loan, (4) if any other manner concealed, (5) if made without the knowledge and written consent of the candidate or [~~his~~] ***the candidate's*** fiscal agent, a political committee or its treasurer, or not to any one of the same.

7 Political Expenditure Limitation Amounts; Amounts Increased. Amend RSA 664:5-b to read as follows:

664:5-b Political Expenditure Limitation Amounts. Total expenditures by a candidate who voluntarily agrees to limit campaign expenditures as provided in RSA 664:5-a shall be as follows:

I. For governor:

(a) [~~$625,000~~] ***$750,000*** in a state primary election.

(b) [~~$625,000~~] ***$750,000*** in a state general election.

I-a. For United States senator:

(a) [~~$625,000~~] ***$750,000*** in a state primary election.

(b) [~~$625,000~~] ***$750,000*** in a state general election.

II. For representative to Congress:

(a) [~~$350,000~~] ***$500,000*** in a state primary election.

(b) [~~$350,000~~] ***$500,000*** in a state general election.

III. For executive council:

(a) [~~$50,000~~] ***$60,000*** in a state primary election.

(b) [~~$50,000~~] ***$60,000*** in a state general election.

IV. For state senate:

(a) [~~$20,000~~] ***$40,000*** in a state primary election.

(b) [~~$20,000~~] ***$40,000*** in a state general election.

V. For representative to the general court and all county offices, based upon the latest figures filed with the secretary of state:

(a) [~~$.50~~] ***$1*** per registered voter in the district or the county in a state primary election.

(b) [~~$.50~~] ***$1*** per registered voter in the district or the county in a state general election.

VI. For the purposes of this section, RSA 664:5-a, and the enforcement provisions of this chapter, "total expenditures" shall mean the sum of all expenditures made to influence either a state primary or a state general election made by a candidate and those made on the candidate's behalf by the candidate's committee or committees, the candidate's party, and the candidate's immediate family. For candidates for governor, United States senator, representative to Congress, state senate, state representative, and executive council, "total expenditures" shall include any such expenditures made after January 1 of the election year, regardless of when the person actually declares his or her candidacy. Each campaign expenditure limitation amount shall apply solely and independently to either the state primary election or the state general election.

8 Elections; Political Expenditures and Contributions; Reports; Reporting by Political Committee; Reporting by Candidates. RSA 664:6 and 664:7 are repealed and reenacted to read as follows:

664:6 Reporting by Political Committee.

I. Any political committee whose receipts of contributions or whose expenditures, including, without limitation, coordinated and independent expenditures on behalf of candidates and general operating expenditures of the committee, in support of or in opposition to a candidate, measure, or political party, exceed in the aggregate $500, shall file with the secretary of state an itemized statement, in accordance with the provisions of RSA 664:7-b. The statement shall be signed by the chairperson and treasurer of the political committee and shall list each contribution, in alphabetical order by the last name of the contributor, with the amount of the contribution, the date it was received, all of the information as is set forth in RSA 664:7-b, and the aggregate total for each election for each contributor. The statement shall be filed not later than the Wednesday 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period from the day of the committee registration up to and including the Monday before the statement is due. The statement shall contain the date of each expenditure, the name and address of the person or entity to whom each expenditure was made, the name of the candidate in whose behalf or against whom each expenditure was made, the amount of each expenditure, the purpose of each expenditure, and the aggregate amount of all previous expenditures.

II. An itemized statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday 3 weeks immediately preceding a primary election, before 5 o'clock in the afternoon. The statement shall summarize the statement filed pursuant to paragraph I, if any, and shall itemize all receipts of contributions and expenditures made since the cutoff of the statement filed pursuant to paragraph I up until the Monday preceding the filing of the statement under this paragraph.

III. A statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday immediately preceding a primary election, before 5 o'clock in the afternoon. The statement shall summarize the statements filed pursuant to paragraphs I and II, if any, and itemize all receipts of contributions and expenditures made since the cutoff of the statement filed pursuant to paragraph II up until the Monday preceding the filing of the statement under this paragraph. In addition to the reporting requirements contained in this section, the fiscal agent shall notify the secretary of state within 24 hours of any contributions or expenditures exceeding $500 in the aggregate that are received after the statement under this paragraph is filed and prior to the day of primary election. No more than one report to the secretary of state shall be required within a 24-hour period.

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

V. Any political committee whose receipt of contributions or expenditures in the aggregate do not exceed $500 for a reporting period need not file. However, when a committee's accumulated receipts of contributions or expenditures for an election in the aggregate exceed $500, the committee shall file a statement at the next reporting deadline.

VI. Any political committee that has any outstanding debt, obligation, or surplus following the election shall file reports at least once every 6 months thereafter in the same form as in paragraph I until the obligation or indebtedness is entirely satisfied or surplus deleted, at which time a final report shall be filed.

VII. In addition to the itemized statements required by paragraphs I-VI of this section, any political committee whose independent expenditures, in aggregate, exceed $500 shall file an itemized statement with the secretary of state not later than 24 hours after such expenditures are made, and thereafter each time a further $500 is expended. Such itemized statements shall cover the period during which independent expenditures totaling $500 were made. Each statement shall include a certification by the political committee that the independent expenditure meets the definition in RSA 664:2, XI. Each statement shall contain the date of each independent expenditure; the name and address of the person to whom the expenditure was made; the name of the candidate on whose behalf or against whom each expenditure was made; the amount of each expenditure; the purpose of each expenditure and the aggregate amount of all previous independent expenditures. If the independent expenditure is made in support of or to oppose more than one candidate, the statement made under this paragraph shall allocate the way in which the expenditure was made among the candidates on a reasonable basis. For the purposes of this paragraph, "reasonable basis" means a statement which reflects the benefit or the burden reasonably expected to be derived or suffered by each candidate. The filing requirements of this paragraph shall be in addition to all other filing requirements under this section, and shall not be limited to the filing periods during which expenditures must otherwise be reported.

VIII. Copies of the statements required by paragraphs I through VII of the state committee of a political party shall be filed with the secretary of state in sufficient numbers so as to provide a copy for the state committee of each party on the ballot, which they may obtain by application to the secretary of state.

IX. Any national political committee of a party as defined in RSA 652:11 may make contributions or expenditures on behalf of state candidates without complying with the requirements of paragraphs I through VII, provided that the total contribution or expenditure made in behalf of a candidate or political committee in this state whether directly or indirectly does not exceed the limit for personal contributions in RSA 664:4.

X. The provisions of this paragraph shall apply only to a political committee for an individual candidate who is seeking a federal office whose holder is chosen by the voters of this state only. Such a committee, which is required by federal law to file with the federal government reports relative to receipts of contributions and expenditures in support of such one candidate, may choose, at the time of registering under RSA 663:3, I, to file with the secretary of state copies of reports made to the federal government in accordance with the timetable established by federal laws for such reports in lieu of complying with the other reporting requirements of this section.

664:7 Reporting by Candidates.

I. Each candidate at the primary or general election for governor, councilor, state senator, representative to general court, or county officer, who receives contributions or makes expenditures in the aggregate that exceed $500, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6, I-VI, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries. Any candidate who files expenditure reports pursuant to the provisions of this paragraph, and who pays more than $5,000 to any person who makes expenditures on behalf of the candidate, shall file an itemized account of the expenditures made by the person on behalf of the candidate in the expenditure report filed on the Wednesday preceding the primary or general election.

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

9 New Sections; Political Expenditures and Contributions; Reports; Form of Contributions; Content of Disclosure Reports; Campaign Finance Disclosure Record. Amend RSA 664 by inserting after section 7 the following new sections:

664:7-a Form of Contributions. No contribution may be accepted unless accompanied by the disclosure information set forth in RSA 664:7-b.

664:7-b Content of Disclosure Reports. All contributions reported pursuant to RSA 664:6 or RSA 664:7 shall be listed on forms or other means prescribed by the secretary of state. The listing for each contribution exceeding $50 shall include disclosure information. The disclosure information shall include the name; home or post office address; employer, business organization, or primary source of income; post office address of employer or business; and occupation of the contributor. Contributions shall be categorized as in-state or out-of-state. A summary of the contribution totals by category shall be included with each scheduled report. The report shall also list the aggregate total received from each contributor whose total contributions exceed $100 and the contributor's disclosure information. All expenditures, as defined in RSA 664:2, IX and XIX, shall be reported in similar detail on forms or other means prescribed by the secretary of state.

664:7-c Campaign Finance Disclosure Record.

I. Disclosure reports required under RSA 664:6 and RSA 664:7 of candidates for governor and any disclosure reports filed by candidates for United States senator and representative to Congress may be filed in electronic format. The secretary of state shall enter these reports into an electronic campaign finance disclosure record. The secretary of state shall ensure that these disclosure reports are available through the official Internet site of the state of New Hampshire. Such reports shall also be available for paper or electronic copying at a reasonable cost.

II. The secretary of state shall compile and maintain separate cumulative disclosure reports filed under this subdivision by political committees, political committees of political parties,

and candidates for executive councilor, state senator, state representative, county office, and the offices referenced in RSA 664:7, II.

10 Examination of Statements of Receipts and Expenditures. Amend RSA 664:19 to read as follows:

664:19 Examination of Statements of Receipts and Expenditures. It shall be the duty of the attorney general to ***obtain and*** examine the returns of election receipts and expenditures which are made to the secretary of state and to compel such returns be made to comply with the law.

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

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

AMENDED ANALYSIS

This bill:

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

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

III. Increases the political expenditure limitation amounts.

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

Rep. Kennedy inquired if the amendment was divisible regarding Sections 4 and 5.

The Speaker ruled that the amendment was divisible and, without objection, ordered Sections 4 and 5 to be considered.

The question being the adoption of Sections 4 and 5 of the committee amendment.

Rep. Kennedy spoke against and yielded to questions.

Rep. Giuda spoke against.

Rep. Clegg spoke in favor and yielded to questions.

On a division vote, 298 members having voted in the affirmative and 53 in the negative, Sections 4 and 5 of the amendment were adopted.

The remainder of the amendment was adopted.

Rep. DiFruscia offered a floor amendment (1485h).

Amend the bill by inserting after section 11 the following and renumbering the original section 12 to read as 14:

Floor Amendment (1485h)

12 New Section; Reporting of Expenditures and Contributions to Candidates for Legislatively-Elected Office Required. Amend RSA 664 by inserting after section 7-c the following new section:

664:7-d Reporting by Candidates for Legislatively-Elected Office.

I. In this section, "legislatively-elected office" means secretary of state, treasurer, speaker of the house of representatives, senate president, house clerk, senate clerk, house sergeant at arms, and senate sergeant at arms.

II. Each candidate seeking election for legislatively-elected office shall:

(a) File statements before and after such election in like manner and detail prescribed in RSA 664:6, II-IV, except that the date of the respective election, rather than the date of the primary or general election, shall determine the dates of such statements; and

(b) Register as a political committee, pursuant to RSA 664:3, on the date that such person becomes a candidate for legislatively-elected office, notwithstanding the definition of the term "political committee" in RSA 664:2, III.

III. In this section, and notwithstanding RSA 664:2, II, the term "candidate" means a person who seeks nomination for election, or election, for legislatively-elected office, and for purposes of this section, a person shall be deemed to seek nomination for election, or election if such person:

(a) Has received gifts or contributions for such purposes; or

(b) Has given his or her consent to another person to receive gifts or contributions or make expenditures on behalf of such person and if such other person has received such gifts or contributions for such purposes.

IV. No candidate shall be entitled to legislatively-elected office until the sworn itemized statements required to be filed by the candidate or on the candidate's behalf have been filed as required by this section.

13 Itemized Statements Filed by Facsimile Transmission; Reference Added. Amend RSA 664:9-a to read as follows:

664:9-a Itemized Statements Filed by Facsimile Transmission. The sworn itemized statements required to be filed by a political committee or a candidate or on [~~his~~] ***the candidate's*** behalf as required by RSA 664:6***,*** [~~and~~] 664:7***, and 664:7-d*** may be filed by means of a facsimile transmission; provided, however, that a statement which is transmitted electronically or telephonically by a facsimile device shall also be filed by a political committee or a candidate or on [~~his~~] ***the candidate's*** behalf not later than the last day of each filing period under RSA 664:6***,*** [~~and~~] 664:7***, and 664:7-d*** if a facsimile transmission is used.

AMENDED ANALYSIS

This bill:

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

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

III. Increases the political expenditure limitation amounts.

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

V. Requires all candidates for secretary of state, treasurer, speaker of the house of representatives, senate president, house clerk, senate clerk, house sergeant at arms, and senate sergeant at arms to file certain reports and register as political committees.

Rep. DiFruscia spoke in favor and yielded to questions.

Rep. Arndt spoke against.

Rep. Burling spoke in favor.

Rep. Giuda requested a roll call; sufficiently seconded.

The question being adoption of the floor amendment (1485h).

YEAS 109 NAYS 244

YEAS 109

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Wendelboe, Fran

CARROLL

Babson, David Jr	Dickinson, Howard	Kenney, Joseph	Sullivan, P Judith

CHESHIRE

Avery, Stephen	Dexter, Judson	Liebl, George	Manning, Joseph

COOS

Davis, Perley	Gallus, John	Pratt, Leighton	Stohl, Eric
Woodward, David			

GRAFTON

Alger, John	Cobb, John	Giuda, Robert	Ham, Bonnie
Mirski, Paul	Solow, Martha	Williams, Burton	

HILLSBOROUGH

Balboni, Michael	Balcom, John	Bergeron, Jean-Guy	Bouldin, Michael
Buckley, Raymond	Christiansen, Lars	Clegg, Robert Jr	Dokmo, Cynthia
Drisko, Richard	Eaton, Richard	Fletcher, Richard	Flora, Kathleen
Ford, Nancy	Gleneck, David	Golding, William	Gonzalez, Carlos
Goulet, Maurice	Graham, John	Hall, Charles	Herman, Keith
Holden, Randolph	Hopper, Gary	Jean, Loren	LaFlamme, Paul
Leach, Edward	McHugh, Claire	McRae, Karen	Moran, Edward
O'Connell, Timothy	Seibel, Christopher	Souza, Kathleen	Tate, Joan
Thompson, Rob	Vaillancourt, Steve		

MERRIMACK

Brewster, Richard	Colcord, J D	Davis, Frank	Dunne, Christopher
Hess, David	Kennedy, Richard	Langer, Ray	Soltani, Tony
Swindlehurst, John	Whalley, Michael	Winter, Steven	

ROCKINGHAM

Bishop, Franklin	Camm, Kevin	Carson, Sharon	Case, Margaret
Clark, Vivian	Corbin, Corey	Cox, Russell	Dearborn, Bruce
DiFruscia, Anthony	Dodge, Robert	Dowling, Patricia	Downing, Michael
Fesh, Bob	Flanagan, Natalie	Gilbert, Karl	Hill, Jonathan
Hutchinson, Karen	Itse, Daniel	Kelley, William	Langley, Jane
McGuire, Robert	Moore, Benjamin	Nowe, Ronald	Palermo, Diane
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Robertson, Carl
Saia, Pamela	Sapareto, Frank	Weyler, Kenneth	Whittier, John
Woekel, Ralph	Zolla, William		

STRAFFORD

Albert, Russell	Bickford, David	Brown, Julie	Dunlap, Patricia
Harrington, Michael	Heon, Richard	Woods, Phyllis	

SULLIVAN

None

NAYS 244

BELKNAP

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

CARROLL

Bradley, Jeb	Lyman, L Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald	Quimby, Lee	Stevens, Stanley	Torressen, Gary

CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Edwards, Dana
Emerson, Susan	Espiefs, Peter	Hunt, John	McGuirk, Paul
Meader, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Roberts, William	Royce, H Charles	Smith, Edwin	Weed, Charles
Zerba, Roger			

COOS

Bradley, Paula	Guay, Lawrence	Horton, Lynn	Landers, Dana
Mears, Edgar	Rodrigue, Robert	Rozek, Michael	Tholl, John Jr

GRAFTON

Akins, Ralph	Almy, Susan	Barker, Robert	Benn, Bernard

Cooney, Mary	Eaton, Stephanie	Gabler, William	Gilman, G Michael
Lovett, Sid	Marshall, Gene	Naro, Debra	Nordgren, Sharon
Pawlek, Marion	Scanlan, David	Scovner, Nancy	Sokol, Hilda
Sova, Charles	Teschner, Douglass	Ward, Brien	

HILLSBOROUGH

Alukonis, David	Andosca, Mary	Arnold, Thomas Jr	Artz, Lawrence
Baroody, Benjamin	Batula, Peter	Bellavance, Paul	Bouchard, David
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Chabot, Robert	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Daigle, Robert
Desrosiers, William	Dionne, Kimberley	Drabinowicz, A Theresa	Duval, Jeffrey
Dwyer, Paul	Dyer, Merton	Emerton, Lawrence Sr	Fields, Dennis
Foster, Linda	Furman, Christine	Gargasz, Carolyn	Goley, Jeffrey
Gorman, Mary	Greenberg, Gary	Guinta, Frank	Hall, Betty
Jean, Claudette	Johnson, Lionel	Keye, Harvey	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lasky, Bette
Lefebvre, Roland	Leishman, Peter	Lessard, Rudy	Lynde, Harold
Martin, Mary Ellen	Melcher, Harold	Mercer, Robert	Messier, Irene
Milligan, Robert	Movsesian, Lori	Palangas, Eric	Panagopoulos, Nicholas
Peterson, Andrew	Reeves, Sandra	Rowe, Robert	Sargent, Maxwell
Schulze, Joan	Spiess, Paul	Sweeney, Cynthia	Tahir, Saghir
Thulander, O Alan	Wheeler, Robert	White, Donald	White, John
Williams, Carol			

MERRIMACK

Anderson, Eric	Bouchard, Candace	Clarke, Claire	Crosby, Toni
Cummings, Raymond	Daneault, Gabriel	Feuerstein, Martin	Fraser, Leo Jr
French, Barbara	Gile, Mary	Greco, Vincent	Hutchinson, John
Jacobson, Alf	L'Heureux, Stephen	Leber, William	Lockwood, Priscilla
MacKay, James	Maxfield, Roy	Moore, Carol	Owen, Derek
Perkins, Randy	Potter, Frances	Poulin, David	Reardon, Tara
Rodd, Beth	Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn	Bowles, Raimond
Bridle, Russell	Chalbeck, Kevin	Clark, Martha Fuller	Coes, Betsy
Cooney, Richard	Dalrymple, Janeen	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Giordano, Ronald	Gleason, John	Griffin, Mary
Hamel, Albert	Henderson, Warren	Holland, James Jr	Introne, Robert
Johnson, Robert	Johnson, Rogers	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Letourneau, Robert	Major, Norman
McKinney, Betsy	Micklon, Stephanie	Morse, Charles	Norelli, Terie
Packard, Sherman	Pantelakos, Laura	Power, Lucille	Priestley, Anne
Rausch, James	Ruffner, Walter	Sloan, Stephen	Stone, Joseph
Stritch, C Donald	Trueman, Raymond	Varrell, Thomas	Welch, David

STRAFFORD

Berube, Roger	Brennan, William	Callaghan, Frank	Cossette, Larry
DeChane, Marlene	Estabrook, Iris	Ferland, Paul	Grassie, Anne
Hughes, Christopher	Johnson, Nancy	Knowles, William	Musler, George
Pelletier, Arthur	Proulx, Raymond	Reid, Christopher	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Twombly, James
Wall, Janet	Woodill, Rodney		

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Leone, Richard	Odell, Bob	Phinizy, James
Robb, Amy	Rodeschin, Beverly		

and the floor amendment failed.

Report adopted and ordered to third reading.

special order

HB 478, relative to campaign finance reporting requirements, availability of voter checklists on computer disks, and permissible campaign contributions by business organizations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael S. Rollo for Election Law: HB 478, as amended, is a result of four years of bi-partisan campaign finance reform work. The House has passed this bill three consecutive times, only to have the senate kill the bill in committee of conference. The amendment before the House is an accumulation of all the concerns expressed by the senate, the secretary of state and the attorney general's office during the last committee of conference. 1) The bill removed the ability of the secretary of state's office or the attorney general's office through he publishing of a political calendar to supercede state statute. 2) It maintains the historical voluntary spending cap, while increasing the limits to reflect inflation and realistic campaign costs. 3) We leveled the playing field in accordance with the recent Supreme Court decisions between corporate and union donations. 4) Requires full disclosure of all contributions, and expenditures and requires additional filing dates of expenditures and receipts of candidates and campaigns prior to the primary and general elections. To allow voters full knowledge of where each candidate receives his/her money prior to casting his/her vote. Vote 14-4.

Amendment (1236h)

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

AN ACT relative to campaign finance reporting requirements, political expenditure limitation amounts, and permissible campaign contributions by business organizations.

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

1 Political Calendar. Amend RSA 652:21 to read as follows:

652:21 Authority; Format. Prior to the state primary election, the secretary of state with the advice and approval of the attorney general shall prepare a political calendar for state and town elections setting forth the dates when action required under the election laws must be taken. [~~Any action taken by any candidate or official in connection with the election laws which shall be taken in accordance with the dates set forth in said calendar shall be deemed to be duly performed for the purposes of the election laws.~~] The expense of printing said political calendar shall be a charge upon the appropriation for the office of the secretary of state.

2 Political Expenditures and Contributions; Definitions; Independent Expenditures. Amend RSA 664:2, XI to read as follows:

XI. "Independent expenditures" means expenditures by a person, political committee, or other entity [~~expressly~~] advocating the election or defeat of a clearly identified candidate which are ***not*** made [~~without~~] ***in*** cooperation or consultation ***or conjunction or coordination*** with any candidate, or any authorized committee or agent of such candidate, and which are not made in [~~concert~~] ***coordination*** with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate. As used in this paragraph, "clearly identified" means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

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

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

XIX. "Coordinated expenditure" means an expenditure by a political party, a political committee of a political party, or other entity, on behalf of a candidate or candidate's committee in a state primary or general election with the consent of the candidate. Any expenditure that is not an independent expenditure or direct expenditure shall be considered to be a coordinated expenditure.

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

I. By any business organization, or by any officer, director, executive, agent, partner, or employee acting in behalf of such business organization. This shall not prohibit the establishment by a business organization of a political committee that operates independently of the business organization, provided that the committee's expenditures and contributions are made through a separate, segregated account consisting only of voluntary contributions solicited from individuals who are employees, officers, shareholders, directors, partners, or members of the business organization. The provisions of this section shall not apply to sole proprietorships.

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

III. By any labor union or group of labor unions, or by any officer, director, executive, agent or employee acting in behalf of such union or group of unions; or by any organization representing or affiliated with any such union or group of unions, or by any officer, director, executive, agent or employee acting in behalf of such organization. ***This shall not prohibit the establishment by a labor union or group of labor unions of a political committee that operates independently of the labor union or group of labor unions, provided that the committee's expenditures and contributions are made through a separate, segregated account consisting only of voluntary contributions solicited from individuals who are employees, officers, shareholders, directors, partners, or members of the labor union or group of labor unions.***

6 Prohibited Political Contributions; General Limitations. Amend RSA 664:4, V to read as follows:

V. By any person (1) if in excess of $5,000 in value, except for contributions made by a candidate in behalf of his ***or her*** own candidacy, or if in excess of [~~$1,000~~] ***$1,500*** in value by any person or by any political committee to a candidate or a political committee working on behalf of a candidate who does not voluntarily agree to limit his campaign expenditures and those expenditures made on his behalf as provided in RSA 664:5-a, (2) if made anonymously or under a name not that of the donor, (3) if made in the guise of a loan, (4) if any other manner concealed, (5) if made without the knowledge and written consent of the candidate or [~~his~~] ***the candidate's*** fiscal agent, a political committee or its treasurer, or not to any one of the same.

7 Political Expenditure Limitation Amounts; Amounts Increased. Amend RSA 664:5-b to read as follows:

664:5-b Political Expenditure Limitation Amounts. Total expenditures by a candidate who voluntarily agrees to limit campaign expenditures as provided in RSA 664:5-a shall be as follows:

I. For governor:

(a) [~~$625,000~~] ***$750,000*** in a state primary election.

(b) [~~$625,000~~] ***$750,000*** in a state general election.

I-a. For United States senator:

(a) [~~$625,000~~] ***$750,000*** in a state primary election.

(b) [~~$625,000~~] ***$750,000*** in a state general election.

II. For representative to Congress:

(a) [~~$350,000~~] ***$500,000*** in a state primary election.

(b) [~~$350,000~~] ***$500,000*** in a state general election.

III. For executive council:

(a) [~~$50,000~~] ***$60,000*** in a state primary election.

(b) [~~$50,000~~] ***$60,000*** in a state general election.

IV. For state senate:

(a) [~~$20,000~~] ***$40,000*** in a state primary election.

(b) [~~$20,000~~] ***$40,000*** in a state general election.

V. For representative to the general court and all county offices, based upon the latest figures filed with the secretary of state:

(a) [~~$.50~~] ***$1*** per registered voter in the district or the county in a state primary election.

(b) [~~$.50~~] ***$1*** per registered voter in the district or the county in a state general election.

VI. For the purposes of this section, RSA 664:5-a, and the enforcement provisions of this chapter, "total expenditures" shall mean the sum of all expenditures made to influence either a state primary or a state general election made by a candidate and those made on the candidate's behalf by the candidate's committee or committees, the candidate's party, and the candidate's immediate family. For candidates for governor, United States senator, representative to Congress, state senate, state representative, and executive council, "total expenditures" shall include any such expenditures made after January 1 of the election year, regardless of when the person actually declares his or her candidacy. Each campaign expenditure limitation amount shall apply solely and independently to either the state primary election or the state general election.

8 Elections; Political Expenditures and Contributions; Reports; Reporting by Political Committee; Reporting by Candidates. RSA 664:6 and 664:7 are repealed and reenacted to read as follows:

664:6 Reporting by Political Committee.

I. Any political committee whose receipts of contributions or whose expenditures, including, without limitation, coordinated and independent expenditures on behalf of candidates and general operating expenditures of the committee, in support of or in opposition to a candidate, measure, or political party, exceed in the aggregate $500, shall file with the secretary of state an itemized statement, in accordance with the provisions of RSA 664:7-b. The statement shall be signed by the chairperson and treasurer of the political committee and shall list each contribution, in alphabetical order by the last name of the contributor, with the amount of the contribution, the date it was received, all of the information as is set forth in RSA 664:7-b, and the aggregate total for each election for each contributor. The statement shall be filed not later than the Wednesday 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period from the day of the committee registration up to and including the Monday before the statement is due. The statement shall contain the date of each expenditure, the name and address of the person or entity to whom each expenditure was made, the name of the candidate in whose behalf or against whom each expenditure was made, the amount of each expenditure, the purpose of each expenditure, and the aggregate amount of all previous expenditures.

II. An itemized statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday 3 weeks immediately preceding a primary election, before 5 o'clock in the afternoon. The statement shall summarize the statement filed pursuant to paragraph I, if any, and shall itemize all receipts of contributions and expenditures made since the cutoff of the statement filed pursuant to paragraph I up until the Monday preceding the filing of the statement under this paragraph.

III. A statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday immediately preceding a primary election, before 5 o'clock in the afternoon. The statement shall summarize the statements filed pursuant to paragraphs I and II, if any, and itemize all receipts of contributions and expenditures made since the cutoff of the statement filed pursuant to paragraph II up until the Monday preceding the filing of the statement under this paragraph. In addition to the reporting requirements contained in this section, the fiscal agent shall notify the secretary of state within 24 hours of any contributions or expenditures exceeding $500 in the aggregate that are received after the statement under this paragraph is filed and prior to the day of primary election. No more than one report to the secretary of state shall be required within a 24-hour period.

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

V. Any political committee whose receipt of contributions or expenditures in the aggregate do not exceed $500 for a reporting period need not file. However, when a committee's accumulated receipts of contributions or expenditures for an election in the aggregate exceed $500, the committee shall file a statement at the next reporting deadline.

VI. Any political committee that has any outstanding debt, obligation, or surplus following the election shall file reports at least once every 6 months thereafter in the same form as in paragraph I until the obligation or indebtedness is entirely satisfied or surplus deleted, at which time a final report shall be filed.

VII. In addition to the itemized statements required by paragraphs I-VI of this section, any political committee whose independent expenditures, in aggregate, exceed $500 shall file an itemized statement with the secretary of state not later than 24 hours after such expenditures are made, and thereafter each time a further $500 is expended. Such itemized statements shall cover the period during which independent expenditures totaling $500 were made. Each statement shall include a certification by the political committee that the independent expenditure meets the definition in RSA 664:2, XI. Each statement shall contain the date of each independent expenditure; the name and address of the person to whom the expenditure was made; the name of the candidate on whose behalf or against whom each expenditure was made; the amount of each expenditure; the purpose of each expenditure and the aggregate amount of all previous independent expenditures. If the independent expenditure is made in support of or to oppose more than one candidate, the statement made under this paragraph shall allocate the way in which the expenditure was made among the candidates on a reasonable basis. For the purposes of this paragraph, "reasonable basis" means a statement which reflects the benefit or the burden reasonably expected to be derived or suffered by each candidate. The filing requirements of this paragraph shall be in addition to all other filing requirements under this section, and shall not be limited to the filing periods during which expenditures must otherwise be reported.

VIII. Copies of the statements required by paragraphs I through VII of the state committee of a political party shall be filed with the secretary of state in sufficient numbers so as to provide a copy for the state committee of each party on the ballot, which they may obtain by application to the secretary of state.

IX. Any national political committee of a party as defined in RSA 652:11 may make contributions or expenditures on behalf of state candidates without complying with the requirements of paragraphs I through VII, provided that the total contribution or expenditure made in behalf of a candidate or political committee in this state whether directly or indirectly does not exceed the limit for personal contributions in RSA 664:4.

X. The provisions of this paragraph shall apply only to a political committee for an individual candidate who is seeking a federal office whose holder is chosen by the voters of this state only. Such a committee, which is required by federal law to file with the federal government reports relative to receipts of contributions and expenditures in support of such one candidate, may choose, at the time of registering under RSA 663:3, I, to file with the secretary of state copies of reports made to the federal government in accordance with the timetable established by federal laws for such reports in lieu of complying with the other reporting requirements of this section.

664:7 Reporting by Candidates.

I. Each candidate at the primary or general election for governor, councilor, state senator, representative to general court, or county officer, who receives contributions or makes expenditures in the aggregate that exceed $500, shall file statements before and after an election in

like manner and detail as prescribed in RSA 664:6, I-VI, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries. Any candidate who files expenditure reports pursuant to the provisions of this paragraph, and who pays more than $5,000 to any person who makes expenditures on behalf of the candidate, shall file an itemized account of the expenditures made by the person on behalf of the candidate in the expenditure report filed on the Wednesday preceding the primary or general election.

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

9 New Sections; Political Expenditures and Contributions; Reports; Form of Contributions; Content of Disclosure Reports; Campaign Finance Disclosure Record. Amend RSA 664 by inserting after section 7 the following new sections:

664:7-a Form of Contributions. No contribution may be accepted unless accompanied by the disclosure information set forth in RSA 664:7-b.

664:7-b Content of Disclosure Reports. All contributions reported pursuant to RSA 664:6 or RSA 664:7 shall be listed on forms or other means prescribed by the secretary of state. The listing for each contribution exceeding $50 shall include disclosure information. The disclosure information shall include the name; home or post office address; employer, business organization, or primary source of income; post office address of employer or business; and occupation of the contributor. Contributions shall be categorized as in-state or out-of-state. A summary of the contribution totals by category shall be included with each scheduled report. The report shall also list the aggregate total received from each contributor whose total contributions exceed $100 and the contributor's disclosure information. All expenditures, as defined in RSA 664:2, IX and XIX, shall be reported in similar detail on forms or other means prescribed by the secretary of state.

664:7-c Campaign Finance Disclosure Record.

I. Disclosure reports required under RSA 664:6 and RSA 664:7 of candidates for governor and any disclosure reports filed by candidates for United States senator and representative to Congress may be filed in electronic format. The secretary of state shall enter these reports into an electronic campaign finance disclosure record. The secretary of state shall ensure that these disclosure reports are available through the official Internet site of the state of New Hampshire. Such reports shall also be available for paper or electronic copying at a reasonable cost.

II. The secretary of state shall compile and maintain separate cumulative disclosure reports filed under this subdivision by political committees, political committees of political parties, and candidates for executive councilor, state senator, state representative, county office, and the offices referenced in RSA 664:7, II.

10 Examination of Statements of Receipts and Expenditures. Amend RSA 664:19 to read as follows:

664:19 Examination of Statements of Receipts and Expenditures. It shall be the duty of the attorney general to ***obtain and*** examine the returns of election receipts and expenditures which are made to the secretary of state and to compel such returns be made to comply with the law.

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

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

AMENDED ANALYSIS

This bill:

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

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

III. Increases the political expenditure limitation amounts.

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

laid on the table

Rep. Rollo moved that ***HB 478,*** **,** relative to campaign finance reporting requirements, availability of voter checklists on computer disks, and permissible campaign contributions by business organizations, be laid on the table.

Adopted.

regular calendar-(cont'd)

SB 174-FN-A, including Martin Luther King, Jr. Civil Rights Day as a holiday for which certain state employees are entitled to holiday pay and relative to employees of the department of youth development services. **OUGHT TO PASS**

Rep. Donald R. Lent for Executive Departments and Administration: Currently, under RSA 98-A-6-b, part-time employees involved in the care of persons in the state mental health system, the department of health and human services, the state prison, and other crucial round the clock services are eligible for holiday pay for work on certain holidays. The list includes Memorial Day, Labor Day, Veteran's Day and New Years Day. This bill adds Martin Luther King, Jr. Civil Rights Day to the list. In addition, part-time employees of the department of youth development services are given eligibility for holiday pay for the same holidays. The law requires that such employees shall be required to work the scheduled day before the scheduled day after such holidays. Vote 13-5.

Rep. Weed requested a roll call; sufficiently seconded**.**

The question being adoption of the committee report.

YEAS 190 NAYS 160

YEAS 190

BELKNAP

Flanders, Donald	Johnson, William	Wood, Jane

CARROLL

Bradley, Jeb	Kenney, Joseph	Quimby, Lee

CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Dexter, Judson
Espiefs, Peter	Hunt, John	Liebl, George	Manning, Joseph
McGuirk, Paul	Meader, David	Mitchell, McKim	Pratt, John
Richardson, Barbara	Weed, Charles	Zerba, Roger	

COOS

Bradley, Paula	Guay, Lawrence	Horton, Lynn	Landers, Dana
Mears, Edgar	Rodrigue, Robert		

GRAFTON

Akins, Ralph	Almy, Susan	Barker, Robert	Benn, Bernard
Cobb, John	Cooney, Mary	Ham, Bonnie	Lovett, Sid
Naro, Debra	Nordgren, Sharon	Pawlek, Marion	Scanlan, David
Scovner, Nancy	Sokol, Hilda	Solow, Martha	Teschner, Douglass

HILLSBOROUGH

Alukonis, David	Andosca, Mary	Balcom, John	Baroody, Benjamin
Bellavance, Paul	Bouldin, Michael	Bragdon, Peter	Buckley, Raymond
Clayton, William	Clemons, Jane	Cote, David	Craig, James
Daigle, Robert	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A Theresa
Drisko, Richard	Duval, Jeffrey	Dwyer, Paul	Dyer, Merton
Eaton, Richard	Emerton, Lawrence Sr	Fields, Dennis	Flora, Kathleen
Ford, Nancy	Foster, Linda	Gargasz, Carolyn	Golding, William

Goley, Jeffrey	Gorman, Mary	Graham, John	Guinta, Frank
Hall, Betty	Holden, Randolph	Jean, Claudette	Johnson, Lionel
Keye, Harvey	Konys, Christine	L'Heureux, Robert	LaRose, Richard
Lasky, Bette	Leishman, Peter	Lynde, Harold	Martin, Mary Ellen
Melcher, Harold	Movsesian, Lori	Palangas, Eric	Panagopoulos, Nicholas
Peterson, Andrew	Reeves, Sandra	Sargent, Maxwell	Schulze, Joan
Spiess, Paul	Sweeney, Cynthia	Tate, Joan	White, John
Williams, Carol			

MERRIMACK

Bouchard, Candace	Clarke, Claire	Crosby, Toni	Cummings, Raymond
Daneault, Gabriel	Davis, Frank	Fraser, Leo Jr	French, Barbara
Gile, Mary	Greco, Vincent	Jacobson, Alf	L'Heureux, Stephen
Lockwood, Priscilla	MacKay, James	Maxfield, Roy	Moore, Carol
Owen, Derek	Perkins, Randy	Potter, Frances	Poulin, David
Reardon, Tara	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Wallner, Mary Jane	Yeaton, Charles		

ROCKINGHAM

Arndt, Janet	Blanchard, MaryAnn	Bowles, Raimond	Bridle, Russell
Clark, Martha Fuller	Coes, Betsy	Cooney, Richard	Corbin, Corey
Dowling, Patricia	Downing, Michael	Francoeur, Sheila	Gilbert, Jeffrey
Giordano, Ronald	Gleason, John	Griffin, Mary	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	McGuire, Robert
McKinney, Betsy	Micklon, Stephanie	Norelli, Terie	Pantelakos, Laura
Power, Lucille	Priestley, Anne	Robertson, Carl	Sloan, Stephen
Stritch, C Donald	Woekel, Ralph	Zolla, William	

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	DeChane, Marlene
Estabrook, Iris	Ferland, Paul	Grassie, Anne	Heon, Richard
Hughes, Christopher	Johnson, Nancy	Knowles, William	Pelletier, Arthur
Proulx, Raymond	Reid, Christopher	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Wall, Janet	Woodill, Rodney

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Leone, Richard	Odell, Bob	Phinizy, James
Robb, Amy			

NAYS 160

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Holbrook, Robert
Lawton, David	Millham, Alida	Nedeau, Stephen	Pilliod, James
Rice, Thomas Jr	Rosen, Ralph	Russell, David	Thomas, John
Wendelboe, Fran			

CARROLL

Babson, David Jr	Dickinson, Howard	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	Sullivan, P Judith
Torressen, Gary			

CHESHIRE

Avery, Stephen	Edwards, Dana	Emerson, Susan	Roberts, William
Royce, H Charles	Smith, Edwin		

COOS

Davis, Perley	Gallus, John	Pratt, Leighton	Rozek, Michael
Stohl, Eric	Tholl, John Jr	Woodward, David	

GRAFTON

Alger, John	Eaton, Stephanie	Gabler, William	Gilman, G Michael
Giuda, Robert	Marshall, Gene	Mirski, Paul	Sova, Charles
Ward, Brien	Williams, Burton		

HILLSBOROUGH

Arnold, Thomas Jr	Artz, Lawrence	Balboni, Michael	Bergeron, Jean-Guy
Bouchard, David	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Chabot, Robert	Christiansen, Lars	Clegg, Robert Jr	Cote, Peter
Coughlin, Pamela	Dionne, Kimberley	Elliott, Larry	Fletcher, Richard
Furman, Christine	Gleneck, David	Gonzalez, Carlos	Goulet, Maurice
Greenberg, Gary	Hall, Charles	Herman, Keith	Hopper, Gary
Jean, Loren	Kurk, Neal	LaFlamme, Paul	Leach, Edward
Lefebvre, Roland	Lessard, Rudy	McHugh, Claire	McRae, Karen
Mercer, Robert	Messier, Irene	Milligan, Robert	Moran, Edward
O'Connell, Timothy	Rowe, Robert	Seibel, Christopher	Souza, Kathleen
Tahir, Saghir	Thompson, Rob	Thulander, O Alan	Vaillancourt, Steve
Wheeler, Robert	White, Donald		

MERRIMACK

Anderson, Eric	Brewster, Richard	Colcord, J D	Dunne, Christopher
Feuerstein, Martin	Hess, David	Hutchinson, John	Kennedy, Richard
Langer, Ray	Leber, William	Soltani, Tony	Swindlehurst, John
Whalley, Michael	Whittemore, James	Winter, Steven	

ROCKINGHAM

Belanger, Ronald	Bishop, Franklin	Camm, Kevin	Carson, Sharon
Case, Margaret	Chalbeck, Kevin	Clark, Vivian	Cox, Russell
Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony	Dodge, Robert
Fesh, Bob	Flanagan, Natalie	Flanders, John Sr	Gilbert, Karl
Hamel, Albert	Hill, Jonathan	Holland, James Jr	Hutchinson, Karen
Introne, Robert	Itse, Daniel	Johnson, Robert	Johnson, Rogers
Kelley, William	Langley, Jane	Letourneau, Robert	Major, Norman
Morse, Charles	Nowe, Ronald	Packard, Sherman	Palermo, Diane
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Rausch, James
Ruffner, Walter	Saia, Pamela	Sapareto, Frank	Stone, Joseph
Varrell, Thomas	Welch, David	Weyler, Kenneth	Whittier, John

STRAFFORD

Albert, Russell	Brown, Julie	Callaghan, Frank	Cossette, Larry
Dunlap, Patricia	Harrington, Michael	Musler, George	Twombly, James
Woods, Phyllis			

SULLIVAN

Rodeschin, Beverly

and the report was adopted and ordered to third reading.

HB 207-FN-L, increasing the state aid contribution to municipalities that expand, upgrade, or develop new wastewater treatment facilities to provide for expanded septage handling and disposal capacity. **OUGHT TO PASS**

Rep. MaryAnn N. Blanchard for Finance: This bill is one of the recommendations of the Septage Task Force established in 1998 because of concerns that municipalities are not meeting their responsibilities pertaining to providing septage disposal per RSA 485-A:5-b. The bill simply permits the Department of Environmental Services to widen use of existing state funds in 2002-2003 to include municipal waste water treatment projects which increase capacity for septage handling. It increases the state's share of the project cost from 20% to 30% and adds further financial incentives if the proposed project's increased capacity will also serve other communities' septage disposal requirements. There are no new dollars appropriated in 2002-2003 in this legislation Vote 20-0.

Adopted and ordered to third reading.

suspension of rules

Reps. Scanlan and Burling moved that the Rules be so far suspended as to permit reporting after the deadline and consideration at the present time of ***HB 253-FN,*** relative to mercury reductions.

Adopted by the necessary two-thirds.

HB 253-FN, relative to mercury reductions. **OUGHT TO PASS**

Rep. MaryAnn N. Blanchard for Finance: This bill establishes a state grant program to reimburse those New Hampshire communities for the costs associated with the earlier implementation date required by this bill. The fiscal note estimates those costs as up to $75,900 in FY 2004 and FY 2005 and $37,950 in FY 2006. The state grant program would cease after federal regulations require compliance anyway Vote 19-2.

Rep. Phinizy offered a floor amendment (1319h).

Floor Amendment (1319h)

Amend RSA 125-M:3, I as inserted by section 1 of the bill by replacing it with the following:

1 Mercury Emissions Reduction and Control Program; Reduction of Mercury Emissions for Certain Municipal Waste Combustors. Amend RSA 125-M:3, I to read as follows:

I. Any municipal waste combustor with a design capacity to burn 100 tons per day or more of municipal solid waste [~~which is subject to a federal maximum mercury emission rate of 0.08 milligrams per dry standard cubic meter (mg/dscm) or less~~] shall reduce its mercury emissions to achieve a mercury emission rate of no greater than 0.028 mg/dscm corrected to 7 percent oxygen by volume on a dry basis[~~, or at least 85 percent control efficiency~~].

Amend RSA 125-M:5, II(b)(1) as inserted by section 3 of the bill by replacing it with the following:

(b)(1) An alternative compliance plan for such a combustor may be submitted to the commissioner by interested parties to achieve a mercury emission rate of no greater than .028 mg/dscm corrected to 7 percent oxygen by volume on a dry basis by means of implementing programs that reduce the amount of mercury in the municipal solid waste that is being burned at the facility. The commissioner shall approve such a plan by May 1, 2002, provided that the commissioner makes a written determination that:

(A) Implementation of the plan will result in a demonstration of achieving a mercury emission rate of no greater than .028 mg/dscm corrected to 7 percent oxygen by volume on a dry basis no later than November 1, 2003;

(B) Implementation of the plan is assured through sufficient enforcement mechanisms; and

(C) The plan has been approved by the United States Environmental Protection Agency.

Amend the bill by replacing section 4 with the following:

4 New Sections; Mercury Emissions Reduction and Control Program. Amend RSA 125-M by inserting after section 7 the following new sections:

125-M:8 Reimbursement of Costs.

I. The department shall establish a grant program, pursuant to rules adopted by the commissioner under RSA 541-A, to reimburse eligible costs to any solid waste management district or regional refuse disposal district served by a municipal waste combustor permitted prior to January 1, 2001 with a design capacity to burn less than 250 tons per day but not less than 100 tons per day of municipal solid waste. The department shall reimburse such eligible costs over the same period as any such district has amortized those costs, provided that such amortization period shall not be less than 5 years.

II. The department shall determine any additional eligible costs not explicitly named in RSA 125-M:2, V of each district served by a municipal waste combustor subject to this chapter, and reimburse such additional eligible costs with prior approval of the governor and council.

III. Approval of all eligible costs, establishment of a grant program, and funding of the grant program shall occur prior to final purchase and installation of pollution control equipment at a municipal waste combustor permitted prior to January 1, 2001 with a design capacity to burn less than 250 tons per day not less than 100 tons per day of municipal solid waste.

125-M:9 Municipalities Not Liable for Certain Costs. A municipality participating in a regional disposal district or solid waste management district established prior to the imposition of the mercury emission rate established by RSA 125-M:3, I shall not be liable for the costs of maintenance, repair, or replacement of pollution control equipment installed where the district's combustor or combustors are owned by a private corporation.

Amend the bill by replacing all after section 6 with the following:

7 New Section; Incineration Ban. Amend RSA 149-M by inserting after section 26 the following new section:

149-M:26-a Incineration Ban.

I. No person shall dispose of mercury-added products in any municipal waste combustor.

II. Except as otherwise provided by this section, every person who discards solid waste within the state shall separate mercury-added products from that solid waste for recycling or disposal as a hazardous waste. Any contractor who replaces or removes mercury-added products shall assure the proper separation and recycling or disposal as a hazardous waste of any discarded mercury-added product.

III. After proper separation of mercury-added products each person who discards that waste shall either:

(a) Set that waste in a designated area for collection by a hauler who shall deliver that waste to a facility that is legally authorized and permitted to accept waste; or

(b) Deliver that waste to a facility that is legally authorized and permitted to accept that waste.

IV. Owners and operators of municipal waste combustors shall not be found to have knowingly accepted or disposed of mercury-added products if, at a minimum, the facility has implemented all of the following mechanisms as required:

(a) Posting of signs at the facility providing notice of the prohibition of the disposal and incineration of mercury-added products.

(b) Written notification to or contractual agreements with the facility's customers on a frequency determined by the department, providing notice of the prohibition on the disposal and incineration of mercury-added products.

(c) Implementation of a procedure approved by the department for periodically monitoring incoming wastes to detect the presence of mercury-added products at the facility and a practice of separation of observed mercury-added products to be returned to the generator or recycled or disposed of as a hazardous waste.

(d) Provide customers with information about collection programs or facilities that are permitted to accept mercury-added products for recycling or disposal as a hazardous waste.

8 Effective Date.

I. Section 7 of this act shall take effect December 6, 2005.

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

AMENDED ANALYSIS

This bill:

I. Sets time frames within which certain municipal waste combustors must comply with mercury emission limits, and provides alternate compliance provisions.

II. Establishes a grant program to reimburse regional refuse disposal districts for certain costs of mercury emissions reduction and control systems.

III. Extends the reporting date of the ash landfill study to September 1, 2001.

IV. Bans the incineration of any waste containing mercury beginning December 6, 2005.

Rep. Phinizy spoke in favor.

Reps. Blanchard and Jeb Bradley spoke against and yielded to questions.

The floor amendment failed.

The question now being adoption of the committee report.

Reps. Franklin and Mirski spoke against.

Rep. Stone spoke in favor and yielded to questions.

Rep. Burling requested a quorum call. The Speaker ruled a quorum was present.

motion to laY on the table

Rep. Mirski moved that ***HB 253-FN,*** relative to mercury reductions, be laid on the table.

Rep. Patten requested a roll call, sufficiently seconded.

The question being the motion to lay on the table.

YEAS 131 NAYS 220

YEAS 131

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Lawton, David
Nedeau, Stephen	Rice, Thomas Jr	Rosen, Ralph	Wendelboe, Fran
Wood, Jane			

CARROLL

Dickinson, Howard	Mock, Henry	Sullivan, P Judith	Torressen, Gary

CHESHIRE

Allen, Peter	Espiefs, Peter	McGuirk, Paul	Pratt, John
Roberts, William	Weed, Charles	Zerba, Roger	

COOS

Gallus, John	Pratt, Leighton	Woodward, David

GRAFTON

Akins, Ralph	Alger, John	Cooney, Mary	Gilman, G Michael
Giuda, Robert	Lovett, Sid	Marshall, Gene	Mirski, Paul
Scovner, Nancy	Solow, Martha	Sova, Charles	

HILLSBOROUGH

Balboni, Michael	Baroody, Benjamin	Bellavance, Paul	Bergeron, Jean-Guy
Bruno, Pierre	Chabot, Robert	Christiansen, Lars	Clegg, Robert Jr
Cote, Peter	Desrosiers, William	Dionne, Kimberley	Gleneck, David
Gonzalez, Carlos	Gorman, Mary	Hall, Betty	Herman, Keith
Hopper, Gary	Jean, Loren	Keye, Harvey	L'Heureux, Robert
Lefebvre, Roland	Lessard, Rudy	Martin, Mary Ellen	McRae, Karen
Melcher, Harold	Moran, Edward	Souza, Kathleen	Tahir, Saghir
Thompson, Rob	Vaillancourt, Steve		

MERRIMACK

Bouchard, Candace	Dunne, Christopher	French, Barbara	Greco, Vincent
Jacobson, Alf	Kennedy, Richard	Langer, Ray	Leber, William
Lockwood, Priscilla	Owen, Derek	Perkins, Randy	Rush, Deanna

Soltani, Tony	Swindlehurst, John	Winter, Steven

ROCKINGHAM

Bridle, Russell	Camm, Kevin	Chalbeck, Kevin	Clark, Vivian
Dearborn, Bruce	DiFruscia, Anthony	Dodge, Robert	Fesh, Bob
Gilbert, Karl	Giordano, Ronald	Henderson, Warren	Hill, Jonathan
Hutchinson, Karen	Johnson, Rogers	Kelley, William	Letourneau, Robert
McGuire, Robert	McKinney, Betsy	Micklon, Stephanie	Nowe, Ronald
Packard, Sherman	Palermo, Diane	Power, Lucille	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Robertson, Carl	Saia, Pamela
Sapareto, Frank	Trueman, Raymond	Varrell, Thomas	Welch, David
Weyler, Kenneth			

STRAFFORD

Albert, Russell	Bickford, David	Ferland, Paul	Harrington, Michael
Heon, Richard	Rollo, Michael	Spang, Judith	Twombly, James
Woodill, Rodney	Woods, Phyllis		

SULLIVAN

Cloutier, John	Ferland, Brenda	Flint, Gordon Sr	Franklin, Peter
Jones, Constance	Odell, Bob	Phinizy, James	Robb, Amy
Rodeschin, Beverly			

NAYS 220

BELKNAP

Flanders, Donald	Holbrook, Robert	Johnson, William	Millham, Alida
Pilliod, James	Russell, David	Thomas, John	

CARROLL

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

CHESHIRE

Avery, Stephen	Batchelder, Robert	Burnham, Daniel	Dexter, Judson
Edwards, Dana	Emerson, Susan	Hunt, John	Liebl, George
Manning, Joseph	Meader, David	Mitchell, McKim	Richardson, Barbara
Royce, H Charles	Smith, Edwin		

COOS

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

GRAFTON

Almy, Susan	Barker, Robert	Benn, Bernard	Cobb, John
Eaton, Stephanie	Gabler, William	Ham, Bonnie	Naro, Debra
Nordgren, Sharon	Pawlek, Marion	Scanlan, David	Sokol, Hilda
Teschner, Douglass	Ward, Brien	Williams, Burton	

HILLSBOROUGH

Alukonis, David	Andosca, Mary	Arnold, Thomas Jr	Artz, Lawrence
Balcom, John	Bouchard, David	Bouldin, Michael	Bragdon, Peter
Brundige, Robert	Buckley, Raymond	Calawa, Leon Jr	Clayton, William
Clemons, Jane	Cote, David	Coughlin, Pamela	Craig, James
Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard	Duval, Jeffrey
Dwyer, Paul	Dyer, Merton	Eaton, Richard	Elliott, Larry
Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Ford, Nancy	Foster, Linda	Furman, Christine	Gargasz, Carolyn
Golding, William	Goley, Jeffrey	Goulet, Maurice	Graham, John
Greenberg, Gary	Guinta, Frank	Hall, Charles	Holden, Randolph
Jean, Claudette	Johnson, Lionel	Konys, Christine	Kurk, Neal
LaFlamme, Paul	LaRose, Richard	Lasky, Bette	Leach, Edward
Leishman, Peter	Lynde, Harold	McHugh, Claire	Mercer, Robert
Messier, Irene	Milligan, Robert	Movsesian, Lori	O'Connell, Timothy
Palangas, Eric	Panagopoulos, Nicholas	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Sargent, Maxwell	Schulze, Joan	Seibel, Christopher

Spiess, Paul	Sweeney, Cynthia	Tate, Joan	Thulander, O Alan
Wheeler, Robert	White, Donald	White, John	Williams, Carol

MERRIMACK

Anderson, Eric	Brewster, Richard	Clarke, Claire	Colcord, J D
Crosby, Toni	Cummings, Raymond	Daneault, Gabriel	Davis, Frank
Feuerstein, Martin	Fraser, Leo Jr	Gile, Mary	Hager, Elizabeth
Hess, David	Hutchinson, John	L'Heureux, Stephen	MacKay, James
Maxfield, Roy	Moore, Carol	Potter, Frances	Poulin, David
Reardon, Tara	Rodd, Beth	Seldin, Gloria	Wallner, Mary Jane
Whalley, Michael	Whittemore, James	Yeaton, Charles	

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Bowles, Raimond	Carson, Sharon	Case, Margaret	Clark, Martha Fuller
Coes, Betsy	Cooney, Richard	Corbin, Corey	Cox, Russell
Dalrymple, Janeen	Dowling, Patricia	Downing, Michael	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gleason, John
Griffin, Mary	Hamel, Albert	Holland, James Jr	Introne, Robert
Itse, Daniel	Johnson, Robert	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Major, Norman
Morse, Charles	Norelli, Terie	Pantelakos, Laura	Priestley, Anne
Rausch, James	Ruffner, Walter	Sloan, Stephen	Stone, Joseph
Stritch, C Donald	Whittier, John	Woekel, Ralph	Zolla, William

STRAFFORD

Berube, Roger	Brennan, William	Brown, Julie	Callaghan, Frank
Cossette, Larry	DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris
Grassie, Anne	Hughes, Christopher	Johnson, Nancy	Knowles, William
Musler, George	Pelletier, Arthur	Proulx, Raymond	Reid, Christopher
Smith, Marjorie	Snyder, Clair	Wall, Janet	

SULLIVAN

Allison, David	Burling, Peter	Harris, Joseph	Harris, Sandra

Leone, Richard

and the motion failed.

The question now being adoption of the committee report.

Rep. Norelli spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 265 NAYS 85

YEAS 265

BELKNAP

Bartlett, Gordon	Flanders, Donald	Holbrook, Robert	Johnson, William
Millham, Alida	Nedeau, Stephen	Pilliod, James	Russell, David
Thomas, John	Wendelboe, Fran		

CARROLL

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

CHESHIRE

Avery, Stephen	Batchelder, Robert	Burnham, Daniel	Dexter, Judson
Edwards, Dana	Emerson, Susan	Hunt, John	Liebl, George
Manning, Joseph	Meader, David	Mitchell, McKim	Richardson, Barbara
Royce, H Charles	Smith, Edwin		

COOS

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

GRAFTON

Akins, Ralph	Almy, Susan	Barker, Robert	Benn, Bernard
Cobb, John	Cooney, Mary	Eaton, Stephanie	Gabler, William
Ham, Bonnie	Marshall, Gene	Naro, Debra	Nordgren, Sharon
Pawlek, Marion	Scanlan, David	Scovner, Nancy	Sokol, Hilda
Solow, Martha	Teschner, Douglass	Ward, Brien	Williams, Burton

HILLSBOROUGH

Alukonis, David	Andosca, Mary	Arnold, Thomas Jr	Artz, Lawrence
Balcom, John	Baroody, Benjamin	Bellavance, Paul	Bouchard, David
Bouldin, Michael	Bragdon, Peter	Brundige, Robert	Buckley, Raymond
Calawa, Leon Jr	Chabot, Robert	Clayton, William	Clemons, Jane
Cote, David	Coughlin, Pamela	Craig, James	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Duval, Jeffrey	Dwyer, Paul
Dyer, Merton	Eaton, Richard	Emerton, Lawrence Sr	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Foster, Linda
Furman, Christine	Gargasz, Carolyn	Golding, William	Goley, Jeffrey
Goulet, Maurice	Graham, John	Greenberg, Gary	Guinta, Frank
Hall, Charles	Holden, Randolph	Jean, Claudette	Johnson, Lionel
Konys, Christine	Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul
LaRose, Richard	Lasky, Bette	Leach, Edward	Lefebvre, Roland
Leishman, Peter	Lessard, Rudy	Lynde, Harold	McHugh, Claire
Melcher, Harold	Mercer, Robert	Messier, Irene	Milligan, Robert
Moran, Edward	Movsesian, Lori	O'Connell, Timothy	Palangas, Eric
Panagopoulos, Nicholas	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Sargent, Maxwell	Schulze, Joan	Seibel, Christopher	Spiess, Paul
Sweeney, Cynthia	Tahir, Saghir	Tate, Joan	Thulander, O Alan
Wheeler, Robert	White, John	Williams, Carol	

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Clarke, Claire
Colcord, J D	Crosby, Toni	Cummings, Raymond	Daneault, Gabriel
Davis, Frank	Feuerstein, Martin	Fraser, Leo Jr	French, Barbara
Gile, Mary	Greco, Vincent	Hager, Elizabeth	Hess, David

Hutchinson, John	L'Heureux, Stephen	Langer, Ray	Leber, William
Lockwood, Priscilla	MacKay, James	Maxfield, Roy	Moore, Carol
Potter, Frances	Poulin, David	Reardon, Tara	Rodd, Beth
Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane	Whalley, Michael
Whittemore, James	Yeaton, Charles		

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Bowles, Raimond	Carson, Sharon	Case, Margaret	Clark, Martha Fuller
Clark, Vivian	Coes, Betsy	Cooney, Richard	Corbin, Corey
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dowling, Patricia	Downing, Michael	Flanagan, Natalie	Flanders, John Sr
Francoeur, Sheila	Gilbert, Jeffrey	Giordano, Ronald	Gleason, John
Griffin, Mary	Hamel, Albert	Henderson, Warren	Holland, James Jr
Introne, Robert	Itse, Daniel	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Letourneau, Robert	Major, Norman	McGuire, Robert	McKinney, Betsy
Micklon, Stephanie	Morse, Charles	Norelli, Terie	Nowe, Ronald
Packard, Sherman	Pantelakos, Laura	Power, Lucille	Priestley, Anne
Rausch, James	Robertson, Carl	Ruffner, Walter	Saia, Pamela
Sapareto, Frank	Sloan, Stephen	Stone, Joseph	Stritch, C Donald
Trueman, Raymond	Welch, David	Whittier, John	Woekel, Ralph
Zolla, William			

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris
Ferland, Paul	Grassie, Anne	Heon, Richard	Hughes, Christopher
Johnson, Nancy	Knowles, William	Musler, George	Pelletier, Arthur
Reid, Christopher	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Wall, Janet	Woodill, Rodney	

SULLIVAN

Allison, David	Burling, Peter	Harris, Joseph	Harris, Sandra

NAYS 85

BELKNAP

Boyce, Laurie	Czech, Stanley	Lawton, David	Rice, Thomas Jr
Rosen, Ralph	Wood, Jane		

CARROLL

Dickinson, Howard	Kenney, Joseph	Sullivan, P Judith	Torressen, Gary

CHESHIRE

Allen, Peter	Espiefs, Peter	McGuirk, Paul	Pratt, John
Roberts, William	Weed, Charles	Zerba, Roger	

COOS

None

GRAFTON

Alger, John	Gilman, G Michael	Giuda, Robert	Lovett, Sid
Mirski, Paul	Sova, Charles		

HILLSBOROUGH

Balboni, Michael	Bergeron, Jean-Guy	Bruno, Pierre	Christiansen, Lars
Clegg, Robert Jr	Cote, Peter	Dionne, Kimberley	Elliott, Larry
Gleneck, David	Gonzalez, Carlos	Gorman, Mary	Hall, Betty
Herman, Keith	Hopper, Gary	Jean, Loren	Keye, Harvey
Martin, Mary Ellen	McRae, Karen	Souza, Kathleen	Thompson, Rob
Vaillancourt, Steve	White, Donald		

MERRIMACK

Dunne, Christopher	Jacobson, Alf	Kennedy, Richard	Owen, Derek
Perkins, Randy	Soltani, Tony	Swindlehurst, John	Winter, Steven

ROCKINGHAM

Bridle, Russell	Camm, Kevin	Chalbeck, Kevin	Dodge, Robert
Fesh, Bob	Gilbert, Karl	Hill, Jonathan	Hutchinson, Karen
Johnson, Rogers	Kelley, William	Palermo, Diane	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Varrell, Thomas	Weyler, Kenneth

STRAFFORD

Albert, Russell	Cossette, Larry	Harrington, Michael	Proulx, Raymond
Twombly, James	Woods, Phyllis		

SULLIVAN

Cloutier, John	Ferland, Brenda	Flint, Gordon Sr	Franklin, Peter
Jones, Constance	Leone, Richard	Odell, Bob	Phinizy, James
Robb, Amy	Rodeschin, Beverly		

And the report was adopted.

Ordered to third reading.

senate messages

concurrences with amendment

SB 62, relative to guardianships.

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

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

accedes to request for committees of conference

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

The President appointed Sens. Wheeler, O'Hearn and McCarley.

HB 676, establishing a committee to study the creation of a regional program for collection and marketing certain components of the municipal solid waste stream.

The President appointed Sens. Johnson, Eaton and Cohen.

nonconcurs with amendments

requests committee of conference

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

The President appointed Sens. Gordon, Pignatelli and Roberge.

Rep. Dowling moved that the House accede.

Adopted.

The Chair appointed Reps. Lyman, Gile, Gargasz and Palermo.

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

The President appointed Sens. Gordon, O'Hearn and Disnard.

Rep. Henderson moved that the House accede.

Adopted.

The Chair appointed Reps. Dearborn, Colcord, Sova and Claire Clarke.

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

The President appointed Sens. Prescott, O'Neil and Francouer.

Rep. Peterson moved that the House accede.

Adopted.

The Chair appointed Reps. Poulin, Dexter, Dyer and Schultze.

requests concurrence with amendment

HB 443, relative to a state energy plan and relative to road toll fees for vehicles powered by alternate energy sources. (Amendment printed in SJ 05/31/01)

Rep. Jeb Bradley moved that the House concur.

Adopted.

HB 274-FN, banning the residential open burning of trash and relative to a dioxin emissions reduction and control program. (Two amendments printed in SJ 5/17/01 and 5/31/01)

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

Adopted.

The Chair appointed Reps. Jeb Bradley, Norelli, Sloan and Gabler.

regular calendar (cont'd)

HB 555-FN-L, relative to the billing of counties for certain expenses by the department of health and human service. **OUGHT TO PASS WITH AMENDMENT**

Rep. Lawrence A. Emerton for Finance: This bill, as amended by the House, dealt with the time frames within which the Department of Health and Human Services (HHS) billed counties and counties paid those bills. Part of the Finance amendment extends one of those time frames by three months to allow HHS a bit more flexibility. But the main thrust of the Finance amendment is to resolve a pressing billing dispute between HHS and the counties that focus on juvenile court-ordered placements at the Youth Development Center (YDC), the Youth Detention Services Unit and the Tobey School. Under current law, the counties are responsible for 25% of these costs. The counties have withheld approximately $8 million dollars of payments due HHS for FY 1999, 2000 and 2001 when the per diem rates at these facilities increased rapidly and unexpectedly. If these arrearages are repaid, the counties and HHS will enter into a memorandum of understanding that will give the counties (a) access to timely information about rates and rate changes, and (b) a "seat at the table" to address and help resolve issues relating to the cost of operating those facilities and thus the per diem charges and the 25% share for which they are liable. In addition, the state, and not the counties, will be liable for any future per diem costs at these facilities when the annual census drops below 80% of capacity. There can be no reliable estimate of the cost, if any, to the state of this provision. The Committee has been given to understand that the counties support this bill as amended Vote 18-2.

Amendment (1402h)

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

AN ACT relative to the billing of counties for certain expenses by the department of health and human services and relative to costs of certain juvenile placements.

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

1 New Paragraph; Payment of Expenses; Counties. Amend RSA 126-A:3 by inserting after paragraph II the following new paragraph:

II-a. Notwithstanding any provision of law to the contrary, the department shall not require payment and counties shall have no obligation to pay and no cause of action for payment shall be maintained against the counties, for payment for any product or service sold, furnished, or leased to the department or any other person on behalf of the department, unless an invoice for such product or service has been submitted to the counties for payment within 18 months of the date of delivery or provision of the product or service.

2 Reimbursement of Funds for Persons Eligible to Receive Nursing Home Services; Monthly Payments. Amend RSA 167:18-b, I to read as follows:

I. All expenditures in carrying out the purposes of this chapter or RSA 161 relative to old age assistance or aid to the permanently and totally disabled recipients who are in nursing homes shall be made in the first instance from the public assistance fund hereby created, but each county shall make monthly payments to the state for the amounts due under this section within [~~30~~] ***45*** days from notice thereof and shall reimburse said fund for all assistance granted to persons for which such county is liable, to the extent of 50 percent of the non-federal share, except that no charges shall be made for the non-federal share for recipients in state institutions and intermediate care facilities for the mentally retarded (ICF-MR) serving developmentally impaired persons approved by the department of health and human services.

3 County Reimbursements. Amend RSA 170-G:5-a to read as follows:

170-G:5-a County Reimbursement. County payments due under RSA 169-B:40, 169-C:27 and 169-D:29 shall be paid to the department of health and human services on a monthly basis within [~~30~~] ***45*** days' notice of the amount due to the state. Delinquent payments due under these chapters, with interest at the rate of 12 percent per annum, may be recovered by action in a court of competent jurisdiction against the political subdivision liable therefor or may, at the request of the state agency, be deducted from any other moneys payable to such subdivision by any department or agency of the state.

4 Memorandum of Understanding. County governments need timely and accurate information to enable effective budget planning for their portion of the costs of placements of juveniles at the youth development center (YDC), youth detention services unit (YDSU), and, when applicable, the Tobey School. County governments should also have the opportunity to address and help resolve those factors that influence the costs of operation of these juvenile facilities. Therefore, after the state receives payment of arrearages owed by the counties to the state for their portion of costs of placements of juveniles at the YDC, YDSU, and the Tobey School for fiscal years 1999, 2000, and 2001, the state agency having administrative direction and control of these juvenile facilities shall enter into a memorandum of understanding with the designated representatives of the New Hampshire Association of Counties to provide for the flow of the necessary financial information to the counties relating to the costs of operation of the facilities. The memorandum of understanding shall be entered into and made effective no later than 60 days after the effective date of this section and shall include, at a minimum, the following:

(a) The form and schedule for the provision to the counties of information on daily census and the established and proposed per diem rates for the facilities, including information on fixed and variable costs incurred in the operation of the facilities upon which the per diem rates are based and the methodology used to calculate the rates.

(b) A process for allowing the counties, on a regular basis, to address and help resolve issues relating to the costs of operation and, accordingly, the per diem rates for the facilities.

5 New Paragraph; Delinquent Children; Limitation on Liability for Expenses. Amend RSA 169-B:40 by inserting after paragraph VIII the following new paragraph:

IX. Notwithstanding any provision of law to the contrary, no county government shall be charged per diem rates for its portion of costs of placement of juveniles at the youth development center, the youth detention services unit, and, when applicable, the Tobey School, which are based upon an annual average daily census at each unit which is less than 80 percent of the unit's capacity.

6 New Paragraph; Child Protection Act; Limitation on Liability for Expenses. Amend RSA 169-C:27 by inserting after paragraph VIII the following new paragraph:

IX. Notwithstanding any provision of law to the contrary, no county government shall be charged per diem rates for its portion of costs of placement of juveniles at the youth development center, the youth detention services unit, and, when applicable, the Tobey School, which are based upon an annual average daily census at each unit which is less than 80 percent of the unit's capacity.

7 New Paragraph; Children in Need of Services; Limitation on Liability for Expenses. Amend RSA 169-D:29 by inserting after paragraph VIII the following new paragraph:

IX. Notwithstanding any provision of law to the contrary, no county government shall be charged per diem rates for its portion of costs of placement of juveniles at the youth development center, the youth detention services unit, and, when applicable, the Tobey School, which are based upon an annual average daily census at each unit which is less than 80 percent of the unit's capacity.

8 Contingency. Sections 4-7 of this act shall be effective upon receipt by the state of all arrearages, excluding arrearages attributable to fiscal year 1998 and excluding all interest, for fiscal years 1999, 2000, and 2001 owed by the counties to the state for their portion of costs of placements of juveniles at the YDC, YDSU, and the Tobey School, as certified by the commissioner of administrative services to the secretary of state and the director of legislative services.

9 Effective Date.

I. Sections 4-7 of this act shall take effect as provided in section 8 of this act.

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

AMENDED ANALYSIS

This bill declares that the department of health and human services shall not bill a county for expenses unless the department submits an invoice to such county within 18 months of the date of incurring such expense.

This bill changes the date monthly payments are due from the counties to the state for certain services from 30 days to 45 days of notice such payments are due.

This bill also requires a memorandum of understanding to be negotiated among the department of youth development services, the juvenile justice unit of the department of health and human services, and the counties relative to costs associated with certain juvenile placements.

Adopted.

Report adopted and ordered to third reading.

SB 54, relative to the transfer of funds in the community-technical college system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: This bill creates the New Hampshire Community Technical Colleges Foundation at the instigation of the legislature. Our Vocational Technical College System is evolving into a Community Technical College System. Also at the legislature's urging we asked the System to create their own foundation for soliciting outside contributions for an endowment. This bill is a final step and allows transfer of $250,000, that the colleges have already raised, to be

transferred from the treasurer's office to the foundation. There is no impact on the general fund Vote 20-0.

Amendment (1411h)

Amend RSA 188-F:4-a, III as inserted by section 1 of the bill by replacing it with the following:

III. Accept and expend legacies and other gifts to, or for the benefit of, the community-technical college system, or any of its divisions, institutions, or units, without the approval of the governor and council, and to establish separate accounts, and to establish non-profit entities or foundations for the purposes of fund raising and development of assets in reserve. ***State agencies or departments in possession of privately donated funds on behalf of the regional community-technical college system shall transfer such funds to the community-technical college foundation.***

Adopted.

Report adopted and ordered to third reading.

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

Rep. MaryAnn N. Blanchard for Finance: This bill extends the payment of group health insurance premiums for Group I retirees (teachers and political subdivision retirees) from July 1, 2004 until July 1, 2008. These premiums are paid out of the special account established under RSA 100-A:16, II (h). This fund would still remain well in excess of $100, 000, 000 each for teachers and employers. Furthermore this bill has no fiscal impact on state, county and local revenues or expenditures Vote 20-0.

Adopted and ordered to third reading.

SB 197-FN, restructuring the judicial conduct committee as an independent judicial conduct commission and making an appropriation therefor**. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Larry G. Elliott for the Majority of Judiciary: The genesis of an independent judicial conduct commission was initiated by the Supreme Court in the middle of impeachment proceedings when they appointed an independent commission to study the issue of an independent judicial conduct commission. On January 5, 2001, the commission submitted the "Findings and Recommendations of the Task Force for the Renewal of Judicial Conduct Procedures". SB 197 closely tracks the recommendations of the Task Force. The House Judiciary Committee established a subcommittee to review the various House proposals and ultimately selected this Senate vehicle to bring forth our best recommendations for an independent judicial conduct commission. The subcommittee and the committee of the whole worked closely with the commission established by the Supreme Court and other legal scholars. Many of their recommendations are included in Amendment 1367h, which substantially replaces the text of Senate Bill 197. The bill establishes an eleven-member independent commission appointed by all three branches of government who shall serve without compensation. The commission shall select its own office space, which shall be as independent as possible from other facilities of any branch of government. The commission shall have independent rulemaking authority. The commission shall conduct its meetings in public after an initial finding that the complaint against a judge has merit and needs to be further investigated. This bill begins the process of lifting the veil of secrecy that has cloaked the court system in the State of New

Hampshire for too long. The preamble to this legislation best describes the intent of the House Judiciary Committee for passage of this critical legislation: "Purpose: In order to maintain a healthy democracy, the legislature finds that it is vital that the citizens of New Hampshire have an independent commission able to adequately discipline the actions of judges who have breached the Code of Judicial Conduct. The general court recognizes that the judicial branch of government must act independently, in accordance with the New Hampshire Constitution, in making its adjudicatory decisions. The legislature is mindful of the importance of the independence of each branch and believes that it has a duty under the constitution to insure that the judicial branch provides the citizens of New Hampshire fair, equal, impartial, and prompt justice. To meet its duty, the legislature mandates the establishment of a judicial conduct commission." Vote 13-2.

Rep. Peter S. Espiefs for the Minority of Judiciary: There is no compelling or urgent reason for public access to the final deliberations of the Judicial Conduct Committee (JCC) any more than there should be public access to the final deliberations of a jury. Although the JCC proceedings are made subject to RSA 91-A (i.e., Right-to-Know Law) which provides for a possible non-public hearing, such provision does not assure the confidentiality of the deliberations. The members of the deliberative body, after having conducted a public hearing on the facts and law, are entitled to protection of their private thoughts and judgmental processes without the fear of public ridicule or retribution. The deliberation process must not become a spectacle and circus. Therefore, the minority urges the House to vote against the bill because it is unnecessarily indifferent to the overriding importance of the confidential deliberative duties of the JCC and is bad public policy and precedent.

Majority Amendment (1367h)

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

AN ACT establishing a judicial conduct commission.

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

1 Purpose. In order to maintain a healthy democracy, the legislature finds that it is vital that the citizens of New Hampshire have an independent commission able to adequately discipline the actions of judges who have breached the Code of Judicial Conduct. The general court recognizes that the judicial branch of government must act independently, in accordance with the New Hampshire Constitution, in making its adjudicatory decisions. The legislature is mindful of the importance of the independence of each branch and believes that it has a duty under the constitution to insure that the judicial branch provides the citizens of New Hampshire fair, equal, impartial, and prompt justice. To meet its duty, the legislature mandates the establishment of a judicial conduct commission.

2 New Chapter; Judicial Conduct Commission. Amend RSA by inserting after chapter 494 the following new chapter:

CHAPTER 494-A

JUDICIAL CONDUCT COMMISSION

494-A:1 Judicial Conduct Commission Established. A judicial conduct commission is hereby established which shall be completely independent of the New Hampshire court system and other branches of government. The commission shall be administered by an executive director, appointed under RSA 494-A:3.

494-A:2 Definitions. In this chapter:

I. "Commission" means the judicial conduct commission established under RSA 494-A:4.

II. "Executive director" means the executive director of the commission appointed under RSA 494-A:3.

III. "Judge" means supreme court justices under RSA 490:1; superior court justices under RSA 491:1; and superior court marital masters; district court justices under RSA 502-A:3; and probate court judges, under RSA 547.

494-A:3 Executive Director; Appointment and Duties.

I. The commission shall select and appoint an executive director as the administrator of the commission. The executive director shall be appointed by majority vote of the commission after 60 days notice and a public hearing. The executive director shall hold office for 5 years and until a successor has been appointed, except that the executive director may be removed from office by vote of 2/3's of the commission. Vacancies in the office shall be filled for the unexpired term. The executive director may be reappointed using the same procedure for appointment. The executive director shall be a nonclassified state employee.

II. The executive director shall be the administrative head of the commission. The duties of the executive director shall also include:

(a) Employing and supervising commission staff, under RSA 494-A:16.

(b) Submitting an annual report to the governor, senate president, speaker of the house, and chief justice of the supreme court, by October 1 of each year, which details the performance of the commission. This report shall be a public document.

(c) Submitting budgets to be funded through general funds in the biennial operating budget.

(d) Acting as secretary for all commission meetings.

494-A:4 Commission; Membership.

I. The commission shall consist of the following 11 members:

(a) Three judges, consisting of one judge or retired judge from each of the superior court, district court, and probate court, appointed by the chief justice of the supreme court.

(b) Two attorneys nominated and appointed as follows:

(1) One attorney shall be appointed by the governor, with consent of the executive council, from a list of 10 nominees prepared by the New Hampshire Bar Association. If the initial list prepared by the New Hampshire Bar Association is unsatisfactory to the governor, the governor may request that the Bar Association prepare a second list of 10 nominees from which an appointment shall be made.

(2) One attorney shall be appointed jointly by the senate president and the speaker of the house from a list of 10 nominees prepared by the New Hampshire Bar Association. If the initial list prepared by the New Hampshire Bar Association is unsatisfactory to the senate president and the speaker of the house, they may request that the Bar Association prepare a second list of 10 nominees from which an appointment shall be made.

(c) Two public members who are not judges, attorneys, or elected or appointed public officials, appointed by the governor.

(d) Two public members who are not judges or attorneys, appointed by the senate president.

(e) Two public members who are not judges or attorneys, appointed by the speaker of the house.

II. Commission members shall serve without compensation for their services, but shall be reimbursed for necessary expenses incurred in the performance of their duties.

494-A:5 Terms of Office.

I. The initial terms of office shall be staggered as follows:

(a) For the members appointed under RSA 494-A:4, I(a), one member shall be appointed for 2 years, one member shall be appointed for 3 years, and one member shall be appointed for 4 years.

(b) For the members appointed under RSA 494-A:4, I(b), one member shall be appointed for 3 years and one member shall be appointed for 4 years.

(c) For the members appointed under RSA 494-A:4, I(c), one member shall be appointed for 3 years and one member shall be appointed for 4 years.

(d) For the members appointed under RSA 494-A:4, I(d), one member shall be appointed for 2 years and one member shall be appointed for 3 years.

(e) For the members appointed under RSA 494-A:4, I(c), one member shall be appointed for 3 years and one member shall be appointed for 4 years.

II. After the initial appointment, a member may be reappointed for an additional term of 4 years. Initial members may not be appointed thereafter until they have not sat on the commission for a period of 4 years.

494-A:6 Vacancies.

I. A vacancy in the office of the commission occurs:

(a) At the expiration of a member's term.

(b) When a member ceases to hold the office, by submitting his or her resignation to the commission, or for some other reason.

(c) When a non-attorney or non-judge member becomes an attorney or judge.

(d) When an attorney member ceases to be a member of the New Hampshire bar, is elected or appointed to public office, or is appointed a judge.

(e) When a member ceases to be domiciled in New Hampshire.

II. A vacancy shall be filled by the same appointing authority. The successor shall have the same qualifications as the person who is being replaced. If the vacancy results from other than expiration of the term, the successor shall hold office for the unexpired term.

494-A:7 Disqualification.

I. No member shall participate in any proceeding before the commission involving his or her conduct or in which he or she is a witness or is otherwise involved.

II. No member shall participate in any proceeding in which his or her impartiality might reasonably be questioned.

III. Whenever a member is unable to participate in a particular proceeding because of disqualification, prolonged absence, or physical or mental incapacity, or any other reason, the commission may request the appointing authority of the absent member to appoint a substitute member.

494-A:8 Numbers for Quorum and Action. A quorum for a meeting shall be a simple majority. Similarly, a simple majority of the commission shall be necessary to take routine action. A vote of 6 members of the commission shall be required in order to take or recommend any disciplinary action.

494-A:9 Election of Chairperson and Vice Chairperson. The members of the commission shall elect their own chairperson and vice chairperson.

494-A:10 Duties; Proceedings. The commission shall be responsible for addressing complaints concerning the conduct of judges in the courts of this state. The commission shall determine if a complaint constitutes conduct which violates the Code of Judicial Conduct. The commission shall adopt rules for its proceedings under this paragraph. After notice and hearing, the commission may impose disciplinary actions with regard to a complaint by reprimand or censure. The commission may recommend that the supreme court suspend the judge. If the commission finds evidence of criminal acts, it shall report such evidence to the attorney general. If the commission finds that a judge's conduct may warrant the removal of the judge, the commission shall refer the matter to the legislature.

II. The commission shall, by rules of the executive director adopted under RSA 494-A:12, adopt a Code of Judicial Conduct based on the Model Code of Judicial Conduct (August, 1990), adopted by the House of Delegates of the American Bar Association on August 7, 1990. The code shall be the initial code adopted and may be amended by the commission. Prior to any change in the Code of Judicial Conduct, the commission shall confer with the chief justice of the supreme court.

494-A:11 Procedures for Complaints; Public Availability.

I. When a complaint is received by the commission, the commission shall determine if the complaint is founded or unfounded. If unfounded, the commission shall respond to the

complaining party within 60 days and provide the complaining party with a descriptive basis for its decision. If founded, the commission shall send a copy of the complaint to the judge and the judge shall have 21 days to respond in writing. There shall be no other communications by the judge relative to the complaint. Following a response from the judge, the commission shall send a copy of the response to the complaining party and the complaint and the response shall be public record. All subsequent actions of the commission shall be subject to the provisions of RSA 91-A.

II. The commission may conduct hearings when necessary to make a finding. Transcripts, findings, deliberations, and reports of disciplinary actions taken with regard to a founded complaint shall be available to the public under the provisions of RSA 91-A. The exemption regarding internal personnel practices in RSA 91-A:5, IV shall be inapplicable to proceedings or documents under this paragraph.

III. If the complaint referred to the commission alleges conduct that would constitute a crime, the commission chairperson shall immediately refer the matter to the attorney general. The referral of such a complaint to the attorney general shall not supersede the commission's jurisdiction relative to whether a violation of the Code of Judicial Conduct has occurred. However, the committee shall suspend its activities until the criminal proceedings, if any, are concluded.

IV. In all cases, whether a complaint is dismissed or not, complaints received by the commission shall be made available to the administrative judge of the court in which the judge complained against holds office. Furthermore, all complaints against judges received by the administrative judges and other judges of the superior court, the district court, and the probate court shall be forwarded to the commission.

V. The statute of limitations for any complaint shall be 3 years from the act which is the subject of the complaint or from the conclusion of the trial or appeal during which the act occurred, whichever is later.

494-A:12 Rules. The executive director, with consent of the commission, shall have the authority to adopt rules, after public notice and hearing, necessary to perform the objectives of this chapter and may adopt as temporary rules the rules used by the supreme court on the effective date of this chapter, but shall adopt its own rules, which shall replace such temporary rules, by January 1, 2002. Prior to the adoption of any rule, or the amendment or repeal thereof, the commission shall publish or otherwise circulate notices of its intended action and afford interested parties the opportunity to submit comments either orally or in writing.

494-A:13 Subpoena Power. The chairperson and the vice-chairperson of the commission shall have the powers of subpoena.

494-A:14 Appeals. An aggrieved party may appeal an order or decision of the judicial conduct commission provided that such appeals shall be limited to consideration of matters of procedure and errors of law.

494-A:15 Funding. The commission shall prepare and administer its own budget, including funding for such items as staff, office space, and operating expenses. Funding shall be authorized by the legislature only from sources other than those appropriated for the judicial branch.

494-A:16 Staff and Facilities.

I. The executive director shall, with the approval of the commission, hire its own staff, which may include attorneys, investigators, and clerks, as may be necessary to carry out the

duties of the commission. The executive director may contract for such temporary professional, administrative, and clerical services as deemed necessary by the commission. Full-time staff shall be nonclassified personnel who shall be entitled to state employee benefits.

II. The commission shall select its own office space, which shall be as independent as possible from other facilities of any branch of government.

3 Right to Know; Judicial Conduct Commission Included Under Public Proceedings. Amend RSA 91-A:1-a, III to read as follows:

III. Any board or commission of any state agency or authority, including the board of trustees of the university system of New Hampshire ***and the judicial conduct commission***;

4 Repeals. The following are repealed:

I. RSA 490:30, relative to the committee on judicial conduct.

II. RSA 490:32, relative to judicial performance evaluation.

5 Date of Operation of Commission. All appointments to and necessary staffing of the judicial conduct commission shall be made prior to January 1, 2002 and the commission shall commence operation January 2, 2002.

6 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

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

AMENDED ANALYSIS

This bill restructures the judicial conduct committee as an independent judicial conduct commission.

Majority amendment adopted.

The question being adoption of the majority report.

Reps. Espiefs and Leishman spoke against and yielded to questions.

Rep. Leishman inquired if the question was divisible. The Speaker ruled the question was not divisible.

Reps. Rowe and Jacobson spoke in favor and yielded to questions.

Rep. Camm requested a roll call; sufficiently seconded.

The question now being adoption of the majority report.

YEAS 290 NAYS 36

YEAS 290

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Flanders, Donald
Holbrook, Robert	Johnson, William	Lawton, David	Millham, Alida
Nedeau, Stephen	Pilliod, James	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Thomas, John	Wendelboe, Fran	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	Batchelder, Robert	Dexter, Judson	Edwards, Dana
Emerson, Susan	Hunt, John	Liebl, George	Manning, Joseph
Meader, David	Pratt, John	Richardson, Barbara	Roberts, William
Royce, H Charles	Smith, Edwin	Zerba, Roger	

COOS

Bradley, Paula	Davis, Perley	Gallus, John	Guay, Lawrence
Horton, Lynn	Mears, Edgar	Pratt, Leighton	Stohl, Eric
Tholl, John Jr	Woodward, David		

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Cobb, John	Cooney, Mary	Eaton, Stephanie	Gabler, William
Gilman, G Michael	Giuda, Robert	Lovett, Sid	Marshall, Gene
Mirski, Paul	Naro, Debra	Nordgren, Sharon	Scanlan, David
Sova, Charles	Ward, Brien	Williams, Burton	

HILLSBOROUGH

Alukonis, David	Andosca, Mary	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Baroody, Benjamin	Bellavance, Paul
Bergeron, Jean-Guy	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Buckley, Raymond	Calawa, Leon Jr	Chabot, Robert	Christiansen, Lars
Clegg, Robert Jr	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Craig, James	Dionne, Kimberley	Dokmo, Cynthia
Drisko, Richard	Duval, Jeffrey	Elliott, Larry	Emerton, Lawrence Sr
Fields, Dennis	Fletcher, Richard	Ford, Nancy	Foster, Linda
Furman, Christine	Gargasz, Carolyn	Gleneck, David	Golding, William
Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary	Goulet, Maurice
Graham, John	Greenberg, Gary	Guinta, Frank	Hall, Charles
Herman, Keith	Holden, Randolph	Hopper, Gary	Jean, Claudette
Jean, Loren	Johnson, Lionel	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard	Lasky, Bette
Leach, Edward	Lefebvre, Roland	Lessard, Rudy	Lynde, Harold
Martin, Mary Ellen	McHugh, Claire	McRae, Karen	Melcher, Harold
Mercer, Robert	Messier, Irene	Milligan, Robert	Movsesian, Lori
O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Sargent, Maxwell	Schulze, Joan
Seibel, Christopher	Souza, Kathleen	Spiess, Paul	Sweeney, Cynthia
Tahir, Saghir	Thompson, Rob	Thulander, O Alan	Vaillancourt, Steve
Wheeler, Robert	White, Donald	White, John	

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Colcord, J D
Cummings, Raymond	Daneault, Gabriel	Davis, Frank	Dunne, Christopher
Feuerstein, Martin	Fraser, Leo Jr	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	Perkins, Randy
Poulin, David	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Soltani, Tony	Swindlehurst, John	Whalley, Michael	Winter, Steven

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bowles, Raimond
Bridle, Russell	Camm, Kevin	Carson, Sharon	Case, Margaret
Chalbeck, Kevin	Clark, Martha Fuller	Clark, Vivian	Coes, Betsy
Cooney, Richard	Corbin, Corey	Cox, Russell	Dearborn, Bruce
DiFruscia, Anthony	Dodge, Robert	Dowling, Patricia	Downing, Michael
Fesh, Bob	Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald	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	Morse, Charles
Norelli, Terie	Nowe, Ronald	Packard, Sherman	Palermo, Diane
Pantelakos, Laura	Power, Lucille	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Rausch, James	Robertson, Carl
Ruffner, Walter	Sloan, Stephen	Stone, Joseph	Stritch, C Donald
Varrell, Thomas	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Cossette, Larry
DeChane, Marlene	Dunlap, Patricia	Ferland, Paul	Gilmore, Gary
Harrington, Michael	Heon, Richard	Hughes, Christopher	Knowles, William
Pelletier, Arthur	Reid, Christopher	Rollo, Michael	Snyder, Clair
Spang, Judith	Twombly, James	Wall, Janet	Woodill, Rodney
Woods, Phyllis			

SULLIVAN

Cloutier, John	Ferland, Brenda	Flint, Gordon Sr	Franklin, Peter
Jones, Constance	Leone, Richard	Odell, Bob	Phinizy, James
Robb, Amy	Rodeschin, Beverly		

NAYS 36

BELKNAP

None

CARROLL

None

CHESHIRE

Allen, Peter	Burnham, Daniel	Espiefs, Peter	McGuirk, Paul
Mitchell, McKim	Weed, Charles		

COOS

Landers, Dana	Rodrigue, Robert

GRAFTON

Benn, Bernard	Pawlek, Marion	Scovner, Nancy	Sokol, Hilda
Solow, Martha			

HILLSBOROUGH

Drabinowicz, A Theresa	Dwyer, Paul	Eaton, Richard	Hall, Betty
Leishman, Peter	Williams, Carol		

MERRIMACK

Clarke, Claire	Crosby, Toni	Moore, Carol	Owen, Derek
Potter, Frances	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn

STRAFFORD

Brennan, William	Brown, Julie	Estabrook, Iris	Johnson, Nancy
Proulx, Raymond			

SULLIVAN

Allison, David Harris, Joseph Harris, Sandra

and the majority report was adopted.

Ordered to third reading.

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

SB 120, relative to tip pooling for certain hourly employees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Benjamin C. Baroody for Labor, Industrial and Rehabilitative Services: This bill was needed by the Department of Labor to enforce tip pooling practices now being done in New Hampshire. Vote 10-2.

Amendment (1375h)

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

1 Minimum Wage Law; Definition and Administration of Tip Pooling. Amend the introductory paragraph of RSA 279:21 to read as follows:

Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than that set forth in the federal minimum wage law, as amended, or as follows, whichever is higher:

Date	Hourly Rate
April 1, 1991 to September 30, 1996	$4.25
October 1, 1996 to August 31, 1997	$4.75
On and after September 1, 1997	$5.15

Tipped employees of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receive more than $20 a month in tips directly from the customers will receive a base rate from the employer of not less than $2.38 per hour. With any change to the minimum wage after the effective date of this section, the employer is responsible to pay employees $2.38 per hour or 45 percent of the applicable minimum wage whichever is higher. If an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal the minimum wage for all hours worked, the employer shall pay the employee the difference to guarantee the applicable minimum wage. ***For purposes of this section, "tips directly from the customer" means: (1) tips paid directly from the customer to the employee and, (2) tips which the tipped employees voluntarily pool and share with employees who customarily and regularly receive tips, such as waitstaff, hostesses, expediters, buspeople, and service bartenders who serve customers. Tipped employees shall not be required to share their tips with employees who have not customarily and regularly participated in tip pooling***

arrangements, such as dishwashers, cooks, chefs, janitors, door people, and security personnel. A tip is the property of the employee in recognition of services given to a customer and shall not include a compulsory charge for service. In no case shall more than 10 percent of the tips received by any individual be put into a tip pool. An employer may, but is not required to, administer the tip pool. When the employees administer the tip pool themselves, then they shall report sufficient information to the employer to permit the employer to document tips contributed by the wait staff to the tip pool and tips received by employees from the tip pool. Where the tip pool is administered in accordance with this section, the employer shall not be in violation of the provisions of 275:48. Where the employees administer the tip pool in violation of this section, the employer shall not be in violation of RSA 275:48. No individual shall be discriminated against for not voluntarily participating in a tip pooling policy. Any restaurant, hotel, motel, inn, or cabin whose employees engage in tip pooling shall post a sign in its entrance, prominently displayed in plain view of the customer, notifying customers that the establishment pools tips. The department of labor shall provide a uniformly worded sign for posting that notifies the customer that the establishment pools tips and explains the practice in general terms. The limitations imposed hereby shall be subject to the following exceptions:

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

Rep. Gilman moved Recommit to Committee for the purpose of retaining the bill and spoke in favor.

Unanimously adopted.

The Speaker referred the bill to Labor, Industrial and Rehabilitative Services.

HB 592-FN-A, relative to a milfoil and other exotic plants prevention and research grant program and fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Vivian R. Clark for Ways and Means: This bill would have increased boat registration fees by $3 to fund a new milfoil research and prevention program. The amendment removes that fee and funds the program through a portion of the ad-valorem tax currently collected by state boat registration agents other than town clerks. The remainder of those tax funds will be used to add to the Harbor Maintenance Fund and, for one year to pay for the Department of Safety to implement the national standards for navigational aids. Currently, New Hampshire is the only state that has not adopted those standards. The amendment also requires that reports on both the milfoil program and the buoy program be submitted as part of the normal budget cycle. Vote 12-2.

Amendment (1326h)

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

AN ACT relative to a milfoil and other exotic plants control and research grant program and fund.

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

1 New Subparagraph; Milfoil and Other Exotic Plants Control and Research Grant Fund. Amend RSA 6:12, I by inserting after subparagraph (dddd) the following new subparagraph:

(eeee) Moneys collected pursuant to RSA 487:26, which shall be deposited in the milfoil and other exotic plants control and research grant fund.

2 Boat Registration Fee; Collection by Authorized Agents. Amend RSA 72-A:5 to read as follows:

72-A:5 Town Treasurer.

I. Every clerk[~~,~~] ***and*** tax collector[~~, and authorized agent~~] shall each week send all boat fees collected to his ***or her*** town or city treasurer. Except as provided in [~~paragraph~~] ***paragraphs*** II ***and III***, boat fees shall be for the general use of the town or city.

II. When the boat fee is collected by the department of safety, the fee shall be deposited in the navigation safety fund established under RSA 270-E:6-a.

III. Every authorized agent of the department of safety shall each week send all boat fees collected to the department of safety. Each quarter the department shall account for these fees and deposit them as follows:

(a) One-third to the milfoil and other exotic plants control and research grant fund established under RSA 487:26;

(b) One-third to the harbor dredging and pier maintenance fund established under RSA 271-A:21; and

(c) One-third shall be used by the department to implement the United States Aids to Navigation System to mark the state's waters.

3 Boat Registration Fee. Amend RSA 72-A:5, III(a) to read as follows:

(a) One-third to the general fund.

4 Boat Registration Fee. Amend RSA 72-A:15, III(c) to read as follows:

(c) One-third shall be [~~used by the department to implement the United States Aids to Navigation System to mark the state's waters~~] ***deposited in the general fund***.

5 New Subdivision; Milfoil and Other Exotic Plants Control. Amend RSA 487 by inserting after section 25 the following new subdivision:

Milfoil and Other Exotic Plants Control

487:26 Milfoil and Other Exotic Plants Control and Research Grant Fund. There is hereby established a special fund to be known as the milfoil and other exotic plants control and research grant fund. The purpose of this fund is to provide revenues for the milfoil and other exotic plants control and research grant program as provided in this subdivision, and moneys in the fund shall not be available for any other purpose. All moneys deposited in the fund are continually appropriated for the purposes of the milfoil and other exotic plants control and research grant program and shall not lapse.

487:27 Grant Program Established. There is hereby established a grant program to be administered by the department of environmental services for the allocation of money to lake associations and towns which seek to administer a milfoil and other exotic plants control program, and institutions of higher learning which seek to conduct research on milfoil and other exotic plants remediation techniques. The grant program shall be funded by the milfoil and other exotic plants control and research grant fund, established under RSA 487:26. Up to one-half of the moneys distributed from the fund shall be allocated for the purposes of milfoil and other exotic plants control programs and the remainder shall be allocated to milfoil and other exotic plants research projects.

487:28 Management Plan. The department of environmental services shall establish a management plan to implement the grant program. The management plan shall include, but not be limited to:

I. Eligibility determination criteria and procedures.

II. Application requirements and procedures.

III. Project selection and prioritization requirements and procedures.

IV. Stewardship requirements and procedures, including annual reporting to the department by the grantee.

487:29 Eligible Applicants; Matching Funds.

I. The department of environmental services shall distribute funds for projects to further the purposes of this chapter only to eligible applicants. Eligible applicants shall include:

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

(b) Municipalities or other political subdivisions of the state.

(c) Institutions of higher learning.

II. All eligible applicants shall provide a minimum level of matching resources equal to 50 percent of the proposed program budget. The cost-sharing match may be met through the use of in-kind services. Qualifying matching funds from the applicant may include, but are not limited to, municipal appropriations, private donations, federal funds, and the value of goods and services provided by the applicant.

487:30 Milfoil and Other Exotic Plants Control and Research Grant Fund Report and Budget.

I. The department of environmental services shall submit an annual report, beginning on July 1, 2002, to the speaker of the house, president of the senate, and the governor and council which shall include, but not be limited to, a description of programs funded by the milfoil and other exotic plants control and research grant fund and the extent of aid to municipalities, lake associations, and research institutions.

II. In addition to or in conjunction with its operating budget, the department of environmental services shall submit a budget for the biennium beginning July 1, 2003, and for each

biennium thereafter, which shall include all expected revenues and projected expenditures of the dedicated fund established in RSA 487:26.

6 Termination of Funding and Report on United States Aids to Navigation System.

I. Any moneys that the department of safety receives during fiscal year 2002 to implement the United States Aids to Navigation System under RSA 72-A:5, III(c) and does not spend or obligate for expenditure by June 30, 2003 shall lapse to the general fund on July 1, 2003.

II. In addition to, or in conjunction with, its operating budget for fiscal year 2004 the department shall submit a report on the implementation of the United States Aids to Navigation System, including a projected budget for maintenance of the system to the speaker of the house, the president of the senate, the governor, and the executive council.

7 Prospective Repeal; July 1, 2006. The following are repealed:

I. RSA 6:12, I(eeee), relative to the milfoil and other exotic plants control and research grant fund.

II. RSA 487:26-29, relative to the milfoil and other exotic plants control program.

8 Effective Date.

I. Section 4 of this act shall take effect July 1, 2002.

II. Sections 3 and 7 of this act shall take effect July 1, 2006.

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

AMENDED ANALYSIS

This bill creates a grant program administered by the department of environmental services for aid to lake associations and towns which seek to administer a milfoil and other exotic plants control program, and institutions of higher learning which seek to conduct research on milfoil and other exotic plants remediation techniques. Eligible applicants are required to provide a minimum resource match of 50 percent of the proposed program budget.

This bill also creates a special milfoil and other exotic plants control and research grant fund to provide moneys for the program. Funding for the grant program is provided by directing authorized agents of the department of safety to pay the boat fee they collect under RSA 72-A to the department, instead of to the town or city treasurer. The department shall use 1/3 of the boat fees so collected to fund the grant program and 1/3 for the harbor dredging and pier maintenance fund. For one year the department shall use the remaining 1/3 of the boat fees for implementing the United States Aid to Navigation System to mark the state's waters. After one year, the remaining 1/3 of the boat fees will go into the general fund.

The provisions of this bill are repealed July 1, 2006 and the funds allocated to the milfoil and other exotic plants control and research grant fund lapse into the general fund.

Rep. Leone spoke against and yielded to questions.

Rep. Vivian Clark spoke in favor and yielded to questions.

Rep. Babson requested a roll call; sufficiently seconded.

The question being adoption of the amendment.

YEAS 148 NAYS 168

YEAS 148

BELKNAP

Czech, Stanley	Rosen, Ralph	Russell, David	Thomas, John
Wood, Jane			

CARROLL

Patten, Betsey

CHESHIRE

Avery, Stephen	Burnham, Daniel	Dexter, Judson	Edwards, Dana
Hunt, John	Liebl, George	Richardson, Barbara	Roberts, William
Royce, H Charles	Smith, Edwin		

COOS

Bradley, Paula	Davis, Perley	Horton, Lynn	Mears, Edgar
Pratt, Leighton	Rodrigue, Robert	Tholl, John Jr	

GRAFTON

Akins, Ralph	Almy, Susan	Barker, Robert	Benn, Bernard
Cobb, John	Cooney, Mary	Giuda, Robert	Marshall, Gene
Nordgren, Sharon	Pawlek, Marion	Scanlan, David	

HILLSBOROUGH

Alukonis, David	Andosca, Mary	Artz, Lawrence	Balcom, John
Baroody, Benjamin	Bragdon, Peter	Brundige, Robert	Buckley, Raymond
Calawa, Leon Jr	Chabot, Robert	Christiansen, Lars	Clemons, Jane

Cote, David	Coughlin, Pamela	Duval, Jeffrey	Emerton, Lawrence Sr
Fields, Dennis	Foster, Linda	Furman, Christine	Gleneck, David
Golding, William	Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary
Goulet, Maurice	Guinta, Frank	Hall, Charles	Hopper, Gary
Jean, Claudette	Konys, Christine	L'Heureux, Robert	LaRose, Richard
Lasky, Bette	Leach, Edward	Lefebvre, Roland	Lessard, Rudy
Martin, Mary Ellen	McHugh, Claire	Movsesian, Lori	Palangas, Eric
Panagopoulos, Nicholas	Reeves, Sandra	Rowe, Robert	Sargent, Maxwell
Souza, Kathleen	Sweeney, Cynthia	Tahir, Saghir	Thompson, Rob
Thulander, O Alan	Vaillancourt, Steve	Williams, Carol	

MERRIMACK

Clarke, Claire	Colcord, J D	Daneault, Gabriel	Davis, Frank
Dunne, Christopher	Feuerstein, Martin	French, Barbara	Greco, Vincent
Hess, David	Leber, William	MacKay, James	Moore, Carol
Perkins, Randy	Potter, Frances	Rodd, Beth	Rush, Deanna
Soltani, Tony	Wallner, Mary Jane	Whalley, Michael	

ROCKINGHAM

Arndt, Janet	Blanchard, MaryAnn	Camm, Kevin	Case, Margaret
Chalbeck, Kevin	Clark, Martha Fuller	Clark, Vivian	Dodge, Robert
Dowling, Patricia	Downing, Michael	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Hamel, Albert	Holland, James Jr
Itse, Daniel	Johnson, Rogers	Katsakiores, George	Letourneau, Robert
Major, Norman	McGuire, Robert	McKinney, Betsy	Norelli, Terie
Nowe, Ronald	Packard, Sherman	Priestley, Anne	Rausch, James
Stone, Joseph	Stritch, C Donald	Welch, David	

STRAFFORD

Albert, Russell	Berube, Roger	Brennan, William	Cossette, Larry
Gilmore, Gary	Hughes, Christopher	Johnson, Nancy	Snyder, Clair
Wall, Janet	Woods, Phyllis		

SULLIVAN

Burling, Peter	Franklin, Peter	Harris, Joseph

NAYS 168

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Flanders, Donald	Holbrook, Robert
Johnson, William	Millham, Alida	Nedeau, Stephen	Pilliod, James
Rice, Thomas Jr	Wendelboe, Fran		

CARROLL

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

CHESHIRE

Allen, Peter	Batchelder, Robert	Emerson, Susan	Espiefs, Peter
Manning, Joseph	McGuirk, Paul	Meader, David	Mitchell, McKim
Pratt, John	Weed, Charles	Zerba, Roger	

COOS

Gallus, John	Guay, Lawrence	Landers, Dana	Stohl, Eric
Woodward, David			

GRAFTON

Alger, John	Eaton, Stephanie	Gabler, William	Gilman, G Michael
Lovett, Sid	Mirski, Paul	Naro, Debra	Scovner, Nancy
Sokol, Hilda	Solow, Martha	Sova, Charles	Ward, Brien
Williams, Burton			

HILLSBOROUGH

Arnold, Thomas Jr	Balboni, Michael	Bellavance, Paul	Bergeron, Jean-Guy
Bruno, Pierre	Clegg, Robert Jr	Cote, Peter	Dionne, Kimberley

Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard	Eaton, Richard
Elliott, Larry	Fletcher, Richard	Ford, Nancy	Gargasz, Carolyn
Graham, John	Greenberg, Gary	Hall, Betty	Herman, Keith
Holden, Randolph	Jean, Loren	Johnson, Lionel	Keye, Harvey
Kurk, Neal	LaFlamme, Paul	Leishman, Peter	Lynde, Harold
McRae, Karen	Mercer, Robert	Messier, Irene	Milligan, Robert
O'Connell, Timothy	Peterson, Andrew	Schulze, Joan	Seibel, Christopher
Spiess, Paul	Wheeler, Robert	White, Donald	White, John

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Cummings, Raymond
Fraser, Leo Jr	Gile, Mary	Hager, Elizabeth	Hutchinson, John
Kennedy, Richard	Langer, Ray	Lockwood, Priscilla	Owen, Derek
Seldin, Gloria	Swindlehurst, John	Whittemore, James	Winter, Steven
Yeaton, Charles			

ROCKINGHAM

Belanger, Ronald	Bishop, Franklin	Bowles, Raimond	Bridle, Russell
Carson, Sharon	Coes, Betsy	Cooney, Richard	Cox, Russell
Dearborn, Bruce	DiFruscia, Anthony	Fesh, Bob	Flanagan, Natalie
Giordano, Ronald	Gleason, John	Griffin, Mary	Henderson, Warren
Hill, Jonathan	Introne, Robert	Johnson, Robert	Kane, Cecelia
Katsakiores, Phyllis	Kelley, William	Kobel, Rudolph	Langley, Jane
Morse, Charles	Palermo, Diane	Pantelakos, Laura	Power, Lucille
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Robertson, Carl
Sloan, Stephen	Varrell, Thomas	Weyler, Kenneth	Whittier, John
Zolla, William			

STRAFFORD

Bickford, David	Brown, Julie	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Ferland, Paul	Harrington, Michael	Heon, Richard
Knowles, William	Proulx, Raymond	Rollo, Michael	Spang, Judith
Twombly, James	Woodill, Rodney		

SULLIVAN

Allison, David	Cloutier, John	Ferland, Brenda	Flint, Gordon Sr
Harris, Sandra	Jones, Constance	Leone, Richard	Odell, Bob
Phinizy, James	Robb, Amy	Rodeschin, Beverly	

and the amendment failed.

The question now being adoption of the motion of Ought to Pass.

Rep. Alukonis spoke against.

Rep. Lovett spoke in favor and yielded to questions.

Rep. Herman moved Recommit to Committee.

On a division vote, 202 members having voted in the affirmative and 112 in the negative, the motion was adopted.

The Speaker recommited the bill to Ways and Means.

SB 170-FN-L, making certain changes to the excavation tax and excavation activity tax. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: This is a minor housekeeping bill for the sand and gravel tax. The largest change is to repeal a specific appeals board for the excavation tax, and send appellants (of which there have been none) to the Board of Land and Tax Appeals, which already handles the other half of the tax. The House amendment changes the effective date, as the original one has passed. Vote 14-0.

Amendment (1339h)

Amend the bill by replacing section 8 with the following:

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

Adopted.

Report adopted and ordered to third reading.

SB 99, relative to the exemption from the community benefits law for charitable trusts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marshall E. Quandt for Commerce: This bill was brought to exempt the Visiting Nurse Associations who have a fund balance of less than $1 M from reporting under the Community Benefits Statute. The committee felt that since this law is new and has not had time to work, the organizations should not be exempt later. However, the amendment gives the Attorney General's Office the authority to grant a filing extension of up to 12 months and to provide on-going training. The AG has changed a policy which makes it easier for the smaller agencies to work collectively to do

their reporting. The AG's office has also agreed to develop a simpler reporting form for the smaller organizations for their filing. Vote 14-0.

Amendment (1265h)

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

AN ACT relative to the extension of time for filing a community benefits plan.

Amend the bill by replacing section 1 with the following:

1 Extension of Time for Filing a Community Benefits Plan. Amend RSA 7:32-g, II to read as follows:

II. An extension of time for filing the community benefits plan may be granted by the director, for a period of time not to exceed 12 months.

AMENDED ANALYSIS

This bill allows the director of charitable trusts to grant an extension of time to file a community benefits plan, for a period not to exceed 12 months.

Adopted.

Report adopted and ordered to third reading.

HB 678, relative to notice of release of an inmate from state prison. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation provides for notification of the prosecuting attorney whenever any person who has been committed to the state prison is released for gainful employment or for the performance of uncompensated public service. Currently, just the sentencing court is notified. If either the prosecuting attorney or the sentencing court object to the release, the release shall not occur. Notification of the prosecuting attorney shall also occur in instances where the commissioner of corrections releases a low risk, non-violent offender on parole under 651:25, VI (d). If either the prosecuting attorney or the sentencing court object to the release, it shall not occur. By involving the prosecuting attorney in these decisions, we feel that the victims concerns will be better represented. Vote 11-0.

Amendment (1334h)

Amend RSA 651:25, I as inserted by section 1 of the bill by replacing it with the following:

I. The commissioner of corrections may release any person who has been committed to the state prison at any time during the term of sentence for the purpose of obtaining and working at gainful employment, for the performance of uncompensated public service as provided in RSA 651:68-70, or for such other purpose as may be deemed conducive to his rehabilitation, for such times or intervals of time and under such terms and conditions as may be prescribed by the commissioner pursuant to RSA 541-A, provided, however, that a prisoner who has not served sufficient time to be eligible for parole may be released under this section only if the sentencing court [~~has~~] ***and the prosecutor of the underlying offense have*** been notified of the proposed release**,**

and ***there has been no objection by either the sentencing court or the prosecutor of the underlying offense*** [~~has not objected~~] within 10 days of receipt of such notice. ***If either the sentencing court or the prosecutor of the underlying offense objects to the proposed release, the release shall not occur.*** The commissioner of corrections may permit inmates of the state prison, who volunteer to do so, to be gainfully employed outside the institution when such employment is considered in their best interest and the best interest of the state. Inmates may be so employed by the state or by public or private employers.

Rep. Welch spoke against.

The amendment failed.

Rep. Knowles offered a floor amendment(1475h) and spoke in favor.

Floor Amendment (1475h)

Amend RSA 651:25, I as inserted by section 1 of the bill by replacing it with the following:

I. The commissioner of corrections may release any person who has been committed to the state prison at any time during the term of sentence for the purpose of obtaining and working at gainful employment, for the performance of uncompensated public service as provided in RSA 651:68-70, or for such other purpose as may be deemed conducive to his rehabilitation, for such times or intervals of time and under such terms and conditions as may be prescribed by the commissioner pursuant to RSA 541-A, provided, however, that a prisoner who has not served sufficient time to be eligible for parole may be released under this section only if the sentencing court [~~has~~] ***and the prosecutor of the underlying offense have*** been notified of the proposed release***,*** and ***there has been no objection by either the sentencing court or the prosecutor of the underlying offense*** [~~has not objected within 10 days of receipt of such notice~~]. ***If the prosecutor of the underlying offense objects to the proposed release, the prosecutor shall submit in writing to the sentencing court the reasons for objecting. The sentencing court shall, within 10 days of receipt of the prosecutor's objection agree with, or object to, the proposed release. If the sentencing court objects to the proposed release, the release shall not occur.*** The commissioner of corrections may permit inmates of the state prison, who volunteer to do so, to be gainfully employed outside the institution when such employment is considered in their best interest and the best interest of the state. Inmates may be so employed by the state or by public or private employers.

AMENDED ANALYSIS

This bill establishes a procedure for allowing objections by the prosecuting attorney and the sentencing court to the pre-parole work release of an inmate.

Adopted.

Report adopted and ordered to third reading.

SB 168-FN, relative to education property tax hardship relief. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeff Gilbert for Ways and Means: This bill corrects an unintended potential disqualification from hardship relief for a taxpayer who sold one homestead and purchased another in the same

municipality during the period of time one year prior to November 3, 1999. The bill also provides an extension of time for filing a claim under certain distress circumstances that were not due to the neglect of the taxpayer. The committee heard compelling testimony of significant injustices that this bill will correct and no testimony was given in opposition. Vote 14-0.

Amendment (1322h)

Amend RSA 198:51, VI as inserted by section 2 of the bill by replacing it with the following:

VI. Claims filed with the department of revenue administration shall be filed within 60 days of the due date of the taxes. ***If a person is prevented by accident, mistake, or misfortune, but not neglect, from filing a claim within 60 days of the due date of the taxes, such person may file a claim no later than June 30 following the date of the notice of tax as defined in RSA 72:1-d, II.***

Adopted.

Rep. Alukonis offered a floor amendment (1456h) and spoke in favor.

Floor Amendment 1456h)

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Current Tax Year; Education Property Tax Hardship Relief Claims. Claims for education property tax hardship relief filed under RSA 198:51 for the tax year beginning April 1, 2001 shall be filed with the department of revenue administration within 60 days of the due date of the taxes; except that if a person is prevented by accident, mistake, or misfortune, but not neglect, from filing a claim within 60 days of the due date of the taxes, such person may file a claim no later than October 1 following the date of the notice of tax as defined in RSA 72:1-d, II.

Adopted.

Report adopted and ordered to third reading.

suspension of rules

Reps. Scanlan and Burling moved that the House rules be so far suspended as to permit the deadline of Wednesday, June 20th at 5:00 p.m. to sign off committee of conference reports to be moved to Friday, June 22nd at 3:00 p.m.

Adopted by the necessary two-thirds.

suspension of rules

Rep. Scanlan moved that the Rules be so far suspended as to permit the deadline of Friday, June 8 at 3:00 p.m., last day to sign off all supplemental bills, to be moved to Friday, September 7th at 3:00

p.m. and the deadline of Tuesday, June 26th, last day to introduce supplemental bills, to be moved to Friday, September 21st .

Adopted by the necessary two-thirds.

senate messages

requests concurrence with amendment

HB 123-FN, relative to the retirement system classification for the director of the division of safety services, department of safety and relative to retirement allowances for certain state employees. (Two amendments printed in SJ 5/01/01 and 6/5/01)

Rep. Peterson moved that the House concur.

Adopted.

enrolled bills report

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 129, 166, 175, 194, 203, 218, 224, 245, 403, 416, 435, 620, 639, 663, 680, and Senate Bills 13, 14, 42, 59, 93, 156 and 169.

Rep. Nowe, Sen. Pignatelli for the Committee

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 Wednesday, June 13, 2001 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 21, establishing a commission to develop recommendations for legislation to reduce regulatory barriers to the creation of affordable housing.

SB 41, relative to technical corrections for life, accident and health insurance.

SB 47, relative to ownership of certified public accounting firms.

SB 51, relative to financial holding companies; cash dispensing machines; the participation in meetings by out-of-state, nondepository trust company directors; and a clarification of the status of student loans.

SB 76-FN, requiring attendance in an education and training program by those who obtain a liquor license and relative to applications for one-day liquor licenses.

SB 83, relative to the New Hampshire film and television commission.

SB 98, relative to notice requirements prior to the sale of manufactured housing parks

SB 106, relative to consumers' cooperative associations.

SB 109, implementing certain federal regulations relative to setting minimum requirements for employee benefit plan procedures pertaining to the filing of benefit claims, notification of benefit determinations, and appeal of adverse benefit determinations.

SB 121, relative to the advisory committee on international trade.

SB 139, relative to uniform electronic transactions.

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

SB 152-FN, relative to the regulation of business practices between motor vehicle manufacturers, distributors, and dealers.

SB 176-FN-A, establishing an equipment depository and disabled person's employment fund in the department of administrative services.

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

SB 48, relative to the rental of shared living facilities.

SB 46, relative to payments of scheduled awards under the workers' compensation law.

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

HB 517-L, relative to supply of water by village districts.

HB 522-L, establishing discretionary preservation easements for preserving historic agricultural structures.

SB 149-FN, permitting persons involved in motor vehicle accidents and certain medical researchers access to motor vehicle records.

SB 118, relative to individual health insurance coverage.

SB 119, relative to small group health insurance coverage.

HB 722, relative to town, village district, and school district elections.

SB 19, establishing a committee to study prevention of voter fraud.

SB 95, relative to campaign finance reporting requirements, political expenditure limitation amounts, and permissible campaign contributions by business organizations.

SB 174-FN-A, including Martin Luther King, Jr. Civil Rights Day as a holiday for which certain state employees are entitled to holiday pay and relative to employees of the department of youth development services.

HB 207-FN-L, increasing the state aid contribution to municipalities that expand, upgrade, or develop new wastewater treatment facilities to provide for expanded septage handling and disposal capacity.

HB 253-FN**,** relative to mercury reductions.

HB 555, relative to the billing of counties for certain expenses by the department of health and human services and relative to costs of certain juvenile placements.

SB 54, relative to the transfer of funds in the community-technical college system.

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

establishing a judicial conduct commission.

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

SB 170-FN-L, making certain changes to the excavation tax and excavation activity tax.

SB 99, relative to the extension of time for filing a community benefits plan.

HB 678, relative to notice of release of an inmate from state prison.

SB 168-FN, relative to education property tax hardship relief.

unanimous consent

Reps. Cecelia Kane and Lefebvre addressed the House.

Rep. Mock moved that Rep. Kane's remarks be printed of the Permanent Journal.

The Speaker ordered Rep. Kane's and the portion of Lefebvre's remarks related to D-Day be printed in the Permanent Journal.

Rep. Cecelia Kane: Thank you, Mr. Speaker. It has been 20 years since the Centers for Disease Control first warned the public about the disease that would become known as AIDS. Since then, AIDS has affected all of us. It has taken some of our colleagues from us, and it has taken members of our families as well.

My only son, Tommy, died February 16, 1989. Please God that you do not ever have to say goodbye to your 34-year old son, dying of AIDS, as I had to.

After my son died, I was told I could do something for people suffering from this fatal disease that has taken a whole generation. I ran for the House and dedicated myself to passing legislation to help in the fight against AIDS. The Pilot Needle Exchange Program, after several attempts and even a veto, finally did pass in 1997. The news from our own state and neighboring states tells us that the fight against AIDS is not over, and the news from the world at large renews our sense of horror at what this disease will do to humanity. Between 20 and 50 percent of adults and children on the African continent are HIV positive and may perish from AIDS and its related diseases.

It is fitting, Mr. Speaker, that we remember the friends and family members who have been victims of AIDS, and that we remember as well that New Hampshire has taken courageous steps to reduce the spread of AIDs. We decriminalized needles in 2000. We also have a needle pilot program, and it is only waiting for a community to step forward to make a difference for our people.

Our greatest weapons in the fight against AIDS are education and further research. We must continue to fight until that day comes when no mother will say goodbye to a child dying of AIDS. Thank you.

Rep. Lefebvre: I wanted to bring to your attention, today being the 7th, yesterday was the 6th (I did graduate from mathematics class). Why I say the 6th, because yesterday was our D-Day in Europe and on behalf of all our military and our friends with the 8th Air Force in Europe and buddies we assisted in watch, climb to altitudes way up high in the sky for a rendezvous with squadrons from all over England with anything that could that fly with a painted white tail. The white tail was a symbol. At 12 o'clock at night they got us up to paint white tails on every aircraft that was going to fly because anything that did not have that white tail was going to be shot down out of the sky because this was invasion. As you looked up into the sky, and heard that roar of those engines all on maximum effort to keep those loads up there floating and headed for the Channel, the thought that came through your mind really was how many of them are coming back? The real glad moment of joy that we were all excited about was to late in the afternoon start counting some of them coming back. To those air crews and those military people who fought in that invasion, Godspeed to them all. Thank you.

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 4:10 p.m.

RECESS