

HOUSE RECORD

**First Year of the 157th Session of the General
Court**

Calendar and Journal of the 2001 Session

Vol. 23

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Tuesday, June 26, 2001

No. 61

HOUSE JOURNAL No. 21(cont.)

Wednesday, June 13, 2001

RECESS

(Rep. Stritch in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 350.

Rep. Nowe, Sen. Pignatelli for the Committee

RECESS

(Rep. Major in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 303, 370, 532, and 595, and Senate Bills numbered 45, 55, 61, 123, 131 and 150.

Rep. Nowe, Sen. Pignatelli for the Committee

RECESS

(Rep. Whalley in the Chair)

SENATE MESSAGES

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2002, and June 30, 2003.

The President appointed Sens. Klemm, Barnes, Hollingworth and alternates Sens. Boyce and Gatsas.

HB 131, relative to the retention and disposal of certain financial disclosure forms.

The President appointed Sens. Roberge, Barnes and O'Neil.

HB 132-FN, relative to the damage or destruction of an emergency vehicle or emergency services equipment.

The President appointed Sens. Gordon, Roberge and Fernald.

HB 259, relative to holding sessions for correction of checklists.

The President appointed Sens. Roberge, Disnard and Barnes.

HB 279-FN-A-L, relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor.

The President appointed Sens. Francoeur, Wheeler and Prescott.

HB 320-FN, relative to leasing certain portions of railroad properties and relative to the definition and taxation of amusement railroads.

The President appointed Sens. Eaton, Boyce and O'Neil.

HB 328-FN-L, relative to fees of sheriffs and deputy sheriffs.

The President appointed Sens. Fernald, Roberge and Prescott.

HB 337-FN, relative to the administration of the public utilities commission and establishing the position of executive director of the public utilities commission.

The President appointed Sens. Prescott, Flanders and D'Allesandro.

HB 351-FN-A-L, requiring the state to fully fund school building aid payments for fiscal year 2001 and making an appropriation therefor.

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

HB 354-FN-A-L, extending the kindergarten construction program.

The President appointed Sens. Gordon, Disnard and Boyce.

HB 373, relative to surety bonds for detective agencies and security services.

The President appointed Sens. Prescott, D'Allesandro and Flanders.

HB 405, establishing a committee to study the creation of an at-home infant child care program in New Hampshire.

The President appointed Sens. Boyce, Prescott and McCarley.

HB 426, relative to the voluntary scrapie flock certification program.

The President appointed Sens. D'Allesandro, Gatsas and Roberge.

HB 450, relative to certain work product under the right-to-know law.

The President appointed Sens. Gordon, Prescott and Fernald.

HB 451, establishing a commission to study the impact of pay and health care benefits for child care workers on the quality of care and education for children by considering and exploring funding methods for accomplishing any recommendations.

The President appointed Sens. Boyce, Prescott and Wheeler.

HB 603-FN-A, providing the commissioner of administrative services an option to self-fund the state employee health plan and requiring a reserve fund therefor.

The President appointed Sens. Francoeur, Burns and Hollingworth.

HB 643-FN, extending the moratorium on new nursing home beds.

The President appointed Sens. Boyce, Prescott and Wheeler.

HB 649-FN, relative to compensation for time lost by state employees injured in the line of duty.

The President appointed Sens. Prescott, Flanders and Larsen.

HB 702, relative to the duties of the committee to study the consumer protection effort in New Hampshire.

The President appointed Sens. Prescott, Wheeler and Boyce.

HB 717, establishing a committee to make recommendations on policy concerning state-operated trails for all terrain vehicles and trail bikes and relative to increasing the nonresident OHRV registration fees for snow traveling vehicles.

The President appointed Sens. Eaton, D'Allesandro and Burns.

HB 726-L, relative to change of school assignment and transfers of public school pupils.

The President appointed Sens. Johnson, Gordon and Below.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 170-FN-A, repealing the legacies and succession tax. (Two amendments printed SJ 06 /12/01)

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

Adopted.

The Speaker appointed Reps. Alukonis, Major, Hess, Kurk and McGuirk.

HB 258, establishing a task force to conduct an ongoing study of the feasibility of re-establishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon northern passenger rail service line. (Amendment printed SJ 06/12/01)

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

Adopted.

The Speaker appointed Reps. George Katsakiores, John Flanders, Letourneau and Peter Cote.

HB 277-L, clarifying the penalties for violations of statutes or ordinances where no penalty is specified. (Amendment printed SJ 06/12/01)

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

Adopted.

The Speaker appointed Reps. Patten, Fairbanks, Scovner and Goodwin.

HB 315-FN, relative to the registration of criminal offenders. (Amendment printed SJ 06/12/01)

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

Adopted.

The Speaker appointed Reps. Karl Gilbert, Knowles, Rodd and Sargent.

HB 475, establishing a commission for the development of a statewide protocol for interviewing victims of sexual assault crimes. (Amendment printed SJ 06/12/01)

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

Adopted.

The Speaker appointed Reps. Karl Gilbert, Knowles, Rodd and Sargent.

HB 543-FN, establishing the division of ports and harbors within the Pease development authority and transferring all functions, powers, and duties of the New Hampshire state port authority. (Amendment printed SJ 06/12/01)

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

Adopted.

The Speaker appointed Reps. Edwin Smith, Rausch, Morse and Candace W. Bouchard.

HB 215, relative to publication of status of cases before the supreme court. (Amendment printed SJ 06/12/01)

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

Adopted.

The Speaker appointed Reps. Mock, Dudley, Loren Jean and Wall.

HB 357, relative to periodic payments of judgments. (Amendment printed SJ 06/12/01)

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

Adopted.

The Speaker appointed Reps. Mock, John Pratt, Loren Jean and Phyllis Woods.

HB 444, relative to mental health services and records. (Amendment printed SJ 06/12/01)

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

Adopted.

The Speaker appointed Reps. Mock, John Pratt, Loren Jean and Phyllis Woods.

HB 509, establishing a statute of limitations on spousal support orders. (Amendment printed SJ 06/12/01)

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

Adopted.

The Speaker appointed Reps. Dowling, McHugh, Lionel Johnson and Allison.

HB 578, relative to requirements for nonpublic utility providers of telephone services and competitive telecommunications providers, and relative to the information technology management advisory board. (Amendment printed SJ 06/12/01)

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

Adopted.

The Speaker appointed Reps. Thomas, Sloan, Leach and Meader.

HB 588, relative to examination of persons called as jurors. (Amendment printed SJ 06/12/01)

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

Adopted.

The Speaker appointed Reps. Mock, John Pratt, Loren Jean and Phyllis Woods.

HB 707, establishing a committee to study the usage of 211 as a uniform community service information and referral number. (Two amendments printed SJ 06/12/01)

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

Adopted.

The Speaker appointed Reps. Jeb Bradley, Thomas, White and Lynde.

HB 758, relative to the sale of gasoline containing ethers. (Floor amendment printed SJ 06/12/01)

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

Adopted.

The Speaker appointed Reps. Jeb Bradley, Stone, Norelli and Blanchard.

NONCONCURS WITH AMENDMENTS

REQUESTS COMMITTEE OF CONFERENCE

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.

The President appointed Sens. Burns, Fernald and Larsen.

Rep. Hess moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Leo Fraser, Taylor and Keye.

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

The President appointed Sens. Boyce, Barnes and O'Neil.

Rep. Buckley moved that the House accede.

Adopted.

The Speaker appointed Reps. Elliott, Dudley, Phyllis Woods and Rice.

SB 139, relative to uniform electronic transactions.

The President appointed Sens. Boyce, Gordon and D'Allesandro.

Rep. Hess moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Leo Fraser, Martha Fuller Clark and Langley.

SB 148, relative to certain penalties for violations of the youth tobacco laws.

The President appointed Sens. Roberge, Fernald and Prescott.

Rep. Hess moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Leo Fraser, Belanger and Batchelder.

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

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

Rep. Alukonis moved that the House accede.

Adopted.

The Speaker appointed Reps. Henderson, Ward, Colcord and Snyder.

SB 197-FN, restructuring the judicial conduct committee as an independent judicial conduct commission and making an appropriation therefor.

The President appointed Sens. Gordon, Prescott and Fernald.

Rep. Mock moved that the House accede.

Adopted.

The Speaker appointed Reps. Mock, Rowe, Phyllis Woods and Wall.

RECESS

(Rep. Herman in the Chair)

senate message

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 256, limiting the liability of law enforcement agencies and their employees for injuries caused by dogs used in law enforcement work. (Amendment printed SJ 06/12/01)

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

Adopted.

The Speaker appointed Reps. Mock, Dudley, Loren Jean and Wall.

HB 385, changing the name, membership and duties of the office of volunteerism. (Amendment printed SJ 06/12/01)

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

Adopted.

The Speaker appointed Reps. Hamel, Peterson, Nelson Allan and Drabinowicz.

HB 703, relative to durable powers of attorney. (Two amendments printed SJ 06/12/01)

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

Adopted.

The Speaker appointed Reps. Rowe, Mock, Craig and John Pratt.

HB 738, establishing a commission to assess the operating efficiency of state government. (Two amendments printed SJ 06/12/01)

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

Adopted.

The Speaker appointed Reps. Poulin, Robertson, Cummings and Schulze.

RECESS

(Rep. Clegg in the Chair)

senate message

ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 170-FN-A, repealing the legacies and succession tax.

The President appointed Sens. Barnes, Eaton and Gatsas, and alternates, Sens. D'Allesandro and Klemm.

RECESS

(Rep. Herman in the Chair)

senate messages

NONCONCURS WITH AMENDMENTS

REQUESTS COMMITTEES OF CONFERENCE

SB 53, relative to attorneys' fees in certain circumstances under the workers' compensation law.

The President appointed Sens. Flanders, Burns and Wheeler.

Rep. Hess moved that the House accede.

Adopted.

The Speaker appointed Reps. Gilman, Clegg, Bridle and Goley.

SB 95, relative to campaign contributions limits.

The President appointed Sens. Roberge, Disnard, Francoeur.

Rep. Hess moved that the House accede.

Adopted.

The Speaker appointed Reps. Clegg, Arndt, Pappas and Clemons.

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

The President appointed Sens. Francoeur, Flanders and Hollingworth.

Rep. Hess moved that the House accede.

Adopted.

The Speaker appointed Reps. Dyer, Zolla, Cummings and Drabinowicz.

SB 192-FN, relative to the issuance of high/medium voltage licenses by the electricians' board.

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

Rep. Hess moved that the House accede.

Adopted.

The Speaker appointed Reps. Dexter, Nelson Allan, Goulet and Clayton.

refuses to accede to request for committee of conference

HB 488, establishing a task force to study certain issues regarding privacy.

concurrences

HB 202, relative to the legislative ethics committee.

HB 271, relative to criminal liability for the conduct of another.

HB 374, relative to surcharges on pay telephone use.

HB 390, relative to the Live-Birth Infants Protection Act.

HB 446, relative to spousal and child support enforcement.

HB 616, clarifying sessions to be held at the satellite district court in Durham.

HB 652, relative to the penalties for reckless or negligent operation of a motor vehicle.

HB 699, relative to the rights of non-offending parents in the context of abuse and neglect cases.

concurrence with amendments

SB 21, 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.

SB 41, relative to technical corrections for life, accident and health insurance.

SB 48, relative to the rental of shared living facilities.

SB 99, relative to the exemption from the community benefits law for charitable trusts.

SB 103, changing the qualification requirements for charitable organizations that conduct bingo or lucky 7.

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

SB 157, relative to state government information dissemination and access.

SB 168, relative to education property tax hardship relief.

SB 170-FN-A, making certain changes to the excavation tax and excavation activity tax.

SB 176, establishing an equipment depository and disabled person's employment fund in the department of administrative services.

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

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

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

re-referred to committee

HB 141-L, relative to regulation of junk yards.

HB 171-FN, relative to the negotiation of cost items within the public employee collective bargaining process and relative to computation of leave for state police employees injured in the line of duty.

HB 193, relative to payment by the state for certain court-ordered placements of special education students.

HB 252, relative to rules promulgated by the supreme court.

HB 466, relative to the selection of replacement justices for supreme court justices who are disqualified to hear cases.

HB 495, relative to judicially appointed officials.

HB 622, relative to the time period for the executive council to confirm nominees to the supreme court.

HB 669, requiring certain safety devices on freight locomotives.

RECESS

(Rep. Herman in the Chair)

enrolled bill amendments

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

Amendment (1581-EBA)

Amend RSA 100-A:3, III-b as inserted by section 1 of the bill by replacing line 3 with the following:

least ~~[10]~~ 5 years and who becomes a law enforcement training specialist or ***who has been a group II member for***

Adopted.

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

Amendment (1650-EBA)

Amend 2000, 154:1 as inserted by section 1 of the bill by replacing it with the following:

154:1 New Hampshire Retirement System; County Corrections Personnel; Eligibility for Purchase of Prior Group I Service as Group II Service. At the time any county elects to transfer the corrections officer personnel employed at its correctional facilities from group I to group II retirement system service under the provisions of RSA 100-A:20, III, any corrections officer, who has prior eligible group I service as a corrections officer in a facility of the county in question, ***or who has prior group I eligible service as a corrections officer in another county corrections facility in the state*** may purchase such service as group II service notwithstanding any provisions of RSA 100-A:20, III to the contrary. Provided, however, that the period of the service must have been performed between the dates of July 24, 1987 and the date of the transfer of the corrections positions ***in the respective counties*** to group II. A one-time cost of obtaining such prior service credit, determined by the actuarial accrued liability methodology, shall be the responsibility of the member requesting the calculation. An eligible member shall notify the board of trustees of the member's desire to purchase such time and shall purchase such time ~~[within 5 years of the effective date of this act]~~ ***prior to July 1, 2006.***

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

Amendment (1599-EBA)

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Authorization for Contingent Renumbering. If any other act of the 2001 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into paragraph I of such section becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any RSA sections inserted by this or any other act as necessary to conform said sections to proper RSA format. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 2001 session laws

Adopted.

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

Amendment (1547-EBA)

Amend line 7 of section 2 of the bill by replacing it with the following:

annuity payments made to ~~[him]~~ **the member** during ~~[his]~~ **the member's** lifetime shall be paid to the beneficiaries

Adopted.

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.

Amendment (1656-EBA)

Amend RSA 214:9, V as inserted by section 6 of the bill by replacing line 2 with the following:

and coyote by the use of traps **when not accompanied by a licensed trapper 18 years of age or**

Adopted.

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

Amendment (1600-EBA)

Amend RSA 135:21-b as inserted by section 1 of the bill by replacing line 2 with the following:

health advanced registered nurse practitioner, or a person acting under ~~[his]~~ **such physician's**

Amend RSA 135-C:2, II-a as inserted by section 2 of the bill by replacing line 4 with the following:

individuals who have mental illness, as defined in paragraph X of this section, and who meets any

Adopted.

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

Amendment (1602-EBA)

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

3 Nomination Papers; Number; HB 677 Amendment. Amend RSA 655:42, III to read as follows:

III. It shall require the names of registered voters equaling 3 percent of the total votes cast at the previous state general election to nominate by nomination papers a political ~~[party]~~ **organization**.

4 Contingency. If HB 677 of the 2001 regular session becomes law, section 3 of this act shall take effect at 12:01 a.m. on the effective date of HB 677 and section 2 of this act shall not take effect. If HB 677 of the 2001 regular session does not become law, section 2 of this act shall take effect 60 days after its passage and section 3 of this act shall not take effect.

5 Nomination by Nomination Papers; "Party" Changed to "Organization"; HB 224 Amendment. Amend RSA 655:40-40-b to read as follows:

655:40 General Provisions. As an alternative to nomination by party primary, a candidate may have his or her name placed on the ballot for the state general election by submitting the requisite number of nomination papers. Such papers shall contain the name and domicile of the candidate, the office for which the candidate is nominated, and the political ~~[party]~~ **organization** or principles the candidate represents. Nomination papers shall be signed by such persons only as are qualified to vote at the state general election. No voter shall sign more than one nomination paper for each office to be voted for, and no nomination paper shall contain the names of more candidates than there are offices to be filled. Each voter shall sign an individual nomination paper.

655:40-a Nomination of ~~[Party]~~ **Organization**. A political ~~[party]~~ **organization** may have its name placed on the ballot for the state general election by submitting the requisite number of nomination papers, in the form prescribed by the secretary of state, pursuant to RSA 655:42, III. Such papers shall contain the name of the political ~~[party]~~ **organization** and shall be signed by such persons only as are registered to vote at the state general election. No voter shall sign more than one nomination paper which allows a political ~~[party]~~ **organization** access to the state general election ballot.

655:40-b Filing Names of Candidates. The names of the candidates to be listed on the state general election ballot under the political ~~[party]~~ **organization** nominated pursuant to RSA 655:40-a shall be submitted to the secretary of state no later than 5:00 p.m. on the Monday immediately following the primary. When the list of candidates is filed, it shall be accompanied by a declaration of candidacy signed by each of the candidates. The declaration of candidacy shall be in the form provided by RSA 655:17 with the understanding that, where the form says primary election, it shall be construed to mean general election.

6 Contingency. If HB 224 of the 2001 regular session becomes law, section 5 of this act shall take effect at 12:01 a.m. on the effective date of HB 224 and section 1 of this act shall not take effect. If HB 224 of the 2001 regular session does not become law, section 1 of this act shall take effect 60 days after its passage and section 5 of this act shall not take effect.

7 Effective Date.

- I. Sections 2 and 3 of this act shall take effect as provided in section 4 of this act.
- II. Sections 1 and 5 of this act shall take effect as provided in section 6 of this act.
- III. The remainder of this act shall take effect 60 days after its passage.

Adopted.

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

Amendment (1604-EBA)

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

for such costs; and

Amend RSA 162-F:19, II as inserted by section 8 of the bill by replacing line 3 with the following:

for decommissioning, or the demolition and removal of facilities constructed as part of any
uncompleted

Adopted.

HB 745-FN, revising Article 9 of the Uniform Commercial Code and related statutes.

Amendment (1714-EBA)

Amend line 1 of RSA 382-A:309 as inserted by section 25 of the bill to read as follows:

382-A:9-309 Security Interest Perfected Upon Attachment. The following security interests
are

Amend line 1 of RSA 382-A:317 as inserted by section 25 of the bill to read as follows:

382-A:9-317 Interests That Take Priority Over or Take Free of Security Interest or
Agricultural

Amend line 1 of RSA 382-A:318 as inserted by section 25 of the bill to read as follows:

382-A:9-318 No Interest Retained in Right to Payment That is Sold; Rights and Title of
Seller of

Amend line 1 of RSA 382-A:319 as inserted by section 25 of the bill to read as follows:

382-A:9-319 Rights and Title of Consignee with Respect to Creditors and Purchasers.

Amend line 1 of RSA 382-A:320 as inserted by section 25 of the bill to read as follows:

382-A:9-320 Buyer of Goods.

Amend line 1 of RSA 382-A:340 as inserted by section 25 of the bill to read as follows:

382-A:9-340 Effectiveness of Right of Recoupment or Set-Off Against Deposit Account.

Amend line 1 of RSA 382-A:9-529 as inserted by section 25 of the bill to read as follows:

382-A:9-529 Fraudulent Filing.

Adopted.

HB 753, relative to exemptions from issuer-dealer licenses for the sale of securities.

Amendment (1645-EBA)

Amend RSA 421-B:6, I-a as inserted by section 1 of the bill by replacing line 2 with the following:

Securities Act of 1933 that requires only a notice filing in this state pursuant to RSA 421-B:11, I-a(e),

Adopted.

HCR 5, urging the federal government to consider the impacts on New Hampshire and the smaller states of interstate waste legislation.

Amendment (1562-EBA)

Amend the resolution by replacing line 8 with the following:

New Hampshire to develop new capacity for municipal solid waste disposal; and

Adopted.

RECESS

(Rep. Herman in the Chair)

SENATE MESSAGES

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 215, relative to publication of status of cases before the supreme court.

The President appointed Sens. Gordon, Roberge and Pignatelli.

HB 256, limiting the liability of law enforcement agencies and their employees for injuries caused by dogs used in law enforcement work.

The President appointed Sens. Francoeur, Prescott and Fernald.

HB 277-L, clarifying the penalties for violations of statutes or ordinances where no penalty is specified.

The President appointed Sens. Gordon, Roberge and Fernald.

HB 315-FN, relative to the registration of criminal offenders.

The President appointed Sens. Roberge, Prescott and Pignatelli.

HB 357, relative to periodic payments of judgments.

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HB 385, changing the name, membership and duties of the office of volunteerism.

The President appointed Sens. Eaton, Francoeur and Wheeler.

HB 444, relative to mental health services and records.

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HB 475, establishing a commission for the development of a statewide protocol for interviewing victims of sexual assault crimes.

The President appointed Sens. Roberge, Prescott and Pignatelli.

HB 509, establishing a statute of limitations on spousal support orders.

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HB 543-FN, establishing the division of ports and harbors within the Pease development authority and transferring all functions, powers, and duties of the New Hampshire state port authority.

The President appointed Sens. Barnes, Johnson and Hollingworth.

HB 578, relative to requirements for nonpublic utility providers of telephone services and competitive telecommunications providers, and relative to the information technology management advisory board.

The President appointed Sens. Roberge, Boyce and Below.

HB 588, relative to examination of persons called as jurors.

The President appointed Sens. Gordon, Larsen and Roberge.

HB 703, relative to durable powers of attorney.

The President appointed Sens. Gordon, Roberge and Fernald.

HB 707, establishing a committee to study the usage of 211 as a uniform community service information and referral number.

The President appointed Sens. Gordon, Wheeler and Flanders.

HB 758, relative to the sale of gasoline containing ethers.

The President appointed Sens. Below, Prescott and Johnson.

RECESS

(Rep. Clegg in the Chair)

senate messages

concurrence with amendment

SB 54, relative to the transfer of funds in the community-technical college system.

ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 738, establishing a commission to assess the operating efficiency of state government.

The President appointed Sens. Francoeur, Roberge and O'Neil.

RECESS

(Rep. Whalley in the Chair)

senate messages

ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 258, establishing a task force to conduct an ongoing study of the feasibility of re-establishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon northern passenger rail service line.

The President appointed Sens. Eaton, Flanders and O'Neil.

enrolled bill amendments

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. (Amendment printed SJ 06/12/01)

SB 84, relative to funeral processions. (Amendment printed SJ 06/12/01)

SB 106, relative to consumers' cooperative associations. (Amendment printed SJ 06/12/01)

RECESS

(Rep. Bridle in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 105, 112, 123, 158, 164, 219, 305, 310, 311, 347, 371, 388, 394, 396, 413, 442, 443, 459, 477, 501, 520, 534, 570, 580, 590, 591, 606, 610, 612, 615, 635, 637, 677, 720, 769 and House Joint Resolution 5, and Senate Bills numbered 19, 20, 46, 47, 57, 58, 62, 82, 83, 98, 100, 107, 121, 132, 134, 144, 147, 165, 174 and 190.

Rep. Nowe, Sen. Wheeler for the Committee

RECESS

(Speaker Chandler in the Chair)

conferee changes

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2002, and June 30, 2003.

Rep. Holbrook replaced Rep. Stone as an alternate member.

Rep. Chandler replaced Rep. Wallner.

HB 132-FN, relative to the damage or destruction of an emergency vehicle or emergency services equipment.

Reps. Karl Gilbert and Sargent replaced Reps. Nedeau and Jones.

HB 170-FN-A, repealing the legacies and succession tax.

Reps. Sapareto and Almy were added as alternate members.

Rep. Herman replaced Rep. McGuirk.

HB 315, relative to the registration of criminal offenders.

Rep. Tholl replaced Rep. Rodd.

HB 373, relative to surety bonds for detective agencies and security services.

Rep. Robertson replaced Rep. Dexter.

HB 385, changing the name, membership and duties of the office of volunteerism.

Rep. Dyer replaced Rep. Nelson Allan.

HB 475, establishing a commission for the development of a statewide protocol for interviewing victims of sexual assault crimes.

Rep. Tholl replaced Rep. Rodd.

HB 603-FN-A, providing the commissioner of administrative services an option to self-fund the state employee health plan and requiring a reserve fund therefor.

Rep. Schulze replaced Rep. Pawlek.

HB 703, relative to durable powers of attorney.

Rep. Espieffs replaced Rep. Craig.

HB 738, establishing a commission to assess the operating efficiency of state government.

Rep. Zolla replaced Rep. Cummings.

HB 758, relative to the sale of gasoline containing ethers.

Rep. Holbrook replaced Rep. Stone.

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

Rep. Poulin replaced Rep. Cummings.

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

Rep. Charles Hall replaced Rep. Dexter.

SB 192-FN, relative to the issuance of high/medium voltage licenses by the electricians' board.

Rep. Poulin replaced Rep. Dexter.

Rep. Schulze replaced Rep. Nelson Allan.

RECESS

Rep. Scanlan moved that the House adjourn.

Adopted.

RECESS

Thursday, June 21, 2001

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

Rep. Scanlan moved that the House adjourn until June 26, 2001 at 10:00 a.m.

Adopted.

HOUSE JOURNAL No. 22

Tuesday, June 26, 2001

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

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

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

Dear Creator of all, we thank You for the blessings of this day and for the privilege and honor of living in New Hampshire. Bless this good House with a spirit of openness, care and respect as each member seeks to follow their conscience and wisdom for the good of their constituents. Help mend the relationships of members assembled here so that they might govern with a quiet mind, display the giftedness of democracy and proceed soon from this session into a bright, restful and safe summer recess. Amen.

Rep. Frank Callaghan led the Pledge of Allegiance.

Jacqueline Connerty, daughter of Rep. McHugh, sang our National Anthem.

LEAVES OF ABSENCE

Reps. Barker, Langone, McDonough-Wallace, Irene Pratt and Tate, the day, illness.

Reps. David Bouchard, Cardin, Chabot, Czech, Dionne, Duval, Giuda, Heon, Langer and Woodward, the day, important business.

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

INTRODUCTION OF GUESTS

George McHugh and Joshua Connerty, husband and grandson of Rep. McHugh. Lisa, Chase and Gabrielle L'Heureux, wife, son and daughter; and Richard and Diane Mathews, guests of Rep. Stephen L'Heureux. Mr. & Mrs. Miller, guests of Rep. Leach. Barbara Brewster and Audry Schaffer, wife and guest of Rep. Brewster. Jack Wozmach and Sheryl Trombly, guests of the Cheshire County Delegation.

special guests

High school students representing Democracy in Practice – Youth Voter Alliance: Jen Peterson, Stephen DeMaura, Marisa Westheimer, Leana Fallon, Annie Keough, Kate Strayer Benton, Brian Christensen, Mike Borden, Austin Faison, Amanda D'Agostino, Anna Peterson, Stephanie Lundberg and Ross Kukis, guests of the House.

RESOLUTION

Rep. Scanlan offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1101 through 1117, and House Concurrent Resolutions numbered 20 and 21 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS and HCRs

First, second reading and referral

HB 1101, relative to the payment date for county taxes. (Jones, Sull 3; Leone, Sull 2: Municipal and County Government)

HB 1102, establishing a committee to study a hazardous waste coordinator certification program. (P. Allen, Ches 7; Melcher, Hills 11; Phinizy, Sull 7; Cohen, Dist 24: Environment and Agriculture)

HB 1103, establishing a committee to study the budget process. (Thulander, Hills 6; Kurk, Hills 5; Stone, Rock. 7; Major, Rock 16: Legislative Administration)

HB 1104, establishing the Danny Carswell Memorial Patrol Shed in the town of Merrimack. (DeChane, Straf 6; Marshall Quandt, Rock 20; Matthew Quandt, Rock 20; Woodill, Straf 2; Proulx, Straf 12; Roberge, Dist 9: Public Works and Highways)

HB 1105, relative to the appointment of non-certified employees within a school administrative unit. (Sova, Graf 11: Education)

HB 1106, repealing the water pollution control revolving loan fund advisory committee, the local government advisory committee, the New Hampshire industrial heritage commission, and the environmental research advisory committee. (Whalley, Merr 5; Royce, Ches 9; Francoeur, Dist 14: Legislative Administration)

HB 1107, establishing a committee to study the telephone policies for juveniles under the care of the department of youth development services. (Dowling, Rock 13: Children and Family Law)

HB 1108, relative to personal appearance by law enforcement officers at administrative license suspension hearings. (Tholl, Coos 5; Welch, Rock 18; Knowles, Straf 11: Criminal Justice and Public Safety)

HB 1109, establishing a commission to study problems related to the delivery of local assistance. (W. Johnson, Belk 4; MacKay, Merr 24; Pilliod, Belk 3; Millham, Belk 4; Wallner, Merr 24; Wheeler, Dist 21: Municipal and County Government)

HB 1110, relative to the sale of ferrets. (Phinizy, Sull 7: Environment and Agriculture)

HB 1111, establishing a committee to study regulation and procedures for lake level investigations and orders. (Phinizy, Sull 7: Resources, Recreation and Development)

HB 1112, relative to the notice period for hearings on excavation permits. (Sloan, Rock 12: Municipal and County Government)

HB 1113, relative to boating on Sandogardy Pond in the town of Northfield. (Lockwood, Merr 9: Resources, Recreation and Development)

HB 1114, establishing a committee to study the state's real estate leasing practices and requirements. (Emerton, Hills 7: Commerce)

HB 1115, relative to the procedure for assignment of juvenile probation and parole officers. (Lyman, Carr 5: Children and Family Law)

HB 1116, establishing a committee to study the feasibility of placing state liquor stores at the Manchester airport and at the Pease International Tradeport. (Power, Rock 13; McHugh, Hills 26; Holden, Hills 7: Public Works and Highways)

HB 1117, establishing a committee to study the effects of prohibiting adverse possession in New Hampshire. (Dowling, Rock 13: Judiciary)

HCR 20, encouraging trade with the Central American Northern Triangle. (Thompson, Hills 47: State-Federal Relations and Veterans Affairs)

HCR 21, urging the state attorneys general and the Federal Trade Commission to enforce the Telemarketing Sales Rule and urging Congress to adopt the Know Your Caller Act of 2001. (L. Fraser, Merr 9; Spiess, Hills 14; Crosby, Merr 20: Commerce)

RESOLUTION

Rep. Scanlan offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 199 and 201, and Constitutional Amendment Concurrent Resolution numbered 16 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 199, relative to small group health insurance coverage. (Education)

SB 201-FN, creating a dedicated fund for the job training program for economic growth and making certain changes to the program. (Labor, Industrial and Rehabilitative Services)

CACR 16, relating to: procedure for nomination and review of judges. Providing that: judges shall be nominated and selected by an independent commission and reviewed every 10 years thereafter. (Judiciary)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 135, 140, 152, 156, 160, 177, 181, 183, 186, 197, 201, 208, 210, 261, 265, 275, 276, 296, 302, 308, 326, 387, 399, 453, 471, 481, 493, 503, 511, 573, 579, 583, 596, 648, 653, 659, 684, 698, 719, 740, 745, 753, 760, and Senate Bills numbered 63, 84, 106 and 167.

Rep. Nowe, Sen. Pignatelli for the Committee

enrolled bill amendments

SB 152-FN, relative to the regulation of business practices between motor vehicle manufacturers, distributors, and dealers. (Amendment printed SJ 06/26/01)

Adopted.

HB 25-FN-A, making appropriations for capital improvements.

Amendment (1685-EBA)

Amend section 14 of the bill by replacing lines 2-4 with the following:

for the biennium ending June 30, 2003, is hereby appropriated to the department of transportation, division of public works for the purpose of preparing the reports required by section 13 of this act. This appropriation shall be in addition to any other sums appropriated to

Amend section 22 of the bill by replacing line 3 with the following:

10. Equipment upgrade[~~DASD~~] * 200,000

Amend section 27 of the bill by replacing line 2 with the following:

trustees of the university system of New Hampshire shall commence a study of the feasibility and

Adopted.

HB 103, relative to the possession of deadly weapons by convicted felons or during the commission or attempted commission of a violent crime.

Amendment (1830-EBA)

Amend section 2 of the bill by replacing lines 1-2 with the following:

2 Pistols and Revolvers; Possession of Deadly Weapon While Committing a Violent Crime.
Amend RSA 159:15, I to read as follows:

Adopted.

HB 288-FN, relative to the licensure of interpreters for the deaf and hard of hearing.

Amendment (1706-EBA)

Amend RSA 326-I:5, I as inserted by section 1 of the bill by replacing line 4 with the following:

examinations and examiners used by the Registry of Interpreters for the Deaf or the National

Amend RSA 326-I:6, IV (d) as inserted by section 1 of the bill by replacing line 1 with the following:

(d) Students exempted under RSA 326-I:8.

Adopted.

HB 361, establishing a committee to study certain policies and procedures in the department of corrections.

Amendment (1813-EBA)

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

I. Investigate and make recommendations concerning staffing levels on each shift
within

the department's facilities.

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

IV. Study any other issue which the committee deems relevant to its purpose

Adopted.

HB 402, relative to the establishment of a state universal service fund.

Amendment (1741-EBA)

Amend section 3 of the bill by replacing lines 1-2 with the following:

3 New Subdivision; Affordable Telephone Service. Amend RSA 374 by inserting after section 22-o the following new subdivision:

Intrastate Telephone Service.

Adopted.

HB 412, relative to requiring the public higher education study committee to study the feasibility of granting of state franchise rights to providers of on-line education courses.

Amendment (1686-EBA)

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

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

Adopted.

HB 554-FN, establishing a division of information technology within the department of safety.

Amendment (1833-EBA)

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

4 Contingency. If HB 303-FN-A-LOCAL of the 2001 regular session becomes law, then RSA 21-P:12-d as inserted by section 2 of this act shall be renumbered as RSA 21-P:12-f

Adopted.

HB 584-FN-A, relative to the registration and licensure of OHRV dealers and rental agents.

Amendment (1774-EBA)

Amend RSA 215-A:1, III-a, as inserted by section 1 of the bill by replacing line 2 with the following:

or demonstrates for sale vehicles on consignment to the general public. There shall be a rebuttable

Amend RSA 215-A:26, II as inserted by section 5 of the bill by replacing line 6 with the following:

used ~~[by him]~~ for rental. When renting OHRVs, any person shall be required to use rental ~~[plates]~~
decals, if

Adopted.

HB 667, relative to certain reporting requirements and relative to meetings of the board of medicine.

Amendment (1790-EBA)

Amend RSA 329:2, I as inserted by section 2 of the bill by replacing line 2 with the following:

selected from among physicians and surgeons, one member selected to represent ~~[paramedical
personnel]~~ **physician assistants**

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

RSA 329:4 is repealed and reenacted to read as follows:

329:4 Appointment; Term; Removal.

I. The commissioner or the medical director of the department of health and human
services

Amend RSA 329:16-e as inserted by section 8 of the bill by replacing line 3 with the following:

required to pay double the renewal fee. Any failure, neglect, or refusal on the part of any person

Amend RSA 329:17, IV as inserted by section 9 of the bill by replacing line 2 with the following:

ambulatory surgical center, or other health care facility within the state shall report to the board

Adopted.

HB 764, relative to the criminal offense of kidnapping.

Amendment (1788-EBA)

Amend section 1 of the bill by replacing line 7 with the following:

paragraph shall not apply to law enforcement personnel or department of health and human

Adopted.

consent calendar

committee of conferece reports on senate bills

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

Consent Calendar adopted.

committee of conference report on sb 51

Committee of Conference Report on 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.

Recommendation:

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

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

Amend the bill by replacing section 3 with the following:

3 Committee to Study the Regulation of Cash Dispensing Machines.

I. There is established a committee to study the regulation of cash dispensing machines and their operators, servicing agents, and processors.

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) Two members 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 regulation of cash dispensing machines and their operators, servicing agents, and processors.

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.

- I. 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.

Conferees: Sens. Burns, Dist. 1; Fernald, Dist. 11; Larsen, Dist. 15.

Conferees: Reps. Hunt, Ches. 10; Leo Fraser, Merr. 9; Taylor, Straf. 11; Keye, Hills. 30.

committee of conference report on sb 53

Committee of Conference Report on SB 53, relative to attorneys' fees in certain circumstances under the workers' compensation law.

Recommendation:

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

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

Conferees: Sens. Klemm, Dist. 22; Burns, Dist. 1; Wheeler Dist 21.

Conferees: Reps. Gilman, Graf. 1; Clegg, Hills. 23; Bridle, Rock. 22; Goley, Hills. 37.

committee of conference report on sb 68

Committee of Conference Report on SB 68, relative to school district placements of children living in foster homes.

Recommendation:

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

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

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

Amend RSA 193:28, I as inserted by section 2 of the bill by replacing it with the following:

- I. The public schools of the school district that the child attended prior to placement, if continuing in the same school district is in the best interest of the child as determined by the court, if the home is within a reasonable distance of the school to be attended, and if suitable transportation can be***

arranged without imposing additional transportation costs on a school district or the department of health and human services; or

Conferees: Sens. Gordon, Dist. 2; O'Hearn, Dist. 12; Disnard, Dist. 8.

Conferees: Reps. Dearborn, Rock. 23; Colcord, Merr. 2; Sova, Graf. 11; Claire Clarke, Merr. 4.

committee of conference report on sb 69

Committee of Conference Report on SB 69-FN-A-L, relative to a New Hampshire Legal Assistance office in Nashua and making an appropriation therefor.

Recommendation:

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

Conferees: Sens. Boyce, Dist. 4; Barnes, Dist. 17; O'Neil, Dist. 18.

Conferees: Reps. Elliott, Hills. 2; Dudley, Graf. 14; Phyllis Woods, Straf. 11; Rice, Belk. 7.

committee of conference report on sb 74

Committee of Conference Report on SB 74, relative to providing services under the child protection act.

Recommendation:

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

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

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

Conferees: Sens. Gordon, Dist. 2; Pignatelli, Dist. 13; Roberge, Dist. 9.

Conferees: Reps. Lyman, Carr. 5; Gile, Merr. 16; Gargas, Hills. 22; Palermo, Rock. 21.

committee of conference report on sb 130

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

Recommendation:

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

Conferees: Sens. Prescott, Dist. 19; O'Neil, Dist. 18; Francoeur, Dist. 14.

Conferees: Reps. Poulin, Merr. 14; Charles Hall, Hills. 18; Dyer, Hills. 8; Schulze, Hills. 33.

committee of conference report on sb 139

Committee of Conference Report on SB 139, relative to uniform electronic transactions.

Recommendation:

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

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

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

4 Contingency. If HB 745 of the 2001 legislative session becomes law, then section 2 of this act shall not take effect. If HB 745 of the 2001 legislative session does not become law, then section 2 of this act shall take effect 60 days after its passage.

5 Effective Date.

I. Section 2 of this act shall take effect as provided in section 4.

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

Conferees: Sens. Boyce, Dist. 4; Gordon, Dist. 2, D'Allesandro, Dist. 20.

Conferees: Reps. Hunt, Ches. 10; Leo Fraser, Merr. 9; Martha Fuller Clark, Rock. 36; Langley, Rock 24.

committee of conference report on sb 148

Committee of Conference Report on SB 148, relative to certain penalties for violations of the youth tobacco laws.

Recommendation:

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

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

Amend the bill by replacing sections 1 - 4 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 at the location where the infraction occurred 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 at the location where the infraction occurred 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 ***at the location where the infraction occurred*** 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:

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 at the location where the infraction occurred 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***

Conferees: Sens. Roberge, Dist. 9; Fernald, Dist. 11; Prescott, Dist. 19.

Conferees: Reps. Hunt, Ches. 10; Leo Fraser, Merr. 21; Belanger, Rock. 26; Batchelder, Ches. 2.

committee of conference report on sb 192

Committee of Conference Report on SB 192-FN, relative to the issuance of high/medium voltage licenses by the electrician's board.

Recommendation:

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

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

Conferees: Sens. O'Neil, Dist. 18; Prescott, Dist. 19; Francoeur, Dist. 14.

Conferees: Reps. Poulin, Merr. 14; Schulze, Hills. 33, Goulet, Hills, 15; Clayton, Hills. 39.

regular calendar

committee of conference reports on senate bills

committee of conference report on sb 18

Committee of Conference Report on SB 18, relative to termination of small trusts.

Recommendation:

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

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

Conferees: Sens. Gordon, Dist. 2; Roberge, Dist. 9; Pignatelli, Dist. 13.

Conferees: Reps. Craig, Hills. 38; Rowe, Hills. 14; Reid, Straf. 12; Espieffs, Ches. 19.

Adopted.

committee of conference report on sb 95

Committee of Conference Report on SB 95, relative to campaign contribution limits.

Recommendation:

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

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

Amend the bill by replacing 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 Paragraph; Political Expenditures and Contributions; Definitions; Coordinated Expenditure. Amend RSA 664:2 by inserting after paragraph XVII the following new paragraph:

XVIII. "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 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 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.

5 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 and a general 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 and a general 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 exceeding \$500 that are received after the statement under this paragraph is filed and prior to the day of election.

IV. An itemized statement in the same form as in paragraph I shall be filed with the secretary of state not later than the second Wednesday after a primary and a general election, before 5 o'clock in the afternoon. The statement shall summarize the previous statements, if any, and itemize all receipts of contributions

and expenditures made since the cutoff of the previous report up until the day of the primary or general election.

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.

6 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, and county office.

7 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.

8 Political Expenditures and Contributions; Applicability of Chapter; Limitations Deleted. Amend RSA 664:1 to read as follows:

664:1 Applicability of Chapter. The provisions of this chapter shall apply to all state primary, general, and special elections, but shall not apply to presidential preference primaries. The provisions relating to political advertising, RSA 664:14 through 17-a, shall additionally apply to city, town, school district, and village district elections. ~~[The provisions relating to voluntary expenditure limitations, RSA 664:5-a and 664:5-b, shall additionally apply to elections for United States senator and representative to Congress.]~~

9 Political Expenditures and Contributions; Penalty. Amend RSA 664:21, IV-V to read as follows:

IV. ~~[In addition to the fines levied under paragraph I,]~~ Any person who fails to file any report or statement on the date on which the report or statement is due under this chapter shall be subject to a daily fine of \$25 for every weekday for which the report or statement is late and until the report or statement is actually filed, except that candidates for the general court shall be subject to a daily fine of \$5 under this paragraph.

V. ~~[The provisions of this paragraph shall apply to violations of this chapter other than the violation of RSA 664:5-a and 5-b, and]~~ A person liable under the provisions of this paragraph shall not also be subject to the penalties imposed under ~~[paragraphs I, II and]~~ **paragraph** IV. Any person who ~~[otherwise]~~ violates any provision of this chapter shall be guilty of a misdemeanor if a natural person or shall be guilty of a felony if any other person.

10 Nominations; Incompatible Offices; Return of Fee. Amend RSA 655:10 to read as follows:

655:10 Incompatible Offices. No person shall file declaration of candidacy or primary petitions for nomination at the primary for incompatible offices. For the purposes of this section incompatible offices shall include the offices of governor, representative to the general court, state senator, and councilor. If any person shall file for such incompatible offices, the secretary of state shall advise the person of the provisions hereof and said person shall then advise the secretary of state which of said offices ~~[he]~~ **the person** wishes to retain in order to seek said nomination. If ~~[a filing fee]~~ **an administrative assessment** has been paid for a declaration of

candidacy which ~~[he]~~ **the person** declines the fee shall be returned to ~~[him]~~ **the person**. No person shall seek or hold the position as a member of the general court and county commissioner at the same time. No person shall hold 2 of the offices mentioned in RSA 655:9 at the same time, and the acceptance of one of them shall be a resignation of the others.

11 Nominations; Posting Notice of Primary; Administrative Assessment.
Amend RSA 655:12 to read as follows:

655:12 Posting Notice of Primary. Each city clerk shall distribute ~~[such]~~ **the** notices **required by RSA 655:11** to the ward clerks in ~~[his]~~ **the** city. Each town and ward clerk shall, within 10 days after the receipt of such notice, cause notice of such primary to be posted in 2 public places in ~~[his]~~ **the** town or ward. Such notice shall prescribe the hour the polls are to open and the hour before which they may not close as provided in RSA 659. It shall state the offices for which candidates are to be nominated, the delegates to be elected, and any questions to be voted on, as well as the location of the central polling place and of any additional polling places. It shall also state the date before which declarations of candidacy must be filed to place names upon the ballots to be used at such primary, the officers with whom they must be filed, the ~~[fees]~~ **administrative assessments** to be paid at the time of filing such papers, and the number of primary petitions which may be submitted in lieu of the ~~[filing fees]~~ **administrative assessments**.

12 Nominations; Filing: General Provisions; Fees and Petitions Deleted.
Amend RSA 655:14 to read as follows:

655:14 Filing: General Provisions. The name of any person shall not be printed upon the ballot of any party for a primary unless ~~[he]~~ **the person** is a registered member of that party, ~~[he]~~ **the person** shall have met the age and domicile qualifications for the office he **or she** seeks at the time of the general election, ~~[he]~~ **the person** meets all the other qualifications at the time of filing, and ~~[he]~~ **the person** shall file with the appropriate official between the first Wednesday in June and the Friday of the following week a declaration of candidacy as provided in RSA 655:17~~[-and~~

~~I. The appropriate filing fee as provided in RSA 655:19; or~~

~~II. The appropriate number of primary petitions as provided in RSA 655:20 and 655:22 and an assent to candidacy as provided in RSA 655:25].~~

13 Nominations; Administrative Assessment, Primary Petitions, and
Nomination Papers. Amend RSA 655:19-c to read as follows:

655:19-c Administrative Assessment; Primary Petitions; Nomination Papers.

I. Candidates for governor, United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of candidacy shall pay the administrative assessment in paragraph I or file primary petitions as provided in paragraph III ~~[in addition to the filing fee and primary petition requirements of RSA 655:19 and 655:20]~~. Candidates for governor, United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of intent

shall pay the administrative assessment in paragraph I [~~in addition to the filing fee required by RSA 655:19~~] and shall meet the requirements of RSA 655:40-45 for nomination by nomination papers. [~~Neither the administrative assessment which is paid nor the primary petitions which are filed under this section, nor the nomination papers which must be submitted under RSA 655:41 and filed under RSA 655:43, shall be waived or refunded for a candidate for any of the offices listed in this section who, pursuant to RSA 664:5 a, voluntarily accepts the expenditure limitation set forth in RSA 664:5 b.~~] At the time of filing declarations of candidacy or declarations of intent, the administrative assessment shall be as follows:

- (a) For governor and United States senator, \$100.
- (b) For representative to Congress, \$50.
- (c) For executive councilor, \$25.
- (d) For state senator, \$10.
- (e) For county officer, \$10.
- (f) For state representative, \$2.

II. The administrative assessment paid to a town or city clerk by candidates for state representative shall be forwarded to the treasurer of the town or city and shall be for the use of the town or city. The administrative assessment paid to the secretary of state shall be deposited by [~~him~~] **the secretary of state** into the general fund.

III. Any person otherwise qualified to run for office who chooses not to pay the administrative assessment as prescribed in paragraph I may have his **or her** name printed on the primary ballot of any party by filing with the appropriate official the requisite number of primary petitions made by members of the party, together with one written assent to candidacy. The number of primary petitions to be filed for each office shall be as follows: for governor and United States senator, 200; for representative in Congress, 100; for executive councilor and county officer, 50; for state senator, 20; for state representative, 5. Candidates for delegate to the state convention shall not be required to submit any primary petitions.

14 Write-In Votes and Nomination; Filing Fees Deleted. Amend RSA 659:88, I(b) to read as follows:

(b) A person whose name was not printed anywhere on the official state primary election ballot, and who receives the nomination of a party by write-in vote in a primary election and wishes to accept the nomination, shall file a declaration of candidacy with the secretary of state no later than the second Monday after the primary. The declaration of candidacy shall be filed with the understanding that, where the form says "primary election," it shall be construed to mean "general election." [~~A person who files a declaration of candidacy under this section shall be subject to the requirements of RSA 655:19 and 655:19 b relative to filing fees. The person may have the filing fee waived if he is unable to pay the fee by reason of indigency.~~] Such person shall not [~~however,~~] be required to pay the administrative assessment under RSA 655:19-c.

15 Repeal. The following are repealed:

- I. RSA 655:19, relative to filing fees.
- II. RSA 655:19-b, relative to waiver of filing fee and primary petitions.
- III. RSA 655:20, relative to primary petitions.
- IV. RSA 655:22, relative to number of petitions.
- V. RSA 664:4, II, relative to prohibited political contributions by partnerships.
- VI. RSA 664:5-a, relative to limitations on political expenditures.
- VII. RSA 664:5-b, relative to political expenditure limitation amounts.
- VIII. RSA 664:21, I-II, relative to campaign expenditure limitation penalties.
- IX. 1998, 135, relative to waiver of filing fees and petitions for state candidates.

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

Conferees: Sens. Roberge, Dist. 9; Barnes, Dist. 17; Francoeur, Dist. 14.

Conferees: Reps. Clegg, Hills. 23; Arndt, Rock. 27; Pappas, Hills. 48; Clemons, Hills. 31.

Reps. Jacobson, John Pratt and Vaillancourt spoke against.

Rep. Gilmore spoke against and yielded to questions.

Reps. Clemons and Clegg spoke in favor.

Rep. Bragdon requested a roll call; sufficiently seconded.

The questions being adoption of the Committee of Conference report.

YEAS 196 NAYS 159

YEAS 196

BELKNAP

Bartlett, Gordon

Boyce, Laurie

Holbrook, Robert

Lawton, David

Nedeau, Stephen
Wood, Jane

Rosen, Ralph

Russell, David

Thomas, John

CARROLL

Dickinson, Howard
Patten, Betsey
Torressen, Gary

Kenney, Joseph
Quimby, Lee

Lyman, L Randy
Stevens, Stanley

Mock, Henry
Sullivan, P Judith

CHESHIRE

Avery, Stephen
Fairbanks, Chandler
Royce, H Charles

Dexter, Judson
Hunt, John
Smith, Edwin

Edwards, Dana
Mitchell, McKim

Emerson, Susan
Roberts, William

COOS

Guay, Lawrence
Rodrigue, Robert

Horton, Lynn
Rozek, Michael

Mears, Edgar

Pratt, Leighton

GRAFTON

Akins, Ralph
Dudley, Terri
Ham, Bonnie
Scanlan, David

Alger, John
Eaton, Stephanie
Marshall, Gene
Sova, Charles

Cobb, John
Gabler, William
Mirski, Paul

Cooney, Mary
Gilman, G Michael
Naro, Debra

HILLSBOROUGH

Alukonis, David
Balboni, Michael
Brundige, Robert
Clegg, Robert Jr
Coughlin, Pamela
Fields, Dennis
Gorman, Mary
Hall, Charles
Jean, Loren

Andosca, Mary
Batula, Peter
Buckley, Raymond
Clemons, Jane
Desrosiers, William
Foster, Linda
Goulet, Maurice
Herman, Keith
Kacavas, John

Arnold, Thomas Jr
Bellavance, Paul
Calawa, Leon Jr
Cote, David
Elliott, Larry
Furman, Christine
Greenberg, Gary
Hopper, Gary
Keye, Harvey

Artz, Lawrence
Bergeron, Jean-Guy
Clayton, William
Cote, Peter
Emerton, Lawrence Sr
Goley, Jeffrey
Guinta, Frank
Jean, Claudette
Konys, Christine

Kurk, Neal	LaFlamme, Paul	Lasky, Bette	Lefebvre, Roland
Lessard, Rudy	McHugh, Claire	McRae, Karen	Mercer, Robert
Milligan, Robert	Moran, Edward	Movsesian, Lori	Palangas, Eric
Panagopoulos, Nicholas	Pappas, Marc	Pepino, Leo	Reeves, Sandra
Rowe, Robert	Sargent, Maxwell	Schulze, Joan	Seibel, Christopher
Souza, Kathleen	Sweeney, Cynthia	Thompson, Rob	Thulander, O Alan
Wheeler, Robert	White, Donald		

MERRIMACK

Cummings, Raymond	Daneault, Gabriel	Dunne, Christopher	Fraser, Leo Jr
Fraser, Marilyn	Hess, David	Hutchinson, John	L'Heureux, Stephen
Leber, William	MacKay, James	Reardon, Tara	Rush, Deanna
Soltani, Tony	Whalley, Michael	Winter, Steven	

ROCKINGHAM

Belanger, Ronald	Bishop, Franklin	Bridle, Russell	Camm, Kevin
Carson, Sharon	Clark, Martha Fuller	Corbin, Corey	Dalrymple, Janeen
Dearborn, Bruce	Downing, Michael	Fesh, Bob	Flanders, John Sr
Francoeur, Sheila	Gilbert, Jeffrey	Giordano, Ronald	Gleason, John
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hill, Jonathan
Holland, James Jr	Introne, Robert	Itse, Daniel	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, William	Letourneau, Robert
Major, Norman	McGuire, Robert	McKinney, Betsy	Morse, Charles
Nowe, Ronald	Packard, Sherman	Palermo, Diane	Pantelakos, Laura
Pitts, Jacqueline	Power, Lucille	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Rabideau, Marie	Rausch, James
Ruffner, Walter	Saia, Pamela	Sloan, Stephen	Stone, Joseph
Varrell, Thomas	Weatherspoon, Jacquelyne	Welch, David	Weyler, Kenneth
Whittier, John	Woekel, Ralph		

STRAFFORD

Albert, Russell	Cossette, Larry	Estabrook, Iris	Kaen, Naida
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Lent, Donald
Tsiros, William

Musler, George
Twombly, James

Rollo, Michael
Woods, Phyllis

Smith, Marjorie

SULLIVAN

Burling, Peter
Robb, Amy

Jones, Constance
Rodeschin, Beverly

Leone, Richard

Odell, Bob

NAYS 159

BELKNAP

Dewhirst, Glenn
Pilliod, James

Flanders, Donald
Rice, Thomas Jr

Johnson, William
Salatiello, Thomas

Millham, Alida
Wendelboe, Fran

CARROLL

Babson, David Jr

Bradley, Jeb

Philbrick, Donald

CHESHIRE

Allen, Peter
Liebl, George
Pratt, John

Batchelder, Robert
Manning, Joseph
Richardson, Barbara

Burnham, Daniel
McGuirk, Paul
Weed, Charles

Espieffs, Peter
Meador, David
Zerba, Roger

COOS

Bradley, Paula

Gallus, John

Stohl, Eric

GRAFTON

Almy, Susan
Scovner, Nancy
Ward, Brien

Benn, Bernard
Sokol, Hilda
Williams, Burton

Lovett, Sid
Solow, Martha

Nordgren, Sharon
Teschner, Douglass

HILLSBOROUGH

Allan, Nelson
Bragdon, Peter

Baroody, Benjamin
Bruno, Pierre

Bergin, Peter
Carlson, Donald

Bouldin, Michael
Christensen, D L Chris

Craig, James	Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A Theresa
Drisko, Richard	Dwyer, Paul	Eaton, Richard	Fletcher, Richard
Ford, Nancy	Gargas, Carolyn	Ginsburg, Ruth	Gleneck, David
Golding, William	Graham, John	Haley, Robert	Hall, Betty
Holden, Randolph	Johnson, Lionel	L'Heureux, Robert	LaRose, Richard
Leach, Edward	Leishman, Peter	Lynde, Harold	Martel, Andre
Melcher, Harold	Messier, Irene	O'Connell, Timothy	Salts, Greg
Shaw, Barbara	Spiess, Paul	Tahir, Saghir	Vaillancourt, Steve
White, John	Williams, Carol		

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Clarke, Claire
Colcord, J D	Crosby, Toni	Davis, Frank	Feuerstein, Martin
French, Barbara	Gile, Mary	Greco, Vincent	Jacobson, Alf
Lockwood, Priscilla	Maxfield, Roy	Moore, Carol	Owen, Derek
Perkins, Randy	Potter, Frances	Poulin, David	Rodd, Beth
Swindlehurst, John	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Chalbeck, Kevin
Coes, Betsy	Cooney, Richard	Cox, Russell	DiFruscia, Anthony
Dodge, Robert	Dowling, Patricia	Flanagan, Natalie	Gilbert, Karl
Johnson, Robert	Kane, Cecelia	Kelley, Jane	Kobel, Rudolph
Langley, Jane	Micklon, Stephanie	Moore, Benjamin	Norelli, Terie
Robertson, Carl	Sapareto, Frank	Shultis, Elizabeth	Splaine, James
Stritch, C Donald	Trueman, Raymond	Zolla, William	

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Callaghan, Frank
DeChane, Marlene	Dunlap, Patricia	Gilmore, Gary	Goodwin, Earle
Grassie, Anne	Hughes, Christopher	Johnson, Nancy	Knowles, William
Lachance, Douglas	McCarthy, Gerald	Pelletier, Arthur	Pelletier, Marsha
Proulx, Raymond	Reid, Christopher	Snyder, Clair	Spang, Judith

Wall, Janet

Woodill, Rodney

SULLIVAN

Allison, David

Cloutier, John

Ferland, Brenda

Flint, Gordon Sr

Franklin, Peter

Harris, Joseph

Harris, Sandra

Phinizy, James

and the report was adopted.

committee of conference report on sb 111

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

Recommendation:

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

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

Conferees: Sens. Francoeur, Dist. 14; Flanders, Dist. 7; Hollingworth, Dist. 23

Conferees: Reps. Dyer, Hills. 8; Zolla, Rock. 13; Poulin, Merr. 14; Drabinowicz, Hills. 36

Adopted.

committee of conference report on sb 118

Committee of Conference Report on SB 118, relative to individual health insurance coverage.

Recommendation:

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

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

Amend RSA 420-G:4, I(a)(2)(B) as inserted by section 2 of the bill by replacing it with the following:

(B) The maximum differential due to health status shall be 1.5 to 1 and the maximum differential rate due to tobacco use shall be 1.5 to 1. Rate limitations based on health status do not apply to rate variations based on an insured's status as a tobacco user.

Amend RSA 404-G:5-e as inserted by section 10 of the bill by replacing it with the following:

404-G:5-e Eligibility.

I. An individual who is a New Hampshire resident shall be eligible for coverage through the high risk pool if:

(a) The individual has applied to a carrier of individual health insurance for coverage that is substantially similar to the coverage that is available through the pool, and the carrier has refused to write or issue that coverage to that individual because of his or her health or medical condition;

(b) The individual has applied to a carrier of individual health insurance for coverage that is substantially similar to the coverage that is available through the pool, and such application has been accepted, but at a premium rate exceeding the rate available through the pool;

(c) The individual has a history of any medical or health condition that is on a list adopted by the association, or

(d) The individual is an "eligible individual" as defined in section 2741(b) of the Public Health Service Act.

II. The association shall promulgate a list of medical or health conditions for which a person shall be eligible for plan coverage without applying for health insurance coverage. Persons who can demonstrate the existence or history of any medical or health conditions on the list promulgated by the association shall not be required to provide evidence of a notice of rejection or refusal. The list shall be effective on the first day of the operation of the pool and may be amended from time to time as may be appropriate.

III. Each resident dependent of a person who is eligible for pool coverage shall also be eligible for pool coverage. If the primary insured is a child, resident family members shall also be eligible for pool coverage.

IV. New Hampshire residents who are insured through an individual policy shall be eligible for pool coverage only if the rate assessed by the individual carrier exceeds the pool rate.

V. An individual shall not be eligible for coverage under the pool if:

(a) The individual is eligible for employer sponsored health coverage, including continuation of group coverage, as either an employee or an eligible dependent; or

(b) The individual is eligible for publicly funded health insurance coverage, including Medicare, Medicaid or Title XXI; or

(c) The individual's premiums are paid for or reimbursed by the health care provider, except if the person is an "eligible individual" as defined in section 2741(b) of the Public Health Service Act.

VI. Coverage shall cease:

- (a) On the date a person is no longer a resident of this state;
- (b) On the date a person requests coverage to end;
- (c) Upon the date a person dies;
- (d) On the date state law requires cancellation of the policy; or
- (e) After the second of 2 successive inquiries made by the plan concerning the person's eligibility or place of residence to which the person does not reply provided the person has 90 days to respond to each inquiry.

Amend the bill by replacing sections 16 and 17 with the following:

16 New Section; Healthy Kids Corporation Expanded. Amend RSA 126-H by inserting after section 6 the following:

126-H:6-a Healthy Kids Subcommittee Established.

I. The department of health and human services shall work with a subcommittee that is comprised of appropriate members of the board and that includes other members as follows:

- (a) One member appointed by the New Hampshire Medical Society.
- (b) One member appointed by the New Hampshire Nurses Association.
- (c) One member appointed by the Home Care Association of New Hampshire.
- (d) One member from a community health center appointed by the Bi-State Primary Care Association.
- (e) One member appointed by the New Hampshire HMO Association.
- (f) One member appointed by the University of New Hampshire School of Health and Human Services.
- (g) Two consumers appointed by the governor and council.

II. The members appointed pursuant to subparagraph I(g) shall be appointed to a 2-year term.

III. The subcommittee shall:

- (a) Review information on the characteristics of New Hampshire's uninsured population, based on the results of the New Hampshire Health Insurance Coverage and Access Survey.

(b) Identify, based on the Health Insurance Coverage and Access Survey, the population groups and geographic areas that are most appropriately targeted.

(c) Examine models for affordable health coverage, including models from other states.

(d) Identify options that would be most effective.

(e) Develop cost projections for those options.

(f) Research the level of premium contributions that eligible individuals would be willing to pay.

(g) Identify potential sources of funding.

IV. The subcommittee shall elect annually from among the members a chairperson. The first meeting of the subcommittee shall be called by the commissioner of health and human services. The department of health and human services shall provide administrative staff support. The department of health and human services and the corporation shall jointly seek funding to support the subcommittee's work.

V. The subcommittee shall make an annual report relative to 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 beginning November 1, 2002.

17 Purpose and Scope of Healthy Kids Corporation Expanded. Amend RSA 126-H:2 to read as follows:

126-H:2 Corporation Established. There is hereby created a body politic and corporate having a distinct legal existence separate from the state and not constituting a department of state government, to be known as the New Hampshire healthy kids corporation to carry out the provisions of this chapter. The corporation is hereby deemed to be a public instrumentality and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be the performance of public and essential governmental functions of the state. ~~[The corporation shall operate at no more than 5 pilot sites to be designated by the corporation, which sites may include multiple school districts.]~~ The corporation shall be a private nonprofit corporation and shall have all the powers necessary to carry out the purposes of this chapter, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source, contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of this chapter. Notwithstanding any other provision of law, any payments made by the corporation for insurance coverage for children under this chapter, either directly or indirectly, shall be exempt from the premium tax under RSA 400-A:32.

AMENDED ANALYSIS

This bill establishes the health insurance risk pool for the purposes of individual health insurance coverage.

This bill also updates the mission statement of the healthy kids corporation and places The healthy kids subcommittee into the statutes.

Conferees: Sens. Francoeur, Dist. 14; Sen. Burns, Dist. 1; D'Allesandro, Dist. 20.

Conferees: Reps. Hunt, Ches. 10; Martha Fuller Clark, Rock, 36; Marshall Quandt, Rock. 20; Francoeur, Rock 22.

Adopted.

committee of conference report on sb 119

Committee of Conference Report on SB 119, relative to small group health insurance coverage.

Recommendation:

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

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

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

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 March and September 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.

I. Section 3 of this act shall take effect July 1, 2002.

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

Conferees: Sens. Francoeur, Dist. 14; Burns, Dist. 1; D'Allesandro, Dist. 20.

Conferees: Reps. Hunt, Ches. 10; Martha Fuller Clark, Rock. 36; Herman, Hills. 13; Francoeur, Rock. 22.

Adopted.

committee of conference report on sb 164

Committee of Conference Report on SB 164-FN-A-LOCAL, establishing a comprehensive statewide accountability system concerning an adequate education.

Recommendation:

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

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

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

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

1 Statement of Purpose. The general court finds that in order to ensure a balance between education improvement and assessment and an adequate public education, it is necessary to establish a comprehensive, statewide educational accountability system that shall include:

I. Statewide performance goals for all pupils.

II. Statewide systematic measurement of school performance at the state and local levels using multiple valid measures.

III. Reporting on pupil performance at the school, school district, and state levels.

IV. The development, implementation, and evaluation, with broad input from community teams, of local education improvement and assessment plans designed to meet state goals and other criteria for making progress, and any performance goals developed locally to meet identified educational needs.

V. The opportunity for schools that are not making satisfactory progress toward statutory performance goals to receive assistance from the state.

2 New Chapter; School Performance and Accountability. Amend RSA by inserting after chapter 193-F the following new chapter:

CHAPTER 193-G

School Performance and accountability

193-G:1 Definitions. In this chapter:

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

II. "Department" means the department of education.

III. "NHEIAP" means the New Hampshire education improvement and assessment program as established under RSA 193-C.

193-G:2 Statewide Performance Goals. A school should meet, exceed, or make satisfactory progress as defined in this section, for each of the following performance goals:

I. All pupils should, at a minimum, perform at grade level on the reading component of the statewide assessment administered in grade 3 pursuant to RSA 193-C:3.

(a) For pupils with disabilities who qualify for the alternate version of the statewide assessment, performance at the adequate level shall be based on the communication component of the alternate assessment.

(b) For pupils whose native language is other than English and whose English language reading ability prevents them from participating in the statewide assessment, school districts, in conjunction with the department, should make a reasonable effort to provide an alternate assessment of each pupil's reading ability in the pupil's native language. If an alternate assessment is provided, the school district shall report pupil performance to the department of education for inclusion in school, district, and state third grade reading reports. If it is not feasible to administer the assessment in the pupil's native language, then the pupil may be excused from the assessment.

II. Pupils should, at a minimum, perform at the basic and above levels in the designated academic areas assessed on the statewide tests administered at the following grades in accordance with RSA 193-C at the following rates:

(a) 70 percent in English language arts in grade 3.

(b) 70 percent in mathematics in grade 3.

(c) 70 percent in English language arts in grade 6.

(d) 70 percent in mathematics in grade 6.

(e) 55 percent in science in grade 6.

(f) 65 percent in social studies in grade 6.

(g) 70 percent in English language in grade 10.

(h) 60 percent in mathematics in grade 10.

(i) 55 percent in science in grade 10.

(j) 50 percent in social studies in grade 10.

(k) The most recent 3-year rolling averages shall be used to determine if a school is meeting the academic-area statewide assessment performance goals that apply to it, except that if 3-year rolling averages are not available for a particular school, either 2-year averages or, if 2-year averages are not available, a single year's data shall be used for this purpose.

III. Pupils should, at a minimum, attend school at the following rates:

(a) 95 percent for elementary schools.

(b) 94 percent for middle schools and junior high schools.

(c) 92 percent for high schools.

(d) The appropriate grade-range attendance rate collected by the department at the district level shall be used as the school attendance rate in districts that have multiple schools at a particular grade range.

IV. The percentage of pupils who drop out of school annually should not exceed the following rates:

(a) 0.5 percent for middle schools and junior high schools.

(b) 5 percent for high schools.

(c) The department shall calculate and report the annual dropout rate as a percentage based on the reported number of pupils who dropped out of school and did not return during a one year period as compared to the total school population.

V. The percentage of graduating pupils who go on to post-secondary education or military service should be at least 66 percent.

VI. Each school shall comply with the applicable standards for school approval adopted by the state board pursuant to RSA 21-N:9, I.

VII. "Satisfactory progress" means that for each school, the most recent 3-year rolling average shall be an improvement over the prior year's 3-year rolling average, except that if a 3-year rolling average is unavailable for a particular school, either a 2-year average or, if a 2-year average is unavailable, 2 adjacent year's data shall be used for this purpose. The use of a 3-year rolling average shall not be required for the first 2 years in which satisfactory progress is being measured.

VIII. On May 1, 2005, and annually thereafter, the commissioner shall determine if a school has demonstrated that it is making satisfactory progress toward, or has met or exceeded the performance goals established in this section. The criteria to be used to determine if a school is making satisfactory progress shall be established as follows:

(a) Not later than May 1, 2002, and every 3 years thereafter, based on generally accepted statistical procedures, the commissioner in conjunction with the state board of education shall determine and publish the criteria for making satisfactory progress in each of the areas established in paragraphs I-V. In making these determinations, consideration shall be given to the effect of school and grade-level enrollments and other relevant demographic data on the validity and comparability of the data collected and, to the extent feasible, the performance of discrete subgroups of pupils, including pupils with disabilities, limited English proficient pupils, and low income pupils.

(1) Satisfactory progress in meeting the reading performance goal established in paragraph I shall be based on the average of the mean-scaled scores obtained on the

reading component of the grade 3 statewide assessment administered in accordance with RSA 193-C:3, IV(i). If a primary school does not include grade 3, then reading performance shall be based on the performance of the pupils from that school who attend grade 3 in the elementary school attended by the majority of the pupils from said primary school.

(2) Satisfactory progress in meeting the NHEIAP performance goals established in paragraph II shall be based on the mean-scaled scores obtained in the academic areas assessed at each grade level. If a school does not include a grade assessed in NHEIAP, then NHEIAP performance shall be based on the performance of the pupils from that school who attend the next highest NHEIAP grade level assessed in the school attended by the majority of the pupils from the school that does not include a grade assessed in NHEIAP.

(3) Satisfactory progress in meeting the performance goals established in paragraphs III-V shall be based on the rolling 3-year averages of performance in these areas.

(b) A school shall be considered to be making satisfactory progress in meeting the school approval standards specified in paragraph VI, if it either has been conditionally approved or granted a delay in full compliance by the state board.

IX. On May 1, 2005, and annually thereafter, the commissioner shall compile and disseminate to the governor and council, the general court, the state board, local school board chairpersons, superintendents of schools, school principals, and the public, a list of schools that are not making satisfactory progress in meeting the statewide performance goals set forth in RSA 193-G:3.

X. No later than January 1, 2006, and every 3 years thereafter, the state board shall submit to the education committees of the house and senate a report outlining the results of the state board's review of the performance goals established in paragraphs I-VI together with any recommendations to the general court for changes in these goals that have been adopted by a majority of the state board. In conducting its review, the state board shall consider the statistical validity and comparability of using additional performance data collected at the school and district levels.

193-G:3 Aid to Schools.

I. A school district that is unable to meet or make satisfactory progress toward the statewide performance goals in RSA 193-G:2 may request assistance from the department of education, including financial assistance from the local education improvement assistance program established in RSA 193-G:4, for any school within the district. If a school district that is unable to make satisfactory progress toward meeting the statewide performance goals in RSA 193-G:2 does not request assistance, the department of education may initiate such review as it deems appropriate and, on the basis of such review, offer its assistance to the school district, but the school district shall not be required to accept such assistance.

II. A school district may request up to 3 years of assistance. A detailed plan and budget shall be submitted to the department of education. The department may offer aid in developing the plan and budget.

III. If a school district specified on the list required under RSA 193-G:2, IX has not submitted a request for assistance then, in a town, a warrant article may be presented to the school district governing body, in accordance with applicable statutory requirements in effect in the town

for the petitioning of a warrant article, or, if in a city maintaining a school department within its corporate organization, a resolution may be offered to the governing body in accordance with applicable statutory requirements in effect in the city for offering a resolution, to direct the school district governing body to submit a request for assistance pursuant to this section. If a majority of the legislative body in the city or town votes in favor of requesting assistance, then that assistance shall be requested and provided in accordance with RSA 193-E:6.

IV. The department of education shall evaluate and approve proposals based on their efficacy, as determined by a cost-benefit analysis, and the extent to which school district revenues are insufficient to implement the proposed activity without adverse educational consequences.

V. Until the publication of the list pursuant to RSA 193-G:2, IX, a school district may request assistance from the department, including financial assistance from the local education improvement assistance program established in RSA 193-G:4, for any school within the district.

VI. Priority shall be given to lower-performing schools.

193-G:4 State Assistance to Local School Districts; Education Improvement Fund
Established.

I. There is hereby established an education improvement fund in the department of education for the purpose of providing assistance to local school districts. This fund shall be non-lapsing and shall be administered by the department. For the biennium beginning July 1, 2001 and ending June 30, 2003, the sum of \$2,500,000 shall be transferred from the education trust fund to the education improvement fund. In order to satisfy this obligation, the governor is authorized to draw a warrant from the education trust fund to satisfy the provisions of this paragraph.

II.(a) The department is authorized to use the amount transferred to the education improvement fund for the following purposes within the following expenditure limits:

(1) For the biennium ending June 30, 2003, an amount not to exceed \$500,000 to implement and administer the pupil achievement assessment pilot program established in this act.

(2) For the biennium ending June 30, 2003, an amount not to exceed \$225,000 to collect, analyze, and report the demographic and educational improvement data.

(3) For the biennium ending June 30, 2003, an amount not to exceed \$275,000 to implement and administer the grade 3 reading assessment program set forth in RSA 193-C:3, IV(i).

(4) For the biennium ending June 30, 2003, an amount not to exceed \$75,000 for contracted assistance to study the capacity of the department of education to provide support to local schools.

(5) For the biennium ending June 30, 2003, an amount not to exceed \$780,000 to assist local school staff with the analysis and use of school performance data, and to implement local educational improvement and assessment plans.

(6) For the biennium ending June 30, 2003, an amount not to exceed \$645,000 for providing grants to school districts, provided that any amounts set forth in

subparagraphs (a)(1)-(a)(5) which are unexpended as of June 30, 2003, shall be used by the department to make grants to school districts under this section.

(b) For the biennium beginning July 1, 2001 and ending June 30, 2003, appropriations from the fund shall be authorized at the class level by the legislative fiscal committee and the governor and council. For the biennium beginning July 1, 2003, and each biennium thereafter, appropriations from the fund at the class level shall be included in and authorized as part of the department's biennial operating budget.

(c) Moneys transferred to the education improvement fund shall not be transferred, diverted, or used for any purpose not specified in this section.

193-G:5 Powers of the Department of Education and State Board of Education. Notwithstanding RSA 186:5, the powers of the department and the state board relative to school performance and accountability shall be limited to the provisions of RSA 193-G:1 – 193-G:4.

3 New Subparagraphs; Statewide Education Improvement and Assessment Program; Program Goals Amended. Amend RSA 193-C:3, IV by inserting after subparagraph (h) the following new subparagraphs:

(i) At the end of grade 3, to determine if pupils are reading at grade level on a standardized reading test to be chosen by the department with the approval of the state board of education.

(j) At the school, district, and state levels, to provide performance reports on specific subgroups of pupils as required by federal law and regulations, including performance reports on pupils with disabilities, educationally disadvantaged pupils, and vocational education pupils.

4 Pupil Achievement Assessment Pilot Program Established.

I. The department of education, in consultation with the state board of education and the school administrative unit superintendents, shall establish a 4-year pupil achievement assessment pilot program in 10 selected school districts which represent a cross section of the state for the school years 2001-2002 through 2004-2005. Participation in the pilot program shall be voluntary. The pilot program shall examine the use of standardized achievement tests for pupils in grades 4 through 9 in each of the selected pilot schools as well as other techniques to measure pupil achievement over time. The purpose of the pilot program is to identify multiple measures of pupil achievement and to analyze such data from those measures to assess the extent to which such data yields valid and comparable information on the average annual rate of gain or value-added. In addition, the program would provide for a so-called gains-based statistical analysis of data collected in years 2-4 of the program for each pupil, school, and district. Upon the collection of multiple years of data, an analysis of such data may be performed to measure the average gain or value-added to an individual pupil over the course of the measurement period.

II. After 3 years, the state board of education in conjunction with the legislative oversight committee established under RSA 193-C:7 shall evaluate the potential value of the information collected under the pilot program and consider the merits of the approaches used in the pilot program to determine whether such approaches may be used as additional or alternative methods of measuring educational achievement and success.

5 Reporting on Pupil Performance. RSA 193-E:3 is repealed and reenacted to read as follows:

193-E:3 Reporting on the Delivery of Education.

I. By August 1, 2001, and annually thereafter, each school district shall report to the department of education data at the school and district levels for the previous school year on the following indicators, provided however, that the department shall develop a reasonable schedule to phase-in the reporting of data that is not being collected systematically during school year 2000-2001:

(a) Numbers and percentages of pupils with disabilities, limited English proficient pupils, pupils in advanced placement programs, and pupils eligible for free or reduced-price meals.

(b) Pupil mobility rates calculated as the percentages of pupils who transfer into or out of a school each year. These percentages shall not include pupils who enter the school on opening day at the lowest grade in the school or pupils who leave the school upon completion of the highest grade in the school.

(c) Attendance and dropout rates.

(d) Performance on statewide tests administered pursuant to RSA 193-C:3, IV(i) including the percentage of pupils reading at grade level on the reading component of the grade 3 statewide educational assessment and performance on any other standardized tests administered at local option.

(e) Percentage of graduating pupils going on to post-secondary education and military service.

(f) Average class size for instructional purposes at the primary, intermediate, and secondary levels as of October 1.

(g) Number and percentage of educators teaching one or more courses outside of the educator's certification area and the percentage of all courses being taught by educators outside their certification area.

(h) Teacher and administrator turnover rates at the school and district levels.

II. By August 1, 2001, and annually thereafter, each school district shall report to the department of education data at the school and district levels for the previous school year any other data required by federal law on the same or similar subject matter specified in subparagraphs I (b) - (g) or for any of the subgroups set forth in subparagraph I (a).

III. The department of education, with the approval of the legislative oversight committee established in RSA 193-C:7, may implement and report data on any additional indicators deemed relevant to the purposes of this section.

IV. In order to reduce school districts' administrative time and costs, the department of education shall develop and utilize user-friendly, computer forms and programs to collect the data set forth in paragraph I as well as all enrollment and cost data related to determining the cost of an adequate education. The department shall request funds as part of its biennial operating budget to develop, update, and maintain the required forms and programs.

V. Not later than December 1, 2001, and annually thereafter, the department of education shall issue a public report on the condition of education statewide and on a district-by-district and school-by-school basis. This report shall be entitled "New Hampshire School District Profiles." It shall include demographic and pupil performance data including, but not limited to, district and school performance on state tests administered pursuant to RSA 193-C, all other data provided under paragraph I, as well as other relevant statistics as determined by the department of education. Comparisons with state averages shall be provided for data reported under subparagraphs I(a)-(h). Comparisons of each district and school to itself based on its own performance for the prior school year and its most recent 3-year rolling averages shall be provided for data reported under subparagraphs I(c)-(e). Statewide rankings of each district and school shall be provided for data reported under subparagraphs I(c)-(e), including a statewide ranking of each school and school district based on the percentage increase of improvement as compared with the same school district's performance in the previous year. The report shall be organized and presented in a manner that is easily understood by the public and that assists each school district with the identification of trends, strengths, and weaknesses and the development of its local school education improvement and assessment plan.

VI. Each school district shall provide an opportunity for public discussion of the report at a meeting of its governing body. The school district shall make the report available to the public at least 10 days prior to the meeting.

VII. No later than January 1, 2003, the department of education shall prepare and submit to the education committees of the house and senate a plan for collecting and evaluating data to determine the correlation between level of academic performance and such factors as pupils' gender, socioeconomic status, cost per pupil, class size, teacher qualifications, and use of various instructional strategies as well as an in-depth study of community members' perceptions of their involvement in education and of important educational issues. The plan shall include an estimate of the costs to the department and local school districts of collecting, analyzing, and reporting the results of these studies.

6 Statewide Education Improvement and Assessment Program; Local Education Improvement and Assessment Plans. RSA 193-C:9, I is repealed and reenacted to read as follows:

I.(a) Each school district shall be responsible for coordinating the development and implementation of a local education improvement and assessment plan. The plan shall be evaluated and reviewed annually and shall be included in the school district's annual report. The development and implementation of the plan and the annual evaluation and review shall be carried out with input from administrators, teachers, parents, employers, and other community members. The plan shall be approved by the local school board no later than October 31, 2003. At a minimum, each plan shall identify and set forth objectives for the school or each school in the district to achieve, including:

(1) Objectives and annual benchmarks for improved pupil performance in each of the statewide performance goals.

(2) Local assessment measures which focus on individual student performance.

(3) The use of local and statewide assessment results to improve instruction and enhance student learning.

(4) Methods for reporting the results of all assessment measures.

(5) Strategies to promote family and community involvement.

(6) Procedures detailing how the school district budget reflects the goals of the plan.

(b) Each plan may include the following elements:

(1) Curriculum and proficiency standards.

(2) School and district performance goals based on reported data on educational indicators listed in paragraph II of this section.

(3) Procedures for aligning curriculum and instructional practices.

(4) Role of support services and programs.

(5) Role of instructional leadership.

(6) Staff supervision and evaluation and performance-based professional development.

(7) Pupil behavior and conduct codes.

(8) Provisions for addressing individual school needs.

7 Statewide Education Improvement and Assessment Program; Local Education Improvement and Assessment Plans. RSA 193-C:9, IV is repealed and reenacted to read as follows:

IV. The department of education shall develop a model local education improvement and assessment plan which can be used by school districts. The model plan shall:

(a) Identify and set forth objectives for the school or each school in the district to achieve, including objectives and annual benchmarks for improved pupil performance in each of the applicable areas in which statewide performance goals have been established.

(b) Identify areas where improvements are needed immediately.

(c) Specify how the school or each school in the district will work to make improvements in the combined performance of all pupils enrolled in a school as well as the performance of discrete subgroups of pupils, including pupils with disabilities, limited English proficient pupils, and low income pupils.

(d) Specify the methods and assessments to be used in addition to NHEIAP assessments for the annual evaluation and review of the plan, including data to be collected, analyzed, and reported. This shall include the data specified in RSA 193-E:3, I as well as additional data determined locally.

8 Legislative Oversight Committee; Duties Amended. Amend RSA 193-C:8 to read as follows:

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

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

II. Review all of the provisions of RSA 193-G and submit a report of such review every 2 years after the effective date of this section to the speaker of the house of representatives, the president of the senate, the governor, and the chairpersons of the house and senate education committees.

III. Prepare any legislation that is needed as a result of the review of the progress and results of the policies implemented under this chapter.

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

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

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

198:39 Education Trust Fund Created and Invested.

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities' school districts pursuant to RSA 198:42, and to provide education property tax hardship relief under RSA 198:55, ***and to fund the education improvement fund established in RSA 193-G:4.*** The state treasurer shall deposit into ~~[this]~~ ***the education trust*** fund immediately upon receipt:

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

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

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

II. Any teacher who has a professional standards certificate from the state board of education and who has taught for 3 consecutive years or more in any school district in the state

shall, after having taught for 2 consecutive years in any other school district in the state, be entitled to all of the rights for notification and hearing in ~~[paragraph I(b)]~~ **paragraphs I(b), III, and IV of this section.**

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

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

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

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

189:14-b Review by State Board.

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

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

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

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

15 Repeal. RSA 194:23-d, relative to state financial aid, is repealed.

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

AMENDED ANALYSIS

This bill establishes criteria for measuring school performance standards, requires the development of a local education improvement and assessment plan in each school district, defines satisfactory progress in school performance areas, and establishes an education improvement fund in the department of education which shall be funded by a transfer from the education trust fund in the amount of \$2,500,000 for the biennium ending June 30, 2003. The bill also clarifies the process for conducting hearings before local school boards on the issue of nonrenomination of teacher contracts and for the appeal of such nonrenomination decisions to the state board of education

Conferees: Sens: O'Hearn, Dist. 12; Prescott, Dist. 19; Johnson, Dist. 3.

Conferees: Reps: Henderson, Rock. 20; Ward, Graf. 1; Colcord, Merr. 2; Snyder, Straf 14.

Rep. Arthur Pelletier spoke against and yielded to questions.

Reps. Ward and Henderson spoke in favor.

Rep. Boyce requested a roll call; sufficiently seconded.

The question being adoption of the Committee of Conference report.

YEAS 241 NAYS 117

YEAS 241

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Dewhirst, Glenn	Flanders, Donald
Holbrook, Robert	Johnson, William	Lawton, David	Millham, Alida
Nedeau, Stephen	Pilliod, James	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Salatiello, Thomas	Thomas, John	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	Torressen, Gary

CHESHIRE

Avery, Stephen	Burnham, Daniel	Dexter, Judson	Edwards, Dana
Emerson, Susan	Fairbanks, Chandler	Hunt, John	Liebl, George

Manning, Joseph
Smith, Edwin

Meader, David

Roberts, William

Royce, H Charles

COOS

Davis, Perley
Pratt, Leighton

Gallus, John
Rozek, Michael

Guay, Lawrence
Stohl, Eric

Horton, Lynn

GRAFTON

Akins, Ralph
Eaton, Stephanie
Lovett, Sid
Teschner, Douglass

Alger, John
Gabler, William
Marshall, Gene
Ward, Brien

Cobb, John
Gilman, G Michael
Scanlan, David
Williams, Burton

Dudley, Terri
Ham, Bonnie
Sova, Charles

HILLSBOROUGH

Allan, Nelson
Balboni, Michael
Bergin, Peter
Carlson, Donald
Coughlin, Pamela
Eaton, Richard
Ford, Nancy
Ginsburg, Ruth
Graham, John
Herman, Keith
Keye, Harvey
LaRose, Richard
Lessard, Rudy
McRae, Karen
Milligan, Robert
Pepino, Leo
Sargent, Maxwell
Vaillancourt, Steve

Alukonis, David
Balcom, John
Bouldin, Michael
Christensen, D L Chris
Desrosiers, William
Elliott, Larry
Foster, Linda
Gleneck, David
Greenberg, Gary
Holden, Randolph
Kurk, Neal
Leach, Edward
Martel, Andre
Melcher, Harold
Moran, Edward
Reeves, Sandra
Spiess, Paul
Wheeler, Robert

Arnold, Thomas Jr
Batula, Peter
Brundige, Robert
Christiansen, Lars
Dokmo, Cynthia
Emerton, Lawrence Sr
Furman, Christine
Golding, William
Guinta, Frank
Jean, Loren
L'Heureux, Robert
Lefebvre, Roland
Martin, Mary Ellen
Mercer, Robert
O'Connell, Timothy
Rowe, Robert
Sweeney, Cynthia
White, Donald

Artz, Lawrence
Bergeron, Jean-Guy
Calawa, Leon Jr
Clegg, Robert Jr
Drisko, Richard
Fields, Dennis
Gargasz, Carolyn
Goulet, Maurice
Hall, Charles
Johnson, Lionel
LaFlamme, Paul
Leishman, Peter
McHugh, Claire
Messier, Irene
Pappas, Marc
Salts, Greg
Thulander, O Alan

MERRIMACK

Anderson, Eric	Brewster, Richard	Colcord, J D	Cummings, Raymond
Davis, Frank	Dunne, Christopher	Feuerstein, Martin	Fraser, Leo Jr
Hess, David	Hutchinson, John	Jacobson, Alf	Kennedy, Richard
L'Heureux, Stephen	Leber, William	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	Poulin, David	Swindlehurst, John	Whalley, Michael
Winter, Steven			

ROCKINGHAM

Belanger, Ronald	Bishop, Franklin	Bowles, Raimond	Bridle, Russell
Camm, Kevin	Carson, Sharon	Case, Margaret	Chalbeck, Kevin
Cooney, Richard	Corbin, Corey	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	DiFruscia, Anthony	Dodge, Robert	Dowling, Patricia
Downing, Michael	Fesh, Bob	Flanagan, Natalie	Flanders, John Sr
Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hill, Jonathan	Holland, James Jr	Introne, Robert	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kelley, William	Kobel, Rudolph	Langley, Jane	Letourneau, Robert
Major, Norman	McGuire, Robert	McKinney, Betsy	Moore, Benjamin
Morse, Charles	Nowe, Ronald	Packard, Sherman	Palermo, Diane
Power, Lucille	Priestley, Anne	Putnam, Ed II	Rabideau, Marie
Rausch, James	Ruffner, Walter	Saia, Pamela	Sapareto, Frank
Sloan, Stephen	Stone, Joseph	Stritch, C Donald	Varrell, Thomas
Welch, David	Weyler, Kenneth	Whittier, John	Woekel, Ralph
Zolla, William			

STRAFFORD

Albert, Russell	Berube, Roger	Cossette, Larry	Dunlap, Patricia
Kaen, Naida	Knowles, William	Lachance, Douglas	McCarthy, Gerald
Musler, George	Reid, Christopher	Rollo, Michael	Snyder, Clair
Tsiros, William	Twombly, James	Woods, Phyllis	

SULLIVAN

Franklin, Peter
Rodeschin, Beverly

Jones, Constance

Leone, Richard

Odell, Bob

NAYS 117

BELKNAP

None

CARROLL

None

CHESHIRE

Allen, Peter
Mitchell, McKim
Zerba, Roger

Batchelder, Robert
Pratt, John

Espiefs, Peter
Richardson, Barbara

McGuirk, Paul
Weed, Charles

COOS

Bradley, Paula

Mears, Edgar

Rodrigue, Robert

GRAFTON

Almy, Susan
Nordgren, Sharon

Benn, Bernard
Scovner, Nancy

Cooney, Mary
Sokol, Hilda

Naro, Debra
Solow, Martha

HILLSBOROUGH

Andosca, Mary
Bruno, Pierre
Cote, David
Drabinowicz, A Theresa
Gorman, Mary
Kacavas, John
Movsesian, Lori
Shaw, Barbara
White, John

Baroody, Benjamin
Buckley, Raymond
Cote, Peter
Dwyer, Paul
Haley, Robert
Konys, Christine
Palangas, Eric
Souza, Kathleen
Williams, Carol

Bellavance, Paul
Clayton, William
Craig, James
Fletcher, Richard
Hopper, Gary
Lasky, Bette
Panagopoulos, Nicholas
Tahir, Saghir

Bragdon, Peter
Clemons, Jane
Daigle, Robert
Goley, Jeffrey
Jean, Claudette
Lynde, Harold
Schulze, Joan
Thompson, Rob

MERRIMACK

Bouchard, Candace	Clarke, Claire	Crosby, Toni	Daneault, Gabriel
Fraser, Marilyn	French, Barbara	Gile, Mary	Greco, Vincent
Moore, Carol	Owen, Derek	Perkins, Randy	Potter, Frances
Reardon, Tara	Rodd, Beth	Rush, Deanna	Soltani, Tony
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

ROCKINGHAM

Blanchard, MaryAnn	Clark, Martha Fuller	Coes, Betsy	Kane, Cecelia
Kelley, Jane	Micklon, Stephanie	Norelli, Terie	O'Keefe, Patricia
Pantelakos, Laura	Pitts, Jacqueline	Quandt, Marshall	Quandt, Matthew
Robertson, Carl	Shultis, Elizabeth	Splaine, James	Trueman, Raymond
Weatherspoon, Jacquelyne			

STRAFFORD

Bickford, David	Brennan, William	Callaghan, Frank	DeChane, Marlene
Estabrook, Iris	Gilmore, Gary	Goodwin, Earle	Grassie, Anne
Hughes, Christopher	Johnson, Nancy	Lent, Donald	Pelletier, Arthur
Pelletier, Marsha	Proulx, Raymond	Smith, Marjorie	Spang, Judith
Wall, Janet	Woodill, Rodney		

SULLIVAN

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

and the report was adopted.

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

Committee of Conference Report on SB 197-FN, restructuring the judicial conduct committee as an independent judicial conduct commission and making an appropriation therefor.

Recommendation:

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

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

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

1 Intent. This act implements the recommendations of the Task Force for the Renewal of Judicial Conduct Procedures by restructuring the judicial conduct committee as an independent judicial conduct commission. The task force established the following 3 principles to guide the restructuring of the committee:

I. The judicial conduct committee should be completely independent of the New Hampshire court system and the other branches of government, and should be renamed the judicial conduct commission.

II. Members of the new judicial conduct commission should be appointed by several authorities: the governor, the senate president, the speaker of the house of representatives, the New Hampshire supreme court, and the president of the New Hampshire Bar Association.

III. In keeping with its independent status and an accompanying need for vigorous professionalism in the management of its work, the new commission must be free to hire staff and maintain its separate office.

2 Statement of 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 establishes a judicial conduct commission.

3 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 judges under RSA 491:1; superior court marital masters; district court judges 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 30 days public notice and a public hearing. The executive director shall hold office for a term of 5 years. The executive director may be removed from office by vote of 2/3's of the commission. 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:17.

(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 for the preceding fiscal year. 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. The commission shall consist of the following 11 members:

I. 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 with the concurrence of the majority of the supreme court members.

II. Two members appointed by the president of the New Hampshire Bar Association; one member to be approved by the governor and one member to be approved by the president of the senate and the speaker of the house.

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

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

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

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, 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, II, 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, III, 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, IV, 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, V, 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. Members may not serve more than 2 consecutive terms. Members who have served 2 consecutive terms may not be reappointed until they have been off the commission for a period of 4 years.

III. 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: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.

(f) When removed by the commission as provided in RSA 494-A:16.

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.

494-A:8 Numbers for Quorum and Action. Six members of the commission shall be a quorum. Six members shall be necessary to take routine action. A vote of 7 members shall be required 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 chapter. After notice and hearing, the commission may impose disciplinary actions with regard to a complaint by reprimand or censure. 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 warrants the removal of the judge, the commission shall refer the matter to the legislature.

II. The commission shall, by rules under RSA 494-A:12, adopt a Code of Judicial Conduct based on the Model Code of Judicial Conduct (August, 1990), as adopted by the House of Delegates of the American Bar Association on August 7, 1990.

494-A:11 Procedures for Complaints; Public Availability. The commission shall adopt rules of procedure to be followed in making its determinations which shall incorporate the following:

I. When a complaint is received by the commission, the commission shall determine if the complaint alleges a violation of the Code of Judicial Conduct. If the commission determines that the complaint on its face alleges no violation of judicial misconduct, the commission shall dismiss the complaint and respond to the complaining party, explaining the basis for its decision. If the commission determines that the complaint alleges a violation, 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 direct communications between the judge and the complaining party. Following the response from the judge, the commission shall send a copy of the response to the complaining party. The commission may also conduct such further investigation as it may deem necessary before ruling on the complaint. The commission shall, within 90 days of the first meeting following receipt of the complaint, determine whether there is probable cause to believe that the judge has committed a violation of the Code of Judicial Conduct. If not, the complaint shall be dismissed. If so, the commission shall proceed to make a final determination as to whether a violation has occurred. In any event, the complaining party and the judge shall be informed of the ruling on probable cause along with a brief explanation of the basis of the decision.

II. After making a finding of probable cause, the commission shall conduct a public hearing before making a final determination. After probable cause has been found, the complaint, response, transcripts, findings, deliberations, and reports of actions taken 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 relating to a complaint before the commission.

III. 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.

IV. 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 commission shall suspend its activities until the criminal proceedings, if any, are concluded.

V. 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.

VI. 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 commission shall have the authority to adopt rules, after public notice and hearing, necessary to perform the objectives of this chapter. The commission shall employ the rules used by the supreme court on the effective date of this chapter as interim rules, to the extent that they are not inconsistent with this chapter. The commission shall adopt its own rules as soon as practicable which shall replace such interim rules, but in no event later than July 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 commission shall have the powers of subpoena.

494-A:14 Appeals. An aggrieved party may appeal an order or decision of the commission to the supreme court, 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 Removal. The chairperson, with the majority of the commission, may remove a member for cause, including unexcused absences or serious violations of a commission rule.

494-A:17 Staff and Facilities.

I. The executive director shall, with the approval of the commission, hire 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 office space, which shall be as independent as possible from other facilities of any branch of government.

4 Judicial Performance Evaluations. Amend RSA 490:32, II to read as follows:

II. The program for performance evaluation shall include, but shall not be limited to, ~~[review of records of the supreme court's committee on judicial conduct which are public records under supreme court Rule 40;]~~ a questionnaire, to be designed by the supreme court[;] and a self-evaluation form to be completed by the judge. The supreme court shall strive to achieve uniformity among court evaluation questionnaires, recognizing that the questionnaires for each court may differ due to the jurisdiction of the courts. Questionnaires shall be distributed to a representative sample of attorneys, parties, witnesses, jurors, court personnel, and others who have appeared before a judge during the evaluation period, for the purpose of evaluating the performance of the judge. The questionnaire shall include, but shall not be limited to, questions relative to the judge's performance, temperament and demeanor, judicial management skills, legal knowledge, attentiveness, bias and objectivity, and degree of preparedness. Completed forms shall be returned to the administrative judge, unsigned, within 30 days of issuance. All responses shall remain confidential.

5 Repeals. RSA 490:30, relative to the committee on judicial conduct, is repealed.

6 Date of Operation of Commission. All appointments to the judicial conduct commission shall be made prior to September 1, 2001. The initial meeting of the commission shall be called in September by the governor's first-appointed member of the commission. All necessary staffing of the judicial conduct commission shall be made prior to January 1, 2002. The commission's authority to act upon complaints shall commence on January 1, 2002.

7 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.

8 Appropriation. The sum of \$125,000 for the fiscal year ending June 30, 2002 and the sum of \$250,000 for the fiscal year ending June 30, 2003 are hereby appropriated to the judicial conduct commission established by this act, for the purposes of the administration of the provisions of this act. The governor is authorized to draw a warrant for said sums out of any moneys not otherwise appropriated.

9 Effective Date.

I. Sections 1-4 and 6-8 of this act shall take effect July 1, 2001.

II. The remainder of this act shall take effect January 1, 2002.

AMENDED ANALYSIS

This bill restructures the judicial conduct committee as an independent judicial conduct commission. This bill also makes an appropriation to the commission.

Conferees: Sens. Gordon, Dist. 2; Prescott, Dist. 19; Fernald, Dist. 11.

Conferees: Reps. Mock, Carr. 3; Rowe, Hills 14, Phyllis Woods, Straf. 11; Wall, Straf. 9.

Adopted.

RECESS

(Speaker Chandler in the Chair)

senate message

refuses to adopt committee of conference report

requests new committee of conference

HB 354-FN-A-L, extending the kindergarten construction program.

The President appointed Sens. Gordon, Disnard and Boyce.

suspension of rules

Reps. Scanlan and Burling moved that the Rules be so far suspended as to allow formation, after the deadline, of a new Committee of Conference on ***HB 354-FN-A-L***, extending the kindergarten construction program, and to allow signing of and action on a Committee of Conference report after the deadlines.

Adopted by the necessary two-thirds.

accedes to request for new committee of conference

HB 354-FN-A-L, extending the kindergarten construction program

Rep. Weyler moved that the House accede.

Adopted.

The Speaker appointed Reps. Weyler, Mercer, Thulander and Linda Foster.

consent calendar

committee of conference reports on house bills

Rep. Scanlan moved that the Consent Calendar of Committee of Conference Reports on House Bills 131, 132, 215, 238, 240, 256, 258, 259 and 260, as received from the Senate today, and as printed and distributed, be adopted.

Adopted.

HB 131, relative to the retention and disposal of certain financial disclosure forms. (Report printed SJ 6/26/01)

HB 132-FN, relative to the damage or destruction of an emergency vehicle or emergency services equipment. (Report printed SJ 06/26/01)

HB 215, relative to publication of status of cases before the supreme court. (Report printed SJ 06/26/01)

HB 238, relative to interstate banking. (Report printed SJ 06/26/01)

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. (Report printed SJ 06/26/01))

HB 256, limiting the liability of law enforcement agencies and their employees for injuries caused by dogs used in law enforcement work. (Report printed SJ 06/26/01)

HB 258, establishing a task force to conduct an ongoing study of the feasibility of re-establishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon northern passenger rail service line. (Report printed SJ 06/26/01)

HB 259, relative to holding sessions for correction of checklists. (Report printed SJ 06/26/01)

HB 260, establishing a commission to examine child care resource for parents who work hours other than first shift. (Report printed SJ 06/26/01)

regular calendar

committee of conference reports on house bills

HB 170-FN-A, repealing the legacies and succession tax. (Report printed SJ 6/26/01)

Reps. McGuirk, Jones, Jacobson, Sullivan, Lockwood and Dickinson spoke against.

Rep. Bowles spoke against and yielded to questions.

Reps. Hill, Mirski, Herman and Rowe spoke in favor.

Reps. Alukonis and Guay spoke in favor and yielded to questions.

Rep. Herman requested a roll call; sufficiently seconded.

The question being adoption of the Committee of Conference report.

YEAS 190 NAYS 181

YEAS 190

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Flanders, Donald	Holbrook, Robert
Lawton, David	Nedeau, Stephen	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Thomas, John	Wendelboe, Fran	

CARROLL

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

CHESHIRE

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

COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Rozek, Michael	Tholl, John Jr		

GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gabler, William	Gilman, G Michael
Marshall, Gene	Mirski, Paul	Scanlan, David	Sova, Charles
Teschner, Douglass	Ward, Brien		

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Batula, Peter	Bergeron, Jean-Guy
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Carlson, Donald	Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr
Coughlin, Pamela	Dyer, Merton	Elliott, Larry	Emerton, Lawrence Sr
Fields, Dennis	Fletcher, Richard	Ford, Nancy	Furman, Christine
Gargas, Carolyn	Gleneck, David	Golding, William	Goley, Jeffrey
Gonzalez, Carlos	Goulet, Maurice	Graham, John	Greenberg, Gary
Guinta, Frank	Hall, Charles	Herman, Keith	Holden, Randolph
Hopper, Gary	Jean, Loren	Kurk, Neal	L'Heureux, Robert
LaFlamme, Paul	LaRose, Richard	Lefebvre, Roland	Lessard, Rudy
Martel, Andre	McHugh, Claire	McRae, Karen	Mercer, Robert
Milligan, Robert	Moran, Edward	Palangas, Eric	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Salts, Greg	Sargent, Maxwell	Souza, Kathleen	Tahir, Saghir
Thompson, Rob	Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert
White, Donald			

MERRIMACK

Anderson, Eric	Cummings, Raymond	Dunne, Christopher	Hess, David
Hutchinson, John	Kennedy, Richard	L'Heureux, Stephen	Leber, William
MacKay, James	Maxfield, Roy	Poulin, David	Soltani, Tony
Swindlehurst, John	Whalley, Michael	Winter, Steven	

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bridle, Russell	Camm, Kevin
Carson, Sharon	Chalbeck, Kevin	Clark, Vivian	Dalrymple, Janeen
Dodge, Robert	Dowling, Patricia	Fesh, Bob	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Giordano, Ronald
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hill, Jonathan	Holland, James Jr	Introne, Robert	Itse, Daniel
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Letourneau, Robert	Major, Norman	McKinney, Betsy	Nowe, Ronald
Packard, Sherman	Palermo, Diane	Power, Lucille	Putnam, Ed II

Quandt, Marshall
Ruffner, Walter
Varrell, Thomas
Zolla, William

Quandt, Matthew
Sapareto, Frank
Welch, David

Rabideau, Marie
Stone, Joseph
Weyler, Kenneth

Reardon, Neil
Stritch, C Donald
Whittier, John

STRAFFORD

Albert, Russell
Hughes, Christopher
Twombly, James

Berube, Roger
Musler, George
Woods, Phyllis

Cossette, Larry
Reid, Christopher

Harrington, Michael
Tsiros, William

SULLIVAN

Odell, Bob

Rodeschin, Beverly

NAYS 181

BELKNAP

Johnson, William
Wood, Jane

Millham, Alida

Pilliod, James

Salatiello, Thomas

CARROLL

Babson, David Jr

Dickinson, Howard

Philbrick, Donald

Sullivan, P Judith

CHESHIRE

Allen, Peter
Manning, Joseph
Pratt, John

Batchelder, Robert
McGuirk, Paul
Richardson, Barbara

Burnham, Daniel
Meader, David
Weed, Charles

Espieffs, Peter
Mitchell, McKim
Zerba, Roger

COOS

Bradley, Paula

Davis, Perley

Mears, Edgar

Rodrigue, Robert

GRAFTON

Almy, Susan
Lovett, Sid

Benn, Bernard
Naro, Debra

Cooney, Mary
Nordgren, Sharon

Ham, Bonnie
Pawlek, Marion

Scovner, Nancy

Sokol, Hilda

Solow, Martha

Williams, Burton

HILLSBOROUGH

Andosca, Mary

Baroody, Benjamin

Bellavance, Paul

Bergin, Peter

Buckley, Raymond

Clayton, William

Clemons, Jane

Cote, David

Cote, Peter

Craig, James

Daigle, Robert

Desrosiers, William

Dokmo, Cynthia

Drabinowicz, A Theresa

Drisko, Richard

Dwyer, Paul

Eaton, Richard

Flora, Kathleen

Foster, Linda

Ginsburg, Ruth

Gorman, Mary

Haley, Robert

Hall, Betty

Jean, Claudette

Johnson, Lionel

Kacavas, John

Keye, Harvey

Konys, Christine

Lasky, Bette

Leach, Edward

Leishman, Peter

Lynde, Harold

Martin, Mary Ellen

Melcher, Harold

Messier, Irene

Movsesian, Lori

O'Connell, Timothy

Panagopoulos, Nicholas

Schulze, Joan

Seibel, Christopher

Shaw, Barbara

Spiess, Paul

Sweeney, Cynthia

White, John

Williams, Carol

MERRIMACK

Bouchard, Candace

Brewster, Richard

Clarke, Claire

Colcord, J D

Crosby, Toni

Daneault, Gabriel

Davis, Frank

Feuerstein, Martin

Fraser, Leo Jr

Fraser, Marilyn

French, Barbara

Gile, Mary

Greco, Vincent

Hager, Elizabeth

Jacobson, Alf

Lockwood, Priscilla

Moore, Carol

Owen, Derek

Perkins, Randy

Potter, Frances

Reardon, Tara

Rodd, Beth

Rush, Deanna

Seldin, Gloria

Wallner, Mary Jane

Whittemore, James

Yeaton, Charles

ROCKINGHAM

Bishop, Franklin

Blanchard, MaryAnn

Bowles, Raimond

Case, Margaret

Clark, Martha Fuller

Coes, Betsy

Cooney, Richard

Corbin, Corey

Cox, Russell

Dearborn, Bruce

DiFruscia, Anthony

Downing, Michael

Gilbert, Karl

Johnson, Robert

Kane, Cecelia

Kelley, William

Kobel, Rudolph

Langley, Jane

McGuire, Robert

Moore, Benjamin

Morse, Charles

Norelli, Terie

O'Keefe, Patricia

Pantelakos, Laura

Pitts, Jacqueline

Priestley, Anne

Rausch, James

Robertson, Carl

Saia, Pamela

Shultis, Elizabeth

Sloan, Stephen

Splaine, James

Trueman, Raymond

Weatherspoon,
Jacquelyne

Woekel, Ralph

STRAFFORD

Bickford, David

Brennan, William

Callaghan, Frank

DeChane, Marlene

Dunlap, Patricia

Estabrook, Iris

Gilmore, Gary

Goodwin, Earle

Grassie, Anne

Johnson, Nancy

Kaen, Naida

Knowles, William

Lachance, Douglas

Lent, Donald

McCarthy, Gerald

Pelletier, Arthur

Pelletier, Marsha

Proulx, Raymond

Rollo, Michael

Smith, Marjorie

Snyder, Clair

Spang, Judith

Taylor, Kathleen

Wall, Janet

Woodill, Rodney

SULLIVAN

Allison, David

Burling, Peter

Cloutier, John

Ferland, Brenda

Flint, Gordon Sr

Franklin, Peter

Harris, Joseph

Harris, Sandra

Jones, Constance

Leone, Richard

Phinizy, James

Robb, Amy

and the report was adopted.

reconsideration

Rep. Herman moved that the House reconsider its action whereby it adopted the Committee of Conference Report on ***HB 170-FN-A***, repealing the legacies and succession tax, and spoke against.

Rep. Scanlan requested a roll call; sufficiently seconded.

The question being adoption of the motion to reconsider.

YEAS 177 NAYS 192

YEAS 177

BELKNAP

Johnson, William

Millham, Alida

Salatiello, Thomas

Wood, Jane

CARROLL

Dickinson, Howard

Philbrick, Donald

CHESHIRE

Allen, Peter

Batchelder, Robert

Burnham, Daniel

Espiefs, Peter

Manning, Joseph

McGuirk, Paul

Meader, David

Mitchell, McKim

Pratt, John

Richardson, Barbara

Weed, Charles

Zerba, Roger

COOS

Bradley, Paula

Davis, Perley

Mears, Edgar

Rodrigue, Robert

GRAFTON

Almy, Susan

Benn, Bernard

Cooney, Mary

Ham, Bonnie

Lovett, Sid

Naro, Debra

Nordgren, Sharon

Pawlek, Marion

Scovner, Nancy

Sokol, Hilda

Solow, Martha

Williams, Burton

HILLSBOROUGH

Andosca, Mary

Arnold, Thomas Jr

Barody, Benjamin

Bellavance, Paul

Bergin, Peter

Buckley, Raymond

Clayton, William

Clemons, Jane

Cote, David

Cote, Peter

Craig, James

Daigle, Robert

Desrosiers, William

Dokmo, Cynthia

Drabinowicz, A Theresa

Drisko, Richard

Eaton, Richard

Flora, Kathleen

Foster, Linda

Ginsburg, Ruth

Goley, Jeffrey

Gorman, Mary

Haley, Robert

Hall, Betty

Jean, Claudette

Johnson, Lionel

Kacavas, John

Keye, Harvey

Konys, Christine

Lasky, Bette

Leach, Edward

Leishman, Peter

Lynde, Harold

Martin, Mary Ellen

Melcher, Harold

Messier, Irene

Movsesian, Lori

O'Connell, Timothy

Palangas, Eric

Panagopoulos, Nicholas

Schulze, Joan

Shaw, Barbara

Spiess, Paul

Sweeney, Cynthia

White, John

Williams, Carol

MERRIMACK

Bouchard, Candace

Brewster, Richard

Clarke, Claire

Colcord, J D

Crosby, Toni

Daneault, Gabriel

Davis, Frank

Feuerstein, Martin

Fraser, Leo Jr

Fraser, Marilyn

French, Barbara

Gile, Mary

Greco, Vincent

Hager, Elizabeth

Jacobson, Alf

Lockwood, Priscilla

Moore, Carol	Owen, Derek	Perkins, Randy	Potter, Frances
Reardon, Tara	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

ROCKINGHAM

Bishop, Franklin	Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret
Clark, Martha Fuller	Coes, Betsy	Corbin, Corey	Cox, Russell
Dearborn, Bruce	DiFruscia, Anthony	Downing, Michael	Gilbert, Karl
Giordano, Ronald	Johnson, Robert	Kane, Cecelia	Kelley, William
Kobel, Rudolph	Langley, Jane	McGuire, Robert	Moore, Benjamin
Norelli, Terie	O'Keefe, Patricia	Pitts, Jacqueline	Priestley, Anne
Robertson, Carl	Saia, Pamela	Sapareto, Frank	Shultis, Elizabeth
Sloan, Stephen	Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne
Woekel, Ralph			

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Callaghan, Frank
DeChane, Marlene	Estabrook, Iris	Gilmore, Gary	Goodwin, Earle
Grassie, Anne	Hughes, Christopher	Johnson, Nancy	Kaen, Naida
Knowles, William	Lachance, Douglas	Lent, Donald	McCarthy, Gerald
Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Wall, Janet	Woodill, Rodney		

SULLIVAN

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

NAYS 192

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Flanders, Donald	Holbrook, Robert
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Lawton, David	Nedeau, Stephen	Pilliod, James	Rice, Thomas Jr
Rosen, Ralph	Russell, David	Thomas, John	Wendelboe, Fran

CARROLL

Babson, David Jr	Bradley, Jeb	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey	Quimby, Lee	Stevens, Stanley
Sullivan, P Judith	Torressen, Gary		

CHESHIRE

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

COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Rozek, Michael	Tholl, John Jr		

GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gabler, William	Gilman, G Michael
Marshall, Gene	Mirski, Paul	Scanlan, David	Sova, Charles
Teschner, Douglass	Ward, Brien		

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Balcom, John	Batula, Peter	Bergeron, Jean-Guy	Bragdon, Peter
Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald
Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela
Dyer, Merton	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis
Fletcher, Richard	Ford, Nancy	Furman, Christine	Gargasz, Carolyn
Gleneck, David	Golding, William	Gonzalez, Carlos	Goulet, Maurice
Graham, John	Greenberg, Gary	Guinta, Frank	Hall, Charles
Herman, Keith	Holden, Randolph	Hopper, Gary	Jean, Loren

Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard
Lefebvre, Roland	Lessard, Rudy	Martel, Andre	McHugh, Claire
McRae, Karen	Mercer, Robert	Milligan, Robert	Moran, Edward
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Salts, Greg	Sargent, Maxwell	Seibel, Christopher
Souza, Kathleen	Tahir, Saghir	Thompson, Rob	Thulander, O Alan
Vaillancourt, Steve	Wheeler, Robert	White, Donald	

MERRIMACK

Anderson, Eric	Cummings, Raymond	Dunne, Christopher	Hess, David
Hutchinson, John	Kennedy, Richard	L'Heureux, Stephen	Leber, William
MacKay, James	Maxfield, Roy	Poulin, David	Soltani, Tony
Swindlehurst, John	Whalley, Michael	Winter, Steven	

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bridle, Russell	Camm, Kevin
Carson, Sharon	Chalbeck, Kevin	Clark, Vivian	Cooney, Richard
Dalrymple, Janeen	Dodge, Robert	Dowling, Patricia	Fesh, Bob
Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hill, Jonathan	Holland, James Jr	Introne, Robert	Itse, Daniel
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Letourneau, Robert	Major, Norman	McKinney, Betsy	Morse, Charles
Nowe, Ronald	Packard, Sherman	Palermo, Diane	Power, Lucille
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Rabideau, Marie
Rausch, James	Reardon, Neil	Ruffner, Walter	Stone, Joseph
Stritch, C Donald	Varrell, Thomas	Welch, David	Weyler, Kenneth
Whittier, John	Zolla, William		

STRAFFORD

Albert, Russell	Cossette, Larry	Dunlap, Patricia	Harrington, Michael
Musler, George	Reid, Christopher	Tsiros, William	Twombly, James
Woods, Phyllis			

SULLIVAN

Flint, Gordon Sr

Odell, Bob

Rodeschin, Beverly

and reconsideration failed.

senate message

refuses to adopt committee of conference report

requests new committee of conference

HB 588, relative to examination of persons called as jurors.

The President appointed Sens. Gordon, Larsen and Pignatelli.

suspension of rules

Reps. Scanlan and Burling moved that the Rules be so far suspended as to allow formation, after the deadline, of a new Committee of Conference on **HB 588**, relative to examination of persons called as jurors, to allow signing of and action on a Committee of Conference report after the deadlines.

On a division vote, 258 members having voted in the affirmative and 105 in the negative the suspension of rules was adopted by the necessary two-thirds.

accedes to request for new committee of conference

HB 588, relative to examination of persons called as jurors.

Rep. Mock moved that the House accede.

Adopted.

The Speaker appointed Reps. Mock, John Pratt, Loren Jean and Phyllis Woods.

consent calendar (CONT'D)

committee of conference reports on house bills

Rep. Scanlan moved that the remainder of the Consent Calendar of Committee of Conference Reports on the House Bills as received from the Senate today, and as printed and distributed, be adopted.

Adopted.

HB 274-FN, banning the residential open burning of trash and relative to a dioxin emissions reduction and control program. (Report printed SJ 6/26/01)

HB 277-L, clarifying the penalties for violations of statutes or ordinances where no penalty is specified. (Report printed SJ 6/26/01)

HB 315-FN, relative to the registration of criminal offenders. (Report printed SJ 6/26/01)

HB 320-FN, relative to leasing certain portions of railroad properties and relative to the definition and taxation of amusement railroads. (Report printed SJ 6/26/01).

HB 328-FN-L, relative to fees of sheriffs and deputy sheriffs. (Report printed SJ /00/01)

HB 332-FN-L, relative to resuscitation protocols for emergency medical care providers. (Report printed SJ 6/26/01)

HB 337-FN, relative to the administration of public utilities commission and establishing the position of executive director of the public utilities commission. (Report printed SJ 6/26/01)

HB 357, relative to periodic payment of judgments. (Report printed SJ 6/26/01)

HB 373, relative to surety bonds for detective agencies and security services. (Report printed SJ 6/26/01)

HB 405, establishing a committee to study the creation of an at-home infant child care program in New Hampshire. (Report printed SJ 6/26/01)

HB 444, relative to mental health services and records. (Report printed SJ 6/26/01)

HB 450, relative to certain work product under the right-to-know-law. (Report printed SJ 6/26/01)

HB 451, establishing a commission to study the impact of pay and health care benefits for child care workers on the quality of care and education for children by considering and exploring funding methods for accomplishing any recommendations. (Report printed SJ 6/26/01)

HB 475, establishing a commission for the development of a statewide protocol for interviewing victims of sexual assault crimes. (Report printed SJ 6/26/01)

HB 509, establishing a statute of limitations on spousal support orders. (Report printed SJ 6/26/01)

HB 578, relative to requirements for nonpublic utility providers of telephone services and competitive telecommunications providers, and relative to the information technology management advisory board. (Report printed SJ 6/26/01)

HB 603-FN-A, providing the commissioner of administrative services an option to self-fund the state employee health plan and requiring a reserve fund therefor. (Report printed SJ 6/26/01)

HB 643-FN, extending the moratorium on new nursing home beds. (Report printed SJ 6/26/01)

HB 649-FN, relative to compensation for time lost by state employees injured in the line of duty. (Report printed SJ 6/26/01)

HB 676-L, establishing a committee to study the creation of a regional program for collection and marketing certain components of the municipal solid waste stream. (Report printed SJ 6/26/01)

HB 707, establishing a committee to study the usage of 211 as a uniform community service information and referral number. (Report printed SJ 6/26/01)

HB 717, establishing a committee to make recommendations on policy concerning state-operated trails for all terrain vehicles and trail bikes and relative to increasing the nonresident OHRV registration fees for snow traveling vehicles. (Report printed SJ 6/26/01)

HB 723, relative to vacancies in county offices (Report printed SJ /01)

HB 726-L, relative to change of school assignment and transfers of public school pupils. (Report printed SJ 6/26/01)

HB 738, establishing a commission to assess the operating efficiency of state government. (Report printed SJ 6/26/01)

HB 758, relative to the sale of gasoline containing ethers. (Report printed SJ 6/26/01)

regular calendar (cont'd)

committee of conference reports on house bills

HB 279-FN-A-L, relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor. (Report printed SJ 06/26/01)

Adopted.

HB 385, changing the name, membership and duties of the office of volunteerism. (Report printed SJ 6/26/01)

Adopted.

HB 426, relative to the voluntary scrapie flock certification program. (Report printed SJ 6/26/01)

Adopted.

HB 543, establishing the division of ports and harbors within the Pease development authority and transferring all functions, powers, and duties of the New Hampshire state port authority. (Report printed SJ 6/26/01)

Adopted.

HB 585, relative to the membership and duties of the council on resources and development.

This act amends the structure and charges of the Council on Resources and Development (CORD) to better facilitate a coordinated and comprehensive effort by state agencies to encourage smart growth. (Report printed SJ 6/26/01)

Adopted.

HB 702, relative to the duties of the committee to study the consumer protection effort in New Hampshire. (Report printed SJ 6/26/01)

Adopted.

HB 703, relative to durable powers of attorney. (Report printed SJ 6/26/01)

Adopted.

unanimous consent

Rep. Burnham addressed the House.

regular calendar (cont'd)

committee of conference reports on house bills

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2002, and June 30, 2003. (Report printed SJ 06/26/01)

Rep. Zolla requested a roll call; sufficiently seconded.

The question being adoption of the Committee of Conference report.

YEAS 336 NAYS 20

YEAS 336

BELKNAP

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

CARROLL

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

CHESHIRE

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

COOS

Bradley, Paula	Davis, Perley	Gallus, John	Guay, Lawrence
Horton, Lynn	Mears, Edgar	Pratt, Leighton	Rodrigue, Robert
Rozek, Michael	Tholl, John Jr		

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Benn, Bernard	Cobb, John	Cooney, Mary	Dudley, Terri
Eaton, Stephanie	Gabler, William	Gilman, G Michael	Ham, Bonnie
Lovett, Sid	Marshall, Gene	Mirski, Paul	Naro, Debra
Nordgren, Sharon	Pawlek, Marion	Scanlan, David	Scovner, Nancy
Sokol, Hilda	Solow, Martha	Sova, Charles	Teschner, Douglass
Ward, Brien	Williams, Burton		

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Andosca, Mary	Arnold, Thomas Jr
Artz, Lawrence	Balboni, Michael	Balcom, John	Baroody, Benjamin
Batula, Peter	Bellavance, Paul	Bergeron, Jean-Guy	Bergin, Peter
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Calawa, Leon Jr	Carlson, Donald	Christensen, D L Chris	Christiansen, Lars
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Craig, James	Daigle, Robert	Desrosiers, William
Dokmo, Cynthia	Drisko, Richard	Dyer, Merton	Elliott, Larry
Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Ford, Nancy	Foster, Linda	Furman, Christine	Gargasz, Carolyn
Ginsburg, Ruth	Gleneck, David	Golding, William	Goley, Jeffrey
Gonzalez, Carlos	Gorman, Mary	Goulet, Maurice	Graham, John
Greenberg, Gary	Guinta, Frank	Haley, Robert	Hall, Charles
Herman, Keith	Holden, Randolph	Hopper, Gary	Jean, Claudette
Jean, Loren	Johnson, Lionel	Kacavas, John	Keye, Harvey
Konys, Christine	Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul
LaRose, Richard	Lasky, Bette	Leach, Edward	Leishman, Peter
Lessard, Rudy	Lynde, Harold	Martel, Andre	McHugh, Claire
McRae, Karen	Melcher, Harold	Mercer, Robert	Messier, Irene
Milligan, Robert	Moran, Edward	Movsesian, Lori	O'Connell, Timothy
Palangas, Eric	Panagopoulos, Nicholas	Pepino, Leo	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Salts, Greg	Sargent, Maxwell
Schulze, Joan	Shaw, Barbara	Souza, Kathleen	Spiess, Paul
Sweeney, Cynthia	Tahir, Saghir	Thulander, O Alan	Vaillancourt, Steve
Wheeler, Robert	White, Donald	White, John	Williams, Carol

MERRIMACK

Anderson, Eric	Bouchard, Candace	Colcord, J D	Crosby, Toni
Cummings, Raymond	Daneault, Gabriel	Davis, Frank	Dunne, Christopher
Feuerstein, Martin	Fraser, Leo Jr	Fraser, Marilyn	French, Barbara
Gile, Mary	Greco, Vincent	Hager, Elizabeth	Hutchinson, John
Jacobson, Alf	Kennedy, Richard	L'Heureux, Stephen	Leber, William
Lockwood, Priscilla	MacKay, James	Perkins, Randy	Potter, Frances
Poulin, David	Reardon, Tara	Rodd, Beth	Rush, Deanna

Seldin, Gloria	Swindlehurst, John	Wallner, Mary Jane	Whalley, Michael
Whittemore, James	Winter, Steven	Yeaton, Charles	

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Bowles, Raimond	Bridle, Russell	Camm, Kevin	Carson, Sharon
Case, Margaret	Clark, Martha Fuller	Clark, Vivian	Coes, Betsy
Cooney, Richard	Corbin, Corey	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	Dodge, Robert	Dowling, Patricia	Fesh, Bob
Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey
Gilbert, Karl	Giordano, Ronald	Gleason, John	Griffin, Mary
Hamel, Albert	Hill, Jonathan	Holland, James Jr	Introne, Robert
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph
Langley, Jane	Letourneau, Robert	Major, Norman	McGuire, Robert
Morse, Charles	Norelli, Terie	Nowe, Ronald	O'Keefe, Patricia
Packard, Sherman	Pitts, Jacqueline	Power, Lucille	Priestley, Anne
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Rabideau, Marie
Rausch, James	Reardon, Neil	Robertson, Carl	Ruffner, Walter
Saia, Pamela	Sapareto, Frank	Shultis, Elizabeth	Sloan, Stephen
Stone, Joseph	Stritch, C Donald	Trueman, Raymond	Varrell, Thomas
Weatherspoon, Jacquelyne	Welch, David	Weyler, Kenneth	Whittier, John
Woekel, Ralph	Zolla, William		

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Callaghan, Frank
Cossette, Larry	DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris
Gilmore, Gary	Goodwin, Earle	Grassie, Anne	Hughes, Christopher
Johnson, Nancy	Kaen, Naida	Knowles, William	Lent, Donald
McCarthy, Gerald	Musler, George	Pelletier, Arthur	Pelletier, Marsha
Proulx, Raymond	Reid, Christopher	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Taylor, Kathleen	Tsiros, William	Twombly, James
Wall, Janet	Woodill, Rodney	Woods, Phyllis	

SULLIVAN

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

NAYS 20

BELKNAP

None

CARROLL

Mock, Henry

CHESHIRE

None

COOS

None

GRAFTON

None

HILLSBOROUGH

Clegg, Robert Jr	Drabinowicz, A Theresa	Eaton, Richard	Hall, Betty
Martin, Mary Ellen	Thompson, Rob		

MERRIMACK

Brewster, Richard	Clarke, Claire	Owen, Derek
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ROCKINGHAM

Chalbeck, Kevin
Splaine, James

DiFruscia, Anthony

Kelley, William

Palermo, Diane

STRAFFORD

Brennan, William

Harrington, Michael

Lachance, Douglas

Spang, Judith

SULLIVAN

Phinizy, James

and the report was adopted.

new committttee of conference report on house bill 354

HB 354-FN-A-L, extending the kindergarten construction program. (Report printed SJ 6/26/01)

Adopted.

senate message

refuses to adopt committee of conference report

requests new committee of conference

SB 69, relative to a New Hampshire Legal Assistance office in Nashua.

The President appointed Sens. Boyce, Pignatelli and Barnes.

refusAL to accede to request for new committee of conference

SB 69, relative to a New Hampshire Legal Assistance office in Nashua.

Rep. Mock moved that the House refuse to accede.

Adopted.

new committttee of conference report on house bill 588

HB 588, relative to examination of persons called as jurors. (Report printed SJ 6/26/01)

Rep. John Pratt spoke in favor.

Rep. Zolla spoke against.

Rep. Mock spoke in favor and yielded to questions.

On a division vote, 184 members having voted in the affirmative, and 141 in the negative, the report was adopted.

senate message

refusAL to adopt committee of conference report

SB 95, relative to campaign contribution limits.

RECESS MOTION

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

Adopted.

The House recessed at 4:30 p.m.

RECESS

(Rep. Dickinson in the Chair)

enrolled bill amendments

HB 170-FN-A-L, relative to state fees, funds, revenues and expenditures.

Amendment (1862-EBA)

Amend RSA 21-J:9-b, II as inserted by section 60 of the bill by replacing it with the following:

II. The municipality has not ~~[conducted a full revaluation within 6 years]~~ ***complied with the provisions of RSA 75:8-a; [and]***.

Amend the bill by replacing RSA 198:57, I as inserted by section 80 of the bill by replacing it with the following:

I. Pursuant to the provisions of this subdivision, eligible claimants shall be granted tax relief following the effective date of this subdivision.

Amend the bill by replacing all after section 109 with the following:

110 New Section; New Hampshire Retirement System; Payment by Retirement System-Group I; Amend RSA 100-A by inserting after section 52-a the following new section:

100-A:52-b Payment by Retirement System; Group I.

I. The New Hampshire retirement system shall pay the cost for permanent group hospitalization, hospital medical care, surgical care, and other medical and surgical benefits, in the employer-sponsored plan provided for active employees of a retiree's former employer, subject to the provisions of this section, for the following persons:

(a) Any person, who has at least 20 years of creditable service as a group I member if age 60 or older, or at least 30 years of creditable service as a group I member if age 55-59, retired on or before July 1, 2004 as a group I member of the New Hampshire retirement system on service or ordinary disability retirement, provided that such person shall be entitled to retirement on the basis of group I creditable service, or any person retired on or before July 1, 2004, as a group I member whose service retirement benefit is based upon the provisions of RSA 100-A:19-c and who has a minimum of 20 years of creditable service as a group I member.

(b) Any person who has completed no less than 20 years of group I creditable service, but who for reasons other than retirement or death ceased to be a group I member prior to attaining the age of 60, and who, as of July 1, 2004, receives a vested deferred retirement allowance and who subsequently attains the age of 60.

(c) Any person who has completed no less than 20 years of group I creditable service and who retired as a group I member prior to age 60, and who subsequently attains the age of 60, or any person who has completed no less than 30 years of group I creditable service and who retired as a group I member prior to age 55, and who subsequently attains the age of 55.

(d) The surviving spouse of a deceased retired group I member who met the qualifications of subparagraphs (a), (b) or (c), or of a deceased member who died while in service as a group I member, provided that such surviving spouse was covered as the member's spouse in the employer-sponsored plan before the member's death and is entitled to a monthly allowance under RSA 100-A:8, 100-A:9, or 100-A:13.

(e) Any certifiably dependent child with a disability living in the household and being cared for by the qualified retired member, the member's spouse, or the qualified surviving spouse.

(f) The surviving spouse and children of a deceased group I member who dies as the natural and proximate result of injuries suffered while in the performance of duty, provided that:

(1) Any such child shall be qualified under this subparagraph only if under 18 years of age, or under 23 years of age if attending school on a full-time basis; and

(2) Such surviving spouse shall cease to be qualified upon the remarriage of the surviving spouse; and

(3) No surviving spouse or child shall be qualified or continue to be qualified under this subparagraph while receiving or eligible to receive medical insurance or health care benefits from any employer's sponsored plan.

(g) Any group I member retired on or before July 1, 2004 on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty.

(h) The spouse of a qualified retiree.

II. Notwithstanding the provision of RSA 100-A:4, III-b, for the purpose of calculating creditable service for eligibility for medical benefits payment under paragraph I, each full year of job-sharing service of a teacher in a job-sharing position shall be calculated at 1/2 of one year of such service credit.

III. However, for the fiscal year beginning July 1, 2000, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not entitled to medicare benefits, and on account of each person qualified under paragraph I who is entitled to medicare benefits, shall be the same as the amount provided in RSA 100-A:52, II for group II retirees. As of July 1, 2000 and on each July 1 thereafter, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 8 percent, compounded on previous increases.

IV. In the case of group I members retired from employment by political subdivisions of the state, the amount payable by the retirement system on account of qualified persons shall be paid over to the employer, insurer, or health care administrator and used to pay for all or part of the medical benefits provided through the former employer for qualified persons. If the cost of the premium for any eligible person under paragraph I shall exceed the maximum under paragraph III, and the employer does not elect to pay the excess cost, the excess cost shall be paid by the retiree or qualified surviving spouse and may be deducted from retirement benefits as provided in RSA 100-A:51. The employer may require, as a condition for coverage, that the retiree or surviving spouse apply for deduction of such excess cost from retirement benefits as provided in RSA 100-A:51.

V. As of January 1, 2002, in the case of group I members retired from state employment before July 1, 1991, and their beneficiaries who are eligible for coverage under this subdivision and also under the provisions of RSA 21-I:26-36, the amount payable by the retirement system on account of such persons shall be paid over to the state and used to pay for all or part of the medical benefits provided under RSA 21-I:26-36 for such persons, and the balance shall be paid by the state as provided in RSA 21-I:26-36.

VI. As of January 1, 2002, in the case of group I members retired from state employment on or after July 1, 1991, and their beneficiaries who are eligible for coverage under this subdivision and also under the provisions of RSA 21-I:26-36, the amount payable by the retirement system on account of such persons shall be paid over to the state and used to pay for all or part of the medical benefits provided under RSA 21-I:26-36 for such persons, and the state shall pay its portion as provided in RSA 21-I:26-36. If the cost of the premium for any retired group I member and spouse, surviving spouse, or any other person entitled to benefits under paragraph I shall exceed the maximum under paragraph III, and the state does not elect to pay the excess cost above the amount to be paid under RSA 21-I:26-36, the excess cost shall be paid by the retiree or qualified surviving spouse and may be deducted from retirement benefits as provided in RSA 100-A:51. The state may

require, as a condition for coverage, that the retiree or surviving spouse apply for deduction of such excess cost from retirement benefits as provided in RSA 100-A:51.

VII. There shall be no age limit to participate in the employer sponsored medical and health plan provided in paragraph I, and there shall be no physical examination or health statement required for such coverage, provided, however, that if an eligible retired group I member of the retirement system fails to apply for such coverage within the time required by the insurance contract, the insurer may require satisfactory evidence of insurability as a condition for becoming insured.

VIII. Any group I teacher member retired before January 1, 2000, or other eligible person under paragraph I, who would have been eligible for medical benefits under this section if this section had been in effect on the member's date of retirement, shall have the option of re-joining the medical or health plan sponsored by the retired member's former employer and of receiving benefits under this section, provided that such eligible person shall apply to the employer for such benefits before January 1, 2002. Upon receipt of such application, the former employer shall enroll such retiree or other eligible person in the employer's plan in the same manner and subject to the same conditions as enrollment of a new employee but without any benefit-waiting period which may be applicable to new employees of that employer. Neither an employer nor an employer's group plan or insurer shall be liable for any claims incurred prior to the date of enrollment under this paragraph.

IX. Any group I political subdivision employee member retired before January 1, 2001, or other eligible person under paragraph I, who would have been eligible for medical benefits under this section if this section had been in effect on the member's date of retirement, shall have the option of re-joining the medical or health plan sponsored by the retired member's former employer and of receiving benefits under this section, provided that such eligible person shall apply to the employer for such benefits before January 1, 2003. Upon receipt of such application, the former employer shall enroll such retiree or other eligible person in the employer's plan in the same manner and subject to the same conditions as enrollment of a new employee but without any benefit-waiting period which may be applicable to new employees of that employer. Neither an employer nor an employer's group plan or insurer shall be liable for any claims incurred prior to the date of enrollment under this paragraph.

X. The retirement system shall notify all group I teacher and political subdivision employee retirees and surviving spouse beneficiaries, who are currently drawing monthly allowances from the retirement system, of their possible right to re-join and active-employee medical insurance or health plan and to receive benefits under this section.

XI. Any person who is eligible to receive group insurance or other medical benefits under the provisions of this section, but who does not need and who declines such benefits because they would be duplicative of coverage under any employer-sponsored plan, shall nevertheless continue to be eligible and, upon ceasing to be eligible for the other coverage, shall be permitted to receive the benefits allowable under this section without any waiting period.

111 New Section; New Hampshire Retirement System; Method of Financing; Group I State Employees. Amend RSA 100-A by inserting after section 53-c the following new section:

100-A:53-d Method of Financing; Group I State Employees.

I. The benefits provided under RSA 100-A:52-b shall be provided by a 401(h) subtrust of the New Hampshire retirement system. The 401(h) subtrust shall be funded by allocating 25

percent of future group I state employer contributions made for group I state employees in accordance with RSA 100-A:16 to the subtrust until such time as the benefits are fully funded. Thereafter, the subtrust shall receive only that portion of each year's contribution as is necessary to keep the benefits fully funded.

II. All contributions made to the retirement system to provide medical benefits under RSA 100-A:52-b shall be maintained in a separate account, the 401(h) subtrust. All funds and accumulated interest shall not be used for or diverted to any purpose other than to provide said medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set forth in this chapter may be used or diverted to provide medical benefits under RSA 100-A:52-a. The funds, if any, providing medical benefits under RSA 100-A:52-b may be invested pursuant to the provisions of RSA 100-A:15.

112 New Paragraph; New Hampshire Retirement System; Medical Benefits; Application.
Amend RSA 100-A:55 by inserting after paragraph I-b the following new paragraph:

I-c. It is the intent of the legislature that future group I state employee members eligible after July 1, 2004 shall be included under the provisions of RSA 100-A:52-b only if the total cost of such inclusion can be terminally funded from the special account established in RSA 100-A:16, II (h).

113 Contingency. If SB 111-FN of the 2001 legislative session becomes law, then sections 110 and 111 of this act shall take effect 60 days after the effective date of SB 111-FN and section 112 of this act shall take effect January 1, 2002 and sections 8-10 of this act shall not take effect. If SB 111-FN of the 2001 legislative session does not become law, then sections 8 and 9 of this act shall take effect 60 days after the passage of this act and section 10 of this act shall take effect January 1, 2002 and sections 110-112 of this act shall not take effect.

114 Effective Date.

I. Sections 46, 50-59, 63, 71, 72, and 84 of this act shall take effect 60 days after its passage.

II. Sections 34, 35, 38-42, 48, 64, 85, 86 and 113 of this act shall take effect upon its passage.

III. Section 15 of this act shall take effect June 30, 2001.

IV. Sections 8-10 and 110-112 of this act shall take effect as provided in section 113 of this act.

V. Section 18 of this act shall take effect April 1, 2002.

VI. Sections 65 and 66 of this act shall take effect January 1, 2003.

VII. Sections 60-62 of this act shall take effect as provided in section 64.

VIII. Sections 87, 89, 91, 93, 95, 97, 99, 100, 101, and 103-109 of this act shall take effect December 28, 2001.

IX. Sections 88, 90, 92, 94, 96, 98, and 102 of this act shall take effect December 27, 2002.

X. Sections 80-83 of this act shall take effect July 1, 2002.

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

Adopted.

RECESS

(Rep. Whalley in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 170.

Rep. Nowe, Sen. Pignatelli for the Committee

RECESS

(Rep. Patten in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 1.

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

RECESS

(Rep. Avery in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 25, 103, 202, 271, 361, 374, 390, 402, 412, 446, 499, 525, 554, 584, 616, 667, 699, and 764 and Senate Bills numbered 54, 76, 99, 103, 109, 149, 152, 168, 170, 176 and 184.

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

enrolled bill amendments

HB 126-FN, relative to the board of pharmacy and the regulation of pharmacists

Amendment (1852-EBA)

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

1 Pharmacists and Pharmacies; Definitions; Pharmacist-in-Charge. Amend RSA 318:1, X to read

Amend section 2 of the bill by replacing line 1 with the following:

2 Pharmacists and Pharmacies; Definitions; Prescription. Amend RSA 318:1, XVI to read as

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

3 Pharmacists and Pharmacies; Definitions; Prescription Drug. Amend RSA 318:1, XVII to read

Amend RSA 318:1, XVII(a) as inserted by section 3 of the bill by replacing line 2 with the following:

be labelled with ~~[either]~~ **any** of the following statements:

Amend RSA 318:1, XVII(a)(2) as inserted by section 3 of the bill by replacing line 2 with the following:

veterinarian"[;], or

Amend RSA 318:38, I as inserted by section 7 of the bill by replacing line 8 with the following:

but not limited to, the compounding[;] and dispensing of medicines upon prescriptions and for the

Adopted.

HB 408-FN, relative to the regulation of nursing by the board of nursing.

Amendment (1863-EBA)

Amend section 1 of the bill by replacing line 2 with the following:

REGISTERED NURSES ~~[AND]~~, **LICENSED** PRACTICAL NURSES,

Amend RSA 326-B:1, I as inserted by section 2 of the bill by replacing line 7 with the following:

nursing **or nursing-related activities**, or who represent themselves as registered nurses ~~[or]~~,

Amend RSA 326-B:2, I as inserted by section 3 of the bill by replacing line 2 with the following:

registered nurse practitioner, registered nurse, or licensed practical nurse or nursing-

Amend RSA 326-B:2, VIII-a as inserted by section 5 of the bill by replacing line 5 with the following:

adopted by the board under RSA 541-A or who have successfully completed a board-approved

Amend RSA 326-B:2, XII as inserted by section 6 of the bill by replacing line 2 with the following:

nursing as a registered nurse or licensed practical nurse ***or nursing-related activities as a***

Amend RSA 326-B:2, XVI as inserted by section 8 of the bill by replacing lines 2-4 with the following:

registered nurse practitioner, dentist, or physician, by an L.P.N. who is prepared to function as a member of the health care team by exercising sound nursing judgment based on preparation, knowledge, skills, understanding, and past nursing experience. Practical nursing by an L.P.N.

Amend section 10 of the bill by replacing line 1 with the following:

10 Board of Nursing; New Members; Licensed Nursing Assistants. Amend RSA 326-B:3, I to

Amend RSA 326-B:6, III as inserted by section 17 of the bill by replacing line 4 with the following:

evaluation; or have graduated from a recognized Canadian nursing education program; ***or be a***

Adopted.

HB 547-FN, authorizing participation in a regional electronic toll collection system.

Amendment (1835-EBA)

Amend section 1 of the bill by replacing lines 2 – 4 with the following:

inserting after section 16 the following new subdivision:

Regional Electronic Toll Collection

237:16-a Definitions. In this subdivision:

Amend section 1 of the bill by replacing line 20 with the following:

237:16-b Regional Electronic Toll Collection Authorized. The commissioner is hereby authorized

Amend section 1 of the bill by replacing line 25 with the following:

237:16-c E-Z Pass Operations Interagency Agreement.

Amend section 1 of the bill by replacing line 38 with the following:

237:16-d Rulemaking. The commissioner may adopt such rules as are necessary to enforce the

Amend section 1 of the bill by replacing line 45 with the following:

237:16-e Confidentiality of Records. Notwithstanding any other provision of law, all information

Amend section 1 of the bill by replacing line 54 with the following:

237:16-f Immunity. Nothing in this subdivision shall be construed to constitute a waiver of the

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

(y) RSA 237:16-d, relative to the E-Z Pass Interagency Agreement for Operations.

Adopted.

HB 652, relative to the penalties for reckless or negligent operation of a motor vehicle.

Amendment (1854-EBA)

Amend line 3 of section 2 of the bill to read as follows:

265:79-b Negligent Driving. Whoever upon any way drives a vehicle negligently or causes a

Adopted.

HB 731-FN, relative to securities laws, making a change to Article 9 of the Uniform Commercial Code, and relative to standards for records filed with a registry of deeds

Amendment (1831-EBA)

Amend section 2 of the bill by replacing line 1 with the following:

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

Amend RSA 421-B:6, II as inserted by section 4 of the bill by replacing line 11 with the following:

broker-dealer, issuer-dealer, ***federal covered adviser***, and investment adviser shall promptly notify

Amend RSA 421-B:6, V(c) as inserted by section 6 of the bill by replacing lines 3-4 with the following:

10) examination(s) or a principal's examination applicable to the licensee's business conducted at that location. Administration of examinations shall be conducted by the National Association of

Amend RSA 421-B:7, I as inserted by section 7 of the bill by replacing line 12 with the following:

case of an investment adviser, ***Form ADV, specimens of investment adviser contracts, and*** the

Amend RSA 421-B:7, I-a(e)(2) as inserted by section 7 of the bill by replacing line 2 with the following:

update information required by Form U-4 as changes occur. An investment adviser

Amend RSA 421-B:7, I-b as inserted by section 7 of the bill by replacing line 5 with the following:

(SEC) and a Form U-2, and shall pay initial and annual fees in accordance with ***RSA*** 421-B:31. Initial

Amend section 8 of the bill by replacing line 2 with the following:

Adviser Licensees. Amend RSA 421-B:7 by inserting after paragraph VI the following new

Amend RSA 421-B:8, XIII(a)(3) as inserted by section 11 of the bill by replacing line 1 with the following:

(3) An investment adviser shall deliver the disclosure statement required by this

Amend section 12 of the bill by replacing lines 1-6 with the following:

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

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

(1) ***The investment adviser has executed a separate investment adviser***

Amend RSA 421-B:8, XVI(e)(2) as inserted by section 12 of the bill by replacing line 1 with the following:

(2) ***The investment adviser contract specifically states that the client does not***

Adopted.

HB 743, transfers the department of youth development services to the department of health and human services.

Amendment (1837-EBA)

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

AN ACT transferring the department of youth development services to the department of health and human services.

Amend section 3 of the bill by replacing lines 1-2 with the following:

3 New Paragraphs; Department of Health and Human Services; Juvenile Justice Services. Amend RSA 126-A:4 by inserting after paragraph II the following new paragraphs:

Amend RSA 169-B:19, III-a(a) as inserted by section 5 of the bill by replacing line 3 with the following:

4 or more occasions and adjudicated delinquent in 4 separate adjudicatory hearings which alleged

Amend section 15 of the bill by replacing line 2 with the following:

Board. Amend the section heading of RSA 621-A:9 and RSA 621-A:9, I to read as follows:

Amend RSA 621-A:9, II(c) as inserted by section 16 of the bill by replacing line 2 with the following:

juvenile justice services *within the department*, who shall serve as an ex officio

Amend section 17 of the bill by replacing it with the following:

17 New Subparagraph; Juvenile Justice Advisory Board; Member Added. Amend RSA 621-A:9, II by inserting after subparagraph (i) the following new subparagraph:

(j) One member of the house children and family law committee, appointed by the speaker of the house.

Amend paragraph I section 21 of the bill by replacing line 1 with the following:

I. RSA 169-B:35, III(c), relative to department of youth development services' access to

Adopted.

SB 21, 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. (Amendment printed SJ 6/26/01)

Adopted.

SB 41, relative to technical corrections for life, accident and health insurance. (Amendment printed SJ 6/26/01)

Adopted.

SB 48, relative to the rental of shared living facilities. (Amendment printed SJ 6/26/01)

Adopted.

SB 157, relative to state government information dissemination and access. (Amendment printed SJ 6/26/01)

Adopted.

SB 193-FN-A-L, relative to changes in the property tax system and making an appropriation therefor. (Amendment printed SJ 6/26/01)

Adopted.

RECESS

(Rep. Rollo in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 126, 240, 258, 260, 288, 408, 475, 588, 652, 707 and 731 and Senate Bills numbered 41, 48 and 157.

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

enrolled bill amendments

HB 738, establishing a commission to assess the operating efficiency of state government.

Amendment (1871-EBA)

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

I. In its study of the restructuring of state government, the 6 major objectives of the

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

II. The commission shall adopt the following methodology in order to achieve its 6 objectives:

Amend subparagraph II(c) of section 3 of the bill by replacing line 1 with the following:

(c) Third, the commission shall conduct a series of structured interviews with various

Adopted.

SB 164-FN-A-L, establishing a comprehensive statewide accountability system concerning an adequate education. (Amendment printed SJ 6/26/01)

Adopted.

RECESS

(Rep. Lefebvre in the Chair)

enrolled bill amendments

SB 139, relative to uniform electronic transactions. (Amendment printed SJ 6/26/1)

Adopted.

SB 197-FN, establishing a judicial conduct commission. (Amendment printed SJ 6/26/01)

Adopted.

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

Amendment (1872-EBA)

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

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

Amend section 1 of the bill by replacing line 2 with the following:

program for collection and marketing of certain components of the municipal solid waste stream

Adopted.

RECESS

(Rep. Robert Johnson in the Chair)

ENROLLED BILL AMENDMENTS

HB 131, relative to the retention and disposal of certain financial disclosure forms.

Amendment (1880-EBA)

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

12 Contingent Renumbering. If HB 202 of the 2001 legislative session becomes law, then RSA 14-B:6 as inserted by section 5 of this act shall be renumbered as RSA 14-B:7.

13 Duplicate Amendment Nullified; HB 579. The amendment to RSA 655:40-b as inserted by section 5 of HB 579 of the 2001 legislative session shall not take effect.

Adopted.

HB 274-FN, banning the residential open burning of trash and relative to a dioxin emissions reduction and control program.

Amendment (1867-EBA)

Amend RSA 125-N:3, II as inserted by section 1 of the bill by replacing line 4 with the following:

be implemented or imposed under federal authority enacted or promulgated after the effective date of this section

Adopted.

HB 279-FN-A-L, relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor, and relative to retirement allowances for certain surviving spouses of group II retirement system members.

Amendment (1866-EBA)

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

AN ACT relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor; relative to payment of medical benefits costs for group II members of the retirement system; and relative to the election of optional allowances by certain retirement system members granted disability retirement benefits.

Adopted.

HB 332-FN-L, relative to resuscitation protocols for emergency medical care providers and relative to payment of autopsy expenses.

Amendment (1874-EBA)

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

AN ACT relative to resuscitation protocols for emergency medical care providers.

Amend RSA 153-A:5, III as inserted by section 1 of the bill by replacing line 1 with the following:

(h) Adopting statewide adult and pediatric resuscitation protocols for licensed emergency

Adopted.

HB 451, establishing a commission to study the impact of pay and health care benefits for child care workers on the quality of care and education for children by considering and exploring funding methods for accomplishing any recommendations.

Amendment (1873-EBA)

Amend subparagraph I(n) of section 3 of the bill by replacing line 1 with the following:

(n) A representative from the advisory council on child care in New Hampshire, appointed

Adopted.

HB 509, establishing a statute of limitations on spousal support orders.

Amendment (1875-EBA)

Amend section 2 of the bill by replacing line 1 with the following:

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

Adopted.

HB 543-FN, establishing the division of ports and harbors within the Pease development authority and transferring all functions, powers, and duties of the New Hampshire state port authority.

Amendment (1882-EBA)

Amend RSA 99-D:2 as inserted by section 8 of the bill by replacing it with the following:

99-D:2 **Defense and Indemnification.** If any claim is made or any civil action is commenced against a present or former officer, trustee, official, or employee of the state or any agency thereof, including members of the New Hampshire national guard and any justice of the district, municipal, probate, superior, or supreme court, or the clerks or bail commissioners thereof, or any harbor master appointed by the ~~[New Hampshire port authority]~~ **Pease development authority, division of ports and harbors**, or officials and employees of the New Hampshire housing finance authority, or directors, officers, and employees of the Pease development authority, or directors, officers, and employees of the land and community heritage investment authority seeking equitable relief or claiming damages for the negligent or wrongful acts and the officer, trustee, official, or employee requests the state to provide representation for him or her, and the attorney general, or, in the case of a claim or civil action commenced against the attorney general, the governor and council, determines that the acts complained of were committed by the officer, trustee, official, or employee while acting within the scope of official duty for the state and that such acts were not wanton or reckless, the attorney general shall represent and defend such person with respect to such claim or throughout such action, or shall retain outside counsel to represent or defend such person, and the state shall defray all costs of such representation or **defense**, to be paid from funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold harmless such person from any costs, damages, awards, judgments, or settlements arising from the claim or suit. The attorney general or governor and council shall not be required to consider the request of such person that representation be provided for him or her unless within 7 days of the time such person is served with any summons, complaint, process, notice, demand, or pleading the person shall deliver the original or a copy thereof to the attorney general or, in the case of an action against the attorney general, to the governor and council. As a condition to the continued representation by the attorney general and to the obligation of the state to indemnify and hold harmless, such officer, trustee, official, or employee shall cooperate with the attorney general in the **defense** of such claim or civil action. No property either real or personal of the state of New Hampshire shall be subject to attachment or execution to secure payment of or to satisfy any obligations of the state created under this chapter. Upon the entry of final judgment in any action brought under this chapter, the governor shall draw a warrant for said payment out of any money in

the treasury not otherwise appropriated, and said sums are hereby appropriated. The attorney general shall have the authority to settle any claim brought under this chapter by compromise and the amount of any such settlement shall be paid as if the amount were awarded as a judgment under this chapter. **Indemnification** by the state under this section shall be for the actual amount of costs, damages, awards, judgments, or settlements personally incurred by any such officer, trustee, official, or employee, and the state shall not pay any amounts for which payment is the obligation of any insurance carrier or company under a policy or policies of insurance or any other third party under a similar obligation.

Amend the bill by replacing all after section 21 with the following:

22 Contingent Nullification. If this act becomes law, the provisions of 2001, 48 (HB 727) are null and void.

23 Effective Date.

I. Section 8 of this act shall take effect July 1, 2001 at 12:01 a.m.

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

Adopted.

HB 585, relative to the membership and duties of the council on resources and development.

Amendment (1879-EBA)

Amend the bill by replacing section 3 with the following:

3 New Paragraphs; Expansion of the Responsibilities of the Council on Resources and Development. Amend RSA 162-C:2, VIII and IX to read as follows:

VIII. Provide oversight relative to the statewide public boat access program, work with the public water access advisory board and provide recommendations to the governor and executive council regarding public access; ~~and~~

IX. Complete the annual smart growth report required under RSA 9-B:6;

X. Review and coordinate the distribution of funds by state agencies to local and regional entities to encourage consistency with and provide support for New Hampshire's smart growth policies under RSA 9-B:4;

XI. Review the following actions by state agencies and ensure, in consultation with the long range capital planning and utilization committee established by RSA 17-M:1-3, that these actions are taken into consideration in the long range capital improvement program that is updated every 2 years in conjunction with the capital budget process, and provide recommendations to the governor regarding whether the actions are consistent with New Hampshire's smart growth policies under RSA 9-B:5:

(a) Capital budget requests;

(b) Building operation and maintenance plans; and

(c) Facility location and planning; and

XII. Facilitate coordination of state agencies to support local, regional, and state planning efforts consistent with RSA 9-A:1-4.

Adopted.

HB 604-FN, relative to increasing certain fees and making other changes to fish and game licenses.

Amendment (1881-EBA)

Amend the bill by replacing sections 5 and 6 with the following:

5 Special Deer Permits; Rulemaking; Maximum 2002 Fee. Amend RSA 208:5-b to read as follows:

208:5-b Special Deer Permits. The executive director may issue special deer permits to a person licensed with the applicable license to hunt issued under RSA 214, or RSA 208:5 or 5-a. The executive director shall adopt rules pursuant to RSA 541-A relative to fixing the number and sex limitations for wild deer and any other conditions governing the location, method, and manner of taking as well as the issuance and fee for special deer permits. The executive director may charge a fee not to exceed [~~\$10~~] **\$13** for all applications for special deer permits

6 Special Deer Permits; Rulemaking; Maximum 2003 Fee. Amend RSA 208:5-b to read as follows:

208:5-b Special Deer Permits. The executive director may issue special deer permits to a person licensed with the applicable license to hunt issued under RSA 214, or RSA 208:5 or 5-a. The executive director shall adopt rules pursuant to RSA 541-A relative to fixing the number and sex limitations for wild deer and any other conditions governing the location, method, and manner of taking as well as the issuance and fee for special deer permits. The executive director may charge a fee not to exceed [~~\$13~~] **\$15** for all applications for special deer permits

Amend the bill by replacing sections 17 and 18 with the following:

17 Hunting; Nonresident; 2002 Fee Increase. Amend RSA 214:9, VI to read as follows:

VI. If the applicant is a nonresident, 16 years of age or older, and wishes to hunt, [~~\$69.50~~] **\$91**, and the agent shall thereupon issue a nonresident hunting license which shall entitle the licensee to hunt, shoot, kill and take, except by the use of traps, and to transport wild birds and wild animals under the restrictions of this title.

18 Hunting; Nonresident; 2003 Fee Increase. Amend RSA 214:9, VI to read as follows:

If the applicant is a nonresident, 16 years of age or older, and wishes to hunt, [~~\$91~~] **\$102**, and the agent shall thereupon issue a nonresident hunting license which shall entitle the licensee to hunt, shoot, kill and take, except by the use of traps, and to transport wild birds and wild animals under the restrictions of this title.

Adopted.

HB 702, relative to the duties of the committee to study the consumer protection effort in New Hampshire and relative to the membership of the long-term care board.

Amendment (1883-EBA)

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

AN ACT relative to the duties of the committee to study the consumer protection effort in New Hampshire, relative to the membership of the long-term care board, and establishing a task force on privacy issues.

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

1 Duties. 2001, 12:3 is repealed and reenacted to read as follows:

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

II. RSA 126-L:3, I(i), relative to membership of a representative of the New Hampshire

Amend section 2 of the bill by replacing line 6 with the following:

III. RSA 126-L:3, I(j), relative to membership of a representative of the New Hampshire

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

- a. Up to 7 members appointed by the 13 members in subparagraphs (a)-(m).

Adopted.

HB 703, relative to durable powers of attorney.

Amendment (1869-EBA)

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

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

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

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

VII, the agent shall be required to prove by a preponderance of evidence that the transfer was authorized and was not a result of undue influence, fraud, or misrepresentation.

3 Effective Date.

I. Section 2 of this act shall take effect January 1, 2002 at 12:01 a.m.

I. The remainder of this act shall take effect January 1, 2002.

Adopted.

HB 717, establishing a committee to make recommendations on policy concerning state-operated trails and private lands used by all terrain vehicles and trail bikes and relative to increasing the resident and nonresident OHRV registration fees for snow traveling vehicles, and reclassifying certain positions within the department of resources and economic development from unclassified to classified status.

Amendment (1878-EBA)

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

AN ACT establishing a committee to make recommendations on policy concerning state-operated trails and private lands used by all terrain vehicles and trail bikes and relative to increasing the resident and nonresident OHRV registration fees for snow traveling vehicles.

Amend the bill by replacing paragraph I of section 5 with the following:

I. Determine whether the state should continue to develop and operate trail systems for ATVs and trail bikes.

Adopted.

SB 118, relative to individual health insurance coverage and extending the reporting date for the healthy kids subcommittee and clarifying the mission statement of the healthy kids corporation. (Amendment printed SJ 6/26/1)

Adopted.

RECESS

(Rep. Stritch in the Chair)

enrolled bill amendment

HB 649-FN, relative to compensation for time lost by state employees injured in the line of duty.

Amendment (1884-EBA)

Amend RSA 21-I:43-a as inserted by section 1 of the bill by replacing line 5 with the following:

his or her position shall not be charged against annual leave or sick leave for the time lost due to the injury.

Amend RSA 106-B:18 as inserted by section 2 of the bill by replacing line 7 with the following:

~~[director of the division of state police]~~ **commissioner of safety** shall make the final determination as to whether the injury received is in line

Amend RSA 206:26-c as inserted by section 3 of the bill by replacing line 6 with the following:

to perform normal or routine duties, shall not be charged against annual leave or sick leave for the time lost

Adopted.

RECESS

(Rep. Henderson in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 131, 132, 215, 238, 256, 259, 274, 277, 279, 315, 320, 328, 332, 337, 354, 357, 373, 385, 405, 426, 444, 450, 451, 509, 543, 547, 578, 585, 603, 604, 643, 649, 676, 702, 703, 717, 723, 726, 738, 743 and 758, and Senate Bills numbered 18, 21, 51, 53, 68, 74, 111, 118, 119, 139, 148, 164, 192, 193 and 197.

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

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 135, 140, 152, 156, 160, 177, 181, 183, 186, 197, 208, 210, 261, 265, 275, 276, 296, 302, 308, 326, 387, 453, 471, 481, 493, 511, 573, 579, 583, 596, 648, 653, 659, 684, 698, 719, 740, 745, 753 and 760, and Senate Bills 63, 84, 106 and 167.

Rep. Nowe, Sen. Pignatelli for the Committee

bills signed by the governor

Chap. 1, **HB 204**, relative to loan guarantees by the business finance authority. (Eff. 2/09/01)

Chap. 2, **HB 763**, relative to obligations of county governments. (Eff. 2/22/01)

Chap. 3, **HB 111**, relative to paper purchased by or for state agencies. (Eff. 5/27/01)

Chap. 4, **HB 167**, relative to the authority of the consumer advocate. (Eff. 5/27/01)

Chap. 5, **HB 106**, relative to honey products. (Eff. 6/22/01)

Chap. 6, **HB 117**, establishing a committee to study the adoption of the uniform common interest ownership act. (Eff. 4/23/01)

Chap. 7, **HB 144**, establishing a committee to study the CHINS process. (Eff. 4/23/01)

Chap. 8, **HB 163**, establishing a committee to study opening the state house to the public on weekends. (Eff. 4/23/01)

Chap. 9, **HB 168**, relative to transfers of ownership of cemetery plots or burial spaces. (Eff. 1/01/02)

Chap. 10, **HB 233**, amending the duties of the oversight committee for the severely developmentally disabled. (Eff. 6/22/01)

Chap. 11, **HB 102**, allowing bankruptcy judges to perform marriages after obtaining a special license. (Eff. 4/24/01)

Chap. 12, **HB 109**, establishing a committee to study the consumer protection effort in New Hampshire. (Eff. 4/24/01)

Chap. 13, **HB 113**, relative to the Nute High School and library trustees. (Eff. 4/24/01)

Chap. 14, **HB 125**, naming New Hampshire route 12-A from West Lebanon to the Cornish-Windsor Bridge the Maxfield Parrish Highway. (Eff. 6/23/01)

Chap. 15, **HB 228**, relative to dealing in and possessing prescription drugs by podiatrists. (Eff. 1/01/02)

Chap. 16, **HB 254**, naming a certain bridge in the town of Charlestown. (Eff. 6/23/01)

Chap. 17, **HJR 1**, urging Congress to expand eligibility for membership in the American Legion. (Eff. 4/24/01)

Chap. 18, **HB 118**, authorizing physicians who practice medicine in certain states other than the state of New Hampshire to complete certifications exempting children residing in the state of New Hampshire from immunization. (Eff. 1/01/02)

Chap. 19, **HJR 3**, encouraging the preservation of the system of locks on the Merrimack River. (Eff. 5/15/01)

Chap. 20, **HB 121**, establishing a committee to study methods of reducing the cost of obtaining justice for low-income citizens. (Eff. 5/15/01)

Chap. 21, **HB 124**, establishing a committee to study on-line and electronic voting. (Eff. 5/15/01)

Chap. 22, **HB 236**, relative to the registration of deer. (Eff. 7/14/01)

Chap. 23, **HB 242**, extending the reporting deadlines for certain study committees and commissions. (Eff. 5/15/01)

Chap. 24, **HB 263**, naming a sidewalk in Wolfeboro the Kenneth J. MacDonald Memorial Sidewalk. (Eff. 1/01/02)

Chap. 25, **HB 273**, relative to the purpose of state jurisdiction of fish and game regulation. (Eff. 7/14/01)

Chap. 26, **HB 395**, relative to the time for the first meeting for county conventions following election. (Eff. 7/14/01)

Chap. 27, **HB 397**, establishing a committee to study the status of veterans in New Hampshire. (Eff. 5/15/01)

Chap. 28, **HB 480**, relative to the divisions within the department of resources and economic development. (Eff. 7/14/01)

Chap. 29, **HB 489**, relative to the regulation of rural electric cooperatives by the public utilities commission and relative to transition and default service and the sale of generation assets by Public Service Company of New Hampshire. (Eff. 5/22/01)

Chap. 30, **HB 120**, relative to the membership of the department of youth development advisory board. (Eff. 6/08/01)

Chap. 31, **HB 142**, establishing a committee to study encryption of confidential information. (Eff. 6/08/01)

Chap. 32, **HB 143**, establishing a committee to address the problem created by the shortage of health care personnel and support staff in New Hampshire. (Eff. 6/08/01)

Chap. 33, **HB 189**, increasing the facility funding limits under the oil discharge and disposal cleanup fund. (Eff. 8/07/01)

Chap. 34, **HB 230**, relative to scheduled permanent impairment awards under the workers' compensation law. (Eff. 8/07/01)

Chap. 35, **HB 367**, relative to the establishment of a town forest in the town of Randolph and relative to property of preexisting school districts. (Eff. 6/08/01)

Chap. 36, **HB 369**, relative to driving in highway construction and maintenance areas and utility work areas. (Eff. 6/08/01)

Chap. 37, **HB 376**, allowing county commissioners serving 4-year terms to vote at state party conventions. (Eff. 8/07/01)

Chap. 38, **HB 377**, permitting the state of New Hampshire to file petitions with the probate court seeking review of actions by a power of attorney. (Eff. 1/01/02)

Chap. 39, **HB 433**, clarifying the duties of the oversight committee on health and human services. (Eff. 8/07/01)

Chap. 40, **HB 482**, relative to airport zoning. (Eff. 8/07/01)

Chap. 41, **SB 11**, extending the reporting date of the committee to study and identify or establish the duties of the fish and game commission. (Eff. 6/08/01)

Chap. 42, **SB 12**, relative to applications for the cooperative fencing program and the depredation permit program in the fish and game department. (Eff. 8/07/01)

Chap. 43, **SB 15**, extending the reporting date for the commission on the status of community-technical education. (Eff. 6/08/01)

Chap. 44, **SB 25**, relative to preliminary breath tests. (Eff. 1/01/02)

Chap. 45, **SB 27** allowing the state to apply for review of a state prison sentence by the superior court's review division. (Eff. 1/01/02)

Chap. 46, **SB 44** relative to false academic documentation. (Eff. 6/08/01)

Chap. 47, **HB 232**, relative to compensability of work-related stress injuries under the workers' compensation act and relative to election of remedies for wrongful termination or constructive discharge. (Eff. 8/10/01)

Chap. 48, **HB 727**, making certain changes concerning the authority and operation of the port authority. (Eff. 8/10/01)

Chap. 49, **SB 33**, relative to the definition of "campsite". (Eff. 8/10/01)

Chap. 50, **SB 35**, relative to the abatement of taxes in unincorporated towns or unorganized places. (Eff. 6/11/01)

Chap. 51, **SB 37**, extending the reporting date for the committee studying prescription drug access. (Eff. 6/11/01)

Chap. 52, **SB 40**, changing the method by which the insurance department assesses insurers to fund its administration fund. (Eff. 7/01/01)

Chap. 53, **SB 50**, relative to the abatement of taxes in unincorporated towns or unorganized places. (Eff. 1/01/02)

Chap. 54, **SB 85**, relative to collateralization of municipal trust funds. (Eff. 1/01/02)

Chap. 55, **SB 89**, establishing a committee to study methods of strengthening and clarifying the comprehensive shoreland protection act and its application. (Eff. 6/11/01)

Chap. 56, **SB 92**, relative to the distribution of special education funds. (Eff. 8/10/01)

Chap. 57, **HB 107**, naming a certain bridge in the town of Milford and naming the LaMott Wing at the Glencliff Home for the Elderly. (Eff. 8/11/01)

Chap. 58, **HB 255**, establishing a committee to study the practice of "body works." (Eff. 6/12/01)

Chap. 59, **HB 452**, establishing a committee to study the reimbursement for expenses of legislators. (Eff. 6/12/01)

Chap. 60, **HB 569**, establishing a committee to study the information, training, and support needs of family caregivers in New Hampshire. (Eff. 6/12/01)

Chap. 61, **HB 574**, establishing a committee to study the recodification of laws relating to the joint committee on legislative facilities and the application of the right-to-know law. (Eff. 6/12/01)

Chap. 62, **HB 594**, establishing a committee to study the law on justification for the use of physical force and its implications for teachers or other persons entrusted with the care and supervision of minors. (Eff. 6/12/01)

Chap. 63, **SB 23**, relative to the amount of interest on late paid property taxes which may be waived by the tax collector. (Eff. 4/01/01)

Chap. 64, **SB 49**, establishing a committee to study the creation of a landlord-tenant mediation project. (Eff. 6/12/01)

Chap. 65, **SB 71**, establishing a study committee relative to the regulation and compensation of persons licensed under the real estate practice act. (Eff. 6/12/01)

Chap. 66, **SB 136**, establishing a committee to study the use of multi-disciplinary team investigations of child abuse and neglect allegations. (Eff. 6/12/01)

Chap. 67, **HB 350**, relative to persons with disabilities participating in the work incentive program. (Eff. 8/14/01)

Chap. 68, **HB 129**, relative to amending condominium instruments governing assignment of limited common areas. (Eff. 8/18/01)

Chap. 69, **HB 166**, requiring the gas utility restructuring oversight committee to study gas and hazardous substance pipeline safety. (Eff. 6/19/01)

Chap. 70, **HB 175**, relative to the amount of the homestead right. (Eff. 1/01/02)

Chap. 71, **HB 194**, relative to municipal budget hearings, recommendations, and reports. (Eff. 7/01/01)

Chap. 72, **HB 203**, allowing a psychiatric/mental health nurse practitioner employed under contract with the department of corrections to be indemnified and defended by the state under the same conditions as psychiatrists. (Eff. 7/12/01)

Chap. 73, **HB 218**, relative to the motor vehicle road toll law and motor vehicle registration fees. (Eff. 7/01/01)

Chap. 74, **HB 224**, relative to persons who may sign nomination papers. (Eff. 8/18/01)

Chap. 75, **HB 245**, relative to the duties and staff of the state geologist. (Eff. 8/18/01)

Chap. 76, **HB 403**, relative to the effective date of special contracts for telephone utilities. (Eff. 8/18/01)

Chap. 77, **HB 416**, relative to fire safety inspections for foster family homes. (Eff. 8/18/01)

Chap. 78, **HB 435**, relative to assessment of service charges by municipalities and counties that accept credit cards for payment of local taxes, utility charges, or other fees. (Eff. 8/18/01)

Chap. 79, **HB 620**, relative to arrangements between birth parents and adoptive parents. (Eff. 8/18/01)

Chap. 80, **HB 639**, relative to the preparation of town ballots. (Eff. 8/18/01)

Chap. 81, **HB 663**, relative to lights on school buses. (Eff. 8/18/01)

Chap. 82, **HB 680**, relative to foreign reinsurers. (Eff. 8/18/01)

Chap. 83, **SB 13**, relative to the duties of a school nurse and relative to school food and nutrition programs. (Eff. 8/18/01)

Chap. 84, **SB 14**, relative to the definition of "school" for the purpose of the universal service fund for schools and libraries and ratifying the school board meetings and elections for Mascoma Valley Regional and Bartlett school districts. (Eff. 8/18/01)

Chap. 85, **SB 42**, relative to charges for access to medical records. (Eff. 8/18/01)

Chap. 86, **SB 45**, relative to the legislative oversight committee on electric utility restructuring and relative to service from a rural electric cooperative under special contracts. (Eff. 6/19/01)

Chap. 87, **SB 59**, relative to the inclusion of a signature declaration and verification statement on teacher certification applications. (Eff. 8/18/01)

Chap. 88, **SB 93**, establishing a committee to study the public health and environmental benefit of requiring stationary and mobile sources that burn virgin petroleum products or coal to comply with the requirements of the air toxic control act. (Eff. 6/19/01)

Chap. 89, **SB 156**, relative to the suspension of drivers licenses of persons under 20 years of age. (Eff. 8/18/01)

Chap. 90, **SB 169**, relative to the procedure for appeal of a timber yield tax assessment and relative to the notice of intent to cut. (Eff. 1/01/02)

Chap. 91, **HB 303**, relative to funding of training and certification of firefighters 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. (Eff. 7/01/01)

Chap. 92, **HB 370**, relative to the regulation of trapping by the fish and game department. (Eff. 8/20/01)

Chap. 93, **HB 442**, establishing a study committee to examine the effects of protective custody on county correctional facilities and 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. (Eff. 6/21/01)

Chap. 94, **HB 532**, establishing a committee to study the adequacy of funding for the continued universal distribution of children's vaccines. (Eff. 6/21/01)

Chap. 95, **HB 595**, relative to single producer licensing. (Eff. 8/20/01)

Chap. 96, **SB 47**, relative to ownership of certified public accounting firms. (Eff. 8/20/01)

Chap. 97, **SB 55**, creating a commission to study the need for and location of architecturally secure facilities and community shelter care facilities to service juveniles. (Eff. 6/21/01)

Chap. 98, **SB 61**, establishing a procedure for summary administration of estates. (Eff. 7/21/01)

Chap. 99, **SB 123**, establishing a committee to study how information regarding private individuals is obtained, maintained, and employed by the division of children, youth and families. (Eff. 6/21/01)

Chap. 100, **SB 131**, establishing a study committee relative to charitable bingo operations. (Eff. 6/21/01)

Chap. 101, **SB 101**, relative to community services for persons with developmental disabilities. (Eff. 8/20/01)

Chap. 102, **HB 745**, revising Article 9 of the Uniform Commercial Code and related statutes. (Eff. 6/26/01)

Chap. 103, **HB 105**, establishing an agricultural nutrient management program and making an appropriation therefor. (Eff. 7/01/01)

Chap. 104, **HB 112**, establishing a study committee on issues relating to hospital business practices and managed care organizations' networks. (Eff. 6/26/01)

Chap. 105, **HB 123**, 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. 6/26/2001

Chap. 106, **HB 164**, relative to exceptions to the confidentiality of certain department of employment security records. (Eff. 6/26/01)

Chap. 107, **HB 305**, establishing a dedicated fund for certain fish and game funds to be expended for the purpose of operation game thief. (Eff. 7/01/01)

Chap. 108, **HB 310**, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2003. (Eff. 6/26/01)

Chap. 109, **HB 347**, relative to terminal pay for certain state officials or employees. (Eff. 6/26/01)

Chap. 110, **HB 371**, relative to fiscal impact statements for proposed administrative rules prepared by the legislative budget assistant and relative to certain time periods for review by the joint legislative committee on administrative rules. (Eff. 8/25/01)

Chap. 111, **HB 388**, clarifying the rights of patients of nursing facilities in the event of a proposed transfer or discharge from the facility. (Eff. 8/25/01)

Chap. 112, **HB 394**, relative to short-term health insurance policies for certain persons. (Eff. 8/25/01)

Chap. 113, **HB 396**, relative to the practice of physicians and surgeons. (Eff. 1/01/02)

Chap. 114, **HB 413**, relative to ownership of rail properties. (Eff. 8/25/01)

Chap. 115, **HB 459**, relative to inspection requirements for antique vehicles. (Eff. 1/01/02)

Chap. 116, **HB 477**, relative to supplemental allowances for certain retired group I members of the New Hampshire retirement system. (Eff. 7/01/01)

Chap. 117, **HB 501**, relative to licensure of foster homes and the duties of the department of health and human services advisory board. (Eff. 8/25/01)

Chap. 118, **HB 520**, relative to clarifying qualifications of candidates. (Eff. 8/25/01)

Chap. 119, **HB 534**, relative to "salvage" motor vehicles. (Eff. 8/25/01)

Chap. 120, **HB 580**, requiring health insurance carriers to provide loss information to large employers at least once every 6 months. (Eff. 8/25/01)

Chap. 121, **HB 443**, relative to a state energy plan and relative to road toll fees for vehicles powered by alternate energy sources. (Eff. 6/27/01)

Chap. 122, **SB 19**, establishing a committee to study prevention of voter fraud. (Eff. 6/28/01)

Chap. 123, **SB 20**, relative to possessory actions instituted on the basis of nonpayment of rent. (Eff. 1/01/01)

Chap. 124, **SB 46**, relative to payments of scheduled awards under the workers' compensation law. (Eff. 8/27/01)

Chap. 125, **SB 57**, relative to the economic development matching grants program. (Eff. 8/27/01)

Chap. 126, **SB 83**, relative to the New Hampshire film and television commission. (Eff. 6/28/01)

Chap. 127, **SB 147**, relative to the calculation of stumpage value in determining the timber tax assessment. (Eff. 4/01/02)

Chap. 128, **HB 311**, 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. (Eff. 7/01/01)

Chap. 129, **HJR 5**, encouraging the use of renewable energy systems in new or rehabilitated state buildings. (Eff. 6/28/01)

Chap. 130, **HB 1-A**, making appropriations for the expenses of certain state departments of the state for fiscal years ending June 30, 2002 and June 30, 2003. (Eff. 7/01/01)

Chap. 131, **HB 158**, relative to the use of an artificial light to locate moose. (Eff. 6/29/01)

Chap. 132, **HB 219**, relative to the rules of the road involving school buses. (Eff. 6/29/01)

Chap. 133, **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. (Eff. 6/29/01)

Chap. 134, **HB 590**, permitting life insurance companies access to certain motor vehicle records. (Eff. 8/28/01)

Chap. 135, **HB 591**, relative to certain prescription discount cards. (Eff. 1/01/02)

Chap. 136, **HB 606**, relative to the Christa McAuliffe planetarium. (Eff. 7/01/01)

Chap. 137, **HB 610**, allowing the sale of raw milk cheese and unpasteurized apple cider in New Hampshire. (Eff. 8/28/01)

Chap. 138, **HB 612**, relative to expenditures from the dam maintenance fund by the department of environmental services and extending a study committee report date. (Eff. 8/28/01)

Chap. 139, **HB 615**, relative to the duties of motor vehicle inspectors and fees payable to the department of safety. (Eff. 7/01/01)

Chap. 140, **HB 635**, relative to family mutual support services. (Eff. 8/28/01)

Chap. 141, **HB 637**, requiring annual training for members of the workers' compensation appeals board. (Eff. 8/28/01)

Chap. 142, **HB 677**, relative to certification and filing of nomination papers. (Eff. 8/28/01)

Chap. 143, **HB 720**, relative to permitting the use of certain firearms for hunting deer. (Eff. 8/28/01)

Chap. 144, **HB 769**, relative to fees paid by municipalities for excavating and dredging permit applications. (Eff. 7/01/01)

Chap. 145, **SB 58**, revising the requirements for a license as a bingo supplies or lucky 7 tickets distributor. (Eff. 6/29/01)

Chap. 146, **SB 62**, relative to guardianships. (Eff. 1/01/02)

Chap. 147, **SB 82**, relative to service of process in marital matters. (Eff. 1/01/02)

Chap. 148, **SB 98**, relative to notice requirements prior to the sale of manufactured housing parks. (Eff. 1/01/02)

Chap. 149, **SB 100**, establishing a committee to study the feasibility of creating a mental health court division. (Eff. 6/29/01)

Chap. 150, **SB 107**, relative to violations of motor vehicle laws by foreign diplomatic and consular officers. (Eff. 1/01/02)

Chap. 151, **SB 121**, relative to the advisory committee on international trade. (Eff. 8/28/01)

Chap. 152, **SB 132**, directing the department of health and human services to coordinate a comprehensive review of demographic trends in the New Hampshire population and the impact of such trends. (Eff. 8/28/01)

Chap. 153, **SB 134**, establishing a committee to study allowing the use of business logo signing on the mainline of limited access and divided highways. (Eff. 6/29/01)

Chap. 154, **SB 144**, increasing bail commissioners' fees. (Eff. 8/28/01)

Chap. 155, **SB 165**, relative to the sale, registration, and use of 3-wheeled all-terrain vehicles for off-highway recreational use. (Eff. 6/29/01)

Chap. 156, **SB 174**, 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. (Eff. 8/28/01)

Chap. 157, **SB 190**, dedicating the I-93 causeway at Moore Dam, the Cottage Street Bridge in Littleton, and the Smith Bridge in Plymouth. (Eff. 6/29/01)

Chap. 158, **HB 170**, relative to state fees, funds, revenues, and expenditures. (Eff. 6/30/01)

Chap. 159, **HB 135**, creating a commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload. (Eff. 7/05/01)

Chap. 160, **HB 140**, relative to interest on judgments. (Eff. 7/05/01)

Chap. 161, **HB 152**, relative to expanding the legal methods of taking deer. (Eff. 1/01/03)

Chap. 162, **HB 156**, relative to the detention of juveniles in delinquency proceedings. (Eff. 1/01/02)

Chap. 163, **HB 160**, establishing a committee to study the issue of one-day/one-trial jurors. (Eff. 7/05/01)

Chap. 164, **HB 177**, relative to the purchase of a wheelchair van for the veterans' home in Tilton and making an appropriation therefor. (Eff. 7/05/01)

Chap. 165, **HB 181**, relative to group II retirement system membership for police and corrections officers who become police trainers. (Eff. 7/01/01)

Chap. 166, **HB 183**, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system. (Eff. 9/03/01)

Chap. 167, **HB 186**, establishing a pesticides training program. (Eff. 7/01/01)

Chap. 168, **HB 197**, extending the reporting date of the commission to study methods for reducing violent incidents involving children and guns. (Eff. 7/05/01)

Chap. 169, **HB 210**, relative to the penalties for persons convicted of subsequent DWI offenses and correcting the ignition interlock program laws. (Eff. 1/01/02)

Chap. 170, **HB 261**, including the judiciary as a public employer under the public employee labor relations act. (Eff. 1/01/02)

Chap. 171, **HB 265**, prohibiting the sale of rolling papers to minors. (Eff. 1/01/02)

Chap. 172, **HB 275**, relative to the expenditure of funds received pursuant to the Workforce Investment Act. (Eff. 9/03/01)

Chap. 173, **HB 276**, relative to reimbursement of legal fees of supreme court employees who were subpoenaed and incurred legal fees during the impeachment proceedings regarding chief justice David A. Brock and making an appropriation therefor. (Eff. 7/01/01)

Chap. 174, **HB 296**, relative to receiving stolen property. (Eff. 1/01/02)

Chap. 175, **HB 302**, relative to an optional retirement allowance for certain spouses upon a retiree's remarriage. (Eff. 9/03/01)

Chap. 176, **HB 308**, relative to administrative fees added to restitution payments. (Eff. 7/05/01)

Chap. 177, **HB 326**, relative to the continuation of the New Hampshire task force on deafness and hearing loss and making an appropriation therefor. (Eff. 7/05/01)

Chap. 178, **HB 387**, relative to the regulation of dentistry by the board of dental examiners. (Eff. 9/03/01)

Chap. 179, **HB 453**, establishing a 4-year term for the commissioner of the department of corrections. (Eff. 9/03/01)

Chap. 180, **HB 471**, relative to fish and game licenses issued to resident and nonresident minors and relative to complimentary fishing licenses for legally blind persons. (Eff. 7/01/01)

Chap. 181, **HB 481**, relative to access to certain communications common carrier records. (Eff. 9/03/01)

Chap. 182, **HB 493**, exempting certain short term condominium unit owners' association rentals from the New Hampshire real estate practice act. (Eff. 9/03/01)

Chap. 183, **HB 511**, relative to continuing medical education requirements for physicians. (Eff. 9/03/01)

Chap. 184, **HB 573**, relative to the role of certain advanced registered nurse practitioners in the state mental health services system. (Eff. 9/03/01)

Chap. 185, **HB 579**, relative to nominating a political organization by nomination papers. (Eff. 8/18/01)

Chap. 186, **HB 583**, making certain changes to the underground utility damage prevention system. (Eff. 1/01/02)

Chap. 187, **HB 596**, relative to the acquisition of land by a town. (Eff. 9/03/01)

Chap. 188, **HB 648**, authorizing licensing of homeless youth programs. (Eff. 9/03/01)

Chap. 189, **HB 659**, relative to penalties for attempting to purchase firearms illegally. (Eff. 1/01/02)

Chap. 190, **HB 684**, relative to the occupational therapy practice act. (Eff. 9/03/01)

Chap. 191, **HB 698**, relative to verification of checklists. (Eff. 9/03/01)

Chap. 192, **HB 719**, relative to the removal of public officials for cause. (Eff. 9/03/01)

Chap. 193, **HB 740**, relative to decommissioning of nuclear electric generating facilities. (Eff. 7/05/01)

Chap. 194, **HB 753**, relative to exemptions from issuer-dealer licenses for the sale of securities. (Eff. 7/01/02)

Chap. 195, **SB 63**, relative to administration of estates and filing of wills by executors. (Eff. 1/01/02)

Chap. 196, **SB 84**, relative to funeral processions. (Eff. 7/05/01)

Chap. 197, **SB 106**, relative to consumers' cooperative associations. (Eff. 7/03/01)

Chap. 198, **SB 167**, relative to the medicaid payment for long-term care services. (Eff. 7/05/01)

Chap. 199, **HB 208**, changing the license requirement for operators collecting the meals and rooms tax and relative to a property tax exemption for the Woman's Club of Concord. (Eff. 7/01/01)

Chap. 200, **HB 653**, relative to certain signs within highway rights-of-way. (Eff. 9/03/01)

Chap. 201, **HB 760**, relative to the use of silencing devices for taking game. (Eff. 7/05/01)

Chap. 202, **HB 25**, making appropriations for capital improvements. (Eff. 6/30/01)

Chap. 203, **SB 54**, relative to the transfer of funds in the community-technical college system. (Eff. 9/09/01)

Chap. 204, **SB 76**, requiring attendance in an education and training program by those who obtain a liquor license and relative to applications for one-day liquor licenses. (Eff. 9/09/01)

Chap. 205, **SB 99**,) relative to the extension of time for filing a community benefits plan. (Eff. 7/11/01)

Chap. 206, **SB 103**, changing the qualification requirements for charitable organizations that conduct bingo or lucky 7. (Eff. 7/11/01)

Chap. 207, **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. (Eff. 7/11/10)

Chap. 208, **SB 149**, changing the definition of " person" with respect to motor vehicle records and certification and permitting certain medical researchers access to motor vehicle records. (Eff. 7/11/01)

Chap. 209, **SB 152**, relative to the regulation of business practices between motor vehicle manufacturers, distributors, and dealers. (Eff. 1/01/02)

Chap. 210, **SB 168**, relative to education property tax hardship relief. (Eff. 7/01/01)

Chap. 211, **SB 170**, making certain changes to the excavation tax and excavation activity tax. (Eff. 4/01/02)

Chap. 212, **SB 176**, establishing an equipment depository and disabled person's employment fund in the department of administrative services. (Eff. 7/01/01)

Chap. 213, **SB 184**, relative to review of fees for the removal and impoundment of motor vehicles. (Eff. 1/01/02)

Chap. 214, **HB 103**, relative to the possession of deadly weapons by convicted felons or during the commission or attempted commission of a violent crime. (Eff. 1/01/02)

Chap. 215, **HB 202**, relative to the legislative ethics committee. (Eff. 7/11/01)

Chap. 216, **HB 271**, relative to criminal liability for the conduct of another. ((Eff. 1/01/02)

Chap. 217, **HB 361**, establishing a committee to study certain policies and procedures in the department of corrections. (Eff. 7/11/01)

Chap. 218, **HB 374**, relative to surcharges on pay telephone use. (Eff. 7/11/01)

Chap. 219, **HB 390**, relative to the Live-Birth Infants Protection Act. (Eff. 9/09/01)

Chap. 220, **HB 402**, relative to the establishment of a state universal service fund. (Eff. 7/01/01)

Chap. 221, **HB 412**, requiring the public higher education study committee to study the feasibility of granting state franchise rights to providers of on-line education courses. (Eff. 9/09/01)

Chap. 222, **HB 446**, relative to spousal and child support enforcement. (Eff. 9/09/01)

Chap. 223, **HB 499**, making state-appointed advisory committees subject to the right-to-know law. (Eff. 1/01/02)

Chap. 224, **HB 525**, relative to property and casualty insurance. (Eff. 9/09/01)

Chap. 225, **HB 554**, establishing a division of information technology within the department of safety. (Eff. 7/01/01)

Chap. 226, **HB 584**, relative to the registration and licensure of OHRV dealers and rental agents. (Eff. 7/01/01)

Chap. 227, **HB 616**, clarifying sessions to be held at the satellite district court in Durham. (Eff. 9/09/01)

Chap. 228, **HB 667**, relative to certain reporting requirements and relative to meetings of the board of medicine. (Eff. 9/09/01)

Chap. 229, **HB 699**, relative to the rights of non-offending parents in the context of abuse and neglect cases. (Eff. 1/01/02)

Chap. 230, **HB 764**, relative to the criminal offense of kidnapping. (Eff. 1/01/02)

Chap. 231, **HB 131**, relative to the retention and disposal of certain financial disclosure forms. (Eff. 7/13/01)

Chap. 232, **HB 288**, relative to the licensure of interpreters for the deaf and hard of hearing. (Eff. 7/01/01)

Chap. 233, **HB 315**, relative to the registration of criminal offenders. (Eff. 1/01/02)

Chap. 234, **HB 320**, relative to leasing certain portions of railroad properties and relative to the definition and taxation of amusement railroads. (Eff. 7/13/01)

Chap. 235, **HB 328**, relative to fees of sheriffs and deputy sheriffs. (Eff. 9/11/01)

Chap. 236, **HB 332**, relative to resuscitation protocols for emergency medical care providers. (Eff. 9/11/01)

Chap. 237, **HB 337**, relative to the administration of the public utilities commission, establishing the position of executive director of the public utilities commission, and relative to the position of assistant commissioner of the department of corrections. (Eff. 7/01/01)

Chap. 238, **HB 357**, relative to periodic payments of judgments. (Eff. 1/01/02)

Chap. 239, **HB 373**, relative to surety bonds for detective agencies and security services. (Eff. 9/11/01)

Chap. 240, **HB 405**, establishing a committee to study the creation of an at-home infant child care program in New Hampshire. (Eff. 7/13/01)

Chap. 241, **HB 408**, relative to the regulation of nursing by the board of nursing. (Eff. 7/01/01)

Chap. 242, **HB 426**, relative to the voluntary scrapie flock certification program. (Eff. 9/11/01)

Chap. 243, **HB 444**, relative to mental health services and records. (Eff. 9/11/01)

Chap. 244, **HB 451**, establishing a commission to study the impact of pay and health care benefits for child care workers on the quality of care and education for children by considering and exploring funding methods for accomplishing any recommendations. (Eff. 7/13/01)

Chap. 245, **HB 475**, establishing a commission for the development of a statewide protocol for interviewing victims of sexual assault crimes. (Eff. 7/13/01)

Chap. 246, **HB 509**, establishing a statute of limitations on spousal support orders. (Eff. 1/01/02)

Chap. 247, **HB 547**, authorizing participation in a regional electronic toll collection system. (Eff. 7/13/01)

Chap. 248, **HB 578**, relative to requirements for nonpublic utility providers of telephone services and competitive telecommunications providers, and relative to the information technology management advisory board. (Eff. 9/11/01)

Chap. 249, **HB 585**, relative to the membership and duties of the council on resources and development. (Eff. 9/11/02)

Chap. 250, **HB 588**, establishing a Merrimack county superior court jury selection pilot program. (Eff. 1/01/02)

Chap. 251, **HB 603**, providing the commissioner of administrative services an option to self-fund the state employee health plan and requiring a reserve fund therefor. (Eff. 9/11/01)

Chap. 252, **HB 604**, relative to increasing certain fees and making other changes to fish and game licenses. (Eff. 1/01/02)

Chap. 253, **HB 643**, extending the moratorium on new nursing home beds. (Eff. 7/13/01)

Chap. 254, **HB 652**, relative to the penalties for reckless or negligent operation of a motor vehicle. (Eff. 1/01/02)

Chap. 255, **HB 676**, establishing a committee to study the creation of a regional program for collection and marketing of certain components of the municipal solid waste stream. (Eff. 7/13/01)

Chap. 256, **HB 702**, relative to the duties of the committee to study the consumer protection effort in New Hampshire, relative to the membership of the long-term care board, and establishing a task force on privacy issues. (Eff. 7/01/01)

Chap. 257, **HB 703**, relative to durable powers of attorney. (Eff. 1/01/02)

Chap. 258, **HB 707**, establishing a 211 commission. (Eff. 7/13/01)

Chap. 259, **HB 717**, establishing a committee to make recommendations on policy concerning state-operated trails and private lands used by all terrain vehicles and trail bikes and relative to increasing the resident and nonresident OHRV registration fees for snow traveling vehicles. (Eff. 7/01/01)

Chap. 260, **HB 731**, relative to securities laws, making a change to Article 9 of the Uniform Commercial Code, and relative to standards for records filed with a registry of deeds. (Eff. 7/13/01)

Chap. 261, **SB 18**, relative to termination of small trusts. (Eff. 1/01/02)

Chap. 262, **SB 21**, 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. (Eff. 7/13/01)

Chap. 263, **SB 51**, 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. (Eff. 7/13/01)

Chap. 264, **SB 111**, extending the payment of group health insurance premiums for certain retired members of the retirement system. (Eff. 7/01/01)

Chap. 265, **SB 139**, relative to uniform electronic transactions. (Eff. 9/11/01)

Chap. 266, **SB 192**, relative to the issuance of high/medium voltage licenses by the electricians' board. (Eff. 7/01/01)

Chap. 267, **SB 197**, establishing a judicial conduct commission. (Eff. 7/01/01)

Chap. 268, **HB 215**, relative to publication of status of cases before the supreme court. (Eff. 7/01/01)

Chap. 269, **HB 238**, relative to interstate banking. (Eff. 1/01/02)

Chap. 270, **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. (Eff. 7/16/01)

Chap. 271, **HB 258**, establishing a task force to conduct an ongoing study of the feasibility of re-establishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon northern passenger rail service line. (Eff. 7/16/01)

Chap. 272, **HB 259**, relative to holding sessions for correction of checklists. (Eff. 9/14/01)

Chap. 273, **HB 260**, establishing a commission to examine child care resources for parents who work hours other than first shift. (Eff. 7/16/01)

Chap. 274, **HB 277**, clarifying the penalties for violations of statutes or ordinances where no penalty is specified. (Eff. 7/16/01)

Chap. 275, **HB 279**, relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor; relative to payment of medical benefits costs for group II members of the retirement system; and relative to the election of optional allowances by certain retirement system members granted disability retirement benefits. (Eff. 7/1/01)

Chap. 276, **SB 41**, relative to technical corrections for life, accident and health insurance. (Eff. 9/14/01)

Chap. 277, **SB 48**, relative to the rental of shared living facilities. (Eff. 1/01/02)

Chap. 278, **SB 53**, relative to attorneys' fees in certain circumstances under the workers' compensation law. (Eff. 9/14/01)

Chap. 279, **SB 74**, relative to providing services under the Child Protection Act. (Eff. 1/01/02)

Chap. 280, **SB 148**, 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. (Eff. 7/16/01)

Chap. 281, **SB 181**, relative to state government information dissemination and access. (Eff. 9/14/01)

Chap. 282, **HB 126**, relative to the board of pharmacy and the regulation of pharmacists. (Eff. 7/01/01)

Chap. 283, **HB 132**, relative to the damage or destruction of an emergency vehicle or emergency services equipment. (Eff. 9/14/01)

Chap. 284, **HB 256**, limiting the liability of law enforcement agencies and their employees for injuries caused by dogs used in law enforcement work. (Eff. 1/01/02)

Chap. 285, **HB 274**, banning the residential open burning of trash and relative to a dioxin emissions reduction and control program. (Eff. 7/16/01)

Chap. 286, **HB 743**, transferring the department of youth development services to the department of health and human services. (Eff. 9/14/01)

Chap. 287, **HB 354**, extending the kindergarten construction program. (Eff. 7/01/01)

Chap. 288, **HB 385**, changing the name, membership and duties of the office of volunteerism. (Eff. 9/15/01)

Chap. 289, **HB 450**, relative to work product and relative to attorneys' fees under the right-to-know law. (Eff. 7/17/01)

Chap. 290, **HB 543**, establishing the division of ports and harbors within the Pease development authority and transferring all functions, powers, and duties of the New Hampshire state port authority. (Eff. 7/01/01)

Chap. 291, **HB 649**, relative to compensation for time lost by state employees injured in the line of duty. (Eff. 7/01/01)

Chap. 292, **HB 726**, relative to change of school assignment and transfers of public school pupils and relative to the voting procedures for authorizing certain capital projects in interstate school districts. (Eff. 7/17/01)

Chap. 293, **HB 758**, relative to the sale of gasoline containing ethers and establishing a gasoline remediation and elimination of ethers fund. (Eff. 7/01/01)

Chap. 294, **SB 68**, relative to school district placements of children living in foster homes. (Eff. 9/15/01)

Chap. 295, **SB 118**, relative to individual health insurance coverage and extending the reporting date for the healthy kids subcommittee and clarifying the mission statement of the healthy kids corporation. (Eff. 7/01/01)

Chap. 296, **SB 119**, relative to small group health insurance coverage. (Eff. 9/15/01)

Chap. 297, **SB 193**, relative to changes in the property tax system and making an appropriation therefor. (Eff. 7/17/01)

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