

HOUSE RECORD

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Wednesday, January 2, 2002

This day, January 2, 2002, the first Wednesday following the first Tuesday in January being the day designated by the Constitution (Art. 3rd, Part 2nd) for assembling of the second-year session of the 157th General Court of the State of New Hampshire, at the Capitol in the city of Concord, the Speaker convened the 2002 House of Representatives and called the session to order at 10:00 a.m.

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

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

Ever watchful Creator, as we gather in this honorable House at the beginning of a new year, we ask Your blessing upon the people's work accomplished here in the weeks ahead. May each House member be given wisdom, courage and an open heart as the ebb and flow of democracy shapes and directs the actions that will affect the lives of the citizens of our beloved New Hampshire.

As always we ask that Your protective hand be with the men and women of our armed forces, police, fire service and postal workers who protect us and the freedoms we cherish. Enable us to stand united against terrorism of any kind so that the true benefits and responsibilities of a free society may be shared by all Your people. Amen.

Rep. Debra Naro led the Pledge of Allegiance.

The National Anthem was sung by Scott Bales, Jason Beisiegel, Bridget Bixby, Aymsley Brien, Scott Cocchiaro, Esther Corum, Lisa Fligg, Shoshana Funk, Kristen Hahn, Kelly MacNeil, Peter Maes, Colin McIver, Vanessa Medbery, Sondra Montville, Abra Mueller, Lindsay Page, Steve Pirnie, Jason

Roy, Hilarie Snogren, Lilly Stolper and Tanya Wright, members of the Plymouth Regional High School Chamber singers.

LEAVES OF ABSENCE

Reps. Balcom, Chabot, Crosby, Leo Fraser, Pilliod, Teschner, Schulze, Whittemore, Williams and Yeaton, the day, illness.

Reps. Bouldin, DePecol, Dunlap, Stephanie Eaton, Jeffrey Gilbert, Lessard, Martin, Palermo, Marsha Pelletier, Tara Reardon, Reeves, Saia and Seibel, the day, important business.

Reps. Julie Brown, Flint and Leishman, the day, illness in the family.

INTRODUCTION OF GUESTS

Pamela Ellis, guest of Rep. Paul Ferland. Lee Hammond, guest of Rep. Almy. Former Representative and Executive Councilor Jim Normand, guest of Reps. Goley and Splaine. Kenneth and Margaret Colburn, Jay Allen, guests of Reps. Naro and Mary Cooney. Bernard Scott and Brandon Carroll Foster, Jennifer Gates, husband, son and guest of Rep. Linda Foster.

Jennifer Stein, Miss Teen New Hampshire, her parents, Roger and Linda, and brother, Andrew Stein, special guests of the House.

call of the roll

With 341 members having answered the call of the roll, a quorum was declared present.

HOUSE RESOLUTION 22

Honoring and Memorializing Niels F. F. Nielsen, Jr.

Caretaker *Emeritus* of the Old Man of the Mountain

WHEREAS, our beloved New Hampshire, the Granite State, is a place of magnificent natural beauty, and

WHEREAS, one of the great natural wonders of our state is the granite landmark known to all as the Old Man of the Mountain, and

WHEREAS, Niels F. F. Nielsen, Jr., a gentle giant of a man, a native of Brooklyn, New York who moved to New Hampshire in 1958 and adopted it as his own, took special notice of the "Old Man," becoming the leader of the work crew that maintained him and, in 1971, becoming the first

person to repair the south face, one of the first to go over the Old Man's forehead, and ultimately spending more than thirty years of his life preserving this great New Hampshire landmark, and

WHEREAS, with foresight, determination and ingenuity, Niels Nielsen saved our state treasure from the eroding forces of gravity and weather, also raising thousands of dollars to preserve the Old Man for future generations to enjoy and creating a museum and non-profit preservation association, and

WHEREAS, in 1987, Niels F. F. Nielsen, Jr. was appointed the first Official Caretaker of the Old Man of the Mountain, a title he held with great pride until it was passed to his son, David, in 1991, when he himself became Caretaker *Emeritus*, and

WHEREAS, Niels F. F. Nielsen, Jr. was a man who gave freely of himself in many avenues of service – to his community, state and country, including serving as a member of this House representing Grafton County District #8; and

WHEREAS, it is a widely held belief that when the Old Man of the Mountain heard of the passing of his longtime friend and caretaker, a tear was shed by this great landmark of the Granite State; now, therefore, be it

RESOLVED, by the House of Representatives in Regular Session convened, that our former friend and colleague Niels F. F. Nielsen, Jr. be granted the highest praise and heartfelt thanks from a grateful State, and be it further

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

Unanimously adopted by a rising vote.

introduction of special guests

David Nielsen, Michael Nielsen and Deborah Nielsen joined the Speaker on the rostrum.

Without objection, the Speaker moved that the remarks made by David Nielsen and Rep. Mary Cooney be entered into the Permanent Journal.

David Nielsen: Mr. Speaker, Ladies and Gentlemen. On behalf of the Nielsen family we would like to thank you very much. Those of you who knew my father knew that he never did anything in search of the praise that came after it. I'm sure he would appreciate this if he were here today. Thank you again.

REMARKS

Rep. Cooney: We in the House represent the people of this beautiful state. There is a part of Cannon Mountain up in Franconia Notch which also represents our state. We refer to this piece of granite as the Old Man of the Mountain. His image is depicted on official stationary, highway signs, souvenirs, names of businesses and organizations. His image is cast even on our 2000 state quarter. If it were not for a few dedicated men, this image might not still be standing. One of those men is Niels Nielsen.

Last September we were all caught up in the events and aftermath of 9-11. We may not have noticed that September also marked the end of the remarkable life near and dear to New Hampshire, that of Niels Nielsen. On September 16th, Niels passed away in Belmont at the age of 74.

Niels was born and grew up in Brooklyn, New York. He received training at the White Mountain Law Enforcement Academy, the New Hampshire Police Standards and Training School, the Federal Bureau of Investigations Firearms Instructor School and other police schools. During World War II, he served in the Merchant Marines and sailed in the Atlantic, Pacific and Far East war zones in 1945. After the war, Niels worked as a deckhand on tugboats working the Hudson River, Erie Canal and the Great Lakes. In 1947 he met Louise Colburn and they were married in 1948. Niels' first police appointment was in Queens, New York in 1950. He was later promoted to lieutenant of operations in the 24th division.

Niels and Louise moved to New Hampshire in 1958. In 1960, he became employed by the State of New Hampshire Highway Department, and was promoted to superintendent in 1961, a position he held until he retired in 1988. While he worked for the state, Niels also served as a special police officer for the towns of Plymouth, Bridgewater, Sanbornton, Waterville Valley, as well as Grafton and Coos counties. He served as Plymouth selectman from 1981 to 1985, served on the Plymouth Planning Board, school building planning committee and other various committees for the town. He was a constant presence around town and at school sports events. Niels also served as a state representative from Plymouth for one term, 1991 to 1992. During all this time he was also raising four sons with his wife, Louise. His greatest legacy to his sons was to instill a sense of giving back to your community.

Aside from his official duties, Niels was active in his church, the Rumney Baptist Church and later in his life was dedicated to his work in the State Prison through the Chuck Colson Prison Fellowship Ministry. Those who worked with him there said he had a remarkable gift for reaching those who felt life had dealt them a bad hand. Some of these prisoners had never experienced the care and concern Niels was able to give them. Because of Niels, they were able to lead productive lives once they had been released.

Aside from his civic responsibilities, Niels enjoyed hunting, fishing, pistol competitions and competitive archery. He was even seen exhibiting his considerable archery skills on The Tonight Show.

While Niels was working for the Highway Department, he became a member of the caretaking crew for the Old Man in 1960. At that time it was decided that regular yearly inspections should be made. Niels had admired the great stone face since he had first laid eyes on it on a trip with his fiancée, Louise in 1947. This job grew into a passion and love which maybe only his son David and daughter-in-law Deborah can fully understand. David had accompanied his father to the mountain from the time he was 11. He brought Deborah up to the Old Man on their second date. In 1965 the responsibility of preserving the Old Man passed to Niels. His emotions about assuming this responsibility can be summed in his own words, "I don't believe anyone can be up there even for one trip and feel the presence of God and be awed at the magnificence of His handiwork in taking a pile of rocks and shaping into that great Profile."

The first set of turnbuckles was installed in 1916 by Edward Geddes, a quarry superintendent from Quincy, Mass., who along with the Reverend Guy Robert were the first champions of preserving the Old Man. If these two men hadn't persevered in their efforts to save the profile, we probably would not have our Old Man today. Edward Geddes would take his daughter, Mabelle along with him to periodically check his work and paint the turnbuckles. A second set of turnbuckles was installed in 1958 during a major preservation effort after movement was detected. A canopy was installed over a

foot-wide fissure to prevent further damage. Niels set up a program of regular maintenance for the Old Man including measuring, maintaining the water diversion trough, applying epoxy to the cracks, checking and adjusting the turnbuckles and repairing the canopy.

In 1971 Niels was the first man to conduct repairs on the south face and was one of the first to go over the Old Man's forehead in a bos'n's chair. Dick Hamilton, president of White Mountain Attractions and a long-time member of the Old Man crew took a picture of Niels from Echo Lake with a telephoto lens which appeared the next day on the front page of the Boston Globe with the caption "Nose Job." From that moment on Niels was a celebrity and never missed a chance to promote the Old Man and its preservation. He formed a non-profit preservation association and helped to create a museum dedicated to the history of the Old Man which is located next to the gift shop at the base of Cannon Mountain.

In 1987 Niels was named "Official Caretaker of the Old Man" by Governor John Sununu, which ensured that he would retain control of the care of our landmark. He carried out his duties in that capacity until one day in 1989 when he couldn't jump across the seven-foot gap he had dubbed "decision rock". So the following year, he passed his official duties to David and Deborah. Niels became "Caretaker Emeritus" or as he said, "over the hill." Niels still went along as chief cheerleader and advisor as long as he was able.

Niels had an extraordinary and almost supernatural relationship with the Old Man. He had many conversations with him while dangling 1,400 feet above Echo Lake as he was scrubbing his cheeks and cleaning his ears. He talked to the Old Man and the Old Man talked to him. A part of Niels will always be up there on Profile Mountain, as that side of Cannon is officially called, with the Great Stone Face. In his own words, "Everyone of us, the sons and daughter of this country, owe it something. My something just happened to be the Old Man."

RESOLUTION

Reps. Scanlan and Burling offered the following: RESOLVED, that their late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1403 through 1406, and House Resolution numbered 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 HR

First, second reading and referral

HB 1403-L, relative to eligibility requirements for property tax credits for disabled veterans and veterans' surviving spouses. (Sweeney, Hills 31; Heon, Straf 14; Dickinson, Carr 2; Gilmore, Straf 11; Clegg, Hills 23; Barnes, Dist 17; Hollingworth, Dist 23; D'Allesandro, Dist 20: Municipal and County Government)

HB 1404-FN-A-L, establishing an economic development resort and casino at Jericho Lake Park in Berlin. (Gallus, Coos 7; Roberts, Ches 4; Clemons, Hills 31; Mears, Coos 7, Saia, Rock 22: Ways and Means)

HB 1405, relative to the Memorial Day holiday. (J. Flanders, Rock 18; Guay, Coos 6; Berube, Straf 14; Welch, Rock 18; Stevens, Carr 7; D'Allesandro, Dist 20; Prescott, Dist 19: State-Federal Relations and Veterans Affairs)

HB 1406, permitting the appointment of a temporary guardian for the children of activated members of the armed services and creating a committee to study the tuition waiver for national guard members. (Coughlin, Hills 12; Fields, Hills 18; Scanlan, Graf 11; Craig, Hills 38; Soltani, Merr. 10; Barnes, Dist 17; Roberge, Dist 9: State-Federal Relations and Veterans Affairs)

HR 21, urging the development and implementation of a national missile defense system. (Guinta, Hills 39; Heon, Straf 14: State-Federal Relations and Veterans Affairs)

committee reports

consent calendar

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

HB 660, relative to out-of-home placements in juvenile abuse and neglect cases, removed by Rep. Dowling.

HB 223, allowing a state resident to obtain a license for a pistol or revolver for life, removed by Rep. Wendelboe.

HB 654-FN-L, establishing a presorting program to remove mercury from waste prior to incineration at certain facilities, removed by Rep. Musler.

HB 655-FN-A-L, establishing an advance disposal fee to fund local mercury presorting and recycling programs, removed by Rep. Musler.

SB 128, relative to stress injuries under the workers' compensation law and relative to disability retirement benefits and mental injury, removed by Rep. Dyer.

SB 158-FN, relative to payment of medical benefits for certain retirement system members retiring with combined creditable service or for certain members who have dependent children, removed by Rep. Dyer.

HB 757, establishing an early literacy and reading improvement initiative, removed by Rep. Kurk.

HB 285-FN-L, relative to the adoption of a state building code, removed by Rep. Dokmo.

HB 601-FN-A-L, relative to a municipality's liability for failure to remit state taxes collected by the municipality to the state, removed by Rep. Sova.

HB 673, relative to a net asset qualification for the elderly property tax exemption for married persons, and relative to the availability of the elderly exemption for persons who reestablish residency, removed by Rep. McGuirk.

HB 689, establishing a committee to study the effectiveness and fairness of county government, removed by Rep. Jacobson.

HB 424, establishing a committee to study the exemption from property taxes for not-for-profit hospitals, removed by Rep. Weyler.

HB 592-FN-A, relative to a milfoil and other exotic plants prevention and research grant program and fund, removed by Rep. Hess.

Consent Calendar adopted.

HB 447, relative to the establishment of parenting plans in certain domestic cases. **OUGHT TO PASS WITH AMENDMENT**

Rep. Laura C. Pantelakos for Children and Family Law: This bill puts a task force in place to review different problems that can occur during a divorce procedure. This task force would report back recommendations to hopefully resolve some of these problems. Vote 14-0.

Amendment (2038h)

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

AN ACT establishing a task force on family law.

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

1 Task Force on Family Law Established. There is established the task force on family law consisting of 21 members who shall serve at the pleasure of the governor. The members shall include persons familiar with family law, mediation, family support, and children's services. All non-legislative members shall be appointed by the governor. The members of the task force shall be as follows:

(a) A marital master.

(b) A judge of the superior court.

(c) A judge of the family division.

(d) A court alternative dispute resolution representative.

(e) An attorney with the department of health and human services, division of children, youth, and families.

(f) A representative of the department of health and human services, division of child support and child support enforcement.

(g) A child psychologist.

(h) A member of the New Hampshire Bar Association.

Association.

- (i) A member of the family law section of the New Hampshire Bar

- (j) A representative of guardians ad litem.

- (k) A child impact provider/instructor.

- (l) A representative for women.

- (m) A representative for men.

- (n) A representative of the Coalition Against Domestic Violence.

- (o) Two members of the house of representatives, one of whom is a member of the children and family law committee and one of whom is a member of the judiciary committee, appointed by the speaker of the house.

- (p) A member of the senate, appointed by the senate president.

- (q) A male community member who is also an experienced consumer of family law, mediation, family support, or children's services.

- (r) A female community member who is also an experienced consumer of family law, mediation, family support, or children's services.

- (s) Two at-large members.

II. The governor shall appoint one member to serve as the chairperson. The task force shall meet at least monthly at a date, time, and place designated by the chairperson. Nine persons shall constitute a quorum for the transaction of business. Legislative members of the task force shall receive mileage at the legislative rate when attending to the duties of the task force.

III. A member who misses 3 consecutive meetings may be removed from the task force. The governor shall immediately fill all vacancies of non-legislative members. The speaker of the house of representatives or the senate president shall immediately fill all vacancies of legislative members.

2 Duties. The task force on family law is charged with developing a proposal for integrating a non-adversarial system for families undergoing divorce, separation, custody disputes, and other family matters. In accomplishing its goal, the task force shall:

I. Gather information on and study the current state of family law and its application in the court system, including current procedures and reporting requirements.

II. Develop a comprehensive plan, including, but not limited to:

- (a) Recommendations for modifying New Hampshire's family laws.

- (b) Recommendations for modifying court rules as they apply to family law.

(c) Recommendations to increase efficiencies of case processing, reporting, and information exchanges.

III. Consider how the proposals of the task force may be coordinated with family resource centers and family service centers in order to integrate a non-adversarial family law system that provides support to families prior to making a decision regarding divorce, custody, or other family law issues.

3 Report. The task force shall:

I. Provide an annual report describing the task force's activities and findings to the house and senate judiciary committees, the house committee on children and family law, and any other relevant committees.

II. Submit a final report to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2005. The final report shall outline the findings and recommendations of the task force.

4 Prospective Repeal. Sections 1-3 of this act, relative to the task force on family law are repealed.

5 Effective Date.

I. Section 4 of this act shall take effect December 31, 2005.

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

AMENDED ANALYSIS

This bill establishes a task force on family law to develop a proposal for integrating a non-adversarial system for families undergoing divorce, separation, custody disputes, and other family law matters.

HB 449, relative to access to adoption records. **INEXPEDIENT TO LEGISLATE**

Rep. Christine M. Furman for Children and Family Law: The committee could not arrive at a consensus relative to possible confidentiality issues. The committee felt that the current law is appropriate at this time. Vote 13-2.

HB 586, excluding stepchildren from the definition of "child" in the context of support orders. **OUGHT TO PASS WITH AMENDMENT**

Rep. Laura C. Pantelakos for Children and Family Law: This bill removes "stepchildren" from the definition of "dependent child." It also amends RSA 546-A:1, Uniform Civil Liability for Support. Vote 15-0.

Amendment (1911h)

Amend the bill by replacing sections 4 and 5 with the following:

4 Alternative Method of Support Enforcement for Dependent Children; Definition of Dependent Child. Amend RSA 161-C:2, II to read as follows:

II. "Dependent child" means any natural[;] **or** adoptive[~~;-or-stepchild~~] **child** who is not self-supporting, married, or a member of the armed services, or who has not reached the age of 18 years.

5 Alternative Method of Support Enforcement for Dependent Children; Definition of Responsible Parent. Amend RSA 161-C:2, IX to read as follows:

IX. "Responsible parent" means the natural[;] **or** adoptive [~~or-step-parent~~] **parent** of a dependent child.

HB 599-FN, relative to unlawful possession of alcohol by a minor. **INEXPEDIENT TO LEGISLATE**

Rep. Carolyn M. Gargas for Children and Family Law: Study on this bill indicated it was not needed because of current practices, programs and studies. At this time police departments have a variety of methods to deal with youth under age 16 in possession of alcohol. In addition, information was received about programs being initiated – a youth drug and alcohol treatment program and a pilot youth drug/alcohol court. Also, there is a study committee reviewing children in need of services. Vote 14-0.

HB 661, relative to hearing timelines in abuse and neglect cases. **OUGHT TO PASS WITH AMENDMENT**

Rep. David A. Bickford for Children and Family Law: This bill changes the hearing timelines in abuse and neglect cases to five days in emergency situations and twenty-one days for adjudication and dispositional hearings, excluding Saturdays, Sundays, and holidays. It also requires the court to reschedule the adjudication hearing within a month after a waiver. Vote 12-1.

Amendment (2037h)

Amend the bill by replacing all after section 1 with the following:

2 Public Safety and Welfare; Child Protection Act; Preliminary Hearing; Adjudicatory Hearing Timeline. Amend RSA 169-C:15, III(d) to read as follows:

(d) Set a date for an adjudicatory hearing to be held within [30] **21** days of the filing of the petition, ***excluding Saturdays, Sundays, and holidays.***

3 Public Safety and Welfare; Child Protection Act; Adjudicatory Hearing; Timeline for Hearing on Final Disposition. Amend RSA 169-C:18, VII to read as follows:

VII. The court shall hold a hearing on final disposition within [30] **21** days after a finding of neglect or abuse, ***excluding Saturdays, Sundays, and holidays.***

4 New Paragraph; Child Protection Act; Adjudicatory Hearing; Hearing Date. Amend RSA 169-C:18 by inserting after paragraph I the following new paragraph:

I-a. An adjudicatory hearing shall be held as provided in RSA 169-C:15, III(d). A parent may request a new hearing date from the court. Upon granting any such request, the court shall reschedule the hearing to be held within 30 days of the filing of the request.

5 Effective Date.

I. Section 4 of this act shall take effect January 1, 2003.

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

AMENDED ANALYSIS

This bill requires that, in abuse and neglect cases:

I. The preliminary hearing be held within 5 days of filing the petition, excluding Saturdays, Sundays, and holidays.

II. The adjudicatory hearing be held within 21 days of filing the petition, excluding Saturdays, Sundays, and holidays.

III. The disposition hearing be held within 21 days of the finding, excluding Saturdays, Sundays, and holidays.

The bill also permits a parent in an abuse and neglect case to request a 30-day continuance of the adjudicatory hearing.

HB 686, relative to the scope of discovery in abuse and neglect cases. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas I. Arnold, Jr. for Children and Family Law: This bill resolves the problem which arises when an individual accused of abuse or neglect of a child needs evidence in the possession of Division of Children, Youth and Families or a law enforcement agency and the agency refuses to release it because it constitutes part of an ongoing investigation. Resolution is accomplished by requiring the agency, on request of the respondent, to submit the evidence to a judge of the Superior Court for in-camera review. The judge will determine whether the evidence is important to the defense and whether it will be released to the respondent. Vote 12-1.

Amendment (2014h)

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

1 Child Protection Act; Evidence; Scope of Discovery. Amend RSA 169-C:12 to read as follows:

169-C:12 *Scope of Discovery and Presentation of Evidence.*

I. The department or law enforcement agency shall provide the respondent against whom the abuse and neglect petition has been filed with all documents and evidence in their possession that are relevant and reasonably necessary to the response to the petition. The department or law enforcement agency shall provide a list of any

documents and evidence obtained by the department or law enforcement agency in its investigation under RSA 169-C:38 that are withheld from the respondent.

II. At the respondent's request, the superior court shall expeditiously conduct an in camera review of any documents and evidence withheld under paragraph I. The court shall order the department or law enforcement agency to produce those documents and evidence, or portions thereof, that the court determines to be relevant and reasonably necessary to the respondent's case.

III. In any hearing under this chapter, the court shall not be bound by the technical rules of evidence and may admit evidence which it considers relevant and material.

2 Effective Date. This act shall take effect January 1, 2003.

AMENDED ANALYSIS

This bill requires the prosecutor to provide the person against whom an abuse neglect petition has been filed with all records that are relevant and reasonably necessary to respond to the petition. The superior court may also conduct an in camera review of any documents that are withheld to determine if they are in fact relevant and reasonably necessary to respond to the petition.

HB 706, requiring alternative dispute resolution prior to adjudication by the court in divorce proceedings. **OUGHT TO PASS WITH AMENDMENT**

Rep. Laura C. Pantelakos for Children and Family Law: This bill requires parties in a divorce involving children to participate in mediation filed after July 1, 2003. Mandatory mediation may be waived in certain cases. The committee feels this would help to resolve a lot of problems that occur now when there is a dispute over children. Vote 14-0.

Amendment (2008h)

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

AN ACT relative to mediation in superior court cases involving children.

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

1 Mediation of Cases Involving Children. RSA 458:15-a is repealed and reenacted to read as follows:

458:15-a Mediation of Cases Involving Children.

I. The general purpose of this section is to:

(a) Manage conflict and decrease acrimony between parties in a dispute over custodial issues involving minor children.

(b) To promote the best interest of children.

disputes. (c) Improve the parties' satisfaction with the outcome of child custody

their children. (d) Increase the parties' participation in making decisions for themselves and

(e) Increase compliance with court orders.

(f) Reduce the number and frequency of cases returning to court.

(g) Improve court efficiency.

II. In this section:

(a) "Mediation" means a process in which a neutral third party facilitates settlement discussions between parties. Any settlement is entirely voluntary. In the absence of settlement, the parties lose none of their rights to a resolution of their dispute through litigation.

(b) "Mediator" means a marital mediator certified pursuant to RSA 328-C who has contracted with the court to participate in court referred mediation under this section. The mediator has no authority to make a decision or impose a settlement upon the parties. The mediator attempts to focus the attention of the parties upon their needs and interests rather than upon their positions.

III. In all superior court cases filed on or after July 1, 2003, involving disputed legal or physical custody of children, physical custodial rights, or grandparents' visitation rights, including requests for modification of prior orders, the court shall refer the parties to mediation at an appropriate time except as provided in paragraph IV. If the parties are referred to mediation under this section, all issues relevant to their case, including but not limited to property settlement, alimony, and child support, shall also be mediated unless the court orders otherwise.

IV. On the motion of either party or on the court's own motion, the court may waive mandatory mediation for good cause.

(a) Good cause may include the following:

(1) A showing of undue hardship to a party.

procedures. (2) An agreement between the parties for alternate dispute resolution

(3) Allegations of abuse or neglect of the minor child.

defined in RSA 173-B:1. (4) Allegations of alcoholism, drug abuse, or domestic abuse as

(5) Allegations of serious psychological or emotional abuse.

period. (6) Lack of an available, suitable mediator within a reasonable time

(b) In proceedings where there is an order in effect pursuant to RSA 173-B, the victim may elect to waive the requirements of court ordered mediation. Should the victim desire to proceed with mediation, the mediator shall establish procedures deemed necessary to ensure the safety of the victim.

V. Either party may move to have the mediator replaced for good cause.

VI. Mediation proceedings shall be held in private, and all communications, oral or written, made during the proceedings, which relate to the issues being mediated, whether made by the mediator, or a party, or any other person present, shall be privileged and confidential and shall not be disclosed and shall not be admissible in court, except as provided in RSA 328-C:9.

VII. Any agreement reached by the parties on all or some of the issues being mediated, as a result of the mediation, shall be reduced to writing, signed by each party, and filed with the court as soon as practicable. The parties shall participate in at least one mediation session. At the end of this initial session, the parties and the mediator may opt for further mediation sessions. If some or all of the issues being mediated are not resolved, the mediator shall report that fact to the court.

VIII. The parties shall participate at mediation in good faith. If the mediator determines that mediation is not helpful in resolving the dispute, the mediator shall report that fact to the court and return the matter to the court for adjudication of the underlying issues.

IX. In the event both parties are indigent, the mediator shall be paid a set fee for his or her services. The amount of the fee shall be set annually by supreme court rule. The court may order each party to pay a proportional amount of said fee. The fee shall be paid from the special fund established pursuant to RSA 458:17-b and repaid by the parties in accordance with RSA 458:17-e.

X. The supreme court shall establish rules and take such action as necessary to effectuate the purpose of this section.

2 Annulment, Divorce and Separation; Special Fund Established; Funds Used for Mediators. Amend RSA 458:17-b to read as follows:

458:17-b Special Fund Established. The supreme court shall establish a separate fund in which to deposit a percentage of the entry fee paid to each clerk of superior court in each libel and petition in marital cases for the compensation of **mediators, appointed pursuant to RSA 458:15-a, and** guardians ad litem, appointed pursuant to RSA 458:17-a, when the parents are indigent. The supreme court shall determine by rule the percentage amount of the entry fee for each libel and petition to be deposited into the fund, but at no time shall the percentage amount exceed 50 percent of the entry fee for each libel and petition. **Payments for services provided shall be paid by the judicial council.**

3 Annulment, Divorce and Separation; Repayment of Mediation Services. Amend RSA 458:17-e, I and II to read as follows:

I. In any case where **a mediator has been appointed pursuant to RSA 458:15-a** or a guardian ad litem has been appointed pursuant to RSA 458:17-a and the responsible party's proportional share of the ~~[guardian ad litem]~~ expense is ordered to be paid **by the judicial council** from the ~~[guardian ad litem]~~ **special** fund established pursuant to RSA 458:17-b, the party shall be ordered by the court to repay the state through the unit of cost containment, office of administrative

services, the fees and expenses paid on the party's behalf as the court may order consistent with the party's ability to pay, such ability to be determined by the unit of cost containment.

II. The court's order of appointment of **a mediator or** a guardian ad litem under the provisions of paragraph I shall indicate the initial proportional share or shares of ~~[guardian ad litem]~~ fees and expenses and shall contain an order that the party or parties communicate with the unit of cost containment so that it may determine the obligor's ability to reimburse the state and establish the terms and conditions of reimbursement. A copy of each order shall be sent to the unit of cost containment, office of the commissioner of administrative services, at the time it is made. Any party subject to an order under this section may petition the court having jurisdiction over the case for relief of the obligation imposed by this section, which shall be granted only upon a finding that the party is unable to comply with the terms of the court's order or any modification of the order by the court or the terms of reimbursement established by the unit of cost containment. In any such appeal the burden of persuasion shall be upon the party to show why the determinations of the unit of cost containment should not be enforced.

4 Effective Date. This act shall take effect July 1, 2003.

AMENDED ANALYSIS

This bill requires, with certain exceptions, mediation of superior court cases involving children. Mediators are certified under RSA 328-C and if the parties are indigent, the mediators are paid from the special fund currently used for guardian ad litem services.

HB 264, relative to the state treasurer and relative to certain unclaimed or abandoned property.
INEXPEDIENT TO LEGISLATE

Rep. Joseph D. Kenney for Commerce: The bill would have allowed the State Treasurer to invest funds, which the treasurer deems prudent and which have been approved by the governor and council. Secondly, it would have authorized the state treasurer for the cost of processing uncollectable instruments. Thirdly, it would have authorized the sale upon receipt of abandoned property. And lastly, it would have amended the procedure relative to the location, delivery, or recovery of property. The committee felt that all securities presumed abandoned should continue to have a longer period for it to be reclaimed that exists now. Additionally, the amounts of present abandoned securities being addressed were manageable in numbers, and the Treasurer's office is doing an excellent job under the existing law. Under this bill, all funds located by any person, firm, business, or other entity which sought compensation for locating such property would have the ability to use a power of attorney of an owner to reclaim property. The committee felt this procedure was extending too much power to an independent body. Lastly, the committee felt under existing law that there was more legislative oversight and understanding in regards to the treasurer's collection of unclaimed or abandoned property revenue. Vote 17-0.

HB 313-FN, limiting access to certain business records. **REFER FOR INTERIM STUDY**

Rep. Ronald J. Belanger for Commerce: Although the committee would very much like to find a way to stop out-of-state sales tax bureaucrats from harassing New Hampshire business, this bill had too many problems. The committee unanimously agreed to refer the bill to Interim Study. Vote 17-0.

HB 404, allowing licensed alcohol and drug counselors to obtain third party payment and establishing a committee to study levels of licensure of alcohol and drug counselors. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kathleen N. Taylor for Commerce: The main issue of allowing licensed alcohol and drug counselors to obtain third part reimbursement was addressed in HB 672. The study committee section of the bill was unnecessary. The amendment changes the rulemaking authority from Health and Human Services Commissioner to the licensure board, which is where it belongs. Vote 17-0.

Amendment (1985h)

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

AN ACT relative to rulemaking by the board of licensing for alcohol and other drug abuse professionals.

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

1 Rulemaking; "Commissioner" Changed to "Board." Amend RSA 330-C:6, VI to read as follows:

VI. The governor and council may remove any member of the board for neglect of duty, malfeasance, or conviction of a felony, or a crime involving moral turpitude while in office, or for lack of attendance or participation in board meetings. No member may be removed until after a public hearing conducted in accordance with rules adopted by the ~~[commissioner]~~ **board**. Members shall receive at least 30 days' written notice before such a public hearing. No board member shall participate in any matter before the board in which pecuniary interest, personal bias, or other conflicts of interests are established.

2 Rulemaking; "Commissioner" Changed to "Board." Amend the introductory paragraph of RSA 330-C:8, I to read as follows:

I. The ~~[commissioner]~~ **board** shall adopt rules, pursuant to RSA 541-A, relative to:

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

AMENDED ANALYSIS

This bill transfers the authority to adopt rules under RSA 330-C from the commissioner of health and human services to the board of licensing for alcohol and other drug abuse professionals.

Referred to Executive Departments and Administration.

HB 514, relative to uniform prescription drug information cards. **REFER FOR INTERIM STUDY**

Rep. Leo W. Fraser, Jr. for Commerce: Although the committee recognizes that some prescription cards do not contain all of the data required by insurers in processing a claim, the committee continues to be unsure as to how great the problem is for pharmacists. Negotiations are on going between the pharmacists and the insurance companies. The committee does not believe that legislation is necessary at this time, but if the parties fail to negotiate in good faith, this legislation may be reintroduced. The committee voted unanimously to send this bill to Interim Study. Vote 17-0.

HB 524, relative to unfair insurance trade practices. **REFER FOR INTERIM STUDY**

Rep. Leo W. Fraser, Jr. for Commerce: The New Hampshire Insurance Department has requested that this legislation be voted referred to Interim Study, as language for model legislation is not as yet forthcoming from the National Association of Insurance Commissioners. When the proposed model legislation is forthcoming the bill will be brought forward. Vote 16-0.

HB 619, relative to the sale or lease of goods or services to residents of this state via the Internet. **REFER FOR INTERIM STUDY**

Rep. Marshall E. Quandt for Commerce: This bill allows an Internet company to be designated a contact agent for those companies doing Internet sales in New Hampshire. The committee felt this bill should be further studied in relationship to the consumer protection effect in it. Vote 16-0.

SB 56, relative to health care providers discontinuing service in New Hampshire. **OUGHT TO PASS**

Rep. Leo W. Fraser, Jr. for Commerce: This proposed legislation would allow the Insurance Commissioner the discretion to waive the five-year rule on re-administering a health insurance company following the companies' previous withdrawal from the New Hampshire market. The most important aspect of the bill is that it addresses health insurers only, an area of insurance where New Hampshire along with most other states, continues to experience difficulties, not only in access but also in the continuing increases in the costs of insurance. Vote 17-0.

SB 126, relative to the use of certain credit data in underwriting certain insurance policies. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: In 1997 the General Court granted rule-making authority to the Insurance Department addressing the issue of using credit reports in the processing and issuing of both motor vehicle and homeowners policies. Currently the rule is pending before the Administrative Rules Committee. If it is adopted it would address most of the issues contained in SB 126. The committee agrees that rule-making is a most appropriate vehicle and with concurrence of the Insurance Department voted unanimously Inexpedient to Legislate. Vote 17-0.

HB 301-FN, requiring that the department of corrections be charged the lowest rate for inmates who need medical services within the community. **REFER FOR INTERIM STUDY**

Rep. Beth Rodd for Criminal Justice and Public Safety: The subcommittee met on multiple occasions to hear testimony from the Department of Corrections and several health care providers regarding rates charged to the DOC for inmate medical care. A complicated and delicate series of negotiations have commenced between the parties to address fair rate issues that consider the broad social and economic results that may ensue from setting rates legislatively. All parties express confidence that negotiations are progressing and a good resolution of these issues is expected. Should negotiations fail to achieve a satisfactory resolution, and a mutually acceptable compromise, the committee will consider further legislative action through the vehicle of a similar bill being brought to the committee later in the session. Vote 14-0.

HB 557-FN-A, establishing a sexual assault victim services program to be funded by a tax on video games, video movies, video game players, and video movie players. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: This bill was proposed to be funded by a tax on video games, video movies, video game players and video movie players. It seemed logical that videos that portrayed sexual acts and violence inspired acts of sexual assault. Testimony by

video storeowners stressed that it would be discriminatory against them if movie theaters, TV stations and computers are not taxed in the same manner. A good point and an overwhelming task. Sexual assault is basically a matter of control of the victim, not just the arousal attained by watching a sexually explicit film. We currently have a victim's assistance fund. The fund is administered through the Attorney General's office. The funds come from penalty assessments levied against fines or penalties imposed by the court for a criminal offense. The assessment amounts to 20%, of which 15% goes to police standards and training and 5% to victim's assistance fund. The victim's assistance fund also receives 5% of the sales price of every item sold in a state prison commissary. Currently, by statute, the fund has a cap of \$750,000. Anything in excess goes in to the general fund. The last fiscal year, revenue to the victim's assistance fund was \$984,534; therefore, in excess of \$234,000 was put into the general fund. Current statute also states, subject to the availability of money in the victim's assistance fund, the attorney general shall make grants totaling not more than 25% of the victim's assistance fund for the establishment and maintenance of victim's assistance programs. There is currently no funding for programs for victims of sexual assault from the victim's assistance fund. This bill will make provision to assure programs for sexual assault victims by eliminating the cap of \$750,000 and eliminating the 25% maximum of the fund to be used for victim's assistance programs. The program is being paid for by perpetrators of crime and victims of sexual assault should be supported by the fund. Vote 16-1.

Amendment (1919h)

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

AN ACT relative to victims' assistance programs and the victims' assistance fund.

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

1 Application of Receipts; Victims' Assistance Fund. Amend RSA 6:12, I (aa) to read as follows:

(aa) The assessments collected under RSA 188-F:31 and 651:63, V and the surcharges on state commissary purchases under RSA 622:7-b designated for the victims' assistance fund which shall be credited to the victims' assistance fund ~~[until that fund exceeds \$750,000, at which time moneys in excess of \$750,000 shall be credited to the general fund].~~

2 Department of Justice; Administration of Victims' Assistance Fund. Amend RSA 21-M:8-i, I to read as follows:

I. Subject to the availability of money in the victims' assistance fund, the attorney general shall make grants ~~[totaling not more than 25 percent of the victims' assistance fund,]~~ for the establishment and maintenance of victim assistance programs.

3 Department of Justice; Administration of Victims' Assistance Fund. Amend RSA 21-M:8, II to read as follows:

II. A victim assistance program is eligible to receive grants under this section if such program:

(a) is within the office of a county attorney; or

(b) is operated by a public agency or a private nonprofit organization or a combination of such agencies or organizations and provides services to victims of crime, and demonstrates:

(1) a record of providing effective services to victims of crime and financial support from sources other than the fund; or

(2) substantial financial support from sources other than the fund; **or**

(c) is a program approved by the attorney general and provides services to victims of sexual assault.

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

AMENDED ANALYSIS

This bill removes the 25 percent cap on grants made from the victims' assistance fund. The bill also provides that no money in the victims' assistance fund shall lapse to the general fund.

Referred to Ways and Means.

HB 565-FN, relative to liability for providing alcoholic beverages to minors. **INEXPEDIENT TO LEGISLATE**

Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: This bill would have made it a felony to furnish a person under the age of 21 with alcohol if that person became intoxicated and caused or suffered death or great bodily harm. The bill went to subcommittee twice and the subcommittee twice came up with amendments. The word 'knowingly' was added, the felony wording was changed to 'Class B felony', but still the full committee was not convinced that the amendments provided the answer to the stated problem. Discussion centered around enforcement of the present law, personal responsibility of the youth, the emotional component, etc. Finally, a majority of the committee determined as the proposed amendments were not acceptable, that this bill should be inexpedient to legislate. Vote 11-6.

HB 567-FN-L, granting female inmates access to certain rehabilitation related programs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: This bill sought to grant female inmates access to the same rehabilitation programs as inmates at the male prison. The emphasis was on the sex offender treatment program. After several subcommittee meetings, the Department of Corrections agreed this was prudent, and have now initiated a female sex offender treatment at the Goffstown facility. This bill was no longer needed, and the original content was removed so it could be used as a vehicle to extend the reporting date of a commission created by HB 475, Chapter 245, Laws of 2001, a commission which is developing a statewide protocol for interviewing victims of sexual assault crimes. Vote 13-0.

Amendment (1944h)

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

AN ACT extending the reporting date of the commission for the development of a statewide protocol for interviewing victims of sexual assault crimes. Amend the bill by replacing all after the enacting clause with the following:

1 Commission for the Development of a Statewide Protocol for Interviewing Victims of Sexual Assault Crimes; Reporting Date Extended. Amend 2001, 245:5 to read as follows:

245:5 Report. The commission shall report its findings, and specific recommendations for legislation to be filed in the 2002 legislative session, 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]~~ **2002**.

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

AMENDED ANALYSIS

This bill extends from November 1, 2001 to November 1, 2002 the reporting date of the commission for the development of a statewide protocol for interviewing victims of sexual assault crimes.

HB 729, permitting a person charged with a felony or misdemeanor to access the medical and psychiatric records of the alleged victim. **INEXPEDIENT TO LEGISLATE**

Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: This bill was an attempt by the sponsors to ensure that all persons accused of a crime receive their full constitutional rights under Article 19. However, the language in this bill was so broad, it could have had serious, unintended consequences for the alleged victims. It was sent to subcommittee to ascertain if somehow the sponsor's intent could be put into language which would also adequately protect the rights of the alleged victim. After hearing testimony from prosecutors, defense attorneys and victim rights advocates, it became obvious to the committee that an acceptable agreement could not be reached for this particular bill. Some members intend to continue the pursuit for possible new, more satisfactory, legislation at another time. Vote 12-0.

HB 768-FN, relative to DNA testing of criminal offenders. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill accomplishes two major positions. First, it expands the scope of the current law permitting the obtainment of a DNA sample from persons convicted of violations of sexual assault and now includes those convicted of "violent crimes". The amendment defines violent crimes as: capital, first degree, or second degree murder, attempted murder, manslaughter, first degree assault, second degree assault, felony arson, kidnapping, robbery, felony burglary, or negligent homicide in consequence under the influence of intoxicating liquor or controlled drugs as these crimes are defined by statute. It is important to note that the majority of other states already include violent crimes and, in fact, many include all felonies. Secondly, the amendment creates a commission to study issues related to past-conviction DNA testing offenses. A convicted individual's continued assertion of innocence is not new. The use of DNA technology can bring a degree of certainty to the courtroom. The introduction of DNA evidence, after conviction, may definitely prove innocence. Another consideration in this amendment is to expand the "DNA sample" to include tissue, hair follicle, or other biological samples. The current law only allows acquisition of a blood sample. This will minimize the intrusiveness of obtaining any sample. Vote 16-0.

Amendment (1929h)

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

1 New Chapter; DNA Testing of Criminal Offenders. Amend RSA by inserting after chapter 651-B the following new chapter:

CHAPTER 651-C

DNA Testing of Criminal Offenders

651-C:1 Definitions. In this chapter:

I. "CODIS" means the Combined DNA Index System, the FBI's national DNA identification index system.

II. "Department" means the department of safety.

III. "Division" means the division of state police, department of safety.

IV. "DNA" means deoxyribonucleic acid.

V. "DNA record" means the DNA identification information stored in the state DNA database or CODIS for the purposes of generating investigative leads or supporting statistical interpretation of DNA test results. The DNA record is the objective form of the DNA analysis test and may include numerical representation of DNA fragment lengths, digital images of autoradiographs, discrete allele assignment numbers, and similar characteristics obtained from a DNA sample which are of value in establishing the identity of individuals. A DNA record may not specify the presence, absence, or alteration of any gene or chromosome.

VI. "DNA sample" means a blood, tissue, hair follicle, or other biological sample provided by any person or submitted to the division pursuant to this subdivision for analysis or storage or both.

VII. "FBI" means the Federal Bureau of Investigation.

VIII.(a) "Sexual offender" means a person who has been convicted of any violation of:

(1) RSA 632-A:2, RSA 632-A:3, or RSA 632-A:4; or

(2) A law of another state or the federal government reasonably equivalent to a violation listed in subparagraph (1).

(b) "Sexual offender" shall also mean a juvenile who has been found delinquent because of actions which, if the juvenile were an adult, would be crimes under RSA 632-A:2, 632-A:3, or 632-A:4. In the case of a juvenile offender, a DNA sample shall be provided prior to the juvenile's eighteenth birthday, or in the case of a person sentenced under RSA 169-B:4, prior to such person's nineteenth birthday.

IX. "Violent crime" means a capital, first-degree, or second-degree murder, attempted murder, manslaughter, first-degree assault, second degree assault, felony arson, kidnapping,

robbery, felony burglary, or negligent homicide committed in consequence of being under the influence of intoxicating liquor or controlled drugs, as these crimes are defined by statute.

651-C:2 DNA Analysis Required.

I. Upon intake or prior to the release of any offender after conviction for the commission of any offense defined in RSA 651-C:1, VIII or IX, or commission of a similar offense prohibited by federal law or the laws of another state, whether on probation, conditional or unconditional release, completion of sentence, or release for any other reason, or prior to the release of any juvenile offender after a finding of delinquency, such person shall have a DNA sample taken for DNA analysis to determine identification characteristics specific to the person.

II. The analysis shall be performed under the direction of the division, following procedures in conformance with the federal "DNA Identification Act of 1994". Identifying characteristics of the resulting DNA profile shall be stored by the division in a DNA database compatible with and maintained by the CODIS system. Information in the database shall be made available only as provided in RSA 651-C:3.

III. The division shall prescribe procedures compatible with the Federal Bureau of Investigation's requirements for the CODIS program, to be used in the collection, submission, identification, analysis, storage, and disposition of DNA samples and DNA records obtained pursuant to this subdivision.

IV. The division may contract with third parties for the purposes of this subdivision. Any DNA sample sent to third parties for analysis shall be coded to maintain confidentiality concerning the donor of the sample.

V. A certificate and the results of the analysis shall be admissible in any court as evidence of the facts stated in the analysis.

VI. A law enforcement officer may use such means as are reasonably necessary to detain, restrain, and collect a DNA sample from an individual who refuses to cooperate in the collection of a sample.

VII. If the initial DNA sample collected from an individual is found to be deficient, a new sample shall be collected.

VIII. Any person required under this chapter to submit a DNA sample, including a juvenile offender who is required to submit a DNA sample prior to the juvenile's eighteenth birthday, who knowingly refuses to submit such sample for a period of 30 days after receiving notice from the division, the department of corrections, probation, parole, or other authorized representative of law enforcement shall be guilty of a class A misdemeanor.

IX. Any entry into the database which is found to be erroneous shall not prohibit law enforcement officials from the legitimate use of the information in the furtherance of a criminal investigation.

X. Any authorized individual collecting a DNA sample shall be immune from civil liability, provided such person acts with reasonable care under the circumstances.

651-C:3 Dissemination of Information in DNA Database.

I. It shall be the duty of the division to receive DNA samples and to analyze, classify, and store the DNA records of DNA samples submitted pursuant to this subdivision, and to make such information available to federal, state, and local law enforcement officers upon request made in furtherance of an official investigation of any criminal offense. Such law enforcement officers shall use such information only for the purposes of criminal investigations and prosecutions, or as necessary to the functions of an office of chief medical examiner. A request may be made by personal contact, mail, or electronic means. The name of the person making the request and the purpose for which the information is requested shall be maintained on file with the division. The information contained in the database shall not be a public record for the purposes of RSA 91-A, and shall not be available for inspection by any unauthorized individual.

II. The commissioner of the department of safety shall adopt rules under RSA 541-A to govern the methods of obtaining information from the state DNA database and CODIS and procedures for verification of the identity and authority of the requester.

III. Upon request, a copy of the request for a search shall be furnished to any person identified and charged with an offense as the result of a search of information in the database. Only when a sample or DNA record supplied by the person making the request satisfactorily matches a profile in the database shall the existence of data in the database be confirmed or identifying information from the database be disseminated.

IV. The division may create a separate statistical database comprised of DNA records of persons whose identities are unknown. Nothing in this subdivision shall prohibit the department from sharing or otherwise disseminating the information in the statistical database with law enforcement or criminal justice agencies within or without the state.

651-C:4 Unauthorized Dissemination or Use of DNA Database Information; Obtaining DNA Samples Without Authority; Penalties.

I. Any person who, without authority, disseminates information contained in the DNA database shall be guilty of a class B misdemeanor. Any person who disseminates, receives, or otherwise uses or attempts to use information in the database, knowing that such dissemination, receipt or use is for a purpose other than as authorized by the provisions of this subdivision, shall be guilty of a class A misdemeanor. Except as authorized by law, any person who, for purposes of having a DNA analysis performed, obtains or attempts to obtain any sample submitted to the forensic science laboratory for analysis shall be guilty of a class B felony.

II. The division may use DNA samples for forensic validation and forensic protocol development, provided that all personally identifying information shall be removed and shall not be used.

III. The department and its employees shall not be liable for the erroneous collection and entry of a DNA sample into the database where the collection and entry was made in good faith reliance that the individual was convicted of a qualifying offense under RSA 651-C:2, I.

651-C:5 Expungement of DNA Database Records Upon Reversal or Dismissal of Conviction.

I. A person whose DNA record has been included in the database pursuant to this chapter may request expungement on the grounds that the criminal conviction on which the authority for including such person's DNA record was based has been reversed and the case dismissed. The department shall purge all records and identifiable information in the database pertaining to the person and destroy all samples from the person upon receipt of a written request

for expungement pursuant to this section and a certified copy of the court order reversing and dismissing the conviction.

II. The DNA record of any juvenile sexual offender shall be maintained in the database and shall not be automatically expunged from the database upon that individual reaching the age of adulthood.

651-C:6 Cost.

I. Except as provided in paragraph II, the cost for a DNA test administered pursuant to this chapter shall be borne by the person subject to the test.

II. Any person who is required to submit to a DNA test under this chapter shall be responsible to pay the cost of drawing, transmitting, and analyzing a DNA sample taken for such purpose. If such person is an inmate at a state or county correctional facility, the cost may be deducted from an inmate's prison account or be paid from any wages earned by an inmate.

651-C:7 Applicability. The provisions of this chapter shall apply to crimes committed on or after the effective date of this chapter and to persons incarcerated in state or county correctional facilities on or after the effective date of this chapter.

2 Commission Established. There is established a commission to study issues related to post-conviction DNA testing of offenders.

3 Membership and Compensation.

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

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

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

(c) Two members from the department of justice, appointed by the attorney general.

(d) Two members from the department of safety, appointed by the commissioner of the department of safety.

(e) Two members from the department of corrections, appointed by the commissioner of the department of corrections.

(f) One member from the New Hampshire Public Defender's office, appointed by the executive director of the New Hampshire Public Defender's office.

(g) One member from the League of New Hampshire Defense Attorneys, appointed by the executive director of the New Hampshire Bar Association.

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

4 Duties.

I. The commission shall:

(a) Evaluate the types of crimes and sentences for which post-conviction DNA testing will be utilized.

(b) Evaluate the time limits after a conviction during which a DNA test may be requested.

(c) Determine whether DNA analysis will be limited to convictions occurring prior to the use of forensic DNA analysis or whether reanalysis will be allowed in cases where DNA analysis has already been conducted.

(d) Determine how a request for DNA testing is made and the kind of showing a petitioner shall be required to make to be afforded access to testing.

(e) Determine whether DNA analysis shall be limited to cases in which identity was a significant issue in the conviction.

(f) Determine whether a victim or victim's family has a right to notification when post-conviction DNA analysis is approved.

(g) Determine whether the state or the petitioner shall pay for DNA analysis.

(h) Determine whether DNA admissibility issues and chain of custody must be settled prior to analysis.

(i) Determine whether an inmate whose conviction is vacated on the basis of favorable post-conviction DNA testing shall be entitled to compensation.

(j) Study any other issue relating to the DNA database which the committee deems appropriate to its purpose.

II. The commission may consider the advice of other individuals who have relevant expertise in the areas of the commission's study.

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

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

7 Repeal. RSA 632-A:20 through 632-A:24, relative to DNA testing of sexual offenders, is repealed.

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

AMENDED ANALYSIS

This bill provides for DNA testing of criminal offenders including perpetrators of sexual assault and violent crimes including homicide, manslaughter, assault, felony arson, kidnapping, robbery, and felony burglary for inclusion in the national DNA database. The bill also establishes a commission to study issues related to post-conviction DNA testing.

Referred to Finance.

SB 30, relative to DNA testing of criminal offenders. **REFER FOR INTERIM STUDY**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: The committee would like to have this bill for interim study to enable further consideration of the implications of the proposal. DNA issues are becoming very important as technology continues to improve. The opportunity to study these policy considerations as they develop is an invaluable learning experience for all legislators. Vote 12-0.

HB 329-FN-L, relative to school safety. **OUGHT TO PASS WITH AMENDMENT**

Rep. Iris W. Estabrook for Education: The original bill called for public school buildings to have annual fire inspections and to meet clean air standards. The committee has serious concerns regarding the underlying issues of existing fire safety risks and poor air quality in public school buildings. However, the committee feels these issues are complex and the options for legislative action are far broader than the original proposal, making a study committee appropriate. The bill no longer has a fiscal note. Vote 15-0.

Amendment (2045h)

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

AN ACT establishing a committee to study indoor air quality and fire safety in public schools.

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

1 Committee Established. There is established a committee to study indoor air quality and fire safety in public schools.

2 Membership and Compensation.

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

(a) Four members of the house of representatives, two of whom shall be from the education committee and two of whom shall be from the health, human services and elderly affairs committee, appointed by the speaker of the house.

(b) Two members of the senate, one of whom shall be from the education committee and one of whom shall be from the public institutions, health and human services committee, appointed by the president of the senate.

(c) The director of the division of public health services, or designee.

(d) The commissioner of the department of education, or designee.

(e) The state fire marshall, or designee.

(f) A representative of the New Hampshire School Boards Association, appointed by the president of the New Hampshire School Boards Association.

(g) Two members of the public, appointed by the governor with the consent of the executive council.

II. Committee members shall serve without compensation except that legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The duties of the committee shall be to:

I. Determine the scope of the problems of poor indoor air quality and fire risks and hazards in public school buildings.

II. Examine the issues of poor indoor air quality and fire risks and hazards and report any conclusions relevant but not limited to:

(a) Previous studies and reports.

(b) The current role of the state and comparison of existing state requirements for public schools with those for state buildings and places of public assembly.

(c) Resources available to address the problems.

(d) Similar policies in other states.

(e) Options for expanding the state's role including enforcement, documentation, establishment of standards or guidelines, incentives for compliance, and regulatory authority.

III. Make recommendations, which may include legislation, on policy strategies for prevention and solutions to correct such problems.

4 Chairperson; Meetings. 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.

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

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

AMENDED ANALYSIS

This bill establishes a committee to study indoor air quality and fire safety in public schools.

HB 137, establishing a committee to study the definition of domicile for voting purposes. **OUGHT TO PASS**

Rep. John P. Kacavas for Election Law: Given the vagueness of the definition of the term "domicile" contained in RSA 654:1, and the controversy such vagueness has engendered, a study committee should be formed to revise, clarify and tighten the definition of the term "domicile" for voting purposes. The study committee shall report its findings and any recommendations on or before November 2, 2001. Vote 18-0.

HB 266, establishing a committee to study recodification of the election laws. **OUGHT TO PASS**

Rep. Jackie K. Weatherspoon for Election Law: The intent of the bill is to establish a study committee to determine if the election laws need to be recodified. The study group will not recodify the laws at this time but would determine which laws need clarification and whether a further committee needs to be established to recodify the laws. This would be a major undertaking. Vote 18-0.

HB 384, relative to political expenditures. **INEXPEDIENT TO LEGISLATE**

Rep. Michael S. Rollo for Election Law: It was the unanimous opinion of the committee that as well intentioned as this bill is, it is quite unenforceable. As a matter of campaign finance reform, it places a burden on candidates to keep track of expenditures made by political parties, whether or not they are authorized or not by the candidate. It was for these reasons that the committee voted Inexpedient to Legislate. Vote 18-0.

HB 544-FN, relative to reporting by candidates of independent expenditures. **INEXPEDIENT TO LEGISLATE**

Rep. Michael S. Rollo for Election Law: While the committee applauds the efforts of the sponsor, the unanimous opinion of the committee is that this bill be found Inexpedient to legislate. The bill calls for the "good faith effort" by a candidate to report expenditures made on his/her behalf. The committee felt that this was an unreasonable approach and not enforceable. The committee recommends Inexpedient to Legislate. Vote 18-0.

HB 282-FN-L, enabling political subdivision employers to establish minimum hours of service for optional membership in the retirement system by political subdivision employees. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: This bill would allow part time employees the option of becoming a member of the New Hampshire Retirement System. The committee found too many unanswered questions and potential problems with the bill. Questions of what constituted part time, what happened if the employee worked full time the last three years of employment prior to retirement, would they get full retirement benefits over and above the annuity earned? After 17 years of part time and 3 years of full time would the retiree be entitled to medical benefits at age 60? What application would be made for group II participants? How would disability claims be handled for living wages? Would this be fair to full time employees who would have to bear the brunt of this expense out of the trust fund? It was felt that in order to accommodate this bill in a fair and equitable manner to all participants, the retirement system would have to be completely revamped with unknown and incalculable ramifications. Vote 13-0.

HB 314-FN, relative to administrative rules governing privacy. **INEXPEDIENT TO LEGISLATE**

Rep. Donald R. Lent for Executive Departments and Administration: This bill requires state agencies to adopt administrative rules governing privacy. Two laws enacted at the end of the 2001 session relate to state and federal privacy issues. HB 702, Chapter 256:7, Laws of 2001, establishes a taskforce on privacy issues as they pertain to federal law and a review of existing state laws relative to privacy issues. HB 142, Chapter 31:2, Laws of 2001, establishes a committee charged with studying methods of ensuring the privacy of confidential personal information in state agencies. Interim reports from both groups indicate they have encountered several of the same problems of information gathering this committee has done concerning present agency privacy policies and commitments. Given the specific aims of both chapter studies, we believe the information they provide and the policies they recommend will engender more informed legislation than the present bill, which we, therefore, find inexpedient to legislate Vote 13-0.

HB 341-FN, adding police officers of the New Hampshire hospital campus police force to group II of the New Hampshire retirement system. **REFER FOR INTERIM STUDY**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would change the New Hampshire Hospital security personnel from group I to group II, the hazardous duty group. An amendment was presented to change the title to New Hampshire State Hospital Police Force. The committee felt that this did not clarify who should be in group I or group II. With at least two more bills coming to the committee during the next session, the committee felt that this bill should be reserved for interim study along with similar future bills. This will allow the committee to establish guidelines as to who shall be in which group. Vote 12-0.

HB 462-FN, requiring state regulatory boards, commissions, advisory boards, advisory committees, and authorities to develop an orientation manual for new members. **OUGHT TO PASS**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill will require commissions, boards and advisory committees to develop an orientation manual for the members and future appointees. This manual should contain a copy of RSA 91-A, Right to Know Law, a copy of the New Hampshire Constitution, a copy of the statute establishing the "Board" and any other material that will allow the new members to know what their duties are and how they should conduct their meetings and adjudicative hearings if they are required to hold such hearings. Vote 13-0.

HB 483, repealing the Uniform Aircraft Financial Responsibility Act. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: The committee held a public hearing on this bill which would repeal the rulemaking authority of the Commissioner of Transportation relative to aircraft financial responsibility and content of aircraft accident reports. The committee voted inexpedient to legislate because the House Transportation Committee had a more comprehensive bill and would take up these two items. Vote 12-2.

SB 22, requiring the use of certified radiologic technologists for hospitals operating equipment licensed under the radiological health program. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice E. Goulet for Executive Departments and Administration: This bill started in the Senate as a licensure bill for radiologic technologists. It was amended to require hospitals to use certified radiologic technologists to operate radiology equipment. The sub-committee determined that hospitals and major clinics do utilize registered radiologic technologists to perform these duties. The

subcommittee work sessions revealed that no health care licensing board has ever had a complaint of harm resulting from having an x-ray taken. Vote 13-0.

SB 39, establishing the position of market conduct chief administrator in the insurance department. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: This bill was a request of the Insurance Department and would have established a position of market conduct chief administrator within the department. During the committee deliberations, we were informed by the requesting department that the importance of this bill had been eclipsed by other actions and this bill was not longer necessary. Vote 13-0.

SB 77, relative to the regulation of plumbers and plumbing. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice E. Goulet for Executive Departments and Administration: After hearing this bill, the committee recognized there was another bill (HB 285) which deals with not only plumbing codes but all building codes across the state. It was felt that the resulting conclusion of HB 285 would resolve all the issues of this bill. Vote 13-0.

SB 81-FN-A, regulating medication nursing assistants under the nurse practice act. **INEXPEDIENT TO LEGISLATE**

Rep. Mary L. Andosca for Executive Departments and Administration: This bill authorizes the Board of Nursing to register and regulate medication-nursing assistants for the purpose of administering medication under the delegation of a licensed nurse. This bill also establishes a dedicated medication nursing assistant fund that is non-lapsing through fiscal year 2005, but lapses to the general fund beginning fiscal year 2006 and every year thereafter. This bill is an adjunct to HB 408, which deals with the delegation of medication by a licensed nurse. At present, the Board of Nursing is working on the administrative rules in regards to medication administration and will present them to Joint Legislative Committee on Administrative Rules. Therefore, our committee feels work should continue on HB 408 and that SB 81 is premature for consideration at this time and will probably be made redundant by rules now being developed. Vote 14-0.

CACR 17, relating to restricting the use of a statewide property tax and all funds deposited into the education trust fund to education funding. Providing that all revenues resulting from a statewide property tax and all funds deposited into the education trust fund shall be used exclusively for elementary and secondary education. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph E. Stone for Finance: The Constitutional Amendment Concurrent Resolutions 20, 22 and 23 basically attempt to do the same thing: dedicating a specific tax to be used only for education. If, in the future, we pass an income tax or a sales tax or defeat a statewide property tax, this CACR would be null and void. The committee feels this CACR is not necessary. Vote 18-1.

CACR 20, relating to a personal income tax. Providing that any personal income tax enacted by the general court shall be dedicated exclusively for the purposes of public education. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth L. Weyler for Finance: The majority of the fifty states rely on an income tax and/or sales tax as the largest source of state revenue. New Hampshire is unique in not instituting either of these broad-based taxes. This proposal could lead to one of these broad-based taxes being adopted. It attempts to make such a tax more palatable to some by dedicating it to education. Not only would the income tax have adverse effects on New Hampshire's economy, as has been discussed in previous

debate, but it would also tie the hands of future legislatures should some new demand arise. Anti-terrorism security, relief from natural disasters, and health care crises are some of the possibilities that could trigger new spending. Dedicating a major funding source would leave us less able to cope with future contingencies. This tax could be imposed, if needed, without a change to the constitution. Also, dedicating funds reduces the general fund, which affects our bond rating and borrowing limits for capital improvements. Vote 19-0.

CACR 22, relating to moneys generated by a uniform statewide property tax established in law by the general court for the purpose of providing state aid for public elementary and secondary education. Providing that all moneys generated by a uniform statewide property tax established in law by the general court for the purpose of providing state aid for public elementary and secondary education shall, after deducting the necessary costs of administration and collection of such moneys, be appropriated and used exclusively for the purpose of state aid to education and shall not be transferred or diverted to any other purpose. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph E. Stone for Finance: The committee appreciates the good intentions of the sponsors to attempt to limit the potential state property tax burden on the citizens of New Hampshire. However, as is the case with CACRs 17, 20 and 23, the committee concludes that these matters are best addressed by statute, rather than constitutional changes, thus permitting future general courts to most accurately and appropriately weigh changed economic conditions as well as evolving public policy. Vote 18-1.

CACR 23, relating to restricting the use of moneys collected from a sales tax. Providing that all moneys collected from any sales tax established in law by the general court shall, after deducting the necessary costs for administration and collection of such moneys, be appropriated and used exclusively for the purpose of state aid to public elementary and secondary education and shall not be transferred or diverted to any other purpose. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth L. Weyler for Finance: The majority of the fifty states rely on an income tax and/or sales tax as the largest source of state revenue. New Hampshire is almost unique in not instituting either of these broad-based taxes. This proposal could lead to one of these broad-based taxes being adopted. It attempts to make such a tax more palatable to some by dedicating it to education. Not only would the sales tax have adverse effects on New Hampshire's economy, as has been discussed in previous debate, but it would also tie the hands of future legislatures should some new demand arise. Anti-terrorism security, relief from natural disasters, and health care crises are some of the possibilities that could trigger new spending. Dedicating a major funding source would leave us less able to cope with future contingencies. This tax could be imposed, if needed, without a change to the constitution. Also, dedicating funds reduces the general fund, which affects our bond rating and borrowing limits for capital improvements. Vote 18-0.

HB 353-FN-A, relative to diversified agricultural development, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The amendment removes the appropriation because the state has received a \$620,000 grant for this purpose. The policy relative to diversified agricultural development remains in place. Vote 20-0.

Amendment (1921h)

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

AN ACT relative to diversified agricultural development.

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

4 Coordination; Reports.

I. In the implementation of this act, the division of agricultural development shall collaborate with the department of resources and economic development to ensure that economic development activities are consistent with the needs of New Hampshire producers of diverse agricultural commodities. The division shall also collaborate with relevant private and public organizations.

II. The division of agricultural development shall report annually by January 15 to the speaker of the house and the senate president on the implementation of this act, including the extent to which performance benchmarks contained in the comprehensive plan were achieved during the previous fiscal year, and a description of and justification for the allocation of state, federal, or other funds during the previous fiscal year. Such information contained in the report submitted in January 2003 shall cover the last half of fiscal year 2002.

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

AMENDED ANALYSIS

This bill declares it state policy to encourage agricultural development and diversification. This bill directs the division of agricultural development to develop a 5-year plan, which is to be updated annually, for greater efficiency, productivity, and profitability among the various commodity groups making up the New Hampshire agricultural sector. The bill also directs the division of agricultural development to continue its support of producers through training and technical assistance, marketing and commodity distribution, and public education.

HB 629-FN-A, relative to equipment upgrades, improvements, or purchases at the regional vocational education centers and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Paul J. Dwyer for Finance: This bill would have appropriated 2.6 million dollars to be divided among the 19 regional vocational technical high schools. The resulting distribution would not likely have funded any major upgrading at one school. The main reason for the committee's opposition is the funding method that has been employed after the submission of this bill. New Hampshire began constructing regional vocational technical schools in the early 1970's, and has been adding to them almost annually since. Now the earliest ones need modernization and upgrading. For some years, there was debate over whether the upgrades were the responsibility of the receiving district or the state. The decision was finally made that the state should begin major improvements in the order in which the facilities were built. This concept was supported by the Department of Education and the voc-tech administrators. The first two schools were included in the present capital improvement budget at 4.5 million dollars each. It is anticipated that subsequent capital budgets will contain similar amounts and that all regional voc-techs can plan on capital funds in order of their construction. The capital budget process is rigorous and fair. We should not try to bypass this established mechanism. **Vote 19-0.**

HB 691-FN-A, relative to Area Health Education Centers in New Hampshire and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Lawrence A. Emerton for Finance: The committee feels that the Area Health Education Centers in New Hampshire are doing needed and very good work. However, as the Area Health Education

Centers have funding through 2002, albeit limited, the state can and should look at this function again in the next biennium. Vote 19-0.

SB 16-FN-A, relative to state financial aid for state fairs, and making an appropriation therefor. **REFER FOR INTERIM STUDY**

Rep. McKim W. Mitchell for Finance: This bill appropriates \$250,000 in fiscal year 2002 and \$250,000 in fiscal year 2003 from the general fund to the Department of Agriculture, Markets and Food. The Commissioner of the Department of Agriculture shall carry out the distribution of this appropriation. The amount and breakout of the distribution proposed is: each fair receives \$10,000 for capital improvement, \$8,000 for marketing and promotional activities and a pro rata share based upon premiums paid and qualified under RSA 425:19-b. Division I of the House Finance Committee has heard compelling testimony from agents of individual fairs, President of the New Hampshire Fair Association and the New Hampshire Department of Agriculture. However, Division I had unanswered questions regarding state fairs including: 1) the need to define "state" fair because fairs are not presently state operated or managed; 2) the actual financial history of revenues and expenses in order to better understand the financial situation. Interim study will allow time for the committee to resolve these questions. Vote 20-0.

SB 36-FN-A, making an appropriation to the postsecondary education commission for the purpose of tuition incentive grants. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth L. Weyler for Finance: The tuition incentive grants that this bill proposed were included in additions to the budget. Moneys were added to the post secondary education commission line. Thus the intent of the bill has already been accomplished. Vote 20-0.

SB 67-FN, relative to costs of locating and apprehending persons improperly at large for driving-related offenses. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph E. Stone for Finance: The committee feels that this bill which calls for the addition of another position and an additional vehicle to collect unpaid fines is unnecessary. The Department of Safety should be able to fund this request with its present budget and manpower. Vote 20-0.

SB 72-FN, relative to payment of medical benefits costs for group II members of the retirement system. **INEXPEDIENT TO LEGISLATE**

Rep. MaryAnn Blanchard for Finance: This bill is unnecessary because its provisions have already been adopted in the passage of HB 279 by the Committee of Conference. HB 279 became Chapter 275 of the 2001 session and signed by the governor on July 16, 2001. Vote 20-0.

SB 110-FN-A, extending the kindergarten construction program. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth L. Weyler for Finance: The concept of extending the kindergarten construction program has been thoroughly explored by the committee under a house bill. That process has been exhaustive and resulted in an extension. The committee felt that no further action needed to be done on this subject at this time. Vote 20-0.

SB 115-FN, granting a cost of living adjustment to certain retired group II firefighters. **OUGHT TO PASS**

Rep. MaryAnn Blanchard for Finance: This bill promises a supplemental 5% cost of living allowance to firefighters who retired on or before July 1, 1994, (591 persons) and \$4.1 million will be expended from the Firefighters Special Account to cover the cost and still maintain a healthy balance in the special account. Vote 17-1.

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

Rep. McKim W. Mitchell for Finance: This bill is not necessary because the issues raised in this bill have already been addressed in HB 279, which is now in Chapter 275 of the 2001 session. Vote 20-0.

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

Rep. O. Alan Thulander for Finance: The bill, as amended by the Finance Committee to remove the appropriation and the contingency clause, will accomplish the goals of the sponsors and the policy committee to facilitate the expansion of the Skyhaven airport located in Rochester. Sufficient funding was included in the biennial budget. **Vote 16-0.**

Amendment (2046h)

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

AN ACT relative to Skyhaven airport.

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

1 Skyhaven Airport; Wetland Mitigation Project Prioritized. The department of transportation, division of aeronautics, shall prioritize funding of the Skyhaven airport wetland mitigation, restoration, and replication implementation project, as detailed in the New Hampshire Department of Transportation Skyhaven Airport Master Plan Update of 2001, in order to meet the deadline of the Skyhaven airport transfer plan. In funding the wetland mitigation project, the department of transportation shall prioritize eligible grants from the Air Improvement Program and funds available under other federal and state programs for Skyhaven airport.

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

AMENDED ANALYSIS

This bill requires the department of transportation to prioritize funding the wetland mitigation project for Skyhaven airport.

SB 135-FN-L, relative to kindergarten funding. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Finance: Since kindergarten was funded in the budget, this bill is unnecessary. Vote 19-0.

SB 189-FN-A, establishing a gasoline remediation and elimination of ethers fund. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph E. Stone for Finance: This bill is unnecessary because its provisions have already been amended and adopted in the passage of committee of conference on HB 758 which became Chapter 293 of 2001 session. Vote 20-0.

HB 235, establishing a committee to study certain mental health systems to address the needs of mentally ill persons in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph Manning for Health, Human Services and Elderly Affairs: This bill would have studied ways to allow the criminal justice and mental health entities (police, probation, public defenders etc.) to more economically and humanly deal with the mentally ill who commit a misdemeanor. The bill was voted Inexpedient to Legislate since SB 100 will accomplish the desired goals. Vote 12-0.

CACR 2, relating to the nomination and appointment of judicial officers. Providing that the governor shall nominate and, by and with the advice and consent of the senate, shall appoint judges of the supreme, superior, and district courts, the chief justice of the supreme court, chief justice of the superior court, and the administrative justice of the district court. **INEXPEDIENT TO LEGISLATE**

Rep. Tony F. Soltani for Judiciary: This amendment would transfer the power to confirm judicial officers from the Executive Council to the Senate. This method would be similar to that utilized for the judicial officers of the United States. Although some committee members found the proposal meritorious, there was inadequate legislative and popular support at this time. Vote 17-0.

CACR 3, relating to 7-year terms for state judges. Providing that all state judges appointed on or after January 1, 2003 be commissioned for 7-year terms, which may be renewed. **INEXPEDIENT TO LEGISLATE**

Rep. Tony F. Soltani for Judiciary: This amendment would create 7-year renewable terms for all judicial officers. The subcommittee proposed a modified version of this proposal by amending CACR 16, which was passed by the Senate with the requisite number of votes. Vote 16-1.

CACR 4, relating to the administrative head of the courts. Providing that article 73-a of the second part of the New Hampshire constitution, relative to the chief justice of the supreme court as the administrative head of all the courts, be repealed. **INEXPEDIENT TO LEGISLATE**

Rep. Phyllis L. Woods for Judiciary: This subject matter was addressed in CACR 5, which was passed by the House on a vote of 290-48 and is now under consideration in the Senate. Vote 13-0.

HB 281-FN, establishing an independent administrative office of the courts. **INEXPEDIENT TO LEGISLATE**

Rep. Janet G. Wall for Judiciary: This bill would establish an independent Administrative Office of the Courts which would be independent of the Supreme Court. The committee found that the current Administrative Office of the Courts does not adjudicate any cases, nor does it establish policies. The Administrative Office of the Courts has many responsibilities including but not limited to assembling the budget, as well as handling daily work and fiscal matters, administering personnel, coordinating court technology for video conferencing and digital audio reporting, and facilitating judicial education. This bill is not good public policy because a service organization should report to the entity it serves. The functions of the Administrative Office of the Courts are analogous to the support staff of the Legislature. Vote 17-1.

HB 409, relative to qualification for admission to the New Hampshire bar. **INEXPEDIENT TO LEGISLATE**

Rep. Larry G. Elliott for Judiciary: This bill is found to be inexpedient to legislate by the House Judiciary Committee because the implementation of the concept is not fully developed. The committee found that the program has merit and recognizes that other states such as Vermont have similar programs. However, at this time, we are unable to recommend the legislation and encourage the sponsor to continue to research the subject and bring legislation back at a future date. Vote 16-1.

HB 566, establishing terms for the offices of administrative judges of the courts. **REFER FOR INTERIM STUDY**

Rep. Tony F. Soltani for Judiciary: This bill would establish a 7-year term for the administrative heads of the Supreme, Superior, Probate and District Courts. The subject needs further study since other statutes may be implicated and need alteration. The committee will study these implications and the necessity for creation of the terms. Vote 16-1.

HB 582, establishing a judicial nominating commission. **INEXPEDIENT TO LEGISLATE**

Rep. Tony F. Soltani for Judiciary: This bill would establish a commission which would nominate judicial candidates to be appointed by the Governor and Council. The committee was of the opinion that such a proposal would erode the constitutional authority of the Executive Branch, and may only be enacted through a constitutional amendment. Presently, the Governor has, by executive order, implemented such a commission. Vote 16-1.

HB 608-FN, establishing a judicial ethics advisory committee. **INEXPEDIENT TO LEGISLATE**

Rep. Peter F. Bergin for Judiciary: This bill establishes a judicial ethics advisory committee. This bill was filed as a result of testimony given at the House impeachment hearings. Testimony was given that it would be beneficial to judges to have a judicial ethics committee. The Supreme Court has recently established such a committee. In addition, the Supreme Court has adopted a new Code of Judicial Conduct, which is the 1990 model. This model is more explicit in the definition of judicial conduct. Vote 16-0.

SB 155-L, limiting the liability of teachers and other educational employees. **OUGHT TO PASS WITH AMENDMENT**

Rep. James W. Craig for Judiciary: The original bill provided for immunity from suit for teachers and others acting within the scope of his or her employment or responsibilities in attempting to enforce control and discipline in schools. The committee felt that the bill did not rectify the problem. Instead, the committee amended the bill to make a strong statutory policy statement in support of school discipline and by providing for sanctions for frivolous actions brought against teachers to include payment of costs, fees and an award of \$1000.00 to each prevailing party. Vote 17-1.

Amendment (1957h)

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

AN ACT establishing penalties for frivolous actions against teachers and other education employees.

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

1 New Chapter; Teacher Protection From Frivolous Tort Actions. Amend RSA by inserting after chapter 507-F the following new chapter:

CHAPTER 507-G

FRIVOLOUS ACTIONS AGAINST TEACHERS AND OTHER EDUCATION EMPLOYEES

507-G:1 Title. This chapter may be cited as the Penalties for Frivolous Actions Against Teachers and Other Education Employees Act.

507-G:2 Purpose. The general court finds that good order and discipline are necessary to provide New Hampshire students with a proper learning environment and that "employees," as defined in RSA 507-G:3, should not be inhibited in their attempts to enforce good order and discipline by the threat of civil actions against them.

507-G:3 Definitions. As used in this chapter, "employee" means any individual elected or appointed to an educational entity, any individual who is an employee of such an entity, and any employee of a company under contract to a school or school district who is directly engaged in student-related services.

507-G:4 Penalties for Frivolous Actions Against Employees.

I. If, during any phase of a tort action brought against an employee which results from an action taken while the employee is directly engaged in student-related services, it appears to the court by a preponderance of evidence that the action is frivolous, or intended to harass or intimidate the named employee or any other employee involved in the student-related services at issue, or both; then the court, upon motion of a party or upon its own motion, may order summary judgment or other relief against the party who brought such action, and it shall award costs and reasonable attorney's fees to the prevailing party or parties, costs shall include, but not be limited to, all reasonable pre-trial investigation and tribunal time and expenses. The court shall report such conduct to the professional conduct committee.

II. In addition to the above, the court shall order the party bringing the action against an employee to pay the sum of \$1,000 to each of the prevailing parties.

2 New Section; Liability for Reporting. Amend RSA 193-F by inserting after section 4 the following new section:

193-F:5 Any public or private school employee or employee of a company under contract to a school or school district who in good faith has made a report under RSA 193-D or RSA 193-F shall not be subject to liability for making the report.

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

AMENDED ANALYSIS

This bill allows the court to award attorney's fees and costs to the prevailing parties when it finds that a frivolous action has been brought against a teacher or employee of a school district or

one of its contract service providers. It also requires the court to order a payment of \$1,000 to each of the prevailing parties in a frivolous action.

The bill protects public and private school employees and contractors from liability for reporting acts of theft, destruction, or violence under RSA 193-D or bullying under RSA 193-F.

HB 744-FN-A, establishing a family and disability leave program. OUGHT TO PASS WITH AMENDMENT

Rep. Corey E. Corbin for Labor, Industrial and Rehabilitative Services: The amendment establishes a study committee on the feasibility of a state pilot program for family and disability leave. The committee feels placing the bill into study would serve to narrow the focus of the bill and address the issues of participation and funding. Vote 12-1.

Amendment (1969h)

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

AN ACT establishing a committee to study the feasibility of a state pilot program for family and disability leave.

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

1 Committee Established. There is established a committee to study 3 recommendations considered as possibilities for a paid family and disability leave pilot program. Research shows that such a program can serve to ensure consumer purchasing power, strengthen family life by relieving serious threats to the health and welfare of people caused by insecurity and loss of earnings, reduce the need for public assistance requests, promote greater loyalty to employers and generally enhance the state's economic climate as well as the physical and mental health, welfare, and security of New Hampshire citizens.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, one from the labor, industrial and rehabilitative service committee, one from the commerce committee, and one from the children and family law committee, appointed by the speaker of the house.

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

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

3 Duties. The committee shall:

I. Research and recommend funding sources for a paid parental leave pilot program for New Hampshire workers, who meet specific criteria to be eligible for paid leave for up to 12 weeks, to care for newborn or adopted children or a sick family member.

II. Survey insurance programs and recommend potential bidders to implement a state temporary disability insurance pilot program to enable New Hampshire workers who meet specific criteria and who volunteer to participate, to be eligible for paid disability leave for up to 12 weeks to care for a personal medical condition.

III. Examine the benefits of tax credits as incentives to employers who have established or who are willing to establish a benefit of paid family leave or temporary disability insurance for up to 12 weeks for employees who meet eligibility requirements and need to care for a newborn or adopted child, a sick family member, or a personal medical condition.

IV. Seek input from, but shall not be limited to:

(a) State agencies, including the departments of labor, employment security, health and human services, and insurance.

(b) Labor, including the State Employees Association.

(c) Employers, including those have more than 50 employees and those having fewer than 50 employees.

(d) Other interested agencies, including the Workforce Opportunity Council, Inc. and family assistance agencies.

(e) New Hampshire workers.

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

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

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

AMENDED ANALYSIS

This amendment establishes a study committee to study the feasibility of a state pilot program for family and temporary disability leave and to research funding sources, insurance programs, and tax credits to implement such a program.

SB 120, relative to tip pooling for certain hourly employees. **INEXPEDIENT TO LEGISLATE**

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: The industry and the Department of Labor have worked together over the past year to eliminate the problem. The committee felt if no problem existed, then Inexpedient to Legislate was appropriate. Vote 14-0.

SB 201-FN, creating a dedicated fund for the job training program for economic growth and making certain changes to the program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Corey E. Corbin for Labor, Industrial and Rehabilitative Services: This bill, as amended, establishes a new dedicated fund for the purpose of job training for economic growth using a portion of the employer's contribution to the unemployment compensation trust fund. The amended bill also changes the membership of the grant review committee of the job training programs for economic growth, adds new eligibility requirements for training grants, raises the amount available for administering the program and changes the grant performance reporting procedure. Vote 10-3.

Amendment (1943h)

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

7 Repeal. The following are repealed:

I. RSA 282-A:87, IV (e), relative to advisory council role if employment security programs devolve to the state.

II. 1996, 49:6, II, relative to designating a portion of employer contributions for unemployment compensation to the contingent fund.

III. 1996, 49:7, III, relative to effective date of paragraph II of section 6.

IV. RSA 188-F:52, III, relative to the terms and compensation of grant review committee members.

V. RSA 188-F:52, V, relative to the \$25,000 cap on grant amounts awarded by the grant review committee.

8 New Subparagraph; Training Fund. Amend RSA 6:12, I by inserting after subparagraph (iii) the following new subparagraph:

(jjjj) Moneys deposited in the training fund established by RSA 282-A:138-a.

9 Regional Community-Technical College System; Eligibility for Training Grants. Amend RSA 188-F:53, V to read as follows:

V. Priority shall be given for grants to small businesses [~~in the manufacturing sector~~] for the implementation of technological innovations.

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

Referred to Ways and Means.

HB 342-FN, relative to the enforcement of applicable law and rules concerning contractors for appraisals of taxable property. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: The Commissioner of Revenue Administration has a duty to exercise supervision over assessing officials. The intent of HB 342 was to add "contracted appraisers" to the supervised list. The committee retained this bill with the intention that it may serve as a vehicle for new proposed legislation, if needed. Since an Assessing Standards Board was created in SB 193, Chapter 297 of the Laws of 2001 and since one of the duties the board is charged with is to establish certification, continuing education requirements and revocation and suspension standards for assessing official (which does include contracted appraisers)

the committee felt that this issue is being currently addressed. The bill is recommended for Inexpedient to Legislate. Vote 13-0.

HB 365-L, requiring the department of revenue administration to establish a uniform system of property classification for assessment purposes. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: The intent of this bill is to require the Commissioner of the Revenue Administration to establish a uniform system of property classification for assessment purposes in New Hampshire. The time line for the implementation of the uniform system was to be during the first full revaluation of property 60 days after the effective date. The committee realized that this issue was ongoing and retained the bill to use as a vehicle for new proposed legislation, if needed. Due to the Sirrell case, the legislature created the Assessing Standards Board to address uniformity in the assessing process in New Hampshire. SB 193, Chapter 297 of the Laws of 2001 requires that board to set standards that are to be followed by assessors, selectmen and boards of assessors. The time line that has been set up by the legislature requires that all communities, starting with the tax year 2003, bring the assessments up to full market value every five years. Since this process is in place the committee deemed that HB 365 was not needed and voted to recommend Inexpedient to Legislate. Vote 13-0.

HB 392, establishing a committee to study the property tax status for land of agricultural fairs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: This bill adds charitable Agricultural Fair to RSA 72:23, VI which designates which organizations are eligible for real estate and property tax exemptions, in recognition of the historical role and values promoted by Agricultural Fairs in the communities of this state. It is the intent of the general court to encourage cooperation between charitable Agricultural Fairs and the communities that host such activities. Vote 11-0.

Amendment (1999h)

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

AN ACT relative to a property tax exemption for property of agricultural fairs.

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

1 Statement of Intent. In recognition of the historical role and values promoted by agricultural fairs in the communities of this state, it is the intent of the general court to encourage cooperation between charitable agricultural fairs and the communities that host such activities.

2 Real Estate and Personal Property Tax Exemption; Annual Filing; Reference to Charitable Agricultural Fairs Added. Amend RSA 72:23, VI to read as follows:

VI. Every charitable organization or society, ***or charitable agricultural fair***, except those religious and educational organizations and societies whose real estate is exempt under the provisions of paragraphs III and IV, shall annually before June 1 file with the municipality in which the property is located upon a form prescribed and provided by the board of tax and land appeals a statement of its financial condition for the preceding fiscal year and such other information as may be necessary to establish its status and eligibility for tax exemption.

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

AMENDED ANALYSIS

This bill adds a reference to charitable agricultural fairs to properties which may be granted property tax exemptions.

HB 432, relative to the limit on appropriations to the capital reserve fund of a county.
INEXPEDIENT TO LEGISLATE

Rep. Laurie J. Boyce for Municipal and County Government: There are two ways to fund capital projects available to the counties. They can choose to borrow money for a specific amount of time at a specific interest through the bonding process or they can choose to set money aside annually to accumulate enough to fund the capital cost through the capital reserve process. The county delegations choose what method best fits their needs. HB 342 requested that the counties be allowed to "raise and appropriate" a percentage of the last base valuation for debt limit computed pursuant to RSA 33:4-b for all municipalities included in that county. The change would be from 1/100 of one percent to 1/10 of one percent of the last base valuation for the debt limit so calculated. Only one county out of the last ten counties had asked for this change. After looking at the differing amounts of tax dollars that could be accumulated and seeing that there was no requirement for a specific purpose, unlike at the town level, the committee felt that the 1/100 of one percent was adequate for the counties and voted the bill Inexpedient to Legislate. Vote 14-0.

HB 439-FN-A, appropriating available funds to provide funding for an engineering feasibility study to assess the viability of constructing new or expanded regional septage disposal facilities in the Rockingham and Strafford county area. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: This bill was retained to study the increased need to resolve the lack of in state septage processing capacity in Rockingham and Strafford counties. During the work sessions with the subcommittee which included members of Environment and Agriculture Committee and the Septage Task Force a number of ideas were discussed. Because of the common subject matter HB 311, passed by the House and relative to sewage disposal systems became a topic of discussion. An error was discovered when the Fiscal Committee went to approve the septage coordinator funding. The amendment to HB 439 corrects that error by covering the cost of salary, benefits, current expenses and equipment for this position. The subcommittee voted unanimously to approve the amendment with the intention of continuing to look for long range septic solutions for Rockingham and Strafford counties. Vote 13-0.

Amendment (1932h)

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

AN ACT establishing a position of septage coordinator and making an appropriation therefor.

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

1 Environmentalist IV; Septage Coordinator. There is created within the department of environmental services the classified full-time position of septage coordinator, who shall be under the direction of the commissioner of environmental services pursuant to RSA 485-A:30, I-a. The position shall be at labor grade 27. The septage coordinator shall be responsible for the duties provided for in RSA 485-A:30, I-a.

2 Appropriation. The sum of \$28,992 is hereby appropriated to the department of environmental services for the fiscal year ending June 30, 2002, and the sum of \$54,782 for the fiscal year ending June 30, 2003, for salary, benefits, current expenses, and equipment for the position of septage coordinator established in section 1 of this bill. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

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

AMENDED ANALYSIS

This bill establishes the position of septic coordinator in the department of environmental services, and provides an initial appropriation for salary and benefits, to accomplish the provisions of RSA 485-A:30, I-a.

Referred to Finance.

HB 506, prohibiting the granting of certain variances from zoning ordinances. **INEXPEDIENT TO LEGISLATE**

Rep. William G. Johnson for Municipal and County Government: This bill would have greatly reduced municipal zoning flexibility and created a regulatory "taking of property". The Committee felt that the bill would also have precipitated numerous property rights lawsuits directed at the State or individual municipalities. The Committee retained the bill to deal with the Simplex v Town of Newington Supreme Court decision in regards to the definition of "unnecessary hardship" as it relates to the granting of a variance from the requirements of the local zoning ordinance. An amendment was generated but the information was so different than the original bill the Committee knew it would need a second public hearing. Instead of trying to schedule a hearing, the Committee will discuss the issue as an amendment to the supplemental bill HB 1141 or HB 1344. Vote 15-0.

HB 549-FN-L, relative to procedures of the department of revenue administration concerning the reassessment of property. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: The original intent of HB 549 was to allow the Department of Revenue Administration to petition the Board of Tax and Land Appeals for a reassessment of property when the values of a particular city, town or unincorporated place were disproportional to any other property within that particular city, town or unincorporated place. During the public hearing an amendment was proposed to require inventory blanks for commercial and industrial property. The Municipal and County Government Committee retained this bill to address the issue of required inventory blanks and also to have a vehicle for related legislation, if needed. During our work sessions a resolution to the requirement of inventory forms was not found and yet the committee realizes that this issue needs to be addressed. Under HB 170, Chapter 158 of the Laws of 2001, the Department of Revenue Administration is required to certify that the assessments of a municipality comply with the provisions of New Hampshire law. There are five specific areas in assessment procedures that will be reviewed during the certification process. The most pertinent area is that assessments "are based on reasonably accurate data". The Assessing Standards Board will need to resolve this issue in the process of determining "reasonably accurate data". Since the issue of inventory forms will be addressed by the board, the committee voted that HB 549 be reported Inexpedient to Legislate. Vote 14-0.

HB 607-FN-L, relative to reimbursement for police assistance provided to schools within a cooperative school district or an authorized regional enrollment area school. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: Small towns which host cooperative schools appear to be overwhelmed with the increasing numbers and cost of providing police assistance and coverage. Requests for reimbursement by the cooperative school districts have been denied. The Committee has requested the New Hampshire Association of School Boards to investigate the feasibility of resolving the situation to ease the burden on the small town. The intent of HB 607 was to require reimbursement of the costs incurred by the cooperative school districts to the host community. Since this was considered to be an unfunded mandate, the committee voted HB 607 Inexpedient to Legislate. Vote 14-1.

HB 617, relative to zoning for hobby vehicles. OUGHT TO PASS WITH AMENDMENT

Rep. Mary R. Cooney for Municipal and County Government: This bill creates an exception to the junkyard statutes (RSA 236:111-129) for noncommercial motor vehicle restoration activities. In order to be eligible for this exception there are five conditions that need to be met: all antique motor vehicles need to be owned by the property owner or lessee; the antiques motor vehicles/parts need to be kept out of public view; all repairs and modifications need to be performed out of public view; not more than one unregistered/uninspected motor vehicle that is not over 25 years old shall be kept on the premises; and the use of the premises is in compliance with all municipal land use ordinances and regulations. This bill was introduced because currently strict interpretation of state law classifies any antique motor vehicle hobbyist activities and collections as junkyards. The committee voted unanimously to allow the restoration of antique motor vehicles without fear of their work being confiscated into the metal pile. Vote 11-0.

Amendment (2000h)

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

AN ACT relative to additional exceptions to junk yard regulation.

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

1 Exceptions to Junk Yard Regulation. Amend RSA 236:111-a to read as follows:

236:111-a ~~[Exception]~~ ***Exceptions.***

I. The provisions of this subdivision shall not apply to any facility, including a public facility, private facility, or solid waste facility which has been approved under RSA 149-M, including any such facility approved prior to May 1, 1989.

II. The provisions of this subdivision shall not apply to any noncommercial antique motor vehicle restoration activities involving antique motor vehicles over 25 years old, where the owner or lessee demonstrates that each of the following requirements are met:

(a) All antique motor vehicles kept on the premises are owned by the property owner or lessee; and

(b) All antique motor vehicles and parts of antique motor vehicles are kept out of view of the public and abutters by means of storage inside a permanent structure, or by suitable fencing which complies with the fencing requirements of RSA 236:123, or by trees or shrubbery sufficient to block visual access year round; and

(c) All mechanical repairs and modifications are performed out of view of the public and abutters; and

(d) Not more than one unregistered and uninspected motor vehicle that is not over 25 years old shall be kept on the premises; and

(e) The use of the premises is in compliance with all municipal land use ordinances and regulations.

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

AMENDED ANALYSIS

This bill provides additional exceptions from junk yard regulation for non-commercial antique motor vehicle restoration.

HB 627-FN, establishing a market-based water pollutant trading program. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill would require publicly owned wastewater treatment works (POTW's) to allocate to each pretreatment operation in the area that discharges wastewater to the municipal treatment facility a certain portion of the allowable concentration of pollutants limit for the municipality. The bill was introduced based on a paper written by a technical assistance program group. The idea of a water pollutant trading scheme is laudable, but as proposed is too restrictive and currently unnecessary. The POTW's already have the discretion to develop pollutant-trading programs within the existing regulatory framework. Required implementation of this program is clearly an unfunded mandate and there were no funds offered to cover the costs. A study committee was to be established in this bill, but the committee, along with subcommittee members for the Environmental and Agriculture Committee, noted that numerous studies are done and therefore another study was not necessary at this time. Vote 14-0.

HB 650-FN, relative to master plans. **OUGHT TO PASS WITH AMENDMENT**

Rep. William G. Johnson for Municipal and County Government: This bill while not mandating any new requirements on local governments provides valuable assistance and suggestions to local planners in their efforts to create and revise local master plans. The committee also recognized the bill's intent to synchronize the sections and order of local master plans with regional and state plans. The committee vote was unanimous. Vote 14-0.

Amendment (1972h)

Amend the bill by replacing all after section 1 with the following:

2 Local Land Use; Master Plans; Purpose and Description. RSA 674:2 is repealed and reenacted to read as follows:

674:2 Master Plan; Purpose and Description.

I. The purpose of the master plan is to set down as clearly and practically as possible the best and most appropriate future development of the area under the jurisdiction of the planning board, to aid the board in designing ordinances that result in preserving and enhancing the unique

quality of life and culture of New Hampshire, and to guide the board in the performance of its other duties in a manner that achieves the principles of smart growth, sound planning, and wise resource protection.

II. The master plan shall be a set of statements and land use and development principles for the municipality with such accompanying maps, diagrams, charts and descriptions as to give legal standing to the implementation ordinances and other measures of the planning board. Each section of the master plan shall be consistent with the others in its implementation of the vision section. The master plan shall be a public record subject to the provisions of RSA 91-A. The master plan shall include, at a minimum, the following required sections:

(a) A vision section that serves to direct the other sections of the plan. This section shall contain a set of statements which articulate the desires of the citizens affected by the master plan, not only for their locality but for the region and the whole state. It shall contain a set of guiding principles and priorities to implement that vision.

(b) A land use section upon which all the following sections shall be based. This section shall translate the vision statements into physical terms. Based on a study of population, economic activity, and natural, historic, and cultural resources, it shall show existing conditions and the proposed location, extent, and intensity of future land use.

III. The master plan may also include the following sections:

(a) A transportation section which considers all pertinent modes of transportation and provides a framework for both adequate local needs and for coordination with regional and state transportation plans. Suggested items to be considered may include but are not limited to public transportation, park and ride facilities, and bicycle routes, or paths, or both.

(b) A community facilities section which identifies facilities to support the future land use pattern of subparagraph II(b), meets the projected needs of the community, and coordinates with other local governments' special districts and school districts, as well as with state and federal agencies that have multi-jurisdictional impacts.

(c) An economic development section which proposes actions to suit the community's economic goals, given its economic strengths and weaknesses in the region.

(d) A natural resources section which identifies and inventories any critical or sensitive areas or resources, not only those in the local community, but also those shared with abutting communities. This section provides a factual basis for any land development regulations that may be enacted to protect natural areas. A key component in preparing this section is to identify any conflicts between other elements of the master plan and natural resources, as well as conflicts with plans of abutting communities. The natural resources section of the master plan should include a local water resources management and protection plan as specified in RSA 4-C:22.

(e) A natural hazards section which documents the physical characteristics, severity, frequency, and extent of any potential natural hazards to the community. It should identify those elements of the built environment at risk from natural hazards as well as extent of current and future vulnerability that may result from current zoning and development policies.

(f) A recreation section which shows existing recreation areas and addresses future recreation needs.

(g) A utility and public service section analyzing the need for and showing the present and future general location of existing and anticipated public and private utilities, both local and regional, including telecommunications utilities, their supplies, and facilities for distribution and storage.

(h) A section which identifies cultural and historic resources and protects them for rehabilitation or preservation from the impact of other land use tools such as land use regulations, housing, or transportation.

(i) A regional concern section, which describes the specific areas in the municipality of significant regional interest. These areas may include resources wholly contained within the municipality or bordering, or shared, or both, with neighboring municipalities. Items to be considered may include but are not limited to public facilities, natural resources, economic and housing potential, transportation, agriculture, and open space. The intent of this section is to promote regional awareness in managing growth while fulfilling the vision statements.

(j) A neighborhood plan section which focuses on a specific geographical area of local government that includes substantial residential development. This section is a part of the local master plan and shall be consistent with it. No neighborhood plan shall be adopted until a local master plan is adopted.

(k) A community design section to identify positive physical attributes in a municipality and provide for design goals and policies for planning in specific areas to guide private and public development.

(l) An implementation section, which is a long range action program of specific actions, time frames, allocation of responsibility for actions, description of land development regulations to be adopted, and procedures which the municipality may use to monitor and measure the effectiveness of each section of the plan.

(m) A housing section which assesses local housing conditions and projects future housing needs of residents of all levels of income and ages in the municipality and the region as identified in the regional housing needs assessment performed by the regional planning commission pursuant to RSA 36:47, II, and which integrates the availability of human services with other planning undertaken by the community.

3 Local Land Use; Master Plans; Preparation. RSA 674:3 is repealed and reenacted to read as follows:

674:3 Master Plan Preparation.

I. In preparing, revising, or amending the master plan, the planning board may make surveys and studies, and may review data about the existing conditions, probable growth demands, and best design methods to prevent sprawl growth in the community and the region. The board may also consider the goals, policies, and guidelines of any regional or state plans, as well as those of abutting communities.

II. Revisions to the plan are recommended every 5 to 10 years.

III. During the preparation of the various sections of the master plan, the board shall inform the general public, the office of state planning, and regional planning commissions and solicit

public comments regarding the future growth of the municipality in order to involve citizens in the preparation of the master plan in a way which is most appropriate for the municipality.

4 Local Land Use; Adoption of Zoning Ordinances. Amend RSA 674:18 to read as follows:

674:18 Adoption of Zoning Ordinance. The local legislative body may adopt a zoning ordinance under RSA 674:16 only after the planning board has adopted the ~~[general statement of objectives and the land use section]~~ **mandatory sections** of the master plan as described in RSA 674:2~~[, I and II]~~.

5 Office of State Planning; Program Administration. Amend RSA 4-C:20, I to read as follows:

I. The office shall prepare guidance materials for use by municipalities in the development of local water resources management and protection plans as provided in RSA 674:2, ~~[VII]~~ **III(d)**, and other appropriate protection measures. If the written guidance materials discuss any requirements which exist under state or federal law and which the office believes may be applicable to the municipalities' plans, the materials shall identify the source of such requirements.

6 Regional Planning Commissions; Powers and Duties. Amend RSA 36:47, II to read as follows:

II. For the purpose of assisting municipalities in complying with RSA 674:2, **III(m)**, each regional planning commission shall compile a regional housing needs assessment, which shall include ~~[as]~~ **an** assessment of the regional need for housing for persons and families of all levels of income. The regional housing needs assessment shall be updated every 5 years and made available to all municipalities in the planning region.

7 Local Regulation of Excavations; Provisions for Protection of Water Resources. Amend RSA 155-E:11, II to read as follows:

II. Such regulations may include reasonable provisions for the protection of water resources, consistent with the municipality's local water resources management and protection plan developed under RSA 674:2, ~~[VIII]~~ **III(d)**. If such regulations prohibit excavations below a stated height above the water table, the regulations shall also contain a procedure whereby an exception to such prohibition shall be granted if the applicant demonstrates that such excavation will not adversely affect water quality, provided, however, that written notice of such exception shall be recorded in the registry of deeds, and one copy filed with the department of environmental services.

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

AMENDED ANALYSIS

This amendment makes the vision section and the land use section the only mandatory sections of a master plan and provides for certain optional sections.

HB 701, relative to municipal regulation of renewable energy systems. **OUGHT TO PASS WITH AMENDMENT**

Rep. William G. Johnson for Municipal and County Government: The committee recognized that policies encouraging the use of renewable energy sources present benefits for the New Hampshire Economy and Environment. This bill, while not creating any new mandates on local government, often encouragement for municipalities to facilitate the installation and use of such renewable energy systems. The bill had the support of the Department of Environmental Services. Vote 12-1.

Amendment (1185h)

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

AN ACT relative to municipal limitation of renewable energy systems.

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

1 Declaration of Purpose of Zoning. Amend RSA 672:1, III-a to read as follows:

III-a. Proper regulations encourage energy efficient patterns of development, the use of solar energy, including adequate access to direct sunlight for solar energy uses, and the use of other renewable forms of energy, and energy conservation. ***Therefore, zoning ordinances should not unreasonably limit the installation of solar, wind, or other renewable energy systems or the building of structures that facilitate the collection of renewable energy, except where necessary to protect the public health, safety, and welfare;***

2 New Subparagraph; Purposes of Zoning Ordinances. Amend RSA 674:17, I by inserting after subparagraph (i) the following new subparagraph:

(j) To encourage the installation and use of solar, wind, or other renewable energy systems and protect access to energy sources by the regulation of orientation of streets, lots, and buildings; establishment of maximum building height, minimum set back requirements, and limitations on type, height and placement of vegetation; encouragement of the use of solar skyspace easements under RSA 477. Zoning ordinances may establish buffer zones or additional districts which overlap existing districts and may further regulate the planting and trimming of vegetation on public and private property to protect access to renewable energy systems.

3 New Subparagraph; Subdivision Regulations. Amend RSA 674:36, II by inserting after subparagraph (j) the following new subparagraph:

(k) Encourage the installation and use of solar, wind, or other renewable energy systems and protect access to energy sources by the regulation of orientation of streets, lots, and buildings; establishment of maximum building height, minimum set back requirements, and limitations on type, height and placement of vegetation; encouragement of the use of solar skyspace easements under RSA 477.

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

AMENDED ANALYSIS

This bill allows for the adoption of zoning ordinances and subdivision regulations which encourage the use and installation of, and access to, solar, wind, and other renewable energy systems.

This bill is a request of the committee established in 1999, 47 and extended by 2000, 61.

SB 188-FN-L, relative to abatements and appeals of betterment assessments. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill would have provided specific time lines, abatement and appeal procedures for betterment assessments. All procedures and any changes were contained in HB 170, Chapter 158, Laws of 2001 which changed RSA 231:30, 32 thus rendering this bill mute. Vote 11-0.

HB 336-FN-A, making capital appropriations to the university system of New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. William E. Leber for Public Works and Highways: The projects proposed in this bill were considered and most included in the Capital Improvement Budget HB 25, with provisions to extend bonding of \$100 million over four to six years as the projects are prepared. The University System is satisfied for the time, therefore, this bill is no longer needed. Vote 13-0.

HB 494, establishing a committee to study the permitting and hearing processes for proposed highways. **OUGHT TO PASS WITH AMENDMENT**

Rep. Candace C. W. Bouchard for Public Works and Highways: This study is needed to address the problems that occur with the current process of the Department of Transportation and Environmental Services holding separate hearing on the same highway projects. Combining these hearings would allow the public to be better informed and provide a continuity to the process. Vote 14-0.

Amendment (1950h)

Amend the bill by replacing section 5 with the following:

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

HB 634, relative to public/private partnership projects in the department of transportation. **INEXPEDIENT TO LEGISLATE**

Rep. Charles W. Morse for Public Works and Highways: The Department of Transportation has researched public/private partnerships for transportation projects and does not recommend this legislation. The committee and the Commissioner of the Department of Transportation (DOT) agrees with the sponsor that rail projects should have specific legislation in the future to address the projects appropriately. Vote 13-1.

SB 66-FN-A, relative to appropriations to the port authority for dredging projects. **INEXPEDIENT TO LEGISLATE**

Rep. Benjamin E. Moore for Public Works and Highways: The committee feels that further maintenance dredging in Seabrook/Hampton Harbor not be done until the Blackwater River/River Street Cut problem is resolved. Vote 13-1.

HB 472, requiring that land transferred to the White Mountain National Forest and the Silvio O. Conte National Fish and Wildlife Refuge include a covenant granting access to the citizens of New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. John T. Gallus for Resources, Recreation and Development: Although the committee appreciated the intent of the bill to allow access to citizens of New Hampshire. The committee felt the bill was in conflict with Federal/State laws. Vote 16-1.

HB 476, relative to the definition of a campsite. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Czech for Resources, Recreation and Development: This bill was conceived to allow private property owners to have scouts or relatives camping on their property. While considering this bill, SB 33 was presented. SB 33 passed and was signed by the governor. SB 33 solves the problem that HB 476 was intended to solve and is therefore not needed. Vote 15-2.

SB 88-FN-A, establishing a travel and tourism development fund in the department of resources and economic development and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. H. Charles Royce for Resources, Recreation and Development: SB 88-FN-A was to establish a travel and tourism appropriation in the Department of Resources and Economic Development. The appropriation for the Division of Travel and Tourism was made through the budgetary process, making this bill unnecessary. Vote 15-0.

HB 316-FN, establishing the position of state energy manager. **INEXPEDIENT TO LEGISLATE**

Rep. Terie T. Norelli for Science, Technology and Energy: This bill would have established the position of state energy manager to coordinate efforts to reduce the state's energy consumption and lower its \$17,000,000 annual energy bill. This position was funded in the budget and the new energy manager has been introduced to the committee. Therefore, this bill is no longer needed. Vote 16-0.

HB 423, relative to the sale of generation assets, the provision of transition service, and the funding of the energy efficiency program for Public Service Company of New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Jeb E. Bradley for Science, Technology and Energy: The committee and the sponsor decided the bill is no longer needed. After extensive discussions the committee was made aware that in the event of merger between regulated utilities that the PUC has adequate authority to ensure that "just and reasonable" rates are a result of any merger. This authority would include jurisdiction over synergy savings that might be a result of any mergers. Such synergy savings were ordered by the PUC in the Northeast Utilities and Consolidated Edison merger, which was approved by the PUC though that proposed merger failed due to events outside of New Hampshire. The other issue was the time frame for the approval process for a merger under RSA 369:8, II(b)(5). Several utilities stated in writing that a 60-day requirement in that section did not constitute a "deemed approval" requirement. While the law points to expeditious approval of a merger within the stated time frame, if the PUC requires more time than the 60 days that the statute calls for, the PUC is not under a deemed approval requirement and could easily seek extensions from petitioners in the PUC review process of a merger. Vote 14-0.

HB 681, relative to imposition of fines for anti-competitive acts by electric utilities and relative to billing by electric and gas utilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. John H. Thomas for Science, Technology and Energy: This bill adds Public Utility Commission (PUC) authority to prevent cramming and slamming in the electric and gas industries similar to the existing statutes that make it illegal for service providers in the telecommunications industry to engage in slamming and cramming. Slamming is the changing of a service provider that is not authorized by the customer. Cramming is the addition of services that are not authorized by a customer. Gas and electric utilities have agreed to this legislation. Vote 15-0.

Amendment (1998h)

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

AN ACT relative to billing by local exchange carriers, electric distribution companies, and gas distribution companies.

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

1 Public Utilities; Rates and Charges; Billing by Utility Companies. Amend the subdivision heading preceding RSA 378:44 to read as follows:

Billing by [~~Local Exchange Carriers~~] ***Utility Companies***

2 Public Utilities; Rates and Charges; Billing by Distribution Companies. RSA 378:44-48 is repealed and reenacted to read as follows:

378:44 Definitions. In this subdivision:

I. "Billing aggregator" means a person, other than a service provider, who forwards a charge for a product or service offered by a service provider to the utility company for billing to the customer.

II. "Commission" means the public utilities commission.

III. "Cramming" means a submission or inclusion of unauthorized, misleading, or deceptive charges for products or services on a customer's utility bill. Cramming shall not include tariffed charges or charges required or otherwise allowed by law.

IV. "Customer" means the party identified in the account records of the utility company, a person contractually or otherwise lawfully authorized to represent such party, or a person identified in such records as authorized to change the services subscribed to or to charge services to the account.

V. "Electric distribution company" means the company franchised by the commission to provide retail electric delivery service, provided, however, that municipal electric utilities and rural electric cooperatives for which certificates of deregulation are on file with the commission pursuant to RSA 301:57 shall not be considered electric distribution companies.

VI. "Gas distribution company" means the company franchised by the commission to provide retail gas delivery service.

VII. "Local exchange carrier" means the company that provides local telephone exchange service.

VIII. "Service provider" means a person that offers a product or service to a customer and directly or indirectly sends the billable charges or credits to the utility company for billing to the customer. A customer's energy supplier shall not be deemed to be a service provider.

IX. "Utility company" means the local exchange carrier, electric distribution company, or gas distribution company who renders the utility bill to the customer for telephone, electric, or gas services, respectively.

378:45 Registration Required. All billing aggregators and service providers which directly submit charges to a utility company for inclusion on the utility bill shall be registered with the commission. The commission may revoke a registration for cause. The registration of a billing aggregator may be revoked based upon the fraudulent behavior or conduct of a service provider for whom the billing aggregator is billing.

378:46 Cramming Prohibited. No billing aggregator or service provider shall engage in cramming. Any billing aggregator or service provider that engages in cramming shall be subject to an administrative fine in an amount to be determined by the commission, not to exceed \$1,000 per offense. The commission may consider intent as a factor when assessing administrative fines. The commission may prohibit a billing aggregator or service provider that engages in cramming from billing through the utility company.

378:47 Charges by Service Providers.

I.(a) Upon determining that it is technically and economically feasible, the commission shall require local exchange carriers to permit a customer to place a block on an account that prevents any non-telecommunications-related charges that do not originate from the customer's local exchange or long distance carrier from appearing on the customer's local exchange carrier bill.

(b) A local exchange carrier is prohibited from terminating the essential voice local exchange service of any customer for failure to pay charges from a billing aggregator or service provider that are disputed by the customer.

II.(a) Upon determining that it is technically and economically feasible, the commission shall require electric and gas distribution companies to permit a customer to place a block on an account that prevents any charges that do not originate from the customer's energy supplier or distribution company from appearing on the customer's distribution company bill.

(b) An electric or gas distribution company is prohibited from terminating the transition service, default service, or distribution service of any customer for failure to pay charges from a billing aggregator or service provider.

378:48 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A, and consistent with rules regarding cramming adopted by the Federal Communications Commission and the Federal Energy Regulatory Commission, to enforce the provisions of this subdivision.

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

AMENDED ANALYSIS

This bill amends laws relative to billing by local exchange carriers to:

I. Include billing by certain electric and gas distribution companies.

II. Exempt any charges allowed by law from the definition of "cramming."

III. Limit the cramming prohibition to billing aggregators and service providers, as defined in the bill.

HB 718-FN, establishing minimum renewable standards for energy portfolios. OUGHT TO PASS WITH AMENDMENT

Rep. Donald B. White for Science, Technology and Energy: The committee voted unanimously for passage of this bill, as amended; recognizing that promotion of the generation of electric power is in the public interest. The generation of renewable electricity provides energy diversity and security, as well as environmental, economic and public health benefits. The amendment encourages greater choices for customers who wish to voluntarily purchase electricity generated from renewable resources. Any additional costs for this electricity must be borne by the customer. Utilities are not mandated to provide the option of renewable electricity. The amendment defines what is renewable electricity. The amendment also requires the Public Utilities Commission to complete its rulemaking on environmental disclosure of the sources of electricity so that customers have this information if they choose a competitive supplier. The amendment also encourages the PUC to include information on renewable electricity as part of its on-going customer education program. The amendment is a first step toward encouraging more generation of renewable electricity on a voluntary basis. The original bill would have mandated increasing levels of renewable electricity generation, which the committee rejected because of concerns of the impact such a policy would have had on the price of electricity in New Hampshire. Sections 6 and 7 are not intended to create PUC jurisdiction over the New Hampshire Electric Cooperative or a municipality where such jurisdiction would not otherwise exist. Vote 16-0.

Amendment (1958h)

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

AN ACT relative to renewable-energy-source electricity generation and transition service.

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

1 Purpose. The purpose of this act is to promote the generation of electricity from renewable energy in recognition of the environmental, public health, economic, energy security, and energy diversity benefits associated with such production.

2 Public Utility; Regulation of Rural Electric Cooperatives. Amend RSA 362:2, II to read as follows:

II. For the purposes of this title only, rural electric cooperatives for which a certificate of deregulation is on file with the public utilities commission pursuant to RSA 301:57 shall not be considered public utilities; provided, however, that the provisions of RSA 362-A, 363-B, 371, 374:2-a, 374:26, 374:26-a, 374-A, 374-C, 374-F, and 378:37-39 shall, unless otherwise provided herein, be applicable to rural electric cooperatives, without regard to whether a certificate of regulation or deregulation is on file with the public utilities commission. The provisions of RSA 374-A and the provisions of RSA 374-F:3, V(b) *and (f)* and RSA 374-F:7 shall be applicable to rural electric cooperatives for which a certificate of deregulation is on file with the public utilities commission to the same extent as municipal utilities.

3 Authority to Issue Finance Orders; Transition Service. Amend RSA 369-B:3, IV(b)(1)(A)-(D) to read as follows:

(A) From competition day until the completion of the sale of PSNH's ownership interests in fossil and entitlement interests in nuclear generation assets located in New Hampshire, PSNH shall supply all, ***except as modified pursuant to RSA 374-F:3, V(f)***, transition service and default service offered in its retail electric service territory from its generation assets and, if necessary, through supplemental power purchases in a manner approved by the commission. Once PSNH is no longer supplying transition service, to the extent applicable, any provider or providers of transition service shall have been chosen through a competitive bid process, administered by the commission, to provide such service or as determined under RSA 374-F:3, V(e). The commission may, if it finds it to be in the public interest, divide the competitive bid process into multiple categories or multiple competitive bids;

(B)(i) Transition service for residential customers, street lighting customers, and general delivery service rate G customers shall be available until at least 24 months after initial transition service end day or as extended by the commission under RSA 374-F:3, V. From competition day until 21 months after competition day, the price of transition service for these customers shall be \$0.044 per kilowatt-hour ***together with, for those customers choosing a renewable energy transition service option under RSA 374-F:3, V(f), the price of the renewable energy component***. From 21 months after competition day until initial transition service end day, the price of transition service for these customers shall be \$0.046 per kilowatt-hour ***together with, for those customers choosing a renewable energy transition service option under RSA 374-F:3, V(f), the price of the renewable energy component***;

(ii) From initial transition service end day to the day that PSNH ceases to provide transition service, the price of transition service shall be PSNH's actual, prudent, and reasonable costs of providing such power, as approved by the commission, ***together with, for those customers choosing a renewable energy transition service option under RSA 374-F:3, V(f), the price of the renewable energy component***. Thereafter, the price of transition service, if offered, shall be the competitively bid price for transition service, or as determined under RSA 374-F:3, V(e), ***together with, for those customers choosing a renewable energy transition service option under RSA 374-F:3, V(f), the price of the renewable energy component***;

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

(C) Transition service for all other customers shall be available until at least 12 months after initial transition service end day or as extended by the commission under RSA 374-F:3, V. From competition day to 21 months after competition day, the price of transition service for these customers shall be \$0.044 per kilowatt-hour ***together with, for those customers choosing a renewable energy transition service option under RSA 374-F:3, V(f), the price of the renewable energy component***. From 21 months after competition day to the day that PSNH ceases to provide transition service, the price of transition service shall be PSNH's actual, prudent, and reasonable costs of providing such power as approved by the commission, ***together with, for those customers choosing a renewable energy transition service option under RSA 374-F:3, V(f), the price of the renewable energy component***. Thereafter, the price of

transition service, if offered, shall be the competitively bid price for transition service, or as determined under RSA 374-F:3, V(e), ***together with, for those customers choosing a renewable energy transition service option under RSA 374-F:3, V(f), the price of the renewable energy component;***

(D) Any difference between the price of transition service, ***exclusive of the portion attributable to the renewable energy component under RSA 374-F:3, V(f)***, from competition day to the day that PSNH ceases to provide transition service and PSNH's actual, prudent, and reasonable costs of providing such power as determined by the commission shall first be separated between the 2 groups of customers described in subparagraphs (b)(1)(B) and (b)(1)(C), used first to offset any differences described in subparagraph (b)(1)(B), and the net then reconciled for each group of customers either by changing the recovery end date, or by decreasing the stranded cost recovery charge, as the commission finds to be in the public interest;

4 New Subparagraph; Electric Utility Restructuring Policy Principles; Renewable Energy Option Transition Service. Amend RSA 374-F:3, V by inserting after subparagraph (e) the following new subparagraph:

(f)(1) A utility may, at its discretion, offer its customers to choose a renewable energy transition service option from one or more options, as approved by the commission. A renewable energy transition service option should have either all or a portion of its service attributable to a renewable energy component, with any remainder filled by standard transition service. Costs associated with the renewable energy component should be paid for by those customers choosing to take the renewable energy transition service option; the price of the renewable energy component shall be approved by the commission.

(2) The renewable energy component should be composed of the purchase of electricity from generation sites powered by renewable energy and located within the ozone transport region (Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia) or, as approved by the commission in consultation with the department of environmental services, the purchase of various forms of renewable energy certificates or emission credits, allowances, or certificates attributable to such generation sites, but acquired separately from the electricity produced. Renewable energy certificates administered by the Independent System Operator-New England should be considered at least one form of certification that is acceptable under this program.

(3) For purposes of subparagraph (f), "renewable energy" means geothermal energy, tidal or wave energy, wind energy, solar thermal energy, photovoltaic energy, landfill gas energy, hydro energy, biomass energy, or combusted municipal waste energy where mercury emissions are reduced to an emission rate of 0.028 milligrams per dry standard cubic meter or less corrected to 7 percent oxygen by volume on a dry basis, or at least 85 percent control efficiency.

(4) A utility that is required by statute to provide transition service from its generation assets should use any of its owned generation assets that are powered by renewable energy for the provision of standard transition service, rather than for the provision of a renewable energy component.

(5) Utilities offering renewable energy transition service options should insert educational materials in their normal mailings to their customers that explain the renewable energy transition service options being offered and the health and environmental benefits

associated with them. Such educational materials should be compatible with any environmental disclosure requirements established by the commission.

(6) For purposes of consumer protection and the maintenance of program integrity, reasonable efforts should be made to assure that the renewable energy component of a renewable energy transition service option is not separately advertised, claimed, or sold as part of any other electricity service or transaction.

5 New Paragraph; Electric Utility Restructuring; Promoting Renewable Energy. Amend RSA 374-F:6 by inserting after paragraph IV the following new paragraph:

V. Working on promoting the generation of electricity from renewable energy.

6 Environmental Disclosure. The public utilities commission shall establish reporting requirements that will inform all customers on an ongoing basis about the resource mix and environmental characteristics of the electrical service that they take.

7 Expenditure on Renewable Energy Education. As part of the effort to educate the public about electric utility restructuring and their ability to choose suppliers, the public utilities commission shall make certain that a reasonable amount of money is expended to inform the public about the various environmental, public health, economic, and energy diversity benefits associated with customers supporting the generation of electricity from renewable energy resources.

8 Repeal. RSA 374-F:6, I-II, relative to retail wheeling and restructuring and relative to the competitive retail purchase pilot program, are repealed.

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

AMENDED ANALYSIS

This bill permits electric utilities to establish renewable energy options as part of transition service.

HB 209-FN, relative to original and youth operators' licenses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sherman Packard for Transportation: This bill, as amended, repeals the stipulation that a 16 or 17 year old cannot drive unless accompanied by an adult for the first 90 days. It requires a one-year license for those under 18 years old. During the first 6 months, the youth operator will be limited to one passenger in the vehicle other than a family member or unless accompanied by an adult over 25 years of age. The charge for the license will be 10 dollars (\$10). If conviction free for one year, the youth will be moved into a full 5-year license. Vote 13-0.

Amendment (2025h)

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

1 Drivers' Licenses; License Expiration; Exception. Amend RSA 263:10 to read as follows:

263:10 License Expiration. ***Except as provided in RSA 263:14***, all licenses shall expire on the fifth anniversary of the license holder's date of birth following the date of issuance. The

department shall notify each holder of a license by mail addressed to the holder's last known address, 30 days prior to the expiration date thereof of a place and time when he or she shall appear for the issuance of a new license.

2 Youth Operators' Licenses; Operation Restrictions. Amend RSA 263:14, II(c) to read as follows:

(c) During the first ~~[90 days]~~ **6 months** after issuance of the license, the holder of a youth operator's license shall not operate a motor vehicle ***with more than one passenger less than 25 years of age who is not a member of the holder's family*** unless accompanied by a licensed responsible adult who is at least 25 years of age.

3 New Subparagraph; Original and Youth Operators' Licenses; Expiration of Youth Operators' Licenses. Amend RSA 263:14, II by inserting after subparagraph (f) the following new subparagraph:

(g) A youth operator's license shall expire one month after the first anniversary of its issuance unless the holder is convicted of an offense specified in RSA 259:39. If the holder of a youth operator's license is convicted of an offense specified in RSA 259:39, the license shall expire one year after the date of the holder's last conviction of any offense specified in RSA 259:39 and the holder shall not be eligible to apply for any other form of license under Title XXI until the youth operator's license has expired. If an action for an offense specified in RSA 259:39 is pending against the holder of a youth operator's license on the date of the license's scheduled expiration, the director shall issue a temporary license to the holder valid until the conclusion of the action.

4 Driver Education; Motorcycle Endorsement; Reference Deleted. Amend RSA 263:19, III to read as follows:

III. Any person who wishes to obtain a motorcycle endorsement shall not be required to complete the 20 hours of practice driving time specified in paragraph II, but shall successfully complete a program authorized pursuant to RSA 263:34-b ~~[and shall be exempt from RSA 263:14, II(c) while operating a motorcycle]~~.

5 Driver's License Fees; Expiration; Exception. Amend RSA 263:42, I to read as follows:

I. For each ~~[youth operator's or]~~ original driver's license and examination or driver's license renewal, other than for a commercial vehicle- \$50; ***for each youth operator's license and examination- \$10***; for each original commercial driver license and examination or commercial driver license renewal- \$60; for each commercial driver license reexamination in a one-year period- \$20; for each commercial vehicle endorsement, renewal of an endorsement or removal of a restriction- \$10. For each original driver's license issued, \$5 shall be credited to the driver training fund established by RSA 263:52. ***Except as provided in RSA 263:14***, every license shall expire on the licensee's birthdate in the fifth year following the issuance of such license. No fee collected under this paragraph shall be refunded once an examination has been taken or a license issued, except as provided in RSA 263:43.

6 Effective Date. This act shall take effect January 1, 2003.

AMENDED ANALYSIS

This bill provides for the expiration of youth operators' licenses, modifies the restrictions on motor vehicle operation by youth operators, and changes the fee for such licenses.

CACR 24, relating to establishing a maximum rate for a sales tax. Providing that the rate of any sales tax established in law shall not exceed 2 1/2 percent, provided that a higher rate may be established by a 2/3 vote of those present and voting in each house of the general court.

INEXPEDIENT TO LEGISLATE

Rep. Bette R. Lasky for Ways and Means: The subcommittee voted 5-0 to ITL this bill. As a sales tax was not passed in 2001, nor does there appear to be one on the horizon, this bill is not relevant at this time. Vote 17-0.

CACR 25, relating to establishing a maximum rate for any uniform statewide property tax established in law by the general court for the purpose of providing state aid for public elementary and secondary education. Providing that the rate of any uniform statewide property tax established in law by the general court for the purpose of providing state aid for public elementary and secondary education shall not exceed \$4.90 on each \$1,000 of the value of taxable property subject to the tax, provided that a higher rate may be established by a 2/3 vote of those present and voting in each house of the general court. **INEXPEDIENT TO LEGISLATE**

Rep. Jeff Gilbert for Ways and Means: In view of the legislature's actions in adopting HB 170 last June, the Committee believes that this bill is now moot. Vote 15-0.

HB 213-FN, increasing the allowable amount of education property tax relief. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeff Gilbert for Ways and Means: The committee unanimously agreed that while this bill's purpose of expanding hardship relief from the statewide property tax was laudable the bill was too narrow in its focus and therefore should be amended to create a study committee to examine all aspects of hardship relief from the statewide property tax. Vote 15-0.

Amendment (1959h)

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

AN ACT establishing a study committee on education property tax hardship relief.

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

1 Committee Established. There is established a committee to study education property tax hardship relief.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study the components of education property tax hardship relief and recommend changes to current education property tax hardship relief laws.

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

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

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

AMENDED ANALYSIS

This bill establishes a study committee on education property tax hardship relief.

HB 294-FN, excluding certain pension income from household income for purposes of determining education property tax hardship relief. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: Certain pensions, primarily those of Portsmouth Shipyard and NH State Group II retirees, are taxable in full by the IRS. The vast majority of NH elderly enjoy non-taxable pensions and social security, and thus, if impoverished homeowners, can claim more relief than the working poor under the statewide property tax hardship relief program passed into law last year. Portsmouth Shipyard and Group II pensioners cannot. This bill entitles them to the same relief as the majority of elderly get. The legislature projected a maximum of \$10 million to cover the cost of hardship relief over the biennium; this should add an estimated 4-9% to that. Vote 15-0.

Amendment (2051h)

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

AN ACT excluding certain pension income from household income for purposes of determining low and moderate income homeowners property tax relief.

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

1 Definition; Household Income. Amend RSA 198:56, III to read as follows:

III. "Household income" means the sum of the adjusted gross income for federal income tax purposes of the claimant and any adult member of the claimant's household who resides in the homestead for which a claim is made, ***less up to \$14,000 in pension payments for each claimant or household member who was ineligible for social security and receives a pension in lieu of social security payments.*** "Household income" shall also include all income of any trust through which the claimant holds equitable title, or the beneficial interest for life, in the homestead.

2 Effective Date. This act shall take effect July 1, 2002 at 12:01 a.m..

AMENDED ANALYSIS

This bill excludes pension income up to \$14,000 in pension payments received in lieu of social security payments from household income for purposes of determining low and moderate income homeowners property tax relief.

Referred to Finance.

HB 334-FN-A, adopting a single sales factor method of apportionment under the business profits tax. **INEXPEDIENT TO LEGISLATE**

Rep. Howard C. Dickinson for Ways and Means: The Business Profits Tax is currently calculated using three criteria, with the so-called sales factor receiving double weight. This bill would base the BPT solely on a business' sales. It would affect the approximate 8,000 taxpayers who do business both inside and outside New Hampshire. The change would benefit and encourage manufacturing – a sector of our economy which has been in significant decline – but adversely affect an even larger number of smaller businesses in the service, retail and wholesale sectors. In addition, all parties agreed that this change would result in a reduction of from \$7 to \$9 million in business tax revenues during normal times. The committee almost unanimously concluded that it would be unwise to consider this change during these uncertain economic and fiscal times. Vote 16-1.

HB 378, requiring organizations engaged in the conduct of charitable gambling to reserve at least 80 percent of the revenue for use within New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. David J. Alukonis for Ways and Means: The intent of this bill is to reduce the possibilities for dishonest activities by bingo operators and to reduce the amount of proceeds from those games that go to benefit causes outside of the state of New Hampshire. The committee entertained significant testimony from reputable charities as well as from churches that stated that this proposal would interfere with their charitable efforts. For example, many churches in New Hampshire hold bingo games that raise funds for relief and missionary efforts in other parts of the United States as well as in third world nations. If HB 378 were to be adopted, local charities would not be able to raise funds to benefit causes that they see as important to them. The issue of fraudulent activities was not a concern for the Department of Safety, which has police powers over the operations of bingo games. Vote 18-0.

HB 427, establishing a commission to study the taxation of trusts and the control of beneficiaries over trust management. **INEXPEDIENT TO LEGISLATE**

Rep. David W. Hess for Ways and Means: This bill was filed at the request of one constituent who was concerned about the fairness of taxing trusts in New Hampshire and about a beneficiaries power to influence a trustee's management decision. However testimony received from the Department of Revenue Administration, the banking industry, and the legal profession unanimously confirmed that trusts are taxed in the way that individuals and corporations are taxed, as required by the New Hampshire Constitution. Further, in order for a trust to validly exist as a separate legal entity, the trustee must be receptive to, but cannot be bound and controlled by the demands of that trust's beneficiaries. Vote 16-0.

HB 558-FN-A-L, increasing certain state taxes, establishing a tax on gambling winnings, and expanding the meals and rooms tax to include a tax on entertainment. **INEXPEDIENT TO LEGISLATE**

Rep. David J. Alukonis for Ways and Means: This bill was introduced as a vehicle to solve the state's anticipated budget deficit by increasing several taxes and creating some new ones as well. As the budget for the current biennium is balanced and has been signed into law, there is now no need for this proposal. Vote 17-1.

HB 644-FN-A-L, requiring the sweepstakes commission to hold a sealed bid auction for permits to operate slot machines and providing municipalities the option of allowing the operation of slot machines. **INEXPEDIENT TO LEGISLATE**

Rep. Kevin L. Camm for Ways and Means: This bill was retained by the committee as a gambling bill vehicle. There are at least 5 new bills coming forth that we feel deserve consideration. The sponsor's concerns were that expanded gambling (should that occur) should not be an exclusive license to a chosen few and that there should be fair opportunity for the distribution of licenses to those that want to participate. These concerns can be addressed at the appropriate time with the upcoming bills. Vote 17-1.

SB 28, permitting disclosure of final decisions of the commissioner of revenue administration. **INEXPEDIENT TO LEGISLATE**

Rep. Christine M. Konys for Ways and Means: This bill was requested by the Dept. of Revenue Administration. There was opposition from both the legal and business communities, and subsequent to the public hearing, the Commissioner of the DRA asked that the bill be found inexpedient to legislate. Vote 16-0.

SB 64-FN-A, establishing a fund to pay mediators in the probate courts. **OUGHT TO PASS**

Rep. David W. Hess for Ways and Means: This bill institutes a voluntary mediation program in our Probate Courts to facilitate the resolution of litigation in those courts. Effective mediation of these disputes is particularly appropriate because the parties involved are generally familiar with each other and are frequently members of the same family. Mediation in these cases requires professional, skilled and trained individuals. This purely voluntary program will be funded by a \$5 fee added to all filings in Probate Court. No parties appeared in opposition. The probate court forecasts that the fee will generate \$50,000 annually. Vote 15-0.

Referred to Finance.

SB 142-FN, relative to the collection of debts owed to the state. **INEXPEDIENT TO LEGISLATE**

Rep. Christine M. Konys for Ways and Means: This bill was introduced at the request of a single constituent, which was a collection agency. The committee received input from several state agencies, and the consensus was that the state does very well collecting debt on its own. There were also serious concerns about having a private agency represent the state in the collection of debt. Vote 17-0.

SB 183-FN-A-L, relative to distribution of certain meals and rooms tax revenue to municipalities with affordable housing. **INEXPEDIENT TO LEGISLATE**

Rep. Bette R. Lasky for Ways and Means: The subcommittee voted 5-0 to ITL this bill. A commission established by SB 21 has been meeting all summer to study in depth the issue of "affordable

housing". The commission is ongoing and will consider the content of SB 183 in its deliberations on possible legislation to address affordable housing. Vote 16-1.

regular calendar

HB 559-FN, relative to the procedures for assignment of income from child or spousal support orders. **OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Bouchard for Children and Family Law: The intent of the bill is to decrease the workload of the Health and Human Services, Division of Child Support, by enacting an additional option for the transfer of child support payments instead of automatic wage assignment.

Amendment (2027h)

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

1 Domestic Relations; Assignment of Income; Direct Deposit Dedicated Checking Account Alternative. Amend RSA 458-B:2, I to read as follows:

I. Child support, spousal support or combination child and spousal support orders issued or modified after January 1, 1994, whether payable through the department or directly to an obligee, shall include a provision assigning a portion of the obligor's income, salaries, commissions, earnings, or other periodic income from whatever source, except as expressly limited by law **and as otherwise provided in this section**. ~~[Such assignment shall take effect immediately]~~ If the state is paying public assistance for the benefit of the minor children, **the assignment shall be required and shall take effect immediately**. In all other cases, where the state is not paying public assistance, the assignment ~~[may]~~ **shall** be suspended by the court:

(a) Where there is a written agreement between the obligor and obligee approved by the court or administrative body.

(b) Where there is a written agreement between the obligor and obligee, approved by the court, that establishes a "direct deposit" dedicated checking account for the purpose of receiving regularly scheduled payments. All basic service fees of the dedicated account remain the responsibility of the obligor. The obligee shall maintain a record of all monthly bank statements for the duration of the agreement. The statements shall be presented to the court upon request. The direct deposit procedure shall be revoked when a delinquency equal to the support obligation for one month is incurred. An income assignment shall then be initiated without requiring an amendment to the support order or further action by the court or administrative body that issued the order. If the obligee is unwilling to agree to the use of a direct deposit dedicated checking account, the obligee shall successfully demonstrate by clear and convincing evidence that such an account would not be in the best interest of those involved.

~~(b)~~ **(c)** When the court or administrative body finds that there is good cause not to require immediate income assignment. For purposes of this paragraph, any finding that there is good cause not to require assignment must be based on at least:

(1) A written determination and explanation by the court or administrative body as to why implementing immediate assignment would not be in the best interests of the child; and

(2) Proof of the obligor's timely payment of any previously ordered support.

2 Domestic Relations; Assignment of Income. Amend RSA 458-B:2, II (b) to read as follows:

(b) In the event an assignment is suspended in the first instance because there has been a written agreement approved by the court or a determination of good cause, an obligee may seek the initiation of the assignment ~~[without regard to whether there is an arrearage by petitioning the court to negate the written agreement or to remove the good cause determination]~~ **upon a court finding that the obligor is in violation or contempt of an order of support.**

3 Judicial Income Assignment; Direct Deposit Dedicated Checking Account Alternative. Amend RSA 458-B:9 to read as follows:

458-B:9 Judicial Income Assignment. Nothing in this chapter precludes a judge upon petition of a party or sua sponte from ordering an immediate income assignment without accrual of arrearages~~[-, when it is deemed to]~~ **if it is determined by clear and convincing evidence that the use of a direct deposit checking account would not** be in the best interest of the child, obligee, or obligor ~~[to do so]~~. A judicial order under the terms of this chapter will satisfy all due process required by this chapter.

4 New Subparagraph; Child Support Guidelines; Child Support Formula; Modification May Be Retroactive to Date of Loss of Income. Amend RSA 458-C:3, IV by inserting after subparagraph (b) the following new subparagraph:

(c) If the obligor's income has been terminated because of an involuntary lay-off, termination of employment, or provable loss of income through no fault of the obligor's, any modification of support payments shall be retroactive to the date of notification to the obligee of the petition for modification. In such cases, the obligor shall provide notice of the petition for modification to the obligee's attorney or directly to the obligee, by certified mail, restricted return receipt requested. The obligor shall file the petition to modify the support order with the court within 30 days of the date of mailing the notification to the obligee.

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

AMENDED ANALYSIS

This bill authorizes the use of a direct deposit dedicated checking account as an alternative to wage assignment for child support payments.

The bill also permits modification of child support payments to be retroactive to the date of notification of the petition for modification based on loss of income.

Adopted.

Report adopted and ordered to third reading.

HB 470, relative to caller identification requirements for persons engaged in telephone solicitation. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: In this first year of the biennium, the committee dealt with three bills relative to telemarketing practices. Because of interstate commerce issues, it is difficult to regulate against the telemarketers. The Commerce Committee requested that the New Hampshire Telephone industry do a special mailing advising their customers what can be done to stop telemarketers from making these calls. It is our understanding that 100% of users with telephone wires have been contacted. Based on this, the committee recommends that HB 470 be reported out as inexpedient to legislate. Vote 15-1.

Adopted.

HB 541-FN, requiring certain hospitals to provide charity care and continually appropriating a special fund. **REFER FOR INTERIM STUDY**

Rep. Marshall E. Quandt for Commerce: This bill would require non-profit hospitals to have a guaranteed amount of charitable care. The committee felt this bill has merit but needed a lot of work, and therefore voted unanimously for Interim Study. Vote 16-0.

Adopted.

HB 710-FN, relative to liquor licenses and fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen G. Avery for Commerce: This bill constitutes a sweeping revision of the current liquor licenses and fees as found in RSA 178. Right now there are 54 classifications of retail on premise licenses for the sale of alcohol. This legislation is strongly recommended by the New Hampshire Liquor Commission who believe that the current laws governing licensing in the Title XIII are a complex labyrinth constructed more to accommodate new and evolving businesses than an orderly and efficient licensure structure for businesses selling alcoholic beverages. This bill, when passed, will enable the Bureau of Enforcement to concentrate their efforts on the more important issues of underage drinking and the over- service of alcoholic beverages. Vote 17-0.

Amendment (1895h)

Amend the bill by replacing sections 4-5 with the following:

4 New Paragraph; Definitions; Caterer. Amend RSA 175:1 by inserting after paragraph XIV the following new paragraph:

XIV-a. "Caterer" means a person who provides meals or other food as well as liquor or beverage service to private groups on premises approved by the commission for such service. At least 50 percent of a caterer's sales conducted under a license issued by the commission shall be food.

5 New Paragraph; Definition; Food Service Business. Amend RSA 175:1 by inserting after paragraph XXXI the following new paragraph:

XXXI-a. "Food service business" means a business kept, used, maintained, advertised, and held out to the public solely as a place where meals are served. At least 50 percent of the sales of a food service business shall be food consumed on the premises.

Amend RSA 178:12, IV as inserted by section 12 of the bill by replacing it with the following:

IV.(a) The holder of a beverage manufacturer license may sell beverages manufactured on its premises to:

(1) The licensee's employees who are of legal drinking age at such discounts as are customary in the business;

(2) The general public for off-premises consumption in quantities not to exceed a single 15.5 gallon keg or the equivalent of one case of 12 ounce containers per person per day; or

(b) A holder of a beverage manufacturer license who manufactures 15,000 barrels or less during its licensing period may elect to distribute its beverages directly to retail licensees and/or to distribute its beverages pursuant to RSA 180, provided that total in-state direct retail sales do not exceed 5,000 barrels.

Amend RSA 178:16 as inserted by section 12 of the bill by inserting after paragraph IV the following new paragraph:

V. No person shall have through stock ownership, interlocking directors, or otherwise, an interest or control, either direct or indirect, in the business of the holder of a wholesale distributor license, unless he or she has been a resident of the state for at least 3 consecutive years immediately prior thereto. The provisions of this section shall not apply to the renewal of wholesale permits which were in existence on March 15, 1957, nor shall it be deemed to refer to persons who acquired their interest as heirs-at-law or spouse of the deceased, by the law of intestate succession, or, in the case of a will, those who acquired their interest under a will, provided that such legatees are also heirs-at-law or spouse of the deceased.

Amend RSA 178:22 as inserted by section 12 of the bill by replacing it with the following:

178:22 Additional Fees.

I. In addition to the annual license fees provided in this chapter, a fee of \$.30 for each gallon of beverage sold or transferred for retail sale or to the public shall be required for licenses issued to wholesale distributors, beverage manufacturers, and brew pubs; provided, however, that if beverage container mandatory deposit legislation is enacted, such fee shall be \$.18 per gallon as of the effective date of such legislation. For failure to pay any part of the fees provided or under this section when due, 10 percent of such fees shall be added and collected by the commission from the licensee.

II. A sum of money from all sources of funds available to the department of transportation equivalent to 1/15 of all fees collected under paragraph I of this section shall be dedicated and used exclusively for the purpose of increased roadside litter removal for class I through class V highways; provided, however, that in the event beverage container mandatory deposit legislation is enacted, such amount shall cease to be so dedicated as of the effective date of such legislation.

Amend RSA 180:1, IV-V as inserted by section 37 of the bill by replacing it with the following:

IV. [~~"Goodwill," unless otherwise agreed, means earnings before taxes resulting from the wholesale distributor's sale of the beverage manufacturer's, beverage vendor's, or beverage vendor importer's brand or brands of beverages averaged over the wholesale distributor's last 3 fiscal years, or averaged over the wholesale distributor's recent fiscal years in which the wholesaler has had such earnings if fewer than 3 fiscal years.~~

~~V.] "Wholesale distributor licensee" means any person offering beverages for sale or resale to retailers without regard to whether the business of the person is conducted under the terms of an agreement with a beverage manufacturer, brew pub, or beverage vendor[, or beverage vendor importer].~~

Adopted.

Report adopted and referred to Ways and Means.

HB 765-FN-A, establishing an historic homeownership mortgage credit program. **REFER FOR INTERIM STUDY**

Rep. Joseph D. Kenney for Commerce: This bill would establish an historic homeownership mortgage credit program in which owners of certain historic homes receive a mortgage credit for a percentage of qualified rehabilitation expenses. The overall fiscal note for this bill was for \$1,000,000. An eligible individual would be entitled to receive an historic homeownership mortgage credit in an amount equal to 25% of the qualified rehabilitation expenditures made by the individual with respect to a qualified historic home. The credit allowed by this section with respect to any residence shall not exceed \$50,000. The committee appreciated the need to develop a program for historical home preservation in historic districts and within New Hampshire Main Street Centers. However, the committee felt the bill needed some "nuts and bolts" work and a better financial study of pre-existing programs around the nation to justify a large fiscal note. The committee felt the pressing need in New Hampshire is for affordable housing that is addressed in SB 102-A. Vote 17-0.

Adopted.

SB 102-A, making a capital appropriation to support affordable housing solutions in the state of New Hampshire. **OUGHT TO PASS**

Rep. Joseph D. Kenney for Commerce: This bill would appropriate \$5,000,000 to the New Hampshire Housing Finance Authority to address the affordable housing needs of the state. A similar request was made in 1989, which has produced excellent results, and for every dollar invested, ten dollars was created in housing projects. The Treasury Department has determined that this bill will increase state general fund expenditures by \$545, 875 in FY 2002, by \$530,875 in FY 2003, by \$515,875 in FY 2004 and by \$503, 500 in FY 2005. There will be no effect on county and local expenditure or on state, county and local revenues. This bill increases general fund bonded indebtedness by \$5,000,000. This appropriation shall be nonlapsing. Because the Commerce Committee is a policy committee, we left the dollar amount and the timing of when the funding would begin to be determined by the Finance Committee. However, the committee strongly supported this bill based on the escalating needs of housing in our state, and the past success of the New Hampshire Housing Authority. Vote 17-0.

Adopted and referred to Public Works and Highways.

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

HB 436, eliminating nomination of a party by nomination papers. **INEXPEDIENT TO LEGISLATE**

Rep. Robert E. Clegg, Jr. for Election Law: The majority of the committee agreed more work needs to be done on this issue but this bill would repeal all the work the committee accomplished last year. The majority of the committee recommended Inexpedient to Legislate so that it may start fresh with bills presented this year. Vote 10-8.

Adopted.

HB 519, relative to the ballot law commission. **OUGHT TO PASS**

Rep. Natalie S. Flanagan for Election Law: This bill returns the right to determine petition to cease and desist back to the Ballot Law Commission. Any cases of misconduct or fraud shall be handled by the Attorney General. Vote 10-8.

Rep. Arndt moved Recommit to committee.

Adopted. Recommitted to Election Law.

HB 581-FN, relative to the authority of the commissioner of agriculture, markets, and food to search for invasive species. **INEXPEDIENT TO LEGISLATE**

Rep. Timothy D. O'Connell for Environment and Agriculture: This bill would require the 3 plant inspectors in the Department of Agriculture to obtain a search warrant to inspect over 700 regulated plant producers and retailers, in addition to monitoring our general landscape for exotic, or invasive, species. Invasive species include other plants, insects, molds, fungi, and bacteria that compete with our native species. Invasions, accidental or intentional can have major economic and ecological impact as evident with Am. Chestnut Blight and Milfoil. The committee recognizing that early detection and rapid response is essential to combat such threats to our economic and environmental well being. Vote 14-0.

Rep. Musler moved Recommit to committee.

Adopted. Recommitted to Environment and Agriculture.

HB 675, relative to mercury source reduction. **OUGHT TO PASS WITH AMENDMENT**

Rep. James Phinizy for Environment and Agriculture: This bill is part of a regional effort to achieve mercury reduction in the environment and to establish a reasonable time line for reduction of mercury in consumer products. This legislation establishes a sensible, non-nonsense approach towards those products which contain mercury as an added component. Vote 13-5.

Amendment (2001h)

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

AN ACT relative to mercury source reduction.

Amend the bill by replacing section 2 with the following:

2 Notification. RSA 149-M:52 is repealed and reenacted to read as follows:

149-M:52 Notification.

I. No mercury-added product shall be offered for final sale or use or distributed for promotional purposes in this state without prior notification in writing by the manufacturer of the product or its industry trade group to the department in accordance with the requirements of this section. The individual component manufacturer shall remain responsible for providing the information in accordance with the requirements of this section. Importers of these products shall assure that the manufacturer has complied with this section before sale or use or distribution in the state. Such notification shall as a minimum include:

(a) A brief description of the product to be offered for sale, use, or distribution.

(b) For each individual product, or for each category of product, identification of its mercury content in one of the following ranges: greater than 0 to 5 mg, greater than 5 mg to 10 mg, greater than 10 mg to 50 mg, greater than 50 mg to 100 mg, greater than 100 mg to 1000 mg, or greater than 1000 mg.

(c) For each individual product or category of products, identification of the purpose that mercury serves in the product.

(d) The name and address of the manufacturer, and the name, address, and telephone number of a contact person for the manufacturer.

(e) The total amount of mercury contained in all their products containing mercury sold in the United States. This information may be provided either by individual manufacturers or aggregated for an industry by a trade group. This information shall be based on prior calendar year sales and shall be updated in 3-year intervals or sooner for categories of mercury-added products where there has been a significant change in the amount of mercury used by that product category.

II. The manufacturer shall update and revise the information in the notification when requested by the department.

III. Any information furnished pursuant to the requirements of this section, which, as certified by the manufacturer, relates to production or sales figures or to processes or production unique to the manufacturer or which would tend to affect adversely the competitive position of the manufacturer, shall be only for the confidential use of the department and the interstate clearing house in the administration of this section, unless the manufacturer shall expressly agree to its publication or availability to the general public. Nothing in this section shall be construed to prevent the use of such information by the department and the interstate clearinghouse in compiling or publishing analyses or summaries relating to the amount and effect of mercury in products and the environment; provided that the analyses or summaries do not identify any manufacturer or reveal any information otherwise confidential under this section.

IV. A fabricated mercury-added product manufacturer is not required to provide mercury content information on its mercury-added component, if the component manufacturer has provided the information to the department, and if the fabricated mercury-added product manufacturer notifies the department of the specific components used in the fabricated mercury-added product, and the identification of the manufacturer of the components.

V. This section shall not apply to prescription drugs or any substance regulated by the Food, Drug and Cosmetic Act, 21 U.S.C. 301 et seq. or to biological products regulated by the Food and Drug Administration under the Public Health Service Act, 42 U.S.C. 262 et seq.

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

4 New Sections; Requirements Relative to Labeling, Notification, and Disposal of Mercury-Added Products. Amend RSA 149-M by inserting after section 57 the following new sections:

149-M:58 Phase-out and Exemptions.

I. No mercury-added product shall be offered for final sale or use or distributed for promotional purposes in New Hampshire if the mercury content of the product exceeds:

(a) One gram (1000 milligrams) for fabricated mercury-added products or 250 parts per million (ppm) for formulated mercury-added products, 2 years from the effective date of this section.

(b) One hundred milligrams for fabricated mercury-added products or 50 parts per million (ppm) for formulated mercury-added products, 4 years from the effective date of this section.

(c) Ten milligrams for fabricated mercury-added products or 10 parts per million (ppm) for formulated mercury-added products, 6 years from the effective date of this section.

II. For a product that contains more than one mercury-added product, the phase-out limits specified in paragraph I apply to each mercury-added product and not the sum of the mercury in all the components.

III. Fluorescent lamps shall be exempt from the requirements of paragraph I. Eight years from the effective date of this section, the mercury content of fluorescent bulbs shall not exceed 10 milligrams unless the manufacturer complies with the exemption requirements of paragraphs V-VII.

IV. A mercury-added product shall be exempt from the limits on total mercury content set forth in paragraph I if the level of mercury or mercury compounds contained in the product is necessary in order to comply with federal or state health or safety requirements. In order to claim exemption under this paragraph, the manufacturer shall notify the department in writing and provide the legal justification for the request for exemption.

V. Manufacturers of a mercury-added product may apply to the department for an exemption of no more than 2 years, from the limits on total mercury content set forth in paragraph I for a product or product category. An exemption may be renewed and each renewal shall be for a period not to exceed 2 years.

VI. Applications for exemptions shall:

(a) Be submitted no later than one year prior to the phase-out dates established in paragraph I; and

(b) Document the basis for the request.

VII. The department may grant an exemption with modifications or conditions for a product or category of products if it finds:

(a) Use of the product is beneficial to the environment, protective of public health, or protective of public safety;

(b) There is no technically feasible alternative to use of mercury in the product;

(c) There is no comparable non-mercury-added product available at reasonable cost that is less harmful to the environment and public health;

(d) A satisfactory recycling program is in place; and

(e) For exemption renewal, that reasonable efforts have been made to eliminate mercury from the product.

VIII. Prior to issuing an exemption, the department is encouraged to consult with neighboring states and provinces and regional organizations to promote consistency. The state shall avoid inconsistencies in the implementation of this section to the extent feasible.

IX. When applications for exemption are submitted in full compliance with the requirements listed in paragraph VI and the department has not responded, the manufacturers may continue to sell their products pending resolution by the department.

X. If an application for an exemption is denied, the products involved shall only be sold for use or distributed for promotional purposes until the phase-out dates established in paragraph I or one year from the date of disapproval by the department, whichever date is later.

149-M:59 Labeling of and Consumer Information About Mercury-Added Products. Effective January 1, 2003, a manufacturer shall not sell at retail in this state or to a retailer in this state, and a retailer shall not knowingly sell a mercury-added product unless the item is labeled pursuant to this section. The department shall adopt rules, pursuant to RSA 541-A, to establish standards for labeling products and product packaging. The rules shall strive for consistency with labeling programs in other states and provide for approval of alternative compliance plans by the department.

I. Where a mercury-added product is a component of another product, the product containing the component and the component shall both be labeled. The label on a product containing a mercury-added component shall identify the component with sufficient detail so that it may be readily located for removal.

II. Labels affixed to the product shall be constructed of materials that are sufficiently durable to remain legible for the useful life of the product.

III. After 2 years from the effective date of this section, any person offering a mercury-added product for final sale or use or promotional purposes to an address in New Hampshire shall clearly advise the purchaser or recipient at the point of sale that the product contains mercury. This requirement applies to all transactions where the purchaser or recipient is unable to view the labels on the package or the product prior to purchase or receipt, including but not limited to catalog, telephone, and Internet sales.

IV. Responsibility for product and package labels required under this section shall be on the manufacturer, and not on the wholesaler or retailer unless the wholesaler or retailer agrees with the manufacturer to accept responsibility in conjunction with implementation of an alternative to the labeling requirements under paragraph V. In the case of a multi-component product the responsible manufacturer is the last manufacturer to produce or assemble the product. Importers of mercury-added products shall assure that the manufacturer has complied with this section before sale, use, or distribution in the state.

V.(a) Labeling of appliances (commonly called white goods) sold in a store where the appliance is on display shall meet all requirements of this section except that no package labeling is required.

(b) Labeling of mercury-added thermometers, including those with mercury-added button cell batteries, shall meet all requirements of this section except that no product labeling is required.

(c) Labeling of motor vehicles shall meet all requirements of this section except that the mercury-added components are not required to be labeled. A doorpost label shall list the mercury-added components that may be present in the vehicle.

(d) Manufacturers of button cell batteries shall label the battery packaging in accordance with the requirements of this section, but the manufacturer is not required to affix a label directly to the battery.

(e) Manufacturers of products that contain mercury-added button cell batteries as the only mercury or mercury-added component shall include in the product instructions, if any, and the packaging, the information required under paragraph III, but are not required to affix a label directly to the product.

(f) The department may only adopt labeling standards for mercury-added lamps when it determines labeling standards for mercury-added lamps have been adopted by at least 2 New England states to constitute a regionally accepted labeling standard for such products. The department shall develop a labeling standard that replicates, to the maximum extent feasible, the regionally accepted labeling standard.

VI. Alternative methods of public notification may be provided as follows:

(a) A manufacturer may apply to the department for an alternative to the requirements of this section if:

(1) strict compliance with the requirements is not feasible;

(2) the proposed alternative would be at least as effective in providing pre-sale notification of mercury content in the mercury-added product and in providing instructions on proper disposal; or

(3) federal law governs labeling in a manner that preempts state authority.

(b) Applicants for an alternative to the requirements of this section shall document the justification for the requested alternative.

(c) The department may grant, deny, modify, or approve with conditions, an alternative to the requirements of this section. Such waiver shall be for a period of no more than 2 years and may, upon continued eligibility under the criteria of this section and compliance with the conditions of its prior approval, be renewed at 2-year intervals. Prior to approving an alternative, the department is encouraged to consult with neighboring states, provinces, and regional organizations to insure that its labeling requirements are consistent with those of other governments in the region.

VII. This section shall not apply to prescription drugs or any substance regulated by the Food, Drug and Cosmetic Act, 21 U.S.C. 301 et seq. or to biological products regulated by the Food and Drug Administration under the Public Health Service Act, 42 U.S.C. 262 et seq.

149-M:60 Mercury-added Lamps: Large Use Applications.

I. A person who sells mercury-added lamps to the owner or manager of an industrial, commercial, institutional, or office building, or to any person who replaces or removes from service outdoor lamps that contain mercury shall clearly inform the purchaser in writing on the invoice for the lamps or in a separate document that the lamps contain mercury, a hazardous substance that is regulated by federal and state law, and that they may not be placed in solid waste destined for disposal. Retail establishments that incidentally sell mercury-added lamps to the specified purchasers are exempt from the requirements of this paragraph.

II. A person who contracts with the owner or manager of an industrial, commercial, institutional, or office building, or with a person responsible for outdoor lighting, to remove from service mercury-added lamps; shall clearly inform, in writing, the person for whom the work is being done, that the lamps being removed from service contain mercury and what the contractor's arrangements are for the management of the mercury in the removed lamps. Such arrangements shall be consistent with state and federal law pertaining to the handling and disposal of mercury as a hazardous substance. Residential users are exempt from the requirements of this section.

149-M:61 Disposal Ban.

I. Two years after the effective date of this section, no person shall knowingly dispose of mercury-added products in solid waste landfills or incinerators.

II. Owners and operators of solid waste landfills, transfer stations, and incinerators may develop programs to sort, collect, and recycle or dispose of mercury-added products in accordance with applicable laws and regulations.

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

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

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

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

V. Owners and operators of solid waste transfer, incineration, and landfill facilities shall not be found to have knowingly accepted or disposed of mercury-added products if, at a minimum, the facility has implemented all of the following mechanisms as required:

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

(b) Written notification to, or agreements with, the facility's customers, providing notice of the prohibition against the disposal and incineration of mercury-added products.

(c) Implementation of a procedure, approved by the department, for periodically monitoring incoming wastes to detect the presence of mercury-added products at the facility and for separating out observed mercury-added products for return to the generator, recycling, or disposal as a hazardous waste.

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

VI. Solid waste management facilities or any business in New Hampshire that accepts appliances or motor vehicles shall be responsible for removing mercury-added components, except lamps used for backlighting or displays, prior to crushing, shredding, or other scrap metal processing. The collected mercury-added components shall be recycled or disposed of as hazardous waste.

VII. This section shall not apply to prescription drugs or any substance regulated by the Food, Drug and Cosmetic Act, 21 U.S.C. 301 et seq. or to biological products regulated by the Food and Drug Administration under the Public Health Service Act, 42 U.S.C. 262 et seq.

149-M:62 Universal Waste Rule. The department may adopt or modify its rules governing universal hazardous waste, to promote the recycling, recovery, and proper management of elemental mercury and mercury-added products on a statewide and regional basis.

149-M:63 State Procurement Preferences for Low or Non-Mercury-Added Products.

I. Notwithstanding other policies and guidelines for the procurement of equipment, supplies, and other products, the department of administrative services shall, within one year of the effective date of this section, revise its policies, rules, and procedures to implement the purposes of this subdivision.

II. The department of administrative services shall give priority and preference to the purchase of equipment, supplies, and other products that contain no mercury-added compounds or components, unless there is no economically feasible non-mercury-added alternative that performs a similar function and is less harmful to the environment and public health. In circumstances where a non-mercury-added product is not available, preference shall be given to the purchase of products that contain the least amount of mercury added to the product necessary for the required performance.

(a) The department of administrative services is authorized to give a price preference for products that contain no mercury or less mercury.

(b) This priority and preference shall apply to all state purchases, as well as any purchases made by others with state funds.

(c) With respect to lighting, energy efficient lamps for lighting purposes shall be purchased in preference to other less efficient lighting options. To the maximum extent possible, purchases shall be restricted to lights that contain the lowest total mercury content per lumen hour available. Spent bulbs shall be recycled.

(d) The procurement agent shall specify non-mercury or reduced mercury-added products, as applicable, in procurement bid documents.

(e) The department of administrative services shall investigate the potential cost savings from use of energy efficient lamps and shall implement a program of accelerated replacements in those applications where there is an estimated payback period of 3 years or less.

III. State dental insurance contracts negotiated after the effective date of this section shall provide and maintain equal coverage for non-mercury fillings and mercury amalgam fillings at no additional expense to the state employee.

149-M:64 Administrative Fees and Rules. The department may impose fees sufficient to cover the costs of administering the provisions of this subdivision. The department may adopt rules, under RSA 541-A, to implement the provisions of this subdivision.

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

AMENDED ANALYSIS

This bill establishes certain restrictions on the sale, labeling, and disposal of certain mercury-added products.

Rep. Musler spoke moved Recommit to committee.

Rep. Lynde spoke in favor.

Adopted. Recommended to Environment and Agriculture.

SB 159-FN, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system. **REFER FOR INTERIM STUDY**

Rep. Maurice E. Goulet for Executive Departments and Administration: There was much discussion when this bill was examined in executive session. The initial motion brought forth was inexpedient to legislate. This motion was defeated 6-8. The issue of contention regarding this bill was the impact of an Article 28-A concern. Interim study was offered as an optional motion so that the committee can provide additional study to the impact of this constitutional situation. Vote 13-1.

Adopted.

SB 161-FN-A, relative to treatment for individuals with disabilities and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. James MacKay for Health, Human Services and Elderly Affairs: This bill establishes a commission to review and approve locations for the provision of residential facilities for individuals with complex and significant disabilities who have engaged in behavior which endangers the community and also requires intensive therapeutic intervention and close supervision. It is anticipated that there will be two sites on publicly owned property. The bill also establishes an appropriation to establish the program and provide staff to provide services. Much of the bill is based on Chapter 171, which was passed when the Laconia State School was closed. Vote 13-1.

Amendment (1970h)

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

1 Statement of Purpose. The general court recognizes that a small number of individuals with complex diagnostic presentations such as individuals who have significant intellectual limitations as well as affective or thought disorders, severe emotional disturbances and significant functional limitations engage in behavior that potentially endangers their communities. Intervention, treatment, and supervision are effective means of assisting such individuals while providing for the safety of the public. Extended periods of treatment may be required in order for such individuals to benefit from therapeutic programs due to their learning difficulties. The general court intends to provide these individuals with appropriate treatment so that they may gain the skills needed to live safely in a community setting.

2 New Subparagraph; Responsibility of Guardian. Amend RSA 464-A:25, I by inserting after subparagraph (g) the following new subparagraph:

(h) The guardian shall consider the security and protection of the community while ensuring that the ward who has a history of engaging in behavior which substantially endangers others receives appropriate care, treatment, and supervision.

3 Commission Established. There is established a commission to review and approve proposed locations for the provision of residential treatment to individuals with complex and significant disabilities who have engaged in behavior which endangers the community and who require intensive therapeutic interventions and close supervision.

4 Membership and Compensation.

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

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

(b) One member of the house of representatives, appointed by the speaker of the house.

(c) The attorney general, or designee.

(d) One member of the New Hampshire Association of Chiefs of Police, appointed by such association.

(e) The executive director of the Disabilities Rights Center Inc, or designee.

(f) Two public members, appointed by the governor.

(g) The commissioner of the department of corrections, or designee.

(h) A forensic specialist, appointed by the commissioner of the department of health and human services.

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

5 Duties.

I. The commission shall receive recommendations from the department of health and human services of proposed program sites. Identification of publicly-owned property for such program sites shall be the first choice. The commission shall review the programs, services, and security provisions for each prospective program site, shall consult with representatives of the community in which a proposed program site is located, and shall give due consideration to local concerns. The commission shall conduct a public hearing in those communities where such a proposed site would be located. The department of health and human services shall make a presentation at each public hearing regarding the proposed program, including the number of individuals to be served and the staffing and security provisions incorporated into the proposed program.

II. Following consideration of the public input and information provided by the department of health and human services about the proposed programs, the commission shall approve at least 2 sites equitably distributed across the state to meet the needs of the state's population in rural as well as densely populated communities. Location of a program site in or near Berlin shall be encouraged. When reviewing sites, the commission shall consider the proximity of schools, child care programs, playgrounds and other locations where children gather. In addition, any proposed program site shall be in reasonable proximity of the community's general hospital and emergency services such as police, fire, and medical response.

III. The commission shall approve or deny a proposed site within 4 months.

6 Chairperson; Support.

I. The chairperson of the commission shall be the attorney general, or designee. The first meeting of the commission shall be called by the attorney general, or designee. The first meeting shall be held within 45 days of the effective date of this section.

II. The department of health and human services shall provide any administrative support the commission deems necessary.

7 New Chapter; Specialized Treatment Program. Amend RSA by inserting after chapter 135-D the following new chapter:

CHAPTER 135-E

Specialized Treatment Program

135-E:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of health and human services.

II. "Department" means the department of health and human services.

135-E:2 Specialized Treatment Program.

I. The department shall establish, subject to available state and federal appropriations, a specialized therapeutic program including secure residential care and community-based after-care treatment which is designed to meet the needs of individuals with significant intellectual limitations as well as affective or thought disorders, severe emotional disturbances, and significant functional limitations who engage in behavior that potentially endangers their community. Such programs shall be utilized when less restrictive alternatives do not provide adequate safety and security to the community.

II. One component of the program shall be designed specifically to meet the needs of young adults with serious emotional disturbance or significant learning disabilities who have been in placement through the department under RSA 169-B or RSA 169-C and who continue to need intensive treatment in order to receive the support and supervision they require until they achieve the full benefit of the treatment that has been initiated during their minority. A young adult who meets admission criteria for the program shall be admitted on a voluntary basis, or by consent of his or her guardian.

III. The department may, if necessary, request the appointment of a guardian as provided in RSA 464-A for an individual who may be legally incapacitated and who is determined to need a specialized treatment program established pursuant to this chapter.

IV. Individuals receiving treatment from a specialized treatment program established pursuant to this chapter shall have all the rights guaranteed by RSA 171-A to persons with developmental disabilities, except to the extent necessary for safety or security.

V. A comprehensive clinical assessment shall occur prior to any admission, discharge, or transfer from the program.

135-E:3 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

I. Admission and discharge criteria for the program.

II. Program requirements.

III. The rights of individuals receiving treatment.

IV. Periodic review of each individual's treatment to determine if the individual is served in the least restrictive setting consistent with the safety and security of the community.

V. Quality assurance processes and criteria for the program.

VI. Any other matter necessary to the administration of this chapter.

8 Rights Guaranteed. Amend RSA 171-A:29 to read as follows:

171-A:29 Rights Guaranteed. All rights guaranteed by RSA 171-A to persons with developmental disabilities shall be retained by persons involuntarily admitted under RSA 171-B except [~~where safety or security mandates restriction of such rights~~] ***to the extent necessary for safety or security***. Any restriction of rights under this section may be appealed to the commissioner pursuant to rules adopted by the commissioner under RSA 171-A:3.

9 Order of the Court. Amend RSA 171-B:12 to read as follows:

171-B:12 Order of Court. If, after the hearing, the court finds by clear and convincing evidence that the person meets the standard set forth in RSA 171-B:2, the court shall order the person to submit to ***the least restrictive alternative of the following alternatives consistent with the security and protection to the public:***

I. Treatment and services in a receiving facility within the state developmental services delivery system ***or the residential settings specified in RSA 135-E:2;***

II. Treatment and services within the state developmental services delivery system ***pursuant to RSA 171-A:4*** other than in-patient treatment; or

III. Treatment and services in the secure psychiatric unit if the court determines that the programs and placements enumerated in paragraph I or II do not provide sufficient security and protection to the public.

10 Appropriation. The sum of \$436,923 for the fiscal year ending June 30, 2003 is hereby appropriated to the department of health and human services for the purposes of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

11 Effective Date. This act shall take effect July 1, 2002.

AMENDED ANALYSIS

The bill establishes a commission to review possible sites for the provision of specialized treatment for certain individuals. The bill requires the department of health and human services to establish the specialized treatment program, subject to available appropriations. The bill makes an appropriation for the purposes of the bill.

Adopted.

Report adopted and referred to Finance.

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.
INEXPEDIENT TO LEGISLATE

Rep. John M. Pratt for Judiciary: No bill before this committee during the past session received greater consideration than CACR 16. A subcommittee heard three days of public testimony before voting 3-2 to recommend establishing renewable 10-year term limits for all members of the judiciary appointed after January 1, 2003. Extensive discussion by the full committee on this proposal plus a second alternative resulted in four separate committee votes (including a 9-9 tie on the alternative plan) before the final 13-5 vote to ITL the original Senate bill. The Senate bill was killed because (a)

it lumped together in one constitutional question the two distinctly separate issues of Judicial Selection and Judicial Retention/Renewal, which some members objected to, (b) it placed the Judicial Selection process in the Constitution, which some members opposed, and/or (c) it altered the current constitutional requirement that judges shall "hold their offices during good behavior" (Part 2, Article 73), which some members opposed. Vote 13-5.

Rep. Soltani spoke against and yielded to questions.

Reps. John Pratt and Jacobson spoke in favor.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 196 NAYS 162

YEAS 196

BELKNAP

Flanders, Donald	Holbrook, Robert	Johnson, William	Millham, Alida
Rice, Thomas Jr	Wood, Jane		

CARROLL

Babson, David Jr	Lyman, L Randy
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CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Dexter, Judson
Edwards, Dana	Espieffs, Peter	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Royce, H Charles	Slack, Pamela Russell	Weed, Charles
Zerba, Roger			

COOS

Bradley, Paula	Davis, Perley	Guay, Lawrence	Horton, Lynn
Mears, Edgar	Rodrigue, Robert		

GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Ham, Bonnie
Lovett, Sid	Marshall, Gene	Naro, Debra	Nordgren, Sharon
Pawlek, Marion	Scovner, Nancy	Sokol, Hilda	Solow, Martha

HILLSBOROUGH

Allan, Nelson	Andosca, Mary	Arnold, Thomas Jr	Bellavance, Paul
Bergin, Peter	Bouchard, David	Carlson, Donald	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard
Dwyer, Paul	Dyer, Merton	Eaton, Richard	Emerton, Lawrence Sr
Fletcher, Richard	Ford, Nancy	Foster, Linda	Gargasz, Carolyn
Ginsburg, Ruth	Golding, William	Goley, Jeffrey	Gorman, Mary
Goulet, Maurice	Greenberg, Gary	Hall, Betty	Hall, Charles
Jean, Claudette	Johnson, Lionel	Kacavas, John	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lasky, Bette
Leach, Edward	Lynde, Harold	McDonough-Wallace, Alice	Melcher, Harold
Mercer, Robert	Messier, Irene	Movsesian, Lori	Murphy, Robert
O'Connell, Timothy	Panagopoulos, Nicholas	Peterson, Andrew	Rowe, Robert
Sargent, Maxwell	Shaw, Barbara	Spiess, Paul	Sweeney, Cynthia
Wheeler, Robert	White, John		

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Clarke, Claire
Colcord, J D	Cummings, Raymond	Daneault, Gabriel	Davis, Frank
Fraser, Marilyn	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Hess, David	Jacobson, Alf	Lockwood, Priscilla
MacKay, James	Maxfield, Roy	Moore, Carol	Owen, Derek
Perkins, Randy	Potter, Frances	Rodd, Beth	Rush, Deanna
Wallner, Mary Jane			

ROCKINGHAM

Belanger, Ronald	Blanchard, MaryAnn	Bowles, Raimond	Carson, Sharon
Case, Margaret	Clark, Martha Fuller	Coes, Betsy	Cooney, Richard

DiFruscia, Anthony	Dowling, Patricia	Downing, Michael	Francoeur, Sheila
Gleason, John	Holland, James Jr	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Langone, John
McGuire, Robert	Morse, Charles	Norelli, Terie	O'Keefe, Patricia
Pantelakos, Laura	Pitts, Jacqueline	Robertson, Carl	Sapareto, Frank
Shultis, Elizabeth	Sloan, Stephen	Splaine, James	Stone, Joseph
Stritch, C Donald	Weatherspoon, Jacquelyne	Whittier, John	Zolla, William

STRAFFORD

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Estabrook, Iris	Goodwin, Earle	Grassie, Anne	Heon, Richard
Hughes, Christopher	Johnson, Nancy	Kaen, Naida	Knowles, William
Lent, Donald	Pelletier, Arthur	Proulx, Raymond	Reid, Christopher
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Wall, Janet	Woodill, Rodney	

SULLIVAN

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

NAYS 162

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Lawton, David	Nedeau, Stephen	Rosen, Ralph	Russell, David
Salatiello, Thomas	Thomas, John	Wendelboe, Fran	

CARROLL

Bradley, Jeb	Dickinson, Howard	Kenney, Joseph	Mock, Henry
Patten, Betsey	Philbrick, Donald	Quimby, Lee	Stevens, Stanley
Sullivan, P Judith	Torressen, Gary		

CHESHIRE

Avery, Stephen	Emerson, Susan	Fairbanks, Chandler	Hunt, John
Liebl, George	Roberts, William	Smith, Edwin	

COOS

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

GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Gabler, William	Gilman, G Michael	Giuda, Robert
Mirski, Paul	Scanlan, David	Sova, Charles	Ward, Brien
Williams, Burton			

HILLSBOROUGH

Alukonis, David	Artz, Lawrence	Balboni, Michael	Baroody, Benjamin
Batula, Peter	Bergeron, Jean-Guy	Brundige, Robert	Bruno, Pierre
Buckley, Raymond	Calawa, Leon Jr	Christensen, D L Chris	Clayton, William
Desrosiers, William	Dionne, David	Dionne, Kimberley	Elliott, Larry
Fields, Dennis	Flora, Kathleen	Furman, Christine	Gleneck, David
Graham, John	Guinta, Frank	Herman, Keith	Holden, Randolph
Hopper, Gary	Jean, Loren	Keye, Harvey	LaFlamme, Paul
Lefebvre, Roland	Martel, Andre	McHugh, Claire	McRae, Karen
Milligan, Robert	Moran, Edward	Palangas, Eric	Pappas, Marc
Pepino, Leo	Souza, Kathleen	Sullivan, Peter	Tahir, Saghir
Tate, Joan	Thompson, Rob	Thulander, O Alan	Vaillancourt, Steve
White, Donald			

MERRIMACK

Dunne, Christopher	Feuerstein, Martin	Kennedy, Richard	L'Heureux, Stephen
Langer, Ray	Leber, William	Seldin, Gloria	Soltani, Tony
Swindlehurst, John	Whalley, Michael	Winter, Steven	

ROCKINGHAM

Arndt, Janet	Bishop, Franklin	Bridle, Russell	Camm, Kevin
Chalbeck, Kevin	Clark, Vivian	Corbin, Corey	Cox, Russell
Dalrymple, Janeen	Dearborn, Bruce	Dumaine, Dudley	Fesh, Bob
Flanagan, Natalie	Flanders, John Sr	Gilbert, Karl	Giordano, Ronald
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hill, Jonathan
Hutchinson, Karen	Introne, Robert	Itse, Daniel	Johnson, Rogers
Kelley, William	Kobel, Rudolph	Langley, Jane	Letourneau, Robert
Major, Norman	McKinney, Betsy	Micklon, Stephanie	Moore, Benjamin
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Power, Lucille
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Rausch, James	Reardon, Neil	Ruffner, Walter	Trueman, Raymond
Varrell, Thomas	Welch, David	Weyler, Kenneth	

STRAFFORD

Albert, Russell	Bickford, David	Cossette, Larry	Ferland, Paul
Gilmore, Gary	Harrington, Michael	McCarthy, Gerald	Musler, George
Twombly, James	Woods, Phyllis		

SULLIVAN

Franklin, Peter	Odell, Bob
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Adopted.

HB 730, establishing a committee to study the transfer of the Goffstown district court to a new location. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leon Calawa, Jr. for Public Works and Highways: The committee agreed that since there are ongoing discussions between the courts and Hillsborough County it is in the best interest to keep this legislation open until there is resolution by negotiation. Vote 13-1.

Amendment (1949h)

Amend the bill by replacing section 6 with the following:

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

Adopted.

The question being the adoption of the Committee Report.

laid on the table

Rep. Edwin Smith moved that **HB 730**, establishing a committee to study the transfer of the Goffstown district court to a new location, be laid on the table.

Adopted.

regular calendar (cont'd.)

HB 284-FN, relative to additional emissions reductions from grandfathered fossil fuel burning steam electric power plants. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb E. Bradley for Science, Technology and Energy: This bill is based upon a significant study the New Hampshire Department of Environmental Services (DES) released early in 2001 that detailed the impacts of pollution from electric generating plants that primarily burn coal and indicated a need for further controls on those emissions. At the first public hearing most environmental groups said the bill was a good first step but needed to be strengthened. Public Service of New Hampshire (PSNH) was neutral, and national coal interests and the towns of Bow and Newington, where facilities are located, opposed the bill. The committee retained the bill, held work sessions, and then several members negotiated the compromise amendment that is supported by PSNH, Audubon Society of NH, Society for Protection of NH Forests, NH Lung Association, Environmental Voters of NH, and NH Lakes Association. A public hearing was held on the amendment. Other environmental groups want stronger provisions, coal interests remained opposed, and Bow and Newington support the amendment. Originally the bill sought reductions of 70% nitrogen-oxides (smog), 75% sulfur (acid rain), 10% carbon dioxide, and 75% mercury by the end of 2007. Under the proposed amendment, the caps for sulfur and nitrogen remain unchanged and the carbon-dioxide cap is a 3% reduction. A mercury cap will be the subject of future legislation after tests are conducted and the current levels of mercury emissions determined. PSNH and DES both estimate the compliance costs of the amendment are in the \$5 million range annually. The effective date of the amendment (a year earlier than the original bill) is December 31, 2006, which means there will be no costs to customers until that point. Should PSNH sell the generating plants after February 2004 (when current law allows the plants to be sold) the legislation might have the effect of minimally decreasing the plant's value. PSNH testified that greater certainty that the bill provides regarding future regulation would help preserve the plant's value. The sale price of the plants would not directly affect rates; rather any negative effect on the sale price of the plants could possibly lengthen the time over which stranded costs are recovered without increasing the actual stranded cost charge. If PSNH still owns the plants in 2007 the \$5 million cost would be recoverable in rates and have an impact of about 40 cents per month on an average 500 kilowatt-hour bill. The amendment contains provisions for emissions trading which allows PSNH to make on-site emissions reductions or to purchase emissions reductions from other facilities that have surplus reductions. Emissions trading allow markets to establish the most cost-effective way to reduce pollution. Inclusion of this component was essential in gaining PSNH's support for the bill. Without emissions trading it is unlikely that PSNH could meet the proposed emissions limits and operate the plants. This would have the effect of driving up the price of electricity in NH and reducing energy diversity regionally. Mercury trading will be an issue for future legislation as it is neither promoted nor prohibited in this amendment. The amendment contains several incentives for PSNH to reduce

emissions locally and to purchase emissions reductions as needed from nearby upwind states. DES and EPA data indicate that the majority of air pollution in NH comes from upwind states so an incentive for trading from nearby up-wind states will improve NH air quality. Additionally the bill allows PSNH to choose to comply by spending additional money on energy efficiency programs. While some argue that energy efficiency programs do not achieve the same pollution reduction as on-site controls or emissions trading, the committee recognizes that energy efficiency does lead to environmental improvement over time and also allows customers greater options in reducing demand for electricity which in turn lowers bills. The energy efficiency component of the amendment was essential in getting the backing of the environmental supporters and PSNH. The amendment also insures that any new pollution control programs DES might propose would need future legislative approval. PSNH has spent \$100 million in the last decade to significantly lower emission levels of nitrogen, sulfur, and particulate matter. This amendment represents further progress in reducing these emissions. The committee believes the future cost of compliance with this amendment is reasonable and that energy diversity and energy security are maintained as the plants will be able to continue to operate as environmental progress is made. Vote 15-0.

Amendment (1992h)

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

AN ACT relative to additional emissions reductions from existing fossil fuel burning steam electric power plants.

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

1 Findings. The general court finds that the economic interests of ratepayers will be best served through the flexible implementation of an integrated, multi-pollutant emission reduction strategy as electric industry deregulation proceeds in New Hampshire. The advance knowledge of the requirements of this act, and a flexible regulatory approach used to implement them, will reduce uncertainty and risk for prospective buyers of Public Service of New Hampshire's existing fossil fuel burning steam electric power plants, thus enhancing their value at divestiture. Providing prospective buyers a significant time period in which to recover their investment will also enhance the divestiture value of these facilities. Combined, these factors will maximize recovery from the divested power plant assets, correspondingly reduce the stranded costs that must be paid over time by ratepayers, and thus allow electric rates to decline further or faster than they would otherwise.

2 New Chapter; Multiple Pollutant Reduction Program. Amend RSA by inserting after chapter 125-N the following new chapter:

CHAPTER 125-O

MULTIPLE POLLUTANT REDUCTION PROGRAM

125-O:1 Findings and Purpose.

I. The general court finds that while air quality has improved in recent years, scientific advances have demonstrated that adequate protection of public health, environmental quality, and economic well-being – the 3 cornerstones of New Hampshire's quality of life – requires additional, concerted reductions in air pollutant emissions. The general court also finds that the state's tradition of environmental leadership – setting an example for similarly feasible air pollution reductions from upwind jurisdictions – is also well served by additional emission reductions.

II. Recent studies and scientific evidence, documented in the New Hampshire Clean Power Strategy issued in January 2001 by the department of environmental services, indicates that significant negative human health and ecosystem impacts continue to be caused by air pollution. The general court finds that the substantial quantities of several harmful air pollutants that continue to be emitted from existing fossil fuel burning steam electric power plants, despite recent reductions in the emission of certain air pollutants from some of these facilities, contribute to these harmful impacts and that additional emissions reductions from these sources are warranted.

III. Specifically, the general court finds that aggressive further reductions in emissions of sulfur dioxide (SO₂), oxides of nitrogen (NO_x), mercury, and carbon dioxide (CO₂) must be pursued. These pollutants are primarily responsible for the human health and ecosystem impacts documented in the New Hampshire Clean Power Strategy issued in January 2001 by the department of environmental services.

IV. The general court finds that, as demonstrated by recent analyses, a high quality-of-life environment has been, and will continue to be, essential to New Hampshire's economic well-being. The general court further finds that protecting New Hampshire's high quality-of-life environment by reducing air pollutant emissions returns substantial economic benefit to the state through avoided health care costs; greater tourism resulting from healthier lakes and improved vistas; more visits by fishermen, hunters, and wildlife viewers to wildlife ecosystems, and a more productive forest and agricultural sector.

V. For the above reasons and others, the general court finds that substantial additional reductions in emissions of SO₂, NO_x, mercury, and CO₂ must be required of New Hampshire's existing fossil fuel burning steam electric power plants. Due to the collateral benefits and economies of scale associated with reducing multiple pollutant emissions at the same time, the general court finds that such aggressive emission reductions are both feasible and cost-effective if implemented simultaneously through a comprehensive, integrated power plant strategy.

VI. The general court also finds that the environmental benefits of air pollutant reductions can be most cost-effectively achieved if implemented in a fashion that allows for regulatory and compliance flexibility under a strictly limited overall emissions cap. Specifically, market-based approaches, such as trading and banking of emission reductions within a cap-and-trade system, allow sources to choose the most cost-effective ways to comply with established emission reduction requirements. This approach also provides sources with an incentive to reduce air pollutant emissions sooner and by greater amounts, promotes the development and use of innovative new emission control technologies, and specifies to the greatest extent possible performance results regarding environmental improvement rather than dictating expensive, facility-specific, command-and-control regulatory requirements. The general court acknowledges that future federal regulations may mandate some facility-specific requirements regarding mercury reductions.

VII. The general court also finds that energy conservation results in direct reductions in air pollutant emissions. Thus, incentives for energy conservation are an important component of an overall clean power strategy. The general court recognizes that energy conservation expenditures made by utilities using system benefits charge funds can benefit all citizens and ratepayers.

125-O:2 Definitions. In this chapter:

I. "Affected sources" means existing fossil fuel burning steam electric power plant units in this state, specifically Merrimack Units 1 and 2 in Bow; Schiller Units 4, 5, and 6 in Portsmouth; and Newington Unit 1 in Newington, excluding any of these units that may be repowered.

II. "Allowance" means a limited authorization to emit one ton of SO₂, one ton of NO_x, one pound of mercury, or one ton of CO₂ during a specified year.

III. "Commissioner" means the commissioner of the department of environmental services.

IV. "Department" means the department of environmental services.

V. "Discrete emission reduction" or "DER" means an emission reduction generated over a discrete period of time, and measured in weight (e.g., tons).

VI. "Ozone transport region" means the ozone transport region as established by section 184(a) of the Clean Air Act, 42 U.S.C. section 7511c.

VII. "Person" means any individual, partnership, firm or co-partnership, association, company, trust, corporation, department, bureau, agency, private or municipal corporation, or any political subdivision of the state, the United States or political subdivisions or agencies thereof, or any other entity recognized by law as subject to rights and duties.

VIII. "Renewable energy" means energy derived from hydro, geothermal, wind, solar thermal, photovoltaic, biomass, methane waste, tidal, or other source approved by the department.

IX. "Repowered unit" means an affected source that has installed qualifying repowering technology as defined by 40 C.F.R. part 72, or has replaced a unit by a new unit, provided the new replacement unit:

(a) Is on the same or contiguous property as the replaced unit, regardless of owner;

(b) Has a maximum power output rate equal to or greater than the maximum power output rate of the replaced unit; and

(c) Is designed to control, or is equipped with best available technology to control, emissions of multiple pollutants simultaneously, and in conformity with the emissions rates and reductions used to establish RSA 125-O:3.

X. "System benefits charge funds" or "SBC funds" means revenues collected by Public Service Company of New Hampshire (PSNH) (currently at a rate of 1.8 mills (\$0.0018) per retail kilowatt-hour sold as set by the general court in 2001, 29:14) to fund energy efficiency and conservation and load management programs approved by the public utilities commission.

125-O:3 Integrated Power Plant Strategy.

I. The department shall implement an integrated, multi-pollutant strategy to reduce air emissions from affected sources.

II. The integrated, multi-pollutant strategy shall be implemented in a market-based fashion that allows trading and banking of emission reductions to comply with the overall statewide annual emission caps established under RSA 125-O:3, III. Allowances, up to the amount of these caps, shall be allocated to each affected source based on the output of each affected source. The

department shall make publicly available all allocations prior to the effective date of such allocations.

III. The strategy shall include implementation of the following statewide annual emissions caps:

(a) 7,289 tons annually applicable to total sulfur dioxide (SO₂) emissions from the affected sources;

(b) 3,644 tons annually applicable to total oxides of nitrogen (NO_x) emissions from the affected sources;

(c) An annual cap applicable to total mercury emissions from all affected sources burning coal as a fuel, to be recommended by the department not more than 60 days following the U.S. Environmental Protection Agency's proposed regulation establishing a Maximum Achievable Control Technology (MACT) standard for mercury emissions from utility boilers, but in no case later than March 31, 2004, with timely consideration by the legislature expected by July 1, 2005; and

(d) 5,425,866 tons annually applicable to total carbon dioxide (CO₂) emissions from the affected sources until December 31, 2010, and after December 31, 2010, a lower cap to be recommended by the department no later than March 31, 2004, with timely consideration by the legislature expected by July 1, 2005.

125-O:4 Compliance.

I. The owner or operator of each affected source shall file a compliance plan with the department describing the technologies, operational modifications, market-based approaches, or other methods that will be used to comply with the emission caps established under RSA 125-O:3, III. Compliance plans shall also include a report of the mercury content analysis program results required under RSA 125-O:4, II and a report of the stack testing results for mercury emissions from Merrimack Units 1 and 2 and either Schiller Unit 4, 5, or 6 required under RSA 125-O:4, III. An initial compliance plan shall be filed no later than one year after the effective date of this section. Amended compliance plans shall be submitted to the department 45 days prior to the implementation of any change to the plan.

II. The owner or operator of each affected source burning coal as fuel shall conduct a mercury content analysis program. This program shall consist of monthly fuel samples and analyses for at least 12 consecutive months and the submittal of a final report to the department no later than one year after the effective date of this section.

III. Stack testing for mercury emissions from Merrimack Units 1 and 2 and either Schiller Unit 4, 5, or 6 shall be completed using a department approved test method no later than one year after the effective date of this section. The owner or operator shall submit a test protocol to the department at least 45 days prior to the commencement of stack testing.

IV. Compliance with the emission caps established under RSA 125-O:3, III may be demonstrated by making emission reductions at the affected sources, using compliance market-based approaches, or other methods acceptable to the department.

(a)(1) Affected sources may use SO₂ allowances from federal or regional trading and banking programs and incentive programs established under this chapter to comply

with the SO₂ emission cap established under RSA 125-O:3, III. In addition, allowances or credits from other programs may be acceptable as determined by the department.

(2) Affected sources shall transfer to the department all annual allocations provided under the federal acid rain program. Affected sources shall receive from the department SO₂ allowances equivalent to the cap established in RSA 125-O:3, III. Additionally, in order to promote local reductions, for each year after the compliance date that combined SO₂ emissions from affected sources are below the annual average emissions for the previous 3 years, affected sources shall receive additional SO₂ allowances in a combined amount equal to the difference between the current year emissions and the average annual emissions for the previous 3 years.

(3) Further, in order to encourage reductions in upwind emissions and thereby provide greater benefit to air quality in New Hampshire, for each 0.80 allowance purchased by an affected source under the federal acid rain program and utilized for compliance with the provisions of this chapter which originates from within the ozone transport region, the affected source shall receive an additional 0.20 allowance from the department.

(4) The combined sum of all allowances received by the affected sources under subparagraphs (a)(2) and (a)(3) shall not exceed 20,000 in any given year, and shall be credited to the affected sources' accounts in the year following each annual compliance period.

(b) Affected sources may use NO_x allowances from federal or regional trading and banking programs, or other programs acceptable to the department, and NO_x discrete emissions reductions by affected sources other than Merrimack Units 1 and 2 from state trading and banking programs, to comply with the NO_x emission cap established under RSA 125-O:3, III. NO_x discrete emissions reductions may only be used to comply with that portion of the NO_x emission cap established under RSA 125-O:3, III which does not apply to emissions between May 1 and September 30 of any calendar year.

(c) Affected sources may use CO₂ allowances from federal or regional trading and banking programs, or other programs acceptable to the department, to comply with the CO₂ emission cap established under RSA 125-O:3, III. Early reductions of CO₂ may be banked for future use in regional or national trading programs or to meet the emission caps established under RSA 125-O:3, III.

(d) Future mercury allowances or other emissions reduction units or mechanisms secured from other sources shall only be acceptable in meeting that portion of the emission cap established under RSA 125-O:3, III, (c) that is more stringent than federal requirements. Early reductions of mercury may be banked for future use or to meet the mercury emission cap established under RSA 125-O:3, III.

V. The owner or operator of each affected source shall be allowed to recover all prudent costs associated with compliance in a manner consistent with RSA 374-F, RSA 369-B, and the Agreement to Settle PSNH Restructuring, dated August 2, 1999, Revised and Conformed in Compliance with NHPUC Order No. 23,549.

125-O:5 Energy Efficiency, Renewable Energy, and Conservation and Load Management Incentive.

I. In order to encourage energy efficiency, energy conservation, renewable energy, and the reductions in local emissions which result, the integrated multi-pollutant strategy shall promote energy efficiency and conservation through conservation and load management programs.

II. Public Service Company of New Hampshire (PSNH) may utilize SBC funds equivalent to the unencumbered amount, if any, rolled over from the prior program year for energy efficiency projects at facilities owned and operated by PSNH, provided that the company made a good faith effort in the prior program year to meet the goals approved by the public utilities commission for its core energy efficiency programs, and provided that the SBC funds used by PSNH shall not exceed 2 percent of all SBC funds collected in the prior program year. PSNH may utilize these funds to implement approved core energy efficiency initiatives or measures at PSNH's facilities that are cost effective and which enhance the efficient use of energy at PSNH facilities. Any energy savings resulting from the use of these funds by PSNH at its facilities will not be included in the calculation of PSNH's energy efficiency program goals, any shareholder incentive, or any other incentive program. In any year that PSNH utilizes SBC funds, PSNH shall submit a report to the public utilities commission and the department detailing how these funds were utilized, and will make the report available to interested parties. Any party may request that the public utilities commission schedule a hearing to review these reports and the expenditure by PSNH of rolled over SBC funds at its facilities.

III. For expenditures made by PSNH independent of SBC funds for energy efficiency, new renewable energy projects, or conservation and load management, the department shall provide emissions allowances to PSNH equivalent to the amount of such allowances that could have been purchased at market prices by the same dollar amount as the expenditure made. Such expenditures shall be consistent with the core energy efficiency programs approved by the Public Utilities Commission or other programs acceptable to the department and shall, to the greatest extent practicable, result in immediate, demonstrable energy improvements.

125-O:6 Powers and Duties of the Commissioner. The commissioner may:

I. Develop a trading and banking program to provide appropriate compliance flexibility in meeting the emission caps established under RSA 125-O:3, III, and to encourage earlier and greater emissions reductions and the development of new emission control technologies in order to maximize the cost-effectiveness with which the environmental benefits of this chapter are achieved.

II. Propose to the general court for legislative enactment a program to reduce emissions that impair visibility in mandatory Class I Federal Areas, including the Great Gulf Wilderness Area and the Presidential-Dry River Wilderness, if evaluation and assessment of the program established under 125-O:6, I reveals after its implementation that further reductions of emissions that impair visibility are necessary. Any program proposed under this paragraph shall be at least as stringent as that specified in the Clean Air Act, amendments thereto, and regulations promulgated thereunder.

III. Propose to the general court for legislative enactment appropriate processes to encourage pollution prevention, energy efficiency, and other methods to cost-effectively achieve emissions reductions.

125-O:7 Enforcement.

I. Any violation of any provision of this chapter, or of any rule adopted under this chapter, shall be subject to enforcement by injunction, including mandatory injunction, issued by the

superior court upon application of the attorney general. Any such violation shall also be subject to a civil forfeiture to the state of not more than \$25,000 for each violation, and for each day of a continuing violation.

II. Any person who knowingly violates any of the provisions of this chapter, or any rule adopted under this chapter, shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

III. The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or any rule adopted pursuant to this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this paragraph shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines imposed pursuant to this paragraph shall be deposited in the general fund.

(a) Notice and hearing prior to the imposition of an administrative fine shall be in accordance with RSA 541-A and procedural rules adopted by the commissioner pursuant to RSA 541-A:16.

(b) The commissioner shall determine fines based on the following:

(1) For a minor deviation from a requirement causing minor potential for harm, the fine shall be not less than \$100 and not more than \$1,000.

(2) For a minor deviation from a requirement causing moderate potential for harm, the fine shall be not less than \$601 and not more than \$1,250.

(3) For a minor deviation from a requirement causing major potential for harm, the fine shall be not less than \$851 and not more than \$1,500.

(4) For a moderate deviation from a requirement causing minor potential for harm, the fine shall be not less than \$601 and not more than \$1,250.

(5) For a moderate deviation from a requirement causing moderate potential for harm, the fine shall be not less than \$851 and not more than \$1,500.

(6) For a moderate deviation from a requirement causing major potential for harm, the fine shall be not less than \$1,251 and not more than \$1,750.

(7) For a major deviation from a requirement causing minor potential for harm, the fine shall be not less than \$851 and not more than \$1,500.

(8) For a major deviation from a requirement causing moderate potential for harm, the fine shall be not less than \$1,251 and not more than \$1,750.

(9) For a major deviation from a requirement causing major potential for harm, the fine shall be not less than \$1,501 and not more than \$2,000.

(c) The commissioner may assess additional fines for repeat violations.

125-O:8 Rulemaking Authority. The commissioner shall adopt rules under RSA 541-A, commencing no later than 180 days after the effective date of this section, relative to:

I. The establishment of trading and banking programs as authorized by RSA 125-O:6, I.

II. The establishment of a method for allocating allowances and other emissions reduction units or mechanisms as authorized by RSA 125-O:3, II and III.

III. Emissions monitoring, recordkeeping, reporting, and other such actions as may be necessary to verify compliance with this chapter.

125-O:9 Compliance Dates. The owner or operator of each affected source shall comply with the provisions of this chapter by December 31, 2006.

125-O:10 Non-Severability. No provision of this chapter shall be implemented in a manner inconsistent with the integrated, multi-pollutant strategy or this chapter in its entirety, and to this end, the provisions of this chapter are not severable.

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

AMENDED ANALYSIS

This bill establishes caps for emissions of sulfur dioxide, oxides of nitrogen, and carbon dioxide by existing fossil fuel burning steam electric power plants. This bill permits the banking and trading of emissions reductions to achieve compliance with the caps. Compliance is not required of a plant that installs qualifying repowering technology or an eligible replacement unit.

Adopted.

Report adopted and ordered to third reading.

HB 695, relative to net energy metering. **INEXPEDIENT TO LEGISLATE**

Rep. William W. Gabler for Science, Technology and Energy: In an effort to redefine the list of technologies that qualify for net metering, this bill seeks to add fuel cells to that list and to modify the rules for net energy measurement regarding the carrying forward of excess credit from one billing cycle to the next. Inclusion of fuel cells as eligible generating equipment would not be in keeping with the stated purpose of the Limited Electrical Energy Producers Act. Specifically, the electrical output of fuel cells is not limited and cyclical in nature, nor do they use indigenous or renewable fuels. With regard to carrying forward excess credit, the Public Utilities Commission testified and provided documentation to the fact that this is already current practice. Vote 14-1.

Adopted.

HB 755, relative to groundwater contamination and gasoline sampling. **INEXPEDIENT TO LEGISLATE**

Rep. Donald B. White for Science, Technology and Energy: The committee felt the aim of this bill was commendable but not necessary at this time for several reasons. Legislation passed in 2000 required the Department of Environmental Services (DES) to sample the MtBE content of gasoline

in the six northern and western counties of the state where a high content of MtBE is not mandatory. Further sampling would not likely reveal new information. DES testified that groundwater sampling is unlikely to reveal information substantially different from similar studies conducted in Maine and that the money that would be needed to conduct such testing would be better spent on remediation and prevention. It should also be noted that HB 758 became law last spring. That bill required DES to opt-out of the federal reformulated gas program by January 2004 and to submit all necessary documentation to the EPA to seek the waiver from this program. That bill also established a separate fund to remediate groundwater contaminated by MtBE. By early December DES will have completed the process of submitting the necessary paperwork to the EPA for the opt-out waiver from the reformulated gas program and will await a response from the EPA. This submittal includes an interim rule recently adopted by DES that would allow much lower MtBE content for reformulated gasoline once the federal opt-out waiver is received. An identical permanent rule should be finalized by March. Despite these efforts, the critical ingredient for fully and finally removing MtBE from gasoline in NH remains a change in federal law that would allow states flexibility in determining the chemical content of gasoline. Under current federal law that flexibility does not now exist. Senator Smith is once again working to pass such federal legislation. Vote 15-1.

Adopted.

BILLS REMOVED FROM CONSENT CALENDAR

HB 660, relative to out-of-home placements in juvenile abuse and neglect cases. **OUGHT TO PASS WITH AMENDMENT**

Rep. Daniel C. Itse for Children and Family Law: Removing children from their home creates instability and separation anxiety which can last for years. This damage can be far worse than the alleged abuse and is particularly troubling when no abuse has occurred. Therefore, this bill raises the level of proof required before a child is removed and kept out of its home from "probable cause to believe" to "clear and convincing evidence". Vote 14-2.

Amendment (2035h)

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

AN ACT relative to the burden of proof in juvenile abuse and neglect cases.

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

1 Child Protection Act; Definition of Founded Report; Probable Cause Replaced With Clear and Convincing Evidence. Amend RSA 169-C:3, XIII-a to read as follows:

XIII-a. "Founded report" means a report made pursuant to this chapter for which the department finds ~~[probable cause to believe]~~ **by clear and convincing evidence** that the child who is the subject of such report is abused or neglected.

2 Child Protection Act; Definition of Unfounded Report; Probable Cause Replaced With Clear and Convincing Evidence. Amend RSA 169-C:3, XXVIII to read as follows:

XXVIII. "Unfounded report" means a report made pursuant to this chapter for which the department finds that there is no ~~[probable cause to believe]~~ **clear and convincing evidence** that the child is abused or neglected.

3 Child Protection Act; Emergency Interim Relief; Burden of Proof for Ex Parte Orders. Amend RSA 169-C:6-a, III to read as follows:

III. If the court finds ~~[reasonable cause to believe]~~ **by clear and convincing evidence** that the child is in such circumstances or surroundings as would present an imminent danger to the child's health or life, the court shall issue such ex parte orders as are necessary to protect the child and shall set the matter for hearing no later than 10 days from the date of the ex parte orders.

4 Child Protection Act; Burden of Proof. Amend RSA 169-C:13 to read as follows:

169-C:13 Burden of Proof. The petitioner has the burden to prove the allegations in support of the petition by ~~[a preponderance of the]~~ **clear and convincing** evidence.

5 Child Protection Act; Preliminary Hearing; Burden of Proof at Preliminary Hearing. Amend RSA 169-C:15, I to read as follows:

I. After an ex parte order is issued or petition filed, a preliminary hearing shall be conducted by the court to determine if ~~[reasonable cause exists to believe]~~ **there is clear and convincing evidence** that the child is abused or neglected.

6 Child Protection Act; Reporting Law; Duties of the Department of Health and Human Services; Burden of Proof Changed. Amend RSA 169-C:34, II to read as follows:

II. For each report it receives, the department shall promptly perform a child protective investigation to: (i) determine the composition of the family or household, including the name, address, age, sex and race of each child named in the report, and any siblings or other children in the same household or in the care of the same adults, the parents or other persons responsible for their welfare, and any other adults in the same household; (ii) determine whether there is ~~[probable cause to believe]~~ **clear and convincing evidence** that any child in the family or household is abused or neglected, including a determination of harm or threatened harm to each child, the nature and extent of present or prior injuries, abuse or neglect, and any evidence thereof, and a determination of the person or persons apparently responsible for the abuse or neglect; (iii) determine the immediate and long-term risk to each child if the child remains in the existing home environment; and (iv) determine the protective treatment, and ameliorative services that appear necessary to help prevent further child abuse or neglect and to improve the home environment and the parents' ability to adequately care for the children.

7 Repeal. RSA 169-C:3, XXIII, relative to the definition of probable cause, is repealed.

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

This bill:

I. Raises the burden of proof in juvenile abuse and neglect cases from a preponderance of the evidence to clear and convincing evidence.

II. Defines a founded report of child abuse as a report in which the department of health and human services determines by clear and convincing evidence (rather than probable cause) that the child is abused or neglected.

III. Requires a finding of imminent danger by clear and convincing evidence (rather than reasonable cause) prior to issuing an ex parte order or emergency interim relief in abuse and neglect cases.

IV. Requires at the preliminary hearing that the court determine by clear and convincing evidence (rather than reasonable cause) that the child is abused or neglected.

Rep. Dowling moved Recommit to committee.

Adopted. Recommended to Children and Family Law.

HB 223, allowing a state resident to obtain a license for a pistol or revolver for life. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: The unanimous vote of the committee is Inexpedient to Legislate. Among the more compelling arguments against issuance of a lifetime permit are the changes brought by life circumstances. Periodic (four year) licensing permits a review to determine the continuing stability of the individual to obtain a license to carry a pistol or revolver. Vote 16-0.

Rep. Wendelboe spoke against and yielded to questions.

Rep. David Welch spoke in favor and yielded to questions.

Rep. Wendelboe requested a roll call; sufficiently seconded.

The question being adoption of the report.

YEAS 284 NAYS 76

YEAS 284

BELKNAP

Bartlett, Gordon	Czech, Stanley	Dewhirst, Glenn	Flanders, Donald
Holbrook, Robert	Johnson, William	Millham, Alida	Nedeau, Stephen
Russell, David	Salatiello, Thomas	Thomas, John	Wood, Jane

CARROLL

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

CHESHIRE

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

COOS

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

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Benn, Bernard
Cooney, Mary	Dudley, Terri	Gabler, William	Ham, Bonnie
Lovett, Sid	Marshall, Gene	Naro, Debra	Nordgren, Sharon
Pawlek, Marion	Scanlan, David	Scovner, Nancy	Sokol, Hilda
Solow, Martha			

HILLSBOROUGH

Alukonis, David	Andosca, Mary	Baroody, Benjamin	Batula, Peter
Bellavance, Paul	Bergin, Peter	Bouchard, David	Bragdon, Peter
Brundige, Robert	Buckley, Raymond	Calawa, Leon Jr	Christensen, D L Chris
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daigle, Robert	Dionne, David	Dionne, Kimberley
Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard	Dwyer, Paul
Dyer, Merton	Eaton, Richard	Emerton, Lawrence Sr	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Foster, Linda
Furman, Christine	Gargasz, Carolyn	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gorman, Mary	Goulet, Maurice	Graham, John
Greenberg, Gary	Guinta, Frank	Hall, Betty	Hall, Charles
Holden, Randolph	Jean, Claudette	Johnson, Lionel	Kacavas, John
Keye, Harvey	Konys, Christine	Kurk, Neal	L'Heureux, Robert

LaFlamme, Paul	LaRose, Richard	Lasky, Bette	Leach, Edward
Lynde, Harold	McDonough-Wallace, Alice	Melcher, Harold	Mercer, Robert
Messier, Irene	Milligan, Robert	Movsesian, Lori	Murphy, Robert
O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Rowe, Robert	Sargent, Maxwell
Shaw, Barbara	Spiess, Paul	Sullivan, Peter	Sweeney, Cynthia
Tahir, Saghir	Tate, Joan	Thulander, O Alan	Vaillancourt, Steve
Wheeler, Robert	White, John		

MERRIMACK

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

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Bowles, Raimond	Carson, Sharon	Case, Margaret	Clark, Martha Fuller
Coes, Betsy	Cooney, Richard	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	DiFruscia, Anthony	Dowling, Patricia	Downing, Michael
Fesh, Bob	Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila
Gilbert, Karl	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Johnson, Robert	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph	Langley, Jane
Langone, John	Major, Norman	McGuire, Robert	McKinney, Betsy
Micklon, Stephanie	Moore, Benjamin	Morse, Charles	Norelli, Terie
Nowe, Ronald	O'Keefe, Patricia	O'Neil, Michael	Pantelakos, Laura
Pitts, Jacqueline	Power, Lucille	Priestley, Anne	Putnam, Ed II
Rausch, James	Robertson, Carl	Ruffner, Walter	Sapareto, Frank

Shultis, Elizabeth

Stritch, C Donald

Whittier, John

Sloan, Stephen

Varrell, Thomas

Zolla, William

Splaine, James

Weatherspoon,
Jacquelyne

Stone, Joseph

Welch, David

STRAFFORD

Berube, Roger

DeChane, Marlene

Goodwin, Earle

Johnson, Nancy

McCarthy, Gerald

Reid, Christopher

Spang, Judith

Brennan, William

Estabrook, Iris

Grassie, Anne

Kaen, Naida

Musler, George

Rollo, Michael

Taylor, Kathleen

Callaghan, Frank

Ferland, Paul

Heon, Richard

Knowles, William

Pelletier, Arthur

Smith, Marjorie

Wall, Janet

Cossette, Larry

Gilmore, Gary

Hughes, Christopher

Lent, Donald

Proulx, Raymond

Snyder, Clair

Woodill, Rodney

SULLIVAN

Allison, David

Franklin, Peter

Leone, Richard

Rodeschin, Beverly

Burling, Peter

Harris, Joseph

Odell, Bob

Cloutier, John

Harris, Sandra

Phinizy, James

Ferland, Brenda

Jones, Constance

Robb, Amy

NAYS 76

BELKNAP

Boyce, Laurie

Wendelboe, Fran

Lawton, David

Rice, Thomas Jr

Rosen, Ralph

CARROLL

Babson, David Jr

Torressen, Gary

Dickinson, Howard

Kenney, Joseph

Sullivan, P Judith

CHESHIRE

Fairbanks, Chandler

Hunt, John

COOS

Gallus, John	Rozek, Michael	Woodward, David
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GRAFTON

Barker, Robert	Cobb, John	Gilman, G Michael	Giuda, Robert
Mirski, Paul	Sova, Charles	Ward, Brien	Williams, Burton

HILLSBOROUGH

Allan, Nelson	Arnold, Thomas Jr	Artz, Lawrence	Balboni, Michael
Bergeron, Jean-Guy	Bruno, Pierre	Carlson, Donald	Christiansen, Lars
Desrosiers, William	Elliott, Larry	Gleneck, David	Herman, Keith
Hopper, Gary	Jean, Loren	Lefebvre, Roland	Martel, Andre
McHugh, Claire	McRae, Karen	Moran, Edward	Salts, Greg
Souza, Kathleen	Thompson, Rob	White, Donald	

MERRIMACK

Langer, Ray	Soltani, Tony	Whalley, Michael	Winter, Steven
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ROCKINGHAM

Bridle, Russell	Camm, Kevin	Chalbeck, Kevin	Clark, Vivian
Corbin, Corey	Dumaine, Dudley	Giordano, Ronald	Hill, Jonathan
Holland, James Jr	Hutchinson, Karen	Introne, Robert	Itse, Daniel
Johnson, Rogers	Kelley, William	Letourneau, Robert	Packard, Sherman
Quandt, Marshall	Quandt, Matthew	Reardon, Neil	Trueman, Raymond
Weyler, Kenneth			

STRAFFORD

Albert, Russell	Bickford, David	Harrington, Michael	Twombly, James
Woods, Phyllis			

SULLIVAN

None

Adopted.

HB 654-FN-L, establishing a presorting program to remove mercury from waste prior to incineration at certain facilities. **REFER FOR INTERIM STUDY**

Rep. John S. Cobb for Environment and Agriculture: The bill is being recommended for interim study because the committee believes it needs more time to work on these issues. Vote 17-0.

Rep. Babson moved Recommit to committee.

Adopted. Recommitted to Environment and Agriculture.

HB 655-FN-A-L, establishing an advance disposal fee to fund local mercury presorting and recycling programs. **REFER FOR INTERIM STUDY**

Rep. John S. Cobb for Environment and Agriculture: The bill is being recommended for interim study because the committee believes it needs more time to work on these issues. Vote 18-0.

Rep. Babson moved Recommit to committee.

Adopted. Recommitted to Environment and Agriculture.

SB 128, relative to stress injuries under the workers' compensation law and relative to disability retirement benefits and mental injury. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: This bill would have placed the burden of medical expense and resulting disability expense on the retirement system in cases of "injury" or "personal injury" to include a mental injury resulting from any disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or any similar action taken in good faith by an employer. Vote 14-0.

Rep. Petersen moved Recommit to committee.

Adopted. Recommitted to Executive Departments and Administration.

SB 158-FN, relative to payment of medical benefits for certain retirement system members retiring with combined creditable service or for certain members who have dependent children. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would allow creditable service in group I and group II to be combined to meet the minimum requirements of the health insurance subsidy provided to retired members. The bill would also provide additional benefits to divorced or widowed retirees who have dependent children. The bill would cost \$6,648,000 to terminally fund from the special account and require \$80,000 from the retirement to establish the data base and a yearly cost of \$30,000 each year for maintenance of the data base. If a member had spent most of their time in group II, then transferred to group I, all of the cost would come from the appropriate group I medical sub trust while most of the contributions were made to the group II sub trust. With the cost and complexity of the withdrawal of the funds for the individual from the various medical sub trusts, the committee voted to present this bill as inexpedient to legislate. Vote 13-0.

Rep. Petersen moved Recommit to committee.

Adopted. Recommitted to Executive Departments and Administration.

HB 757, establishing an early literacy and reading improvement initiative. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The amendment changes the financing but not the policy of the bill. Instead of appropriating millions of dollars for programs yet to be selected, the amendment appropriates \$485,349 in general funds for the Department of Education for the period ending June 30, 2003. These funds are to be used (a) to develop end-of-grade-3 reading tests already required by statute and (b) to investigate and select research-proven programs to effect the early literacy and reading improvement initiative established by the bill. The selected programs cannot be implemented until the next biennium, so funding for them would best be included in the next biennial budget. Vote 20-0.

Amendment (1928h)

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

AN ACT establishing an early literacy and reading improvement program and making an appropriation therefor.

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

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

CHAPTER 193-G

EARLY LITERACY AND READING IMPROVEMENT

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

193-G:2 Definitions. In this chapter:

- I. "Commissioner" means the commissioner of the department of education.
- II. "Department" means the department of education.
- III. "State board" means the state board of education.
- IV. "Primary school" means a school that includes grades K-3 or any grouping thereof.
- V. "Pre-school children" means children through age 5 that are not enrolled in a primary school.
- VI. "Early child care providers" means individuals that are paid to provide care and education to children through age 5 that are not enrolled in a primary school.

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

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

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

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

II. Provide to early childhood providers:

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

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

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

IV. Involve institutions of higher education in partnerships to:

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

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

193-G:4 Early Literacy and Reading Improvement Program Established.

I. There is hereby established an early literacy and reading improvement program in the department of education. This program shall provide education and support to primary caregivers of young children, early child care providers and primary school teachers and administrators in developmentally appropriate literacy instruction. Beginning July 1, 2003, approximately equal parts of any funds appropriated shall be used to support the provisions of RSA 193-G:3, I-III.

II. The program shall design and implement a structured observation program to determine the extent to which pupils at earlier ages are making progress toward reading at grade level by the end of grade 3; determine if pupils at the end of grade 3 are reading at grade level by implementing an assessment instrument developed by the department and approved by the state board of education; and provide early literacy and reading improvement assistance, including grants, to local school districts. The program shall also develop, provide, and evaluate outcome-proven programs and courses established in RSA 193-G:3, I-III, and shall provide technical assistance and professional development activities through grants, contracts with consultants, and the employment of individuals to fill authorized, program-related positions.

III. For the fiscal year beginning July 1, 2003, and each fiscal year thereafter, grants to local school districts shall be used to address the areas specified in RSA 193-G:3, as well as other demonstrated needs related directly to early literacy and the improvement of reading. The administration of the early literacy and reading improvement grant program involves the following:

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

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

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

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

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

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

(c) Establishing an equitable grant review process that:

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

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

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

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

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

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

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

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

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

193-G:5 Rulemaking. The state board shall, pursuant to RSA 541-A, and not later than July 1, 2004, adopt rules relative to the administration of the early literacy and reading improvement program established in RSA 193-G:3 and RSA 193-G:4.

193-G:6 Early Learning Oversight Committee Established.

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

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

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

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

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

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

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

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

193-G:7 Duties.

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

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

(b) Determine the most effective administrative relationship between the department of education, the department of health and human services and other providers of early

literacy and reading programs to assure that the services provided interact in a manner which promotes efficiency and maximizes benefits to children.

(c) Review the development and implementation of the program to ensure it is in accordance with legislative policy. Implementation of the program shall be consistent with the committee's determinations in subparagraphs (a) and (b).

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

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

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

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

2 Appropriation; Positions Established.

I. The sum of \$485,349 for the biennium ending June 30, 2003 is hereby appropriated to the department of education to be used for the purposes set forth in this section. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The department of education is hereby authorized to establish one program administrator position at labor grade 28, one education consultant position at labor grade 27, and one program assistant position, at labor grade 12 from funds appropriated in this act.

III. Funds appropriated in this section shall be used for the salary, benefits, equipment, and current expenses resulting from the new positions established in this act, to develop and implement the end of grade 3 reading assessment required in RSA 193-G:4, II, and to implement the early literacy and reading improvement program as set forth in RSA 193-G:4.

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

AMENDED ANALYSIS

This bill establishes an early literacy and reading improvement program and makes an appropriation of \$485,349 for the biennium ending June 30, 2003.

Rep. Kurk moved Recommit to committee.

Reps. Estabrook and Hager spoke against.

Reps. Sullivan and Wheeler spoke in favor and yielded to questions.

Rep. Elliott requested a roll call; sufficiently seconded.

The question being adoption of the motion to Recommit.

YEAS 179 NAYS 181

YEAS 179

BELKNAP

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

CARROLL

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

CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
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	Woodward, David	

GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Gabler, William	Gilman, G Michael	Giuda, Robert
Marshall, Gene	Mirski, Paul	Scanlan, David	Sova, Charles
Ward, Brien	Williams, Burton		

HILLSBOROUGH

Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence	Balboni, Michael
Batula, Peter	Bergeron, Jean-Guy	Bouchard, David	Bragdon, Peter
Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald
Christensen, D L Chris	Christiansen, Lars	Coughlin, Pamela	Desrosiers, William
Dyer, Merton	Eaton, Richard	Emerton, Lawrence Sr	Fields, Dennis
Fletcher, Richard	Ford, Nancy	Furman, Christine	Gleneck, David
Golding, William	Goulet, Maurice	Graham, John	Greenberg, Gary
Herman, Keith	Holden, Randolph	Hopper, Gary	Jean, Loren
Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard
Martel, Andre	McRae, Karen	Mercer, Robert	Milligan, Robert
Moran, Edward	Murphy, Robert	Pappas, Marc	Pepino, Leo
Rowe, Robert	Sargent, Maxwell	Souza, Kathleen	Tahir, Saghir
Tate, Joan	Thompson, Rob	Thulander, O Alan	Vaillancourt, Steve
Wheeler, Robert	White, Donald		

MERRIMACK

Anderson, Eric	Cummings, Raymond	Dunne, Christopher	Hess, David
Kennedy, Richard	L'Heureux, Stephen	Langer, Ray	Leber, William
Soltani, Tony	Swindlehurst, John	Whalley, Michael	

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Chalbeck, Kevin	Clark, Vivian	Cooney, Richard
Dalrymple, Janeen	Dowling, Patricia	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Francoeur, Sheila	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
Letourneau, Robert	Major, Norman	McKinney, Betsy	Moore, Benjamin
Morse, Charles	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Power, Lucille	Priestley, Anne	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Rausch, James	Reardon, Neil	Sapareto, Frank
Sloan, Stephen	Stone, Joseph	Stritch, C Donald	Varrell, Thomas
Welch, David	Weyler, Kenneth	Whittier, John	Zolla, William

STRAFFORD

Albert, Russell	Cossette, Larry	Harrington, Michael	Musler, George
Reid, Christopher	Twombly, James	Woods, Phyllis	

SULLIVAN

Odell, Bob	Rodeschin, Beverly
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NAYS 181

BELKNAP

Dewhirst, Glenn	Johnson, William	Millham, Alida	Salatiello, Thomas
Wood, Jane			

CARROLL

Kenney, Joseph

CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espiefs, Peter
Fairbanks, Chandler	Manning, Joseph	McGuirk, Paul	Meader, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Slack, Pamela Russell	Weed, Charles	Zerba, Roger	

COOS

Bradley, Paula	Davis, Perley	Mears, Edgar	Rodrigue, Robert
Stohl, Eric			

GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Ham, Bonnie
Lovett, Sid	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scovner, Nancy	Sokol, Hilda	Solow, Martha	

HILLSBOROUGH

Allan, Nelson	Andosca, Mary	Baroody, Benjamin	Bellavance, Paul
Bergin, Peter	Buckley, Raymond	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Daigle, Robert
Dionne, David	Dionne, Kimberley	Dokmo, Cynthia	Drabinowicz, A Theresa
Drisko, Richard	Dwyer, Paul	Elliott, Larry	Flora, Kathleen
Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Guinta, Frank	Hall, Betty	Hall, Charles
Jean, Claudette	Johnson, Lionel	Kacavas, John	Keye, Harvey
Konys, Christine	Lasky, Bette	Leach, Edward	Lefebvre, Roland
Lynde, Harold	McDonough-Wallace, Alice	McHugh, Claire	Messier, Irene
Movsesian, Lori	O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas
Peterson, Andrew	Salts, Greg	Shaw, Barbara	Spiess, Paul
Sullivan, Peter	Sweeney, Cynthia	White, John	

MERRIMACK

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Colcord, J D
Daneault, Gabriel	Davis, Frank	Feuerstein, Martin	Fraser, Marilyn
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Jacobson, Alf	Lockwood, Priscilla	MacKay, James	Maxfield, Roy
Moore, Carol	Owen, Derek	Perkins, Randy	Potter, Frances
Rodd, Beth	Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane
Winter, Steven			

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Carson, Sharon	Case, Margaret
Clark, Martha Fuller	Coes, Betsy	Corbin, Corey	Cox, Russell
Dearborn, Bruce	DiFruscia, Anthony	Downing, Michael	Flanagan, Natalie
Hutchinson, Karen	Kane, Cecelia	Kelley, Jane	Kelley, William
Kobel, Rudolph	Langley, Jane	Langone, John	McGuire, Robert
Micklon, Stephanie	Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura
Pitts, Jacqueline	Robertson, Carl	Ruffner, Walter	Shultis, Elizabeth
Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne	

STRAFFORD

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

SULLIVAN

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

and the motion failed.

On a division vote, 278 members having voted in the affirmative and 82 in the negative, the amendment was adopted.

motion to lay on the table

Rep. Mirski moved that **HB 757**, establishing an early literacy and reading improvement program and making an appropriation therefor, be laid on the table.

Rep. Soltani requested a roll call; sufficiently seconded.

YEAS 133 NAYS 227

YEAS 133

BELKNAP

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

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Lyman, L Randy
Mock, Henry	Patten, Betsey	Quimby, Lee	Sullivan, P Judith
Torressen, Gary			

CHESHIRE

Hunt, John	Roberts, William	Royce, H Charles	Smith, Edwin
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COOS

Gallus, John	Guay, Lawrence	Pratt, Leighton
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GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Gabler, William	Gilman, G Michael	Giuda, Robert
Marshall, Gene	Mirski, Paul	Scanlan, David	Sova, Charles
Williams, Burton			

HILLSBOROUGH

Alukonis, David	Arnold, Thomas Jr	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Bouchard, David	Bragdon, Peter	Brundige, Robert
Bruno, Pierre	Calawa, Leon Jr	Christensen, D L Chris	Christiansen, Lars
Coughlin, Pamela	Dyer, Merton	Emerton, Lawrence Sr	Fields, Dennis
Fletcher, Richard	Furman, Christine	Gleneck, David	Goulet, Maurice
Herman, Keith	Holden, Randolph	Hopper, Gary	Jean, Loren
Kurk, Neal	Martel, Andre	McRae, Karen	Mercer, Robert
Milligan, Robert	Moran, Edward	Pappas, Marc	Pepino, Leo
Sargent, Maxwell	Souza, Kathleen	Tate, Joan	Thompson, Rob
Thulander, O Alan	Vaillancourt, Steve	White, Donald	

MERRIMACK

Anderson, Eric	Cummings, Raymond	Dunne, Christopher	Hess, David
Kennedy, Richard	Langer, Ray	Leber, William	Soltani, Tony
Swindlehurst, John	Whalley, Michael		

ROCKINGHAM

Belanger, Ronald	Bishop, Franklin	Bridle, Russell	Camm, Kevin
Clark, Vivian	Cooney, Richard	Dalrymple, Janeen	Dowling, Patricia
Fesh, Bob	Flanders, John Sr	Francoeur, Sheila	Gilbert, Karl
Giordano, Ronald	Griffin, Mary	Hill, Jonathan	Holland, James Jr
Introne, Robert	Itse, Daniel	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kelley, William	Letourneau, Robert	Major, Norman
McKinney, Betsy	Moore, Benjamin	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Rausch, James	Reardon, Neil	Stone, Joseph	Stritch, C Donald
Varrell, Thomas	Weyler, Kenneth	Zolla, William	

STRAFFORD

Albert, Russell	Cossette, Larry	Harrington, Michael	Musler, George
Twombly, James	Woods, Phyllis		

SULLIVAN

Rodeschin, Beverly

NAYS 227

BELKNAP

Czech, Stanley	Dewhirst, Glenn	Flanders, Donald	Johnson, William
Millham, Alida	Russell, David	Salatiello, Thomas	Wood, Jane

CARROLL

Kenney, Joseph	Philbrick, Donald	Stevens, Stanley
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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, Irene	Pratt, John

Richardson, Barbara

Slack, Pamela Russell

Weed, Charles

Zerba, Roger

COOS

Bradley, Paula

Davis, Perley

Horton, Lynn

Mears, Edgar

Rodrigue, Robert

Rozek, Michael

Stohl, Eric

Tholl, John Jr

Woodward, David

GRAFTON

Almy, Susan

Benn, Bernard

Cooney, Mary

Ham, Bonnie

Lovett, Sid

Naro, Debra

Nordgren, Sharon

Pawlek, Marion

Scovner, Nancy

Sokol, Hilda

Solow, Martha

Ward, Brien

HILLSBOROUGH

Allan, Nelson

Andosca, Mary

Artz, Lawrence

Baroody, Benjamin

Bellavance, Paul

Bergin, Peter

Buckley, Raymond

Carlson, Donald

Clayton, William

Clemons, Jane

Cote, David

Cote, Peter

Craig, James

Daigle, Robert

Desrosiers, William

Dionne, David

Dionne, Kimberley

Dokmo, Cynthia

Drabinowicz, A Theresa

Drisko, Richard

Dwyer, Paul

Eaton, Richard

Elliott, Larry

Flora, Kathleen

Ford, Nancy

Foster, Linda

Gargasz, Carolyn

Ginsburg, Ruth

Golding, William

Goley, Jeffrey

Gorman, Mary

Graham, John

Greenberg, Gary

Guinta, Frank

Hall, Betty

Hall, Charles

Jean, Claudette

Johnson, Lionel

Kacavas, John

Keye, Harvey

Konys, Christine

L'Heureux, Robert

LaFlamme, Paul

LaRose, Richard

Lasky, Bette

Leach, Edward

Lefebvre, Roland

Lynde, Harold

McDonough-Wallace,
Alice

McHugh, Claire

Messier, Irene

Movsesian, Lori

Murphy, Robert

O'Connell, Timothy

Palangas, Eric

Panagopoulos, Nicholas

Peterson, Andrew

Rowe, Robert

Salts, Greg

Shaw, Barbara

Spiess, Paul

Sullivan, Peter

Sweeney, Cynthia

Tahir, Saghir

Wheeler, Robert

White, John

MERRIMACK

Bouchard, Candace

Brewster, Richard

Clarke, Claire

Colcord, J D

Daneault, Gabriel	Davis, Frank	Feuerstein, Martin	Fraser, Marilyn
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Jacobson, Alf	L'Heureux, Stephen	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	Moore, Carol	Owen, Derek	Perkins, Randy
Potter, Frances	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Wallner, Mary Jane	Winter, Steven		

ROCKINGHAM

Arndt, Janet	Blanchard, MaryAnn	Bowles, Raimond	Carson, Sharon
Case, Margaret	Chalbeck, Kevin	Clark, Martha Fuller	Coes, Betsy
Corbin, Corey	Cox, Russell	Dearborn, Bruce	DiFruscia, Anthony
Downing, Michael	Dumaine, Dudley	Flanagan, Natalie	Gleason, John
Hamel, Albert	Henderson, Warren	Hutchinson, Karen	Johnson, Robert
Kane, Cecelia	Kelley, Jane	Kobel, Rudolph	Langley, Jane
Langone, John	McGuire, Robert	Micklon, Stephanie	Morse, Charles
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Power, Lucille	Priestley, Anne	Robertson, Carl	Ruffner, Walter
Sapareto, Frank	Shultis, Elizabeth	Sloan, Stephen	Splaine, James
Trueman, Raymond	Weatherspoon, Jacquelyne	Welch, David	Whittier, John

STRAFFORD

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

SULLIVAN

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

and the motion to lay on the table failed.

The question now being adoption of the committee Report.

Rep. P. Judith Sullivan spoke against.

Rep. Kurk spoke in favor.

Report adopted and ordered to third reading.

motion to special order

Rep. Mirski moved that ***HB 285-FN-L***, relative to the adoption of a state building code, be made a Special Order for Thursday, January 10, 2002 in the Regular Calendar order.

Adopted.

regular calendar (cont'd.)

HB 601-FN-A-L, relative to a municipality's liability for failure to remit state taxes collected by the municipality to the state. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy K. Johnson for Municipal and County Government: This bill tried to address the situation that occurs when a municipality has to pay a bill to another governmental department, such as school district or county, when they have not collected the taxes from the local taxpayer. The current procedure requires the municipality to pay the bill but allows the municipality to charge a fee of up to 18% when a taxpayer does not pay the bill through the tax lien/tax deed process. The Department of Revenue Administration, during the tax rate process, may set up an overlay account, which sets money aside to cover any shortfall in the collection of taxes. Since there did not seem to be a better way to collect taxes and pay bills without losing some financial benefits the committee voted Inexpedient to Legislate on a unanimous vote. Vote 15-0.

Rep. Sova spoke against.

Rep. Brundige spoke in favor.

Adopted.

HB 673, relative to a net asset qualification for the elderly property tax exemption for married persons, and relative to the availability of the elderly exemption for persons who reestablish residency. **OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Twombly for Municipal and County Government: This amendment allows for the adoption of an additional elderly net asset qualification for an elderly resident by the local municipality. Currently, there is only one amount allowed (no less than \$35,000) for net assets in the elderly exemption statute (RSA 72:39). Once the municipality votes to include this net asset qualification it shall apply to a surviving spouse until sale or transfer of the property or until the

remarriage of the surviving spouse. This bill also clarifies references to consecutive years of residence and married persons in certain property tax exemption statutes. The committee voted Ought to Pass as Amended. Vote 13-2.

Amendment (1973h)

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

AN ACT relative to a net asset qualification for the elderly property tax exemption for married persons.

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

1 Property Taxation; Conditions for Elderly Exemption; Consecutive Years of Residence.
Amend RSA 72:39-a, I(a) to read as follows:

(a) Has resided in this state for at least 5 **consecutive** years preceding April 1 in the year in which the exemption is claimed.

2 Property Taxation; Conditions for Elderly Exemption; Net Assets for Married Persons.
Amend RSA 72:39-a, I(c) to read as follows:

(c) Owns net assets not in excess of the amount determined by the city or town for purposes of RSA 72:39-b, excluding the value of the person's actual residence and the land upon which it is located up to the greater of 2 acres or the minimum single family residential lot size specified in the local zoning ordinance. The amount determined by the city or town shall not be less than \$35,000 **or, if married, combined net assets in such greater amount as may be determined by the town or city.** "Net assets" means the value of all assets, tangible and intangible, minus the value of any good faith encumbrances. "Residence" means the housing unit, and related structures such as an unattached garage or woodshed, which is the person's principal home, and which the person in good faith regards as home to the exclusion of any other places where the person may temporarily live. "Residence" shall exclude attached dwelling units and unattached structures used or intended for commercial or other nonresidential purposes.

3 New Paragraph; Exemption for Surviving Spouse; Combined Net Asset Amount. Amend RSA 72:39-a by inserting after paragraph II the following new paragraph:

III. Upon the death of an owner residing with a spouse pursuant to paragraph II(b) or II(d), the combined net asset amount for married persons determined by the city or town shall continue to apply to the surviving spouse for the purpose of the exemption granted under RSA 72:39-b until the sale or transfer of the property by the surviving spouse or until the remarriage of the surviving spouse.

4 Property Taxation; Adoption or Modification of Elderly Exemption; Net Assets for Married Persons. Amend RSA 72:39-b, I(c) to read as follows:

(c) The wording of the question shall be: "Shall we modify the elderly exemptions from property tax in the town (city) of _____, based on assessed value, for qualified taxpayers, to be as follows: for a person 65 years of age up to 75 years, (here insert dollar amount); for a person 75 years of age up to 80 years, (here insert dollar amount); for a person 80 years of age or older (here insert dollar amount). To qualify, the person must have been a New Hampshire

resident for at least 5 **consecutive** years, own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married **to each other** for at least 5 years. In addition, the taxpayer must have a net income of not more than (here insert a dollar amount not less than \$13,400) or, if married, a combined net income of less than (here insert a dollar amount not less than \$20,400); and own net assets not in excess of (here insert a dollar amount not less than \$35,000 excluding the value of the person's residence) **or, if married, combined net assets not in excess of (here insert a dollar amount of \$35,000 or greater) excluding the value of the residence.**" Under no circumstances shall the amounts of the exemption for any age category be less than \$5,000. **The combined net asset amount for married persons shall apply to a surviving spouse until the sale or transfer of the property by the surviving spouse or until the remarriage of the surviving spouse.**

5 Exemption for the Disabled; Qualifications Clarified. Amend RSA 72:37-c, I(c) to read as follows:

(c) The wording of the question shall be: "Shall we adopt an exemption for the disabled? The exemption, based on assessed value, for qualified taxpayers shall be (here insert dollar amount). To qualify, the person must have been a New Hampshire resident for at least 5 **consecutive** years and own and occupy the real estate individually or jointly, or if the real estate is owned by a spouse, they must have been married **to each other** for at least 5 years. In addition, the taxpayer must have a net income of not more than (here insert dollar amount) or, if married, a combined net income of not more than (here insert dollar amount); and own net assets not in excess of (here insert dollar amount) excluding the value of the person's residence."

6 Tax Deferral for the Elderly and Disabled; Qualifications Clarified. Amend RSA 72:38-a, I(b) to read as follows:

(b) Has owned the homestead for at least 5 **consecutive** years; and

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

AMENDED ANALYSIS

This bill allows for the adoption by municipalities of a married persons' net asset qualification for purposes of the elderly exemption. Such combined net asset qualification shall apply to a surviving spouse until the sale or transfer of the property, or until the remarriage of the surviving spouse.

This bill also clarifies references to consecutive years of residence and married persons in certain property tax exemption statutes.

Rep. Patten moved Recommit to committee.

Adopted. Recommitted to Municipal and County Government.

HB 689, establishing a committee to study the effectiveness and fairness of county government.
INEXPEDIENT TO LEGISLATE

Rep. James E. Twombly for Municipal and County Government: The intent of HB 689 was to see if county government as currently operated and paid for, was effective and fair. The original bill called for a study committee to look into certain areas of county government – functions of the county now

and as originally intended; what county tasks could better be accomplished by the state; possible duplication of services; equitable allocation of costs to cities and towns in the county; assessment practices. The committee retained this bill to look at these issues, to collect data to determine if any specific legislation was appropriate. The allocation of costs is set in statute - RSA 29:11 – which states that the towns shall pay in their "just proportion of all taxes granted by the county convention according to their proportion of public taxes". Also RSA 76:1 states that "an apportionment of public taxes according to the equalized valuation of the towns, cities and unincorporated places..." is the method of determining that proportion. The committee looked at possible changes to the formula of apportionment – using land area, population, number of residents from each time at a specific date – with all different percentages. Each option discussed resulted in a more complex situation within the counties and the committee was unable to propose any clear or concise solutions. The committee also feels that to have the State take over any county functions would be more expensive than what is occurring now. The Assessing Standards Board and Equalization Standards Board are looking at the statewide assessment procedures and any changes will be recommended for new legislation each December 1. Looking at the vast amount of information provided, having a belief that county government is viable in New Hampshire and not finding any solutions to the discontent with county government, the committee recommend Vote 13-1.

Rep. Jacobson spoke against and yielded to questions.

Rep. Patten spoke in favor and yielded to questions.

Rep. Jacobson requested a roll call; sufficiently seconded.

The question being adoption of the report.

YEAS 193 NAYS 163

YEAS 193

BELKNAP

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

CARROLL

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

CHESHIRE

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

COOS

Horton, Lynn	Landers, Dana	Pratt, Leighton	Rozek, Michael
Stohl, Eric	Tholl, John Jr	Woodward, David	

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Cobb, John	Cooney, Mary	Dudley, Terri	Gabler, William
Gilman, G Michael	Giuda, Robert	Marshall, Gene	Mirski, Paul
Scanlan, David	Scovner, Nancy	Solow, Martha	Sova, Charles
Ward, Brien			

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Batula, Peter	Bellavance, Paul	Bergeron, Jean-Guy
Bouchard, David	Brundige, Robert	Calawa, Leon Jr	Carlson, Donald
Christensen, D L Chris	Christiansen, Lars	Cote, Peter	Coughlin, Pamela
Dionne, Kimberley	Dyer, Merton	Elliott, Larry	Emerton, Lawrence Sr
Fields, Dennis	Fletcher, Richard	Ford, Nancy	Furman, Christine
Gargas, Carolyn	Gleneck, David	Goulet, Maurice	Greenberg, Gary
Guinta, Frank	Hall, Charles	Herman, Keith	Holden, Randolph
Hopper, Gary	Jean, Loren	Kurk, Neal	LaFlamme, Paul
LaRose, Richard	Leach, Edward	Martel, Andre	Mercer, Robert
Messier, Irene	Milligan, Robert	Pappas, Marc	Pepino, Leo
Peterson, Andrew	Rowe, Robert	Salts, Greg	Sargent, Maxwell
Shaw, Barbara	Souza, Kathleen	Tahir, Saghir	Tate, Joan
Thompson, Rob	Thulander, O Alan	Wheeler, Robert	White, Donald

MERRIMACK

Dunne, Christopher	Hager, Elizabeth	Hess, David	Kennedy, Richard
L'Heureux, Stephen	Leber, William	Lockwood, Priscilla	MacKay, James

Rush, Deanna

Soltani, Tony

Swindlehurst, John

Whalley, Michael

ROCKINGHAM

Arndt, Janet

Belanger, Ronald

Bridle, Russell

Camm, Kevin

Carson, Sharon

Clark, Vivian

Coes, Betsy

Corbin, Corey

Dalrymple, Janeen

Dearborn, Bruce

DiFruscia, Anthony

Dowling, Patricia

Dumaine, Dudley

Fesh, Bob

Flanagan, Natalie

Flanders, John Sr

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, Jane

Kobel, Rudolph

Letourneau, Robert

Major, Norman

McGuire, Robert

McKinney, Betsy

Moore, Benjamin

Morse, Charles

Nowe, Ronald

O'Neil, Michael

Packard, Sherman

Priestley, Anne

Putnam, Ed II

Quandt, Marshall

Quandt, Matthew

Rausch, James

Reardon, Neil

Sapareto, Frank

Sloan, Stephen

Stone, Joseph

Stritch, C Donald

Varrell, Thomas

Welch, David

Weyler, Kenneth

Whittier, John

STRAFFORD

Albert, Russell

Callaghan, Frank

Cossette, Larry

Goodwin, Earle

Harrington, Michael

Johnson, Nancy

Musler, George

Pelletier, Arthur

Spang, Judith

Twombly, James

SULLIVAN

Jones, Constance

Rodeschin, Beverly

NAYS 163

BELKNAP

Johnson, William

Millham, Alida

Wood, Jane

CARROLL

Babson, David Jr

Sullivan, P Judith

CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espiefs, Peter
Manning, Joseph	McGuirk, Paul	Meadar, David	Mitchell, McKim
Pratt, Irene	Richardson, Barbara	Slack, Pamela Russell	Weed, Charles

COOS

Bradley, Paula	Davis, Perley	Gallus, John	Guay, Lawrence
Mears, Edgar	Rodrigue, Robert		

GRAFTON

Benn, Bernard	Ham, Bonnie	Lovett, Sid	Naro, Debra
Nordgren, Sharon	Pawlek, Marion	Sokol, Hilda	Williams, Burton

HILLSBOROUGH

Baroody, Benjamin	Bergin, Peter	Bragdon, Peter	Bruno, Pierre
Buckley, Raymond	Clayton, William	Clemons, Jane	Cote, David
Craig, James	Daigle, Robert	Desrosiers, William	Dionne, David
Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard	Dwyer, Paul
Eaton, Richard	Foster, Linda	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gorman, Mary	Graham, John	Hall, Betty
Jean, Claudette	Johnson, Lionel	Kacavas, John	Keye, Harvey
Konys, Christine	L'Heureux, Robert	Lasky, Bette	Lynde, Harold
McDonough-Wallace, Alice	McHugh, Claire	McRae, Karen	Moran, Edward
Movsesian, Lori	Murphy, Robert	O'Connell, Timothy	Palangas, Eric
Panagopoulos, Nicholas	Spiess, Paul	Sullivan, Peter	Sweeney, Cynthia
Vaillancourt, Steve	White, John		

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Clarke, Claire
Colcord, J D	Cummings, Raymond	Daneault, Gabriel	Davis, Frank
Feuerstein, Martin	Fraser, Marilyn	French, Barbara	Gile, Mary
Greco, Vincent	Jacobson, Alf	Langer, Ray	Maxfield, Roy

Moore, Carol	Owen, Derek	Perkins, Randy	Potter, Frances
Rodd, Beth	Seldin, Gloria	Wallner, Mary Jane	Winter, Steven

ROCKINGHAM

Bishop, Franklin	Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret
Chalbeck, Kevin	Clark, Martha Fuller	Cooney, Richard	Cox, Russell
Downing, Michael	Francoeur, Sheila	Gilbert, Karl	Hutchinson, Karen
Kane, Cecelia	Kelley, William	Langley, Jane	Langone, John
Micklon, Stephanie	Norelli, Terie	O'Keefe, Patricia	Pitts, Jacqueline
Power, Lucille	Robertson, Carl	Ruffner, Walter	Shultis, Elizabeth
Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne	Zolla, William

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	DeChane, Marlene
Estabrook, Iris	Ferland, Paul	Gilmore, Gary	Grassie, Anne
Heon, Richard	Hughes, Christopher	Kaen, Naida	Knowles, William
Lent, Donald	McCarthy, Gerald	Proulx, Raymond	Reid, Christopher
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Taylor, Kathleen
Wall, Janet	Woodill, Rodney	Woods, Phyllis	

SULLIVAN

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

and the report was adopted.

HB 424, establishing a committee to study the exemption from property taxes for not-for-profit hospitals. **INEXPEDIENT TO LEGISLATE**

Rep. Jeff Gilbert for Ways and Means: The committee believes that this bill is premature, in light of pending litigation between the town of Lebanon and the owners of Mary Hitchcock Hospital, to deal with its core subject matter. Vote 13-1.

Rep. Weyler spoke against and yielded to questions.

On a division vote, 171 members having voted in the affirmative and 178 in the negative, the report failed.

Rep. Mirski moved Ought to Pass.

On a division vote, 243 members having voted in the affirmative and 112 in the negative, the motion was adopted.

Ordered to third reading.

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

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

Rep. Michael W. Downing for Ways and Means: This bill creates a grant program administered by the Department of Environmental Services to aid lake associations and municipalities in controlling milfoil and other exotic plants without increasing existing boat registration fees. This bill also provides funding for the harbor dredging and pier maintenance fund, as well as a research grant in exotic plant control. Funding for these programs will be provided utilizing the boat fees currently collected by authorized agents of the state. The boat fees currently collected by municipalities will remain with the municipality. The fees collected directly by the state will continue to go to the navigational aid fund. This bill also requires the Departments of Environmental Services and Safety to submit a yearly report to the legislature. Vote 18-0.

Amendment (2054h)

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

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

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

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

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

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

72-A:5 Town Treasurer.

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

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

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

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

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

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

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

(a) One-third to the general fund.

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

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

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

Milfoil and Other Exotic Plants Control

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

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

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

I. Eligibility determination criteria and procedures.

II. Application requirements and procedures.

III. Project selection and prioritization requirements and procedures.

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

487:29 Eligible Applicants; Matching Funds.

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

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

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

(c) Institutions of higher learning.

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

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

I. The department of environmental services shall submit an annual report, beginning on July 1, 2003, to the speaker of the house, president of the senate, and the governor and council which shall include, but not be limited to, a description of programs funded by the milfoil and other exotic plants control and research grant fund and the extent of aid to municipalities, lake associations, and research institutions.

II. In addition to or in conjunction with its operating budget, the department of environmental services shall submit a budget for the biennium beginning July 1, 2003, and for each biennium thereafter, which shall include all expected revenues and projected expenditures of the dedicated fund established in RSA 487:26.

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

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

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

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

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

II. RSA 487:26-29, relative to the milfoil and other exotic plants control program.

8 Effective Date.

I. Sections 3 and 7 of this act shall take effect July 1, 2006.

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

AMENDED ANALYSIS

This bill creates a grant program administered by the department of environmental services for aid to lake associations and towns which seek to administer a milfoil and other exotic plants control program, and institutions of higher learning which seek to conduct research on milfoil and other exotic plants remediation techniques. Eligible applicants are required to provide a minimum resource match of 50 percent of the proposed program budget.

This bill also creates a special milfoil and other exotic plants control and research grant fund to provide moneys for the program. Funding for the grant program is provided by directing authorized agents of the department of safety to pay the boat fee they collect under RSA 72-A to the department, instead of to the town or city treasurer. The department shall use 1/3 of the boat fees so collected to fund the grant program and 1/3 for the harbor dredging and pier maintenance fund. The remaining 1/3 of the boat fees will go into the general fund.

The provisions of this bill are repealed July 1, 2006 and the funds allocated to the milfoil and other exotic plants control and research grant fund lapse into the general fund.

Reps. Leach, Lovett and Winter spoke against.

Reps Downing and Vivian Clark spoke in favor and yielded to questions.

Rep. Leone requested a roll call; sufficiently seconded.

The question being adoption of the amendment.

YEAS 93 NAYS 263

YEAS 93

BELKNAP

Lawton, David

Rice, Thomas Jr

CARROLL

Dickinson, Howard

Kenney, Joseph

CHESHIRE

Avery, Stephen

Dexter, Judson

Edwards, Dana

Espieffs, Peter

Hunt, John

Liebl, George

McGuirk, Paul

Smith, Edwin

COOS

Horton, Lynn

Mears, Edgar

Pratt, Leighton

Rodrigue, Robert

Woodward, David

GRAFTON

Almy, Susan

Gilman, G Michael

Giuda, Robert

Ham, Bonnie

Scanlan, David

Ward, Brien

HILLSBOROUGH

Alukonis, David

Artz, Lawrence

Bouchard, David

Bragdon, Peter

Bruno, Pierre

Calawa, Leon Jr

Cote, David

Desrosiers, William

Elliott, Larry

Emerton, Lawrence Sr

Fields, Dennis

Golding, William

Guinta, Frank

Herman, Keith

Johnson, Lionel

Kurk, Neal

Lefebvre, Roland

McRae, Karen

Mercer, Robert

Milligan, Robert

Sargent, Maxwell

Thulander, O Alan

MERRIMACK

Anderson, Eric

Feuerstein, Martin

Hess, David

L'Heureux, Stephen

Leber, William

Seldin, Gloria

Swindlehurst, John

Whalley, Michael

ROCKINGHAM

Arndt, Janet

Belanger, Ronald

Bishop, Franklin

Bridle, Russell

Camm, Kevin

Chalbeck, Kevin

Clark, Vivian

Corbin, Corey

DiFruscia, Anthony

Dowling, Patricia

Downing, Michael

Francoeur, Sheila

Giordano, Ronald

Griffin, Mary

Henderson, Warren

Holland, James Jr

Introne, Robert

Katsakiores, George

Katsakiores, Phyllis

Langone, John

Letourneau, Robert

Major, Norman

McGuire, Robert

McKinney, Betsy

Micklon, Stephanie
Power, Lucille
Stritch, C Donald

Morse, Charles
Priestley, Anne
Varrell, Thomas

Nowe, Ronald
Rausch, James

O'Neil, Michael
Reardon, Neil

STRAFFORD

Albert, Russell
Reid, Christopher

Cossette, Larry

Kaen, Naida

Proulx, Raymond

SULLIVAN

Cloutier, John

NAYS 263

BELKNAP

Bartlett, Gordon
Flanders, Donald
Nedeau, Stephen
Wendelboe, Fran

Boyce, Laurie
Holbrook, Robert
Rosen, Ralph
Wood, Jane

Czech, Stanley
Johnson, William
Russell, David

Dewhirst, Glenn
Millham, Alida
Thomas, John

CARROLL

Babson, David Jr
Patten, Betsey
Sullivan, P Judith

Bradley, Jeb
Philbrick, Donald
Torressen, Gary

Lyman, L Randy
Quimby, Lee

Mock, Henry
Stevens, Stanley

CHESHIRE

Allen, Peter
Fairbanks, Chandler
Pratt, Irene
Royce, H Charles

Batchelder, Robert
Manning, Joseph
Pratt, John
Slack, Pamela Russell

Burnham, Daniel
Meader, David
Richardson, Barbara
Weed, Charles

Emerson, Susan
Mitchell, McKim
Roberts, William
Zerba, Roger

COOS

Bradley, Paula
Landers, Dana

Davis, Perley
Rozek, Michael

Gallus, John
Stohl, Eric

Guay, Lawrence
Tholl, John Jr

GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Benn, Bernard
Cobb, John	Cooney, Mary	Dudley, Terri	Gabler, William
Lovett, Sid	Marshall, Gene	Naro, Debra	Nordgren, Sharon
Pawlek, Marion	Scovner, Nancy	Sokol, Hilda	Solow, Martha
Sova, Charles	Williams, Burton		

HILLSBOROUGH

Allan, Nelson	Arnold, Thomas Jr	Balboni, Michael	Baroody, Benjamin
Batula, Peter	Bellavance, Paul	Bergeron, Jean-Guy	Bergin, Peter
Brundige, Robert	Buckley, Raymond	Carlson, Donald	Christensen, D L Chris
Christiansen, Lars	Clayton, William	Clemons, Jane	Cote, Peter
Coughlin, Pamela	Craig, James	Daigle, Robert	Dionne, David
Dionne, Kimberley	Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard
Dwyer, Paul	Dyer, Merton	Eaton, Richard	Fletcher, Richard
Ford, Nancy	Foster, Linda	Furman, Christine	Gargasz, Carolyn
Ginsburg, Ruth	Gleneck, David	Goley, Jeffrey	Gorman, Mary
Goulet, Maurice	Graham, John	Greenberg, Gary	Hall, Betty
Hall, Charles	Holden, Randolph	Hopper, Gary	Jean, Claudette
Jean, Loren	Kacavas, John	Keye, Harvey	Konys, Christine
L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard	Lasky, Bette
Leach, Edward	Lynde, Harold	Martel, Andre	McDonough-Wallace, Alice
McHugh, Claire	Messier, Irene	Moran, Edward	Movsesian, Lori
Murphy, Robert	O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Rowe, Robert
Salts, Greg	Shaw, Barbara	Souza, Kathleen	Spiess, Paul
Sullivan, Peter	Sweeney, Cynthia	Tahir, Saghir	Tate, Joan
Thompson, Rob	Vaillancourt, Steve	Wheeler, Robert	White, Donald
White, John			

MERRIMACK

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Colcord, J D
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Cummings, Raymond	Daneault, Gabriel	Davis, Frank	Dunne, Christopher
Fraser, Marilyn	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Jacobson, Alf	Kennedy, Richard	Langer, Ray
Lockwood, Priscilla	MacKay, James	Moore, Carol	Owen, Derek
Perkins, Randy	Potter, Frances	Rodd, Beth	Rush, Deanna
Soltani, Tony	Wallner, Mary Jane	Winter, Steven	

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Carson, Sharon	Case, Margaret
Clark, Martha Fuller	Coes, Betsy	Cooney, Richard	Cox, Russell
Dalrymple, Janeen	Dearborn, Bruce	Dumaine, Dudley	Fesh, Bob
Flanagan, Natalie	Flanders, John Sr	Gilbert, Karl	Gleason, John
Hamel, Albert	Hill, Jonathan	Hutchinson, Karen	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Kane, Cecelia	Kelley, Jane
Kelley, William	Kobel, Rudolph	Langley, Jane	Moore, Benjamin
Norelli, Terie	O'Keefe, Patricia	Packard, Sherman	Pantelakos, Laura
Pitts, Jacqueline	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Robertson, Carl	Ruffner, Walter	Sapareto, Frank	Shultis, Elizabeth
Sloan, Stephen	Splaine, James	Stone, Joseph	Trueman, Raymond
Weatherspoon, Jacquelyne	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Callaghan, Frank
DeChane, Marlene	Estabrook, Iris	Ferland, Paul	Gilmore, Gary
Goodwin, Earle	Grassie, Anne	Harrington, Michael	Heon, Richard
Hughes, Christopher	Johnson, Nancy	Knowles, William	Lent, Donald
McCarthy, Gerald	Musler, George	Pelletier, Arthur	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Twombly, James	Wall, Janet	Woodill, Rodney	Woods, Phyllis

SULLIVAN

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

and the amendment failed.

Rep. Kennedy spoke against.

Rep O'Dell spoke in favor.

Rep. Sova requested a roll call; sufficiently seconded.

The question being adoption of Ought to Pass.

YEAS 331 NAYS 26

YEAS 331

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Johnson, William	Millham, Alida	Nedeau, Stephen
Rice, Thomas Jr	Rosen, Ralph	Russell, David	Thomas, John
Wendelboe, Fran	Wood, Jane		

CARROLL

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

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

COOS

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

GRAFTON

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

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Baroody, Benjamin	Batula, Peter	Bellavance, Paul
Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David	Brundige, Robert
Buckley, Raymond	Calawa, Leon Jr	Carlson, Donald	Christensen, D L Chris
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Craig, James	Daigle, Robert	Desrosiers, William
Dionne, David	Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard
Dwyer, Paul	Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr
Fields, Dennis	Ford, Nancy	Foster, Linda	Furman, Christine
Gargas, Carolyn	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Graham, John	Greenberg, Gary
Guinta, Frank	Hall, Betty	Hall, Charles	Holden, Randolph
Hopper, Gary	Jean, Claudette	Johnson, Lionel	Kacavas, John
Keye, Harvey	Konys, Christine	Kurk, Neal	L'Heureux, Robert
LaFlamme, Paul	LaRose, Richard	Lasky, Bette	Leach, Edward
Lefebvre, Roland	Lynde, Harold	Martel, Andre	McDonough-Wallace, Alice
McHugh, Claire	Mercer, Robert	Messier, Irene	Milligan, Robert
Movsesian, Lori	Murphy, Robert	O'Connell, Timothy	Palangas, Eric

Panagopoulos, Nicholas	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Rowe, Robert	Salts, Greg	Sargent, Maxwell	Shaw, Barbara
Souza, Kathleen	Spiess, Paul	Sullivan, Peter	Sweeney, Cynthia
Tahir, Saghir	Tate, Joan	Thompson, Rob	Thulander, O Alan
Vaillancourt, Steve	White, Donald	White, John	

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Clarke, Claire
Colcord, J D	Cummings, Raymond	Daneault, Gabriel	Davis, Frank
Dunne, Christopher	Feuerstein, Martin	Fraser, Marilyn	French, Barbara
Gile, Mary	Greco, Vincent	Hager, Elizabeth	Hess, David
Jacobson, Alf	L'Heureux, Stephen	Leber, William	Lockwood, Priscilla
MacKay, James	Moore, Carol	Owen, Derek	Perkins, Randy
Potter, Frances	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Swindlehurst, John	Wallner, Mary Jane	Winter, Steven	

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn	Bowles, Raimond
Bridle, Russell	Camm, Kevin	Carson, Sharon	Case, Margaret
Chalbeck, Kevin	Clark, Martha Fuller	Clark, Vivian	Coes, Betsy
Cooney, Richard	Corbin, Corey	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	DiFruscia, Anthony	Dowling, Patricia	Downing, Michael
Fesh, Bob	Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila
Gilbert, Karl	Giordano, Ronald	Gleason, John	Griffin, Mary
Hamel, Albert	Hill, Jonathan	Holland, James Jr	Hutchinson, Karen
Introne, Robert	Itse, Daniel	Johnson, Robert	Johnson, Rogers
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Kelley, William	Kobel, Rudolph	Langley, Jane	Langone, John
Major, Norman	McGuire, Robert	McKinney, Betsy	Micklon, Stephanie
Moore, Benjamin	Morse, Charles	Norelli, Terie	Nowe, Ronald
O'Keefe, Patricia	O'Neil, Michael	Packard, Sherman	Pantelakos, Laura
Pitts, Jacqueline	Power, Lucille	Priestley, Anne	Putnam, Ed II
Rausch, James	Reardon, Neil	Robertson, Carl	Ruffner, Walter
Sapareto, Frank	Shultis, Elizabeth	Sloan, Stephen	Splaine, James

Stone, Joseph	Stritch, C Donald	Trueman, Raymond	Weatherspoon, Jacquelyne
Welch, David	Weyler, Kenneth	Whittier, John	Zolla, William

STRAFFORD

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

SULLIVAN

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

NAYS 26

BELKNAP

Holbrook, Robert	Lawton, David
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CARROLL

Babson, David Jr

CHESHIRE

None

COOS

None

GRAFTON

None

HILLSBOROUGH

Bragdon, Peter	Bruno, Pierre	Christiansen, Lars	Drabinowicz, A Theresa
Dyer, Merton	Fletcher, Richard	Gleneck, David	Herman, Keith
Jean, Loren	McRae, Karen	Moran, Edward	Wheeler, Robert

MERRIMACK

Kennedy, Richard	Langer, Ray	Soltani, Tony	Whalley, Michael
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ROCKINGHAM

Bishop, Franklin	Dumaine, Dudley	Henderson, Warren	Letourneau, Robert
Quandt, Marshall	Quandt, Matthew	Varrell, Thomas	

STRAFFORD

None

SULLIVAN

None

adopted and referred to Finance.

RESOLUTION

Rep. Scanlan offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, January 10, 2002.

Adopted.

LATE SESSION

Third reading and final passage

HB 447, establishing a task force on family law.

HB 586, excluding stepchildren from the definition of "child" in the context of support orders.

HB 661, relative to hearing timelines in abuse and neglect cases.

HB 686, relative to the scope of discovery in abuse and neglect cases.

HB 706, relative to mediation in superior court cases involving children.

SB 56, relative to health care providers discontinuing service in New Hampshire.

HB 567-FN-L, extending the reporting date of the commission for the development of a statewide protocol for interviewing victims of sexual assault crimes.

HB 329-FN-L, establishing a committee to study indoor air quality and fire safety in public schools.

HB 137, establishing a committee to study the definition of domicile for voting purposes.

HB 266, establishing a committee to study recodification of the election laws.

HB 462-FN, requiring state regulatory boards, commissions, advisory boards, advisory committees, and authorities to develop an orientation manual for new members.

HB 353-FN-A, , relative to diversified agricultural development, and making an appropriation therefor.

SB 115-FN, granting a cost of living adjustment to certain retired group II firefighters.

SB 133-FN-A, relative to Skyhaven airport.

SB 155-L, establishing penalties for frivolous actions against teachers and other education employees.

HB 744-FN-A, establishing a committee to study the feasibility of a state pilot program for family and disability leave.

HB 392, relative to a property tax exemption for property of agricultural fairs.

HB 617, relative to additional exceptions to junk yard regulation.

HB 650-FN, relative to master plans.

HB 701, relative to municipal limitation of renewable energy systems.

HB 494, establishing a committee to study the permitting and hearing processes for proposed highways.

HB 681, relative to billing by local exchange carriers, electric distribution companies, and gas distribution companies.

HB 718-FN, relative to renewable-energy-source electricity generation and transition service.

HB 209-FN, relative to original and youth operators' licenses.

HB 213-FN, establishing a study committee on education property tax hardship relief.

HB 559-FN, relative to the procedures for assignment of income from child or spousal support orders.

HB 284-FN, relative to additional emissions reductions from existing fossil fuel burning steam electric power plants.

HB 757, establishing an early literacy and reading improvement program and making an appropriation therefor.

HB 424, establishing a committee to study the exemption from property taxes for not-for-profit hospitals.

RECESS MOTION

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

Adopted.

The House recessed at 1:30 p.m.

RECESS