

HOUSE RECORD

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

Calendar and Journal of the 2002 Session

Vol. 24

Concord N.H.

Wednesday, March 6, 2002

No. 25

HOUSE JOURNAL No. 7(cont.)

February 21, 2002

RECESS

(Rep. Vaillancourt in the Chair)

RESOLUTION

Rep. Elliott offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 112, 140, 187, 302, 309, 314, 315, 316, 321, 332, 334, 336, 337, 338, 339, 343, 345, 348, 350, 354, 358, 360, 370, 371, 372, 381, 388, 391, 393, 396, 402, 403, 404, 406, 408, 409, 412, 415, 418, 420, 422, 423, 426, 429, 430, 434 and Constitutional Amendment Concurrent Resolution 33 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 112, relative to election day registration. (Election Law)

SB 140-FN-L, relative to the formula for free and reduced-price lunches. (Finance)

SB 187-FN, establishing a committee to study eminent domain proceedings. (Judiciary)

SB 302, relative to privacy in the relationship between financial institutions and customers. (Commerce)

SB 309-FN, relative to payment of medical benefits costs for disabled group II permanent firemen members of the retirement system. (Executive Departments and Administration)

SB 314-FN, relative to Selective Service Act Compliance through driver's license applications. (Transportation)

SB 315-FN, relative to requiring payment of a club assistance program fee by persons registering snow traveling vehicles who are not members of an organized snowmobile club. (Resources, Recreation and Development)

SB 316, establishing a committee to study the fiscal relationship between the Pease development authority and the state and its political subdivisions. (Public Works and Highways)

SB 321-L, clarifying the right to public education for children of homeless families. (Education)

SB 332-FN, relative to the payment of medical benefits costs for certain group II permanent firemen members injured in the performance of duty. (Executive Departments and Administration)

SB 334, relative to grounds for refusal or denial of hotel accommodations. (Commerce)

SB 336, relative to disclosure of political contributions and expenditures. (Election Law)

SB 337, relative to consent orders in abuse and neglect cases. (Children and Family Law)

SB 338, relative to ex parte orders in domestic relations cases. (Children and Family Law)

SB 339, relative to approval of contingent fee agreements by the courts. (Judiciary)

SB 343-FN, relative to appeals in actions against tenants. (Judiciary)

SB 345, making the misrepresentation of the geographic location of a business a violation of the consumer protection act. (Commerce)

SB 348, relative to the retail pricing of beer. (Commerce)

SB 350-FN-A, creating a business profits tax credit for certain donations made for science and technology equipment and facilities to the department of regional community-technical colleges or the university system of New Hampshire or any component institutions, authorizing the Berlin campus of the New Hampshire regional community-technical college system to upgrade and modernize its equipment and programs, and authorizing manufacturing technology training in the town of Littleton. (Ways and Means)

SB 354, authorizing foster parents to act as surrogate parents for educationally disabled children. (Education)

SB 358, relative to the authority to assess administrative fines to ophthalmic dispensers. (Executive Departments and Administration)

SB 360-FN, establishing criminal penalties for the introduction of computer contaminants. (Criminal Justice and Public Safety)

SB 370, removing an exemption to a limitation on service by a trustee, director, or officer at more than one financial institution. (Commerce)

SB 371-FN, relative to the regulation of manufactured housing parks. (Commerce)

SB 372, prohibiting the sale of reformulated gasoline in certain counties of the state. (Science Technology and Energy)

SB 381, relative to the employee benefits of employees of the Pease development authority. (Labor, Industrial and Rehabilitative Services)

SB 388, relative to bingo game operation. (Ways and Means)

SB 391-FN, relative to appeals from the compensation appeals board. (Judiciary)

SB 393, relative to expiration of contact lens and corrective lens prescriptions. (Health, Human Services and Elderly Affairs)

SB 396-FN, relative to group II retirement status for criminalists employed by the department of safety. (Executive Departments and Administration)

SB 402-FN-A, establishing a committee to study long-term care funding and making an appropriation therefor. (Commerce)

SB 403-FN, relative to special motorcycle number plates for veterans who were awarded the purple heart medal, special motorcycle licenses, and motor vehicle inspectors. (Transportation)

SB 404, changing certain limitations on investment management fees and investments by banks acting as fiduciaries. (Commerce)

SB 406, relative to animal control and animal population control fees for cats. (Municipal and County Government)

SB 408, governing records management of abuse or neglect reports. (Children and Family Law)

SB 409, relative to the length of time reports of child abuse and neglect are maintained in the state's central registry. (Children and Family Law)

SB 412, relative to the licensure of dietitians. (Executive Departments and Administration)

SB 415, relative to the severing of joint tenancies in property by divorce. (Children and Family Law)

SB 418-FN, relative to unemployment compensation. (Labor, Industrial and Rehabilitative Services)

SB 420-FN-A, making an appropriation for the purpose of hiring a recreational ride and lift investigator. (Executive Departments and Administration)

SB 422-FN, relative to the insurance laws. (Commerce)

SB 423-FN-A, relative to fees collected by the department of safety and certificates of title. (Ways and Means)

SB 426, relative to the use of force by persons entrusted with the care of minors in child care settings. (Children and Family Law)

SB 429, relative to the community technical college system. (Education)

SB 430, allowing towns or cities to increase the property tax credit for service-connected total disability and to add income limits for age groups in the elderly exemption. (Municipal and County Government)

SB 434, establishing the duties of the fish and game commission. (Fish and Game)

CACR 33, relating to procedure for nomination of judges. Providing that the governor shall nominate judges from persons selected by an independent commission whose composition shall be determined by the legislature. (Judiciary)

senate message

concurrence

HB 1110, relative to the sale of ferrets.

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

enrolled bill amendment

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

Amendment (2852-EBA)

Amend line 3 of RSA 155-A:4 as inserted by section 3 of the bill by replacing it with the following:

signed by the board of selectmen, after its due consideration of any written recommendations of

Amend line 2 of RSA 155-A:10, V as inserted by section 3 of the bill by replacing it with the following:

codes described in RSA 155-A:1, IV, to the extent the board deems that such updates or changes are

Amend line 1 of section 5 of the bill by replacing it with the following:

5 Modular Housing; State Building Code. RSA 205-C:1, II is repealed and reenacted to read as

Amend line 5 of section 7 by replacing with the following:

administered and approved by the state building code review board under RSA 155-A;

Adopted.

RECESS

Rep. Scanlan moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 8

March 6, 2002

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

Prayer was offered by Guest Chaplain, The Reverend David P. Jones, Rector of Saint Paul's Episcopal Church in Concord.

Gracious God of endless artistry, craft, shape and mold our lives this day into instruments of balanced integrity that we may preserve what is good, protect what is vulnerable and move bravely beyond anything that hinders us from building new and lively possibilities for the people of New Hampshire.

Rep. Kevin Camm led the Pledge of Allegiance.

The National Anthem was sung by Sara VanGorden, Shannon Urquhart and Eustacia Dukette-Fields, students from Franklin High School.

LEAVES OF ABSENCE

Reps. Arnold, DePecol, Flanagan, Fletcher, William Kelley, Lefebvre, Perkins and Royce, the day, illness.

Reps. Bergin, Corbin, Donald Flanders, Flora, Marilyn Fraser, Heon, Karen Hutchinson, LaFlamme, Mears, Mirski, Rozek, Schulze, Seibel, Soltani, Torressen, Twombly and Donald White, the day, important business.

Rep. Brown, the day, illness in the family.

Reps. Lasky and Naro, the day, death in the family.

INTRODUCTION OF GUESTS

Wayne and Sue VanGorden, Janine Urquhart, Gloria Dukette and Michael Fields, and Pat Trader guests of the Speaker. Ruth Owen and Asami Shimoda, wife and guest of Rep. Owen. Ann Slack, guest of Rep. Slack. Tom Gillick, guest of Reps. O'Neil, Bridle, Francoeur, Jane Kelley and Saia. Danielle Richey, Kerry Marsh, Jon Simons and Marc Tardiff, guests of Rep. Weed. Helen Fenske, guest of Rep. Betty Hall.

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 1429, relative to the scope of the consumer protection act, removed by Rep. McGuirk.

HB 1472-FN, amending the definitions, applications, and fees relating to explosives and explosive substances, and relative to background investigations and criminal records checks for applicants for private detective or security services, removed by Rep. Welch.

HB 1304, prohibiting preferences in hiring, promotion, or admission by state agencies, the university system, the regional community-technical colleges, and the postsecondary education commission, removed by Rep. Harrington.

HB 1410-L, permitting the city of Dover to hold a municipal election in conjunction with the 2002 biennial election, removed by Rep. Gilmore.

Consent Calendar adopted.

HB 1299-FN, relative to premarital preparation courses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Claire B. McHugh for Children and Family Law: The amendment changes this bill to a study. The intent of this bill is to provide couples with the skills to enjoy a satisfying and successful marriage. It is critical that people learn skills to improve communication, conflict resolution and understanding of financial responsibilities and dynamics. Couples can learn skills to sort things out. Research during the past twelve years gives hope even to marriages in crisis. Successful couples have the same number of disagreements as couples who divorce, and they argue about the same issues. The difference is how they handle their differences. They refrain from putdowns, silent treatments, withdrawal and invalidation. It's important that as a society we view marriage as worthwhile, not just weddings that cost an average of \$16,000, and only last one day. Curricula are

already in place to teach juniors and seniors in high school these skills as well as for couples applying for a marriage license. The study will focus on these issues. Vote 13-0.

Amendment (2740h)

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

AN ACT establishing a committee to study the creation of a marriage education and enhancement program.

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

1 Committee Established. There is established a committee to study the creation of a marriage education and enhancement program.

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 of representatives.

(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.

I. The committee shall study the creation of a marriage education and enhancement program including:

(a) Curriculum and certification requirements for premarital preparation courses.

(b) The possibility of requiring a family and consumer education skills course as a public high school graduation requirement.

(c) Funding mechanisms for the administration and operation of the premarital preparation courses and family and consumer education skills courses.

(d) An assessment of premarital and marriage education programs in other states as a means of determining the best way to structure, operate, and fund a similar program in New Hampshire.

II. The committee may solicit information from individuals and organizations with expertise in various aspects of the committee's study including but not limited to:

(a) Town clerks.

(b) The state board of education.

(c) The state department of education.

(d) The New Hampshire Coalition Against Domestic and Sexual Violence.

(e) The university of New Hampshire department of family studies, department of education, and cooperative extension.

(f) Potential premarital course providers, such as licensed psychologists, social workers, marriage and family therapists, mental health counselors, representatives of religious organizations, school counselors, qualified family-consumer science professionals, and lay marriage educators who have completed the Prevention and Relationship Enhancement Program, the Marriage Savers Program, or their equivalent.

(g) The department of health and human services.

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 upon its passage.

AMENDED ANALYSIS

This bill establishes a study committee to assess the means of implementing, operating, and funding a marriage education program including premarital preparation courses.

HB 1201, relative to charitable trust customer data. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul D. Spiess for Commerce: It is common practice for certain charitable organizations to engage private contractors to solicit donations for the organization. This bill insures that the charitable trust(s), which pay for these services, shall have access to the donor list data developed by the solicitor both during and after the campaign. The Commerce Committee believes that if a company is paid to develop a donor list, then the resulting data is the property of the contracting entity and the information must be made available upon request. Vote 15-0.

Amendment (2683h)

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

1 New Subparagraph; Donor List. Amend RSA 7:28-c, V by inserting after subparagraph (d) the following new subparagraph:

(e) The paid solicitor shall provide the charitable trust with access to and use of the donor list data base both during and after the solicitation campaign.

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

AMENDED ANALYSIS

This bill requires a paid solicitor to provide a charitable trust with access to and use of the donor list during and after a solicitation campaign.

HB 1203, relative to retroactive health insurance denials. OUGHT TO PASS WITH AMENDMENT

Rep. Leo W. Fraser, Jr. for Commerce: Historically, health insurers who had, for any number of reasons, sought to recover from providers payments mistakenly made could do so for any length of time. Testimony at the public hearing disclosed that one company had gone back five years, and the hospital had to return \$750,000 (estimate) in payments. It was clear that with the advent of information technology not having time limits for these revenues was no longer appropriate. HB 1203 addresses these concerns. This legislation now before us offers several items. First of all, the insurer who mistakenly makes the payment now has one year in which to request a retroactive recovery. Further, this insurer must give 30 days notice in advance to the provider that it will be requesting recovery. Secondly, the provider has six months from the date of notice in which to make a claim against another insurer, if indeed they determine there is another company. Thirdly, there is contained within the amended version several exceptions to the one year rule, such as if duplicate payments, fraud, or claims being subject to legal proceedings or the claim was covered by a federal or a state program. Vote 13-0.

Amendment (2796h)

Amend RSA 415:6-i, II and III as inserted by section 1 of the bill by replacing it with the following:

II. No insurer shall impose on any health care provider any retroactive denial of a previously paid claim or any part thereof unless:

(a) The insurer has provided the reason for the retroactive denial in writing to the health care provider;

(b) The time which has elapsed since the date of payment of the challenged claim does not exceed the lesser of 12 months or the number of days within which the insurer requires under its provider contract that a claim be submitted by the health care provider following the date on which a health care service is provided; and

(c)(1) The claim was submitted fraudulently;

(2) The claim payment was incorrect because:

(A) The health care provider or the insured was already paid for the health care services identified in the claim; or

(B) It was inconsistent with the terms of the contract between the health care provider and the insurer;

(3) The health care services identified in the claim were not delivered by the health care provider;

(4) The claim payment was for services covered by a federal or state program;

(5) The claim payment is the subject of adjustment with another insurer, administrator, or payor;

(6) The claim payment is the subject of legal action; or

(7) The insured's coverage was terminated retroactively.

III. An insurer shall notify a health care provider at least 30 days in advance of the imposition of any retroactive denial of a previously paid claim. The health care provider shall have 6 months from the date of notification under this paragraph to determine whether the insured has other appropriate insurance, which was in effect on the date of service. Notwithstanding the contractual terms between the insurer and provider, the insurer shall allow for the submission of a claim that was previously denied by another insurer due to the insured's transfer of coverage.

Amend RSA 415:18-m, II and III as inserted by section 2 of the bill by replacing it with the following:

II. No insurer shall impose on any health care provider any retroactive denial of a previously paid claim or any part thereof unless:

(a) The insurer has provided the reason for the retroactive denial in writing to the health care provider;

(b) The time which has elapsed since the date of payment of the challenged claim does not exceed the lesser of 12 months or the number of days within which the insurer requires under its provider contract that a claim be submitted by the health care provider following the date on which a health care service is provided; and

(c)(1) The claim was submitted fraudulently;

(2) The claim payment was incorrect because:

(A) The health care provider or the insured was already paid for the health care services identified in the claim; or

(B) It was inconsistent with the terms of the contract between the health care provider and the insurer;

(3) The health care services identified in the claim were not delivered by the health care provider;

(4) The claim payment was for services covered by a federal or state program;

(5) The claim payment is the subject of adjustment with another insurer, administrator, or payor;

(6) The claim payment is the subject of legal action; or

(7) The insured's coverage was terminated retroactively.

III. An insurer shall notify a health care provider at least 30 days in advance of the imposition of any retroactive denial of a previously paid claim. The health care provider shall have 6 months from the date of notification under this paragraph to determine whether the insured has other appropriate insurance, which was in effect on the date of service. Notwithstanding the contractual terms between the insurer and provider, the insurer shall allow for the submission of a claim that was previously denied by another insurer due to the insured's transfer of coverage.

Amend RSA 420-A:17-e, II and III as inserted by section 3 of the bill by replacing it with the following:

II. No health service corporation shall impose on any health care provider any retroactive denial of a previously paid claim or any part thereof unless:

(a) The corporation has provided the reason for the retroactive denial in writing to the health care provider;

(b) The time which has lapsed since the date of payment of the challenged claim does not exceed the lesser of 12 months or the number of days within which the corporation requires under its provider contract that a claim be submitted by the health care provider following the date on which a health care service is provided; and

(c)(1) The claim was submitted fraudulently;

(2) The claim payment was incorrect because:

(A) The physician/provider or the insured was already paid for the health care services identified in the claim; or

(B) It was inconsistent with the terms of the contract between the health care provider and the health service corporation;

(3) The health care services identified in the claim were not delivered by the physician/provider;

(4) The claim payment was for services covered by a federal or state program;

(5) The claim payment is the subject of adjustment with another insurer, administrator, or payor;

(6) The claim payment is the subject of legal action; or

(7) The insured's coverage was terminated retroactively.

III. A health service corporation shall notify a health care provider at least 30 days in advance of the imposition of any retroactive denial of a previously paid claim. The health care provider shall have 6 months from the date of notification under this paragraph to determine whether the insured has other appropriate insurance, which was in effect on the date of service. Notwithstanding the contractual terms between the health service corporation and provider, the

health service corporation shall allow for the submission of a claim that was previously denied by another insurer due to the insured's transfer of coverage.

Amend RSA 420-J:8-b, II and III as inserted by section 4 of the bill by replacing it with the following:

II. No health carrier shall impose on any health care provider any retroactive denial of a previously paid claim or any part thereof unless:

(a) The carrier has provided the reason for the retroactive denial in writing to the health care provider;

(b) The time which has elapsed since the date of payment of the challenged claim does not exceed the lesser of 12 months or the number of days within which the carrier requires under its provider contract that a claim be submitted by the health care provider following the date on which a health care service is provided; and

(c)(1) The claim was submitted fraudulently;

(2) The claim payment was incorrect because:

(A) The provider or the insured was already paid for the health care services identified in the claim; or

(B) It was inconsistent with the terms of the contract between the health care provider and the health carrier;

(3) The health care services identified in the claim were not delivered by the physicians/provider;

(4) The claim payment was for services covered by a federal or state program;

(5) The claim payment is the subject of adjustment with another insurer, administrator, or payor;

(6) The claim payment is the subject of legal action; or

(7) The insured's coverage was terminated retroactively.

III. A health carrier shall notify a health care provider at least 30 days in advance of the imposition of any retroactive denial of a previously paid claim. The health care provider shall have 6 months from the date of notification under this paragraph to determine whether the insured has other appropriate insurance, which was in effect on the date of service. Notwithstanding the contractual terms between the health carrier and provider, the health carrier shall allow for the submission of a claim that was previously denied by another insurer due to the insured's transfer of coverage.

HB 1208, relative to real estate broker liens. OUGHT TO PASS WITH AMENDMENT

Rep. Leo W. Fraser, Jr. for Commerce: The broker lien law, if adopted, would help to create a more level playing field for approximately 300 commercial real estate brokers here in New Hampshire.

These brokers provide a vital service to New Hampshire businesses and businesses relocating to New Hampshire. Most of the time, commercial brokers, who are frequently independent contractors, have excellent relationships with the property owners they represent. However, upon occasion, the landlords or property owners use our current laws to deny a commercial broker compensation that has been agreed to for services already provided. The only recourse today is to institute legal proceedings against the owner. The problem is the property owner frequently has the property as his or her only asset. The broker is given a choice- accepting a greatly reduced payment or go to court. Neither alternative was acceptable to the Commerce Committee so that the provision of HB 1208 as amended was accepted unanimously by the committee. If this legislation is adopted, a lien can be placed on the property before closing so that the brokers' fee is fully protected. Vote 15-0.

Amendment (2746h)

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

1 New Chapter; Commercial Real Estate Broker Lien. Amend RSA by inserting after chapter 447 the following new chapter:

CHAPTER 447-A

COMMERCIAL REAL ESTATE BROKER LIEN

447-A:1 Definitions. In this chapter:

I. "Commercial real estate" means any real estate other than real estate containing one to 4 residential units.

II. "Principal broker" means the individual broker, including the broker designated by a corporation, partnership or association, whom the New Hampshire real estate commission holds responsible for the action of licensees who are assigned to such individual broker.

III. "Real estate" means and includes leaseholds or any other interests or estates in land and business opportunities which involve any interest in real estate. It also includes the sale and resale of time-share developments and manufactured housing parks.

447-A:2 Principal Broker's Lien. If a principal broker is entitled to a fee, commission, or property management fee pursuant to a written contract signed by the owner, buyer, or tenant of commercial real estate, or the owner's, buyer's, or tenant's duly authorized agent, pertaining to the sale or lease of said commercial real estate, then the principal broker shall have the right to record a notice of lien in the amount of the fee, commission, or property management fee.

447-A:3 How Secured. Any principal broker's notice of lien shall be recorded at the registry of deeds in the county where the property is located. In the case of a sale, where the principal broker claims a fee or commission against the seller, the notice of lien shall be recorded prior to the recording of the deed conveying or transferring title to the commercial real estate from seller to purchaser. If the commission is payable by the purchaser, the notice of lien shall be recorded within 90 days of the recording of the deed conveying title to the property, but must be recorded prior to the recording of a deed conveying that purchaser's title to the property to a bona fide purchaser for value.

447-A:4 Attachment. The notice of lien under this chapter shall attach to the commercial real estate or any interest in the commercial real estate upon:

I. The principal broker being otherwise entitled to a fee or commission under a written instrument signed by the duly authorized owner, buyer, tenant or his or her respective agent, as applicable; and

II. Except as provided in paragraphs III-VI, the principal broker recording a notice of lien in the registry of deeds of the county in which the real property or any interest in the real property is located, prior to the actual conveyance or transfer of legal title to the commercial real estate against which the principal broker is claiming a lien by the party from which the principal broker claims its fee.

III. Except as provided in paragraphs IV-VI, when payment to a principal broker is due in installments, a portion of which is due after the conveyance or transfer of the commercial real estate, any notice of lien for those payments due after the transfer or conveyance may be recorded at any time which is subsequent to the transfer or conveyance of the commercial real estate and which time is within 90 days of the date on which the payment is due. However, such notice of lien shall only be effective as a notice of lien against the transferor's interest in the commercial real estate to the extent moneys are still owed to the transferor by the transferee. A single notice of lien recorded prior to transfer or conveyance of the commercial real estate claiming all moneys due under an installment payment agreement shall be valid and enforceable as it pertains to payments due after the transfer or conveyance; provided, however, that as payments or partial payments of commission are received, the principal broker shall provide partial releases therefor, thereby reducing the amount due the principal broker under its notice of lien.

IV. In the case of a lease, including a sublease or assignment of lease, the notice of lien shall be recorded not later than 90 days after the tenant takes possession of the leased premises.

V. If a principal broker may be due future commissions pursuant to a written agreement signed by the then owner, buyer, or tenant either as a result of future actions, including but not limited to the exercise of an option or other right to expand the leased premises, renew or extend a lease, or purchase the property, or otherwise, the principal broker may record its notice of lien at any time after execution of the lease or other written instrument which contains such an option, but not later than 90 days after the event or occurrence on which the future commission is claimed occurs. Notwithstanding paragraph VIII, an action to enforce a lien to collect future commissions shall be commenced within 2 years of the occurrence or transaction on which the future commission is claimed.

VI. In the event that the property is sold or otherwise conveyed prior to the date on which a future commission is due, if the principal broker has filed a valid notice of lien prior to the sale or other conveyance of the property, then the purchaser or transferee shall be deemed to have notice of and shall take title to the property subject to the notice of lien; provided, however, that if a principal broker claiming a future commission fails to record its notice of lien for future commission prior to the recording of a deed conveying legal title to the property to the purchaser or transferee, then such principal broker may not claim a lien on the property. The provisions of this paragraph shall not limit or otherwise affect claims or defenses a principal broker, owner, or any other party may have on any other basis, in law or in equity.

VII. If a principal broker has a written agreement with a prospective buyer or tenant as described in RSA 447-A:2, then the notice of lien shall attach upon both the prospective buyer or tenant purchasing or leasing or otherwise accepting a conveyance or transfer of the commercial real

estate or an interest therein and the recording of a notice of lien by the principal broker in the registry of deeds of the county in which the real property is located, within 90 days after the purchase or other conveyance or transfer to the buyer or tenant.

VIII. The principal broker shall, within 10 days of recording its notice of lien, either mail a copy of the notice of lien to the owner of record on the commercial real estate by registered or certified mail, return receipt requested, or the agent of the owner of record at the address of the owner stated in the written instrument on which the notice of lien is based, or if no such address is given, then to the address of the property on which the notice of lien is based. If the notice of lien is recorded within 10 days prior to closing, the principal broker is not required to mail a copy of the notice of lien. Mailing of the copy of the notice of lien is effective when deposited in the United States mailbox with postage prepaid. The broker's lien shall be unenforceable if mailing or service of the copy of notice of lien does not occur at the time and in the manner required by this paragraph.

IX.(a) A principal broker may bring suit to enforce a lien in the superior court in the county where the property is located by filing a writ and sworn affidavit that the notice of lien has been recorded.

(b) The principal broker claiming a lien shall, within 2 years after recording the notice of lien, commence proceedings by filing a writ. Failure to commence proceedings as required herein within 2 years after recording the notice of lien shall extinguish the lien. No subsequent notice of lien may be given for the same claim nor may that claim be asserted in any proceedings under this chapter.

(c) If a notice of lien has been recorded against commercial real estate, then either the owner or the authorized agent of the owner of the commercial real estate or the interest therein against which the notice of lien is asserted, may serve a written demand upon the principal broker by certified mail, return receipt requested. This demand may require the principal broker to file a writ and commence litigation based on the notice of lien within 30 days of the principal broker's receipt of the demand. If the principal broker fails to file a writ and commence litigation based on the notice of lien within this 30-day period, then the notice of lien shall be deemed extinguished as a matter of law. In the event the notice of lien and the principal broker's rights under the notice lien are extinguished in the manner described in this paragraph, this shall not have any effect on any other rights of the principal broker to claim the commission in law or in equity.

(d) A principal broker claiming a lien based upon an option or other right to purchase or lease shall, within 2 years after the transfer or conveyance of the commercial real estate under the exercise of the option to purchase or lease, commence proceedings by filing a writ. Failure to commence proceedings within this time shall extinguish the lien. No subsequent notice of lien may be given for the same claim nor may that claim be asserted in any proceedings under this chapter.

(e) A writ under this section shall contain a brief statement of the contract or instrument on which the notice of lien is founded, the date when the contract or instrument was made, a description of the services performed, the amount due and unpaid, a description of the property that is subject to the claimed lien, and other facts necessary for a full understanding of the rights of the parties. The plaintiff shall make all interested parties, of whose interest the plaintiff is notified or has knowledge, defendants to the action, and shall issue summons and provide service as in other civil actions. When any defendant resides or has gone out of the state, or on inquiry cannot be found, or is concealed within the state so that process cannot be served on that defendant, the plaintiff shall cause a notice by publication in a newspaper of statewide publication. Failure of the plaintiff to provide proper summons or notice shall be grounds for judgment against the plaintiff and in favor of the defendant who is not properly served with summons or notice with prejudice.

X. The notice of lien shall state the name of the claimant, the name of the owner, a legal description of the property upon which the lien is being claimed, the amount for which the lien is claimed, and the real estate broker's license number of the broker. The notice of lien shall recite that the information contained in the notice is true and accurate to the knowledge of the signator. The notice of lien shall be signed by the broker or by a person authorized to sign on behalf of the principal broker and shall be verified under oath.

XI. Whenever a notice of lien has been filed in the registry of deeds and a condition occurs that would preclude the broker from receiving compensation under the terms of the written agreement on which the notice of lien is based, the principal broker shall provide to the owner of record, within 10 days following written demand by the owner of record, a recorded written release or satisfaction of the notice of lien.

XII. If the principal broker and the party or parties from whom the commission is claimed agree to alternative dispute resolution ("ADR"), the claim shall be heard and resolved in the forum on which these parties have agreed. The court before which the legal proceeding is brought shall retain jurisdiction to enter judgment on the award or other result made or reached on ADR on all parties to the foreclosure. The broker's notice of lien shall remain of record and the legal proceeding shall be stayed during the pendency of the ADR process.

XIII. The cost of proceedings brought under this chapter including reasonable attorneys' fees, costs, and prejudgment interest due to the prevailing party shall be borne by the non-prevailing party. When more than one party is responsible for costs, fees, and prejudgment interest, the costs, fees, and prejudgment interest shall be equitably apportioned by the court or ADR tribunal among those responsible parties.

XIV. Except for a waiver or release of lien provided in consideration of payment of the fee claimed by the broker, any waiver of a principal broker's right to lien commercial property under this statute, any other waiver or release of lien shall be void.

447-A:5 Priority. Notwithstanding any other provision of law, no principal broker's lien shall be valid until the date of its recording in the registry of deeds in which the real estate against the lien is sought is located, even if the right to such lien arose prior to the date of such recording. Valid prior recorded liens, valid prior recorded mortgages, valid prior recorded encumbrances and all other valid prior recorded interests of any sort or nature whatsoever shall have priority over a principal broker's lien. In no event shall the priority of a recorded principal broker's lien be deemed to relate back to a time and date prior to the actual time and date of recording of such principal broker's lien, even if the right to such lien arose at a prior time and date. Prior recorded liens, liens for ad valorem taxes, mortgages, encumbrances, and other similar interests that have priority over a principal broker's lien shall include, without limitation:

I. A mechanic's lien claim that is recorded subsequent to the principal broker's notice of lien but which relates back to a date prior to the recording date of the principal broker's notice of lien.

II. Prior recorded mortgages of all types, including prior recorded mortgages that secure lines of credit, including without limitation revolving credit lines or future advances, or both.

III. Prior recorded construction mortgages securing construction loans;

IV. Prior recorded UCC financing statements.

V. UCC financing statements recorded after the date of the recording of the principal broker's lien if such UCC financing statements would be entitled to priority over prior recorded UCC financing statements under RSA 382-A.

VI. Prior recorded leases or notices of lease, or both.

VII. Any and all prior recorded liens, encumbrances, or other interests in real estate of any sort or nature.

447-A:6 Escrow of Disputed Amounts.

I. Whenever a notice of lien securing a principal broker's lien has been filed with the registry of deeds, an escrow account may be established from the proceeds of the sale of the commercial real estate in an amount equal to the amount of the notice of lien. The option to establish an escrow account, as provided for in this section, shall not be cause for any party to the real estate transaction to refuse to close the sale of the commercial real estate. The escrowed funds shall be held in escrow until the parties' rights to the escrowed moneys have been determined by written agreement of the parties, by a court of law, or by any other process as may be agreed to by the parties for resolution of their dispute. Upon the escrow of funds in the amount of the claimed lien, the lien or claim of lien shall be automatically dissolved, and a release of the notice of lien shall be provided by the principal broker and recorded forthwith at the registry of deeds in the county where the real estate is located. Once the principal broker has provided the release, the principal broker who has claimed a notice of lien and provided such release shall have an equitable lien on the funds which were or shall be held in escrow.

II. The parties are not required to follow this escrow procedure if alternative procedures which would allow the transaction to close are available and are acceptable to the transferee, the transferor, and the principal broker in the transaction. If the proceeds from the transaction are insufficient to release all liens claimed against the commercial real estate, including the principal broker's notice of lien, then the parties are not required to follow this escrow procedure.

447-A:7 Discharge of Lien.

I. Except as provided in RSA 447-A:6, when the lien of a principal broker is satisfied, the principal broker shall cause a discharge of the lien to be recorded within 10 days after such lien is satisfied in the registry of deeds of the county in which the commercial real estate is located.

II. If a principal broker fails to provide a release of the lien within 60 days from receipt of payment of the lien in accordance with the payoff statement furnished to the owner by the principal broker, an attorney licensed to practice in the state of New Hampshire, may, on behalf of the owner of the commercial real estate or interest therein which is subject to the principal broker's notice of lien, or the owner's executor, administrator, assignee, transferee, or other successor in title, execute and cause to be recorded in the registry of deeds in which the notice of lien is recorded, an affidavit which states that:

(a) The affiant is an attorney in good standing and licensed to practice in the state of New Hampshire.

(b) The affidavit is made on behalf of, and at the request of the owner, or the owner's executor, administrator, assignee, transferee, or other successor in title.

(c) The principal broker has provided a payoff statement with respect to the lien secured by the notice of lien.

(d) The affiant has ascertained that the principal broker has received payment of the lien secured by the notice of lien in accordance with the payoff statement, as evidenced by a bank check, certified check, or attorney's clients' funds account check which has been negotiated by the principal broker and bears no indication of a stop payment order or return for insufficient funds, or by other equivalent documentary evidence of such receipt of payment by the principal broker.

(e) More than 60 days have elapsed since such payment was received by the Principal Broker;

(f) The affiant has given the principal broker at least 15 days notice in writing by certified mail, return receipt requested sent to the principal broker's last known address, of intention to execute and cause to be recorded an affidavit in accordance with this section, together with a copy of the proposed affidavit; and the principal broker has not delivered a release of lien in response to such notification and the owner has complied with any request made by the principal broker for additional payment at least 15 days prior to the date of the affidavit.

III. The affidavit shall include the names and addresses of both the owner and the principal broker, the date of the notice of lien, and the title reference.

IV. The affiant shall attach to the affidavit the following, certifying that each is a true copy of the original document:

(a) Photostatic copies of the documentary evidence that payment has been received by the principal broker, including the principal broker's endorsement of any bank check, certified check, or attorney's clients' funds account check; and

(b) A photostatic copy of the payoff statement.

V. The affidavit when recorded, shall constitute a discharge of the notice of lien and a release of the lien created by the notice of lien on the premises.

VI. Any person who causes an affidavit to be recorded in accordance with this section, knowing the information and statements contained in the affidavit to be false, shall be guilty of false swearing pursuant to RSA 641:2.

VII. In this section, the term "payoff statement" means a written statement of the amount of the unpaid balance on the lien, including principal, interest, and other charges properly assessed pursuant to the principal broker's claim for notice of lien.

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

AMENDED ANALYSIS

This bill establishes a filing and enforcement procedure for commercial real estate broker lien.

HB 1225, relative to disclosure of referral restrictions. **OUGHT TO PASS**

Rep. Anthony R. DiFruscia for Commerce: The committee believes that health insurance companies must explain to subscribers in writing any referral restrictions. The explanation of benefits section shall include a general statement regarding the existence of physician hospital organizations within the insurer network, to which primary care providers may be associated. The bill is consumer friendly. Vote 11-0.

HB 1289, relative to personal health and financial information privacy. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This bill, if adopted, would address issues relative to confidentiality of non-public personal health and financial information about consumers. The bill would be quite similar to rules implemented by the New Hampshire Insurance Department in 2001. The health insurers are currently striving to come into compliance. Further, the committee learned that the Health and Human Services Committee is dealing with the same issue. Vote 11-1.

HB 1413, relative to disclosure of information by hospitals. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: This bill is a follow-up to RSA 151:31 and RSA 151-C: 2, relative to reporting requirements of hospitals to the attorney general. This proposed legislation would clarify in greater detail those issues that are the subject of the report. The attorney general in turn is required to make an annual report to the House Speaker, Senate President and chairs of the respective committees of both the House and Senate that have jurisdiction of commerce and health issues. The amendment would allow the submitting party to request that certain information contained in the report be considered confidential and not subject to public disclosure. The second part of the amendment would no longer require the submitting hospital to report on an affiliated hospital, as the affiliated hospital is required to report as well. Vote 12-0.

Amendment (2768h)

Amend RSA 151:31, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Subject to the provisions of paragraph V, the attorney general shall make an annual report disclosing all information required under this subdivision to the speaker of the house of representatives, the president of the senate, and the chairs of the respective committees of the house and senate that have jurisdiction on commerce and health issues.

Amend RSA 151:31 as inserted by section 1 of the bill by inserting after RSA 151:31, V the following new paragraph:

VI. Notwithstanding paragraph I(b) of this section, nothing in this section shall require a hospital to furnish information with respect to another hospital that is also required to report under this section.

HB 1255-FN, relative to an extended term license to carry a concealed firearm. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill was intended to make it easier for gun collectors to purchase firearms at gun shows by creating an "extended term" license to

carry a concealed weapon. Under the conditions imposed in this bill, the applicant would be required to submit to a criminal history record check and a protective order check conducted by the Department of Safety. This "background check" complies with the federal exemption as a state permit type not requiring record checks at time of purchase of a firearm. The committee feels, however, that the unintended consequence of this bill is that it creates a "lifetime" permit to carry a concealed weapon and takes away local control. Vote 12-1.

HB 1421-FN-A, relative to criminal extradition expenses and making an appropriation therefor.
REFER FOR INTERIM STUDY

Rep. William J. Kelley for Criminal Justice and Public Safety: This bill would establish a county extradition account in each county and appropriate \$100,000 to each county to pay for expenses related to the extradition of fugitives from justice. Funding for these accounts would have come from forfeited bail money. The committee has learned that those monies may have been allocated for another purpose. The committee would like to study this matter further to determine whether or not there is a financial problem in the counties that needs to be fixed by the state. Vote 12-0.

HB 1436-FN, relative to requiring treatment for persons convicted of DWI offenses. **OUGHT TO PASS WITH AMENDMENT**

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: This is a bill intended to get DWI offenders into treatment at the earliest possible moment. All the studies available show that the sooner treatment begins after offense/conviction, the greater the possibility that it will achieve the desired effect. Currently an offender will often delay his/her entry into treatment and completion of the treatment program until the end of the revocation period, often a period of several years. HB 1436 addresses this issue by requiring that the offender complete the required treatment program within the first half of the revocation period. Failure to complete the program in the first half of the revocation period will result in an additional period of revocation added to the sentence equal to one half of the original period of revocation. Thus an offender who enters and completes his/her treatment program within the first half of the revocation period will be eligible for reinstatement at the end of the ordered period of revocation. An offender who fails to enter and complete the program within the first half of the revocation period will serve a period of revocation equal to 150% of the original period of revocation. The committee feels that early intervention and treatment is the best way to reduce the number of repeat offenders. Vote 14-0.

Amendment (2679h)

Amend RSA 265:82-b, II(a)(4) as inserted by section 3 of the bill by replacing it with the following:

(4) The person's driver's license or privilege to drive shall be revoked for not less than 3 years. ***The person's driver's license or privilege to drive shall not be restored until the later of the dates by which the following have occurred:***

(A) The full period of revocation has passed; or

(B) At least ½ the period of revocation has passed since the person has completed serving the required 7 consecutive 24-hour periods at the center.

Amend the bill by replacing section 4 with the following:

4 Penalties for Intoxication or Under Influence of Drugs Offenses; Third and Subsequent Offenses. Amend RSA 265:82-b, II(b)-(d) to read as follows:

(b) For a third offense, any person convicted under this paragraph shall be subject to all the penalties of subparagraph (a) except that:

(1) The person's driver's license or privilege to drive shall be revoked indefinitely and shall not be restored for at least 5 years. At the end of the 5-year minimum revocation period the person may petition the court for eligibility to reapply for a driver's license and the court, for good cause shown, may grant such eligibility subject to such terms and conditions as the court may prescribe. Any untimely petition under this subparagraph shall be dismissed without a hearing. If such petition is granted and the person is otherwise eligible for license restoration, the person may then apply to the director for restoration of driver's license, but the license shall not be restored until the provisions of RSA 263:65-a and all other requirements under law are met. ***The person's driver's license or privilege to drive shall not be restored until the later of the dates by which the following have occurred:***

(A) The full minimum period of revocation has passed;

or

(B) At least ½ the minimum period of revocation has passed since the person has completed serving the required 7 consecutive 24-hour periods at the multiple DWI offender intervention detention center.

(2) If the person has completed the state-operated 7-day multiple DWI offender intervention detention center program as required under subparagraph (a)(3) upon conviction for a prior offense, the person shall be sentenced to ~~[imprisonment for a period of]~~ not less than 30 consecutive ***days of which 23 consecutive 24-hour periods shall be served in the county correctional facility and 7 consecutive 24-hour periods shall be served at the state-operated 7-day multiple DWI offender intervention detention center established under RSA 172-B:2-b, and the person shall complete at the person's own expense a residential treatment program of at least 28 days duration or an intensive course of substance abuse treatment based upon a formal evaluation by a licensed alcohol and other drug counselor and approved by the department of health and human services before the driver's license may be restored. The person shall serve the 7 consecutive 24-hour periods at the state-operated 7-day multiple DWI offender intervention detention center after the person has completed the residential treatment program or substance abuse treatment course.***

(c) For a fourth or subsequent offense, any person convicted under this paragraph shall be subject to all the penalties of subparagraphs (a) and (b) except that the person shall be guilty of a felony, and the person's driver's license or privilege to drive shall be revoked indefinitely and the person shall not petition for eligibility to reapply for a driver's license as provided in subparagraph (b)(1) for at least 7 years. ***The person's driver's license or privilege to drive shall not be restored until the later of the dates by which the following have occurred:***

(1) The full minimum period of revocation has passed; or

(2) At least ½ the minimum period of revocation has passed since the person has completed serving the required 7 consecutive 24-hour periods at the multiple DWI offender intervention detention center.

(d) For a third or subsequent offense when any prior offense under this paragraph is negligent homicide under RSA 630:3, II, or reasonably equivalent offense in an out-of-state jurisdiction, the person convicted under this paragraph shall be subject to all the penalties of

subparagraphs (a) and (b) except that the person's driver's license or privilege to drive shall be revoked indefinitely and the person shall not petition for eligibility to reapply for a driver's license as provided in subparagraph (b)(1) for at least 10 years. ***The person's driver's license or privilege to drive shall not be restored until the later of the dates by which the following have occurred:***

(1) The full minimum period of revocation has passed; or

(2) At least ½ the minimum period of revocation has passed since the person has completed serving the required 7 consecutive 24-hour periods at the multiple DWI offender intervention detention center.

Amend the bill by replacing section 6 with the following:

6 Penalties for Intoxication or Under Influence of Drugs Offenses; Persons With Prior Convictions. Amend RSA 265:82-b, III to read as follows:

III. If any person is convicted of a violation of RSA 215-A:11, RSA 265:82, or RSA 265:82-a, and the conviction is not based upon a complaint which alleges prior convictions as provided in RSA 265:82-b, II, but the person is found to have had one or more such prior convictions in this state or in an out-of-state jurisdiction within 10 years preceding the date of the offense, the person's driver's license or privilege to drive shall be revoked for not less than 180 days nor more than 3 years. The license shall not be restored until the person has successfully completed a 7-day program at the state-operated multiple DWI offender intervention detention center program or an equivalent 7-day residential intervention program approved by the director of the office of alcohol and drug abuse prevention, as provided in RSA 172-B:2-b and RSA 263:65-a, at the person's own expense. The court may order attendance at a residential treatment center, for a period not to exceed 30 days, at the person's own expense. ***The person's driver's license or privilege to drive shall not be restored until the later of the dates by which the following have occurred:***

(a) The full minimum period of revocation has passed; or

(b) At least ½ the minimum period of revocation has passed since the person has spent the required 7 days at a residential intervention program.

HB 1454-FN, requiring hepatitis testing and vaccination of department of corrections' employees and inmates in the state prison system. **REFER FOR INTERIM STUDY**

Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: HB 1454 would seem to be a very simple piece of legislation aimed at detecting and treating hepatitis B and C in inmates and Department of Corrections employees. The committee, however, has an abundance of questions, including: does the department offer hepatitis B vaccinations to employees or inmates; is mandatory testing of employees legal; would testing be required just of employees in danger of being exposed, etc? Also, there are new CDC protocols for hepatitis being drawn up which won't be ready until later this year or even early next year. Because of this, and because the committee still expressed an interest and concern on the subject, a vote to refer for Interim Study is recommended. Vote 14-0.

HB 1457, authorizing emergency medical care providers to withdraw blood for certain alcohol concentration tests. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jonathan E. Hill for Criminal Justice and Public Safety: This bill enables law enforcement officers to request that emergency medical care providers withdraw blood for certain alcohol

concentration tests when it appears likely that a patient will be brought to a medical facility outside of the state of New Hampshire. Currently under RSA 265:84, law enforcement officials may request that New Hampshire hospitals perform this test. However, a loophole exists when that patient is transported to a hospital out of state. The committee heard testimony from the Department of Safety and several police chiefs that they have been hindered in their ability to pursue certain Driving Under the Influence cases, that resulted in serious injury and death, when the vehicle operator was transported to a hospital in Massachusetts. While this happens infrequently, and mostly in border communities or when the operator is transported by medical helicopter to Boston, the police community stated that a half dozen cases a year are negatively impacted by this loophole. The committee also heard concerns from fire department paramedics that their acting as an agent for law enforcement could compromise patient care or present ethical dilemmas. The committee in amending the bill struck a balance between criminal justice and public safety. On one hand this is enabling legislation that allows our law enforcement agencies to vigorously pursue DUI offenders that have been involved in a serious accident that are currently slipping through the cracks. On the other hand, recognizing that there may be medical or ethical reasons that an emergency medical care provider may not wish to participate, we have allowed three different options for them to opt out of performing the test. Thus this legislation gives law enforcement another option in the fight against DUI operators, and allows the emergency medical care providers the option to not participate. Vote 14-0.

Amendment (2718h)

Amend RSA 265:85, I-a as inserted by section 2 of the bill by replacing it with the following:

I-a. Notwithstanding the provisions of RSA 265:85, I, emergency medical care providers licensed under RSA 153-A may withdraw blood, in accordance with rules adopted pursuant to RSA 265:85, V, at the request of a law enforcement officer for the purpose of a test required by RSA 265:84, when it appears likely that the person to be tested will be brought to a medical facility outside of this state. No law enforcement officer shall request that an emergency medical care provider withdraw blood pursuant to this paragraph unless the provider's emergency medical service unit has submitted a written consent to such procedures with the requesting law enforcement agency. A person's health and safety or an emergency call for service shall take precedence over a law enforcement officer's request to withdraw blood pursuant to this paragraph. Such emergency medical care provider shall not be liable for damages or otherwise to the person from whom blood is withdrawn for any act performed in connection with such withdrawal provided the emergency medical care provider acts with ordinary care.

HB 1460-FN, relative to penalties for alcohol- and drug-related offenses. OUGHT TO PASS WITH AMENDMENT

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: HB 1460 is one of the results of a two-year study committee dealing with Driving under the Influence (DUI) and the penalties. The bill adds the word "renewal" to RSA 215-A:15-1 and RSA 265:82-d requiring all obligations to be paid prior to restoration of license. It amends RSA 651:5 to conform to the changes made to the DWI statutes changed last session. The bill also amends RSA 263:64 to say that a license that has been suspended or revoked for a violation of the DWI statutes shall remain revoked/suspended for that offense until restored. Finally, RSA 263:56-b is amended so that persons under the age of 21 years of age may have their drivers license, operating privileges, or denial of license for alcohol abuse or violations of the controlled drug act (318B:1, VI or VI-a). The committee heard testimony from law enforcement and representatives of the court systems. The majority of the committee felt that these were appropriate steps to be taken in assuring the safety of the public. Vote 13-1.

Amendment (2754h)

Amend the bill by replacing section 2 with the following:

2 Drivers' Licenses; Revocation or Denial for Drugs or Alcohol Involvement. Amend RSA 263:56-b to read as follows:

I. Any person who is ~~[15 years of age or older and]~~ not yet ~~[18]~~ **21** years of age on the date of the incident, who is convicted, found to be delinquent under RSA 169-B, or found to be in need of services under RSA 169-D, for any offense involving the sale, possession, use, or abuse of alcohol or of controlled drugs as defined in RSA 318-B:1, VI, or of a controlled drug analog as defined under RSA 318-B:1, VI-a, may at the discretion of the court be subject to the revocation or denial of a driver's license ***or privilege to drive*** as provided in this section. Notwithstanding RSA 169-B:35 or any other law regarding confidentiality, any court which convicts or makes a finding that an offense described in this section has occurred involving a person who meets the age limits specified in this section shall forward a notice of such conviction or finding to the director. The director shall maintain the confidentiality of notices received.

II. The director shall revoke the driver's license ***or privilege to drive*** or deny an application for a license for not less than 90 days but not more than one year on the first finding or conviction under paragraph I, and not less than 6 months but not more than 2 years for a subsequent finding or conviction; provided, however, that the director shall not revoke or deny a license ***or privilege to drive*** under this paragraph without first giving the person an opportunity for a hearing. In the case of denial of an application for a license, the period imposed shall begin on the date the person is eligible by age for the issuance of a license.

III. Any person who is 15 years of age or older and not yet 18 years of age on the date of the incident, and who is convicted, found to be delinquent under RSA 169-B, or found to be in need of services under RSA 169-D, for the offense of possession with intent to sell controlled drugs as defined in RSA 318-B:1, VI or a controlled drug analog as defined under RSA 318-B:1, VI-a, shall be subject to revocation or denial of a driver's license ***or privilege to drive*** for a mandatory period of at least one year and a maximum period of up to 5 years. In the case of denial of an application for a license under this section, the period imposed shall begin on the date the person is eligible by age for the issuance of a license.

IV. The driver's license or privilege to drive of any person who is 18 years of age or older on the date of the incident, and who is convicted of the offense of possession with intent to sell controlled drugs as defined in RSA 318-B:1, VI or a controlled drug analog as defined under RSA 318-B:1, VI-a, may be revoked, at the discretion of the court, for any period of time, including for life. Any person convicted of such offense may be denied a driver's license ***or privilege to drive*** at the discretion of the court, for any period of time, including for life. The court of relevant jurisdiction shall have the discretion to determine when the revocation shall begin.

AMENDED ANALYSIS

This bill:

I. Requires payment of all obligations resulting from alcohol- and drug-related offenses prior to driver's license renewal.

II. Permits a court to revoke or deny a driver's license or driving privileges for a person not yet 21 years of age for any offense involving the sale, possession, use, or abuse of alcohol, controlled drugs, or a controlled drug analog.

III. Clarifies certain provisions involving driving offenses.

This bill is a request of the committee established by 1999, 334.

HB 1105, relative to the appointment of non-certified employees within a school administrative unit. **INEXPEDIENT TO LEGISLATE**

Rep. Russell N. Cox for Education: This bill tries to give additional flexibility to school administrative units in employing non-certified employees. However, the potential unintended consequences outweigh the limited objectives of the sponsor. Vote 16-2.

HB 1333, establishing a committee to study the definition of an adequate education. **INEXPEDIENT TO LEGISLATE**

Rep. J. D. Colcord for Education: The committee, while understanding the frustration of the sponsor, believes that the Adequate Education Commission established by current law should be addressing this issue and therefore did not support forming a new commission which may merely duplicate that mission. Vote 17-1.

HB 1443, relative to liability for educational expenses incurred during placement in certain department of health and human services facilities. **OUGHT TO PASS**

Rep. Sharon M. Carson for Education: This bill seeks to correct an existing inconsistency within RSA 193:12 regarding payment for expenses incurred during a student's placement outside their current school district. Subsequent research revealed no pertinent reason as to why the arbitrary date of January 1st was chosen and why this date should be different from every other date corresponding to residency requirements. Testimony stated that the arbitrary date may place an unreasonable burden on one school district even if the student moves out of district. The committee agreed that to update the current statute was appropriate. Vote 16-0.

SB 199, relative to the voting procedures for authorizing certain capital projects in interstate school districts. **INEXPEDIENT TO LEGISLATE**

Rep. John R. M. Alger for Education: The sponsor of this bill was able to arrange for the subject of the bill to be enacted into law separately, at the end of the 2001 legislative session under HB 726. Therefore, all agreed that the bill is unnecessary. Vote 16-0.

HB 1308, relative to checklist corrections on election day. **OUGHT TO PASS WITH AMENDMENT**

Rep. Steve Vaillancourt for Election Law: This legislation represents a small step forward in keeping voter checklists as up to date as possible. As amended, it demands that ballot clerks do what the committee believes most of them already do – ask a voter to verify his or her address at the time of voting. If the address is incorrect, the ballot clerk, by this legislation, will make a correction in red

ink on the checklist so that changes can then be made on the master list. This in no way will prevent anyone who still lives in the voting district from voting that day. Vote 17-0.

Amendment (2674h)

Amend the bill by replacing section 1 with the following:

1 Voting Procedure; Obtaining a Ballot; Address Corrections. Amend RSA 659:13 to read as follows:

659:13 Obtaining a Ballot. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his *or her* name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, ~~[he]~~ *the ballot clerk* shall put a checkmark beside it and again repeat the name. *The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the checklist.* The voter, *if still qualified to vote in the town or ward and* unless challenged as provided for in RSA 659:27-33, shall then be allowed to enter the space enclosed by the guardrail. After ~~[he]~~ *the voter* enters the enclosed space, the ballot clerk shall give ~~[him]~~ *the voter* one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

AMENDED ANALYSIS

This bill requires ballot clerks to ask voters if the address on the checklist is correct and to correct any incorrect addresses.

HB 1123, establishing a committee to study the feasibility of integrating the functions of the departments of education and health and human services. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: The purpose of this bill was to study the integrating of the functions of the department of education and health and human services. RSA 21-G:1 also known as the Executive Branch Reorganization Act of 1983, HB 1 of 1983, would guide the study and implementation. The subject matter does not fit the guidelines set forth in RSA 21-G:3 and 4 and the missions of the agencies are very different, therefore, the committee voted not to pass this study bill. Vote 14-0.

HB 1218, relative to the regulation of pharmacists and prescription drug orders. **OUGHT TO PASS**

Rep. Michael O'Neil for Executive Departments and Administration: This is a housekeeping bill requested by the Board of Pharmacy. It will allow the board to promulgate rules on electronic transmission of prescriptions, clarify and provide a complete audit trail of drugs dispensed through a centralized prescription processing system. Vote 14-0.

HB 1323, establishing a committee to study performance-based public salaries. **INEXPEDIENT TO LEGISLATE**

Rep. Raymond C. Cummings for Executive Departments and Administration: It is not possible to have performance-based pay because of RSA 273-A which requires the State to negotiate employee

salaries. The Joint Committee on Employee Relations (RSA 273-A:9) might consider offering some money for performance, which would have to be the subject of negotiations under current law. The bill was quite broad and some felt it might create a 28-a problem for towns, cities and counties. The Hay study indicated that New Hampshire was 25% below other New England states. An 8% raise would still make New Hampshire 14% below the average. Under the circumstances it is unclear where the money would come from for additional performance pay. Vote 13-0.

HB 1352-FN-L, relative to establishing a hazardous duty classification in the length of service awards program. **OUGHT TO PASS**

Rep. Charles Q. Hall for Executive Departments and Administration: This bill establishes a hazardous duty classification in the length of service awards program. The program will provide a retirement plan for local firefighters, including on-call, volunteer, and emergency medical services personnel. Participation requires political subdivisions to take action to accept or reject the program. The original length of service bill did not meet Internal Revenue Service requirements. This bill intends to correct that problem. Vote 14-0.

HB 1359-FN, establishing a department of financial services. **REFER FOR INTERIM STUDY**

Rep. Joan H. Schulze for Executive Departments and Administration: This bill establishes a department of financial services merging banking and insurance oversight functions. The interim study will investigate current insurance and banking laws to determine if legislation can be created to allow a merger of the banking, insurance and securities departments. This merger could prevent overlap of work and service. In addition, we recommend that a member of the Commerce Committee should be consulted by the study group. Vote 14-0.

HB 1366-FN, establishing a state employee cost-saving award program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joan H. Schulze for Executive Departments and Administration: The amendment to this bill enhances RSA 99-E, which established an evaluation committee to review employee cost saving suggestions, as well as extra ordinary services. The purpose is to encourage employees to submit creative proposals to their department head and to the Legislative Budget Assistant. This program will be publicized frequently and will recognize the contribution and/or reward the employee. If the reward be monetary, the total amounts awarded annually are not to exceed \$10,000. The legislative budget assistant will determine the terms and conditions of the State Employee Recognition and Award Program. The governor and council recently awarded three nurses at the New Hampshire Hospital each the sum of \$333 for extra ordinary service with a sense of urgency or emergency prevailing. Vote 14-0.

Amendment (2815h)

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

AN ACT establishing a state employee recognition and award program.

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

1 New Subparagraph; Legislative Officers and Proceedings; Legislative Budget Assistant; Audit Division; Audit to Assess Cost-Savings. Amend RSA 14:31-a, I by inserting after paragraph (f) the following new subparagraph:

(g) Conduct audits to assess the amount of department or agency cost-savings pursuant to the state employee recognition and award program established in RSA 99-E.

2 State Employee Recognition and Award Program. RSA 99-E is repealed and reenacted to read as follows:

CHAPTER 99-E

STATE EMPLOYEE RECOGNITION AND AWARD PROGRAM

99-E:1 Awards. This program is established to give recognition, and if appropriate, awards to state employees as follows

I. Monetary awards for original suggestions to improve government operation, safety, cost-savings, or efficiency; or

II. Nonmonetary recognition for extraordinary service in the interest of the state. Any state employee shall be eligible based on a suggestion or service which is outside or beyond the employee's regular responsibilities or performance standards.

99-E:2 Monetary Awards; Program Administration.

I. A state employee interested in receiving a monetary award under RSA 99-E:1, I shall submit in writing an original proposal to the employee's department head and the legislative budget assistant. The written proposal shall include the employee's name, position, department, and the date and time of filing. Employees may jointly submit one proposal. If the same idea is submitted individually, the first to submit the written proposal to the department head and to the legislative budget assistant shall be entitled to any award.

II. Within 90 days of receiving the proposal, the department shall inform the employee and the legislative budget assistant in writing whether they intend to implement the proposal or whether more information is required. If more information is needed, the department shall state the amount of additional time required and shall notify the employee and the legislative budget assistant in writing of the department's decision regarding implementation of the proposal.

III. Within 12 months of implementation, the legislative budget assistant shall conduct an audit to determine the amount of cost-savings resulting from the employee's proposal. The cost of the audit shall be paid by the department in the next biennium from moneys identified as resulting from the cost-savings, if any.

IV. An amount equal to the monetary award shall be appropriated to the department in the biennium following implementation of the proposal. If the department is self-funding or federally funded, the award shall be paid from the general fund, and the governor is authorized to draw a warrant for award granted out of any money in the treasury not otherwise appropriated. The department head shall certify any amounts so appropriated to the director of personnel for transfer and payment to the employee.

V. By February 1 of each year, the legislative budget assistant shall submit any recognition or award proposals received in the previous year, whether such proposals were implemented or not, to the governor and council, the speaker of the house, and the president of the senate.

VI. The legislative budget assistant shall provide a written notice outlining the terms and conditions of the state employee recognition and award program. The department of administrative services shall post the notice in each department and shall include the notice in all state employee orientation materials and attach the notice to each employee's paycheck.

99-E:3 Nonmonetary Recognition. A state employee shall be eligible for recognition under RSA 99-E:1, II based on the recommendation of the employee's supervisor or department head, for extraordinary suggestions or service in the interest of the state which are beyond the employee's regular responsibilities or performance standards. The employee's supervisor or department head shall determine the appropriate form of recognition to which the employee is entitled.

99-E:4 Entitlement. No person shall have any vested rights to such recognition or award under this chapter.

99-E:5 Awards. The total of monetary awards granted in any fiscal year shall not exceed \$10,000. The governor is authorized to draw a warrant for awards granted out of any money in the treasury not otherwise appropriated.

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

AMENDED ANALYSIS

This bill establishes a state employee recognition and award program. Employees may be eligible to be awarded a percentage of agency savings that result from implementation of the employee's proposal, or may receive nonmonetary recognition. The amount of savings is determined by an audit conducted by the legislative budget assistant.

HB 1372-FN, relative to certain residential care facilities. **OUGHT TO PASS**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill was sent to the Executive Department and Administration Committee to review the rule-making portion of the bill dealing with RSA 541-A. The process outlined in the bill meets the guidelines needed in bills to implement rule making authority so the committee voted to send this bill to the floor as ought to pass without an additional amendment. Vote 13-0.

HB 1455-FN-L, relative to allowing political subdivision employees who are members of the retirement system to make payment for prior service with other retirement assets. **OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Zolla for Executive Departments and Administration: The bill, as amended, would allow the transfer of an individual's qualified funds from a political subdivision's retirement system to the New Hampshire Retirement System without subjecting the funds to taxation or jeopardizing the New Hampshire Retirement System's tax exempt status. The bill covers only retirement arrangements that are federal tax qualified under sections 403(b) or 457 of the United State Internal Revenue Code of 1986, as amended. The retirement system is awaiting further clarification from the IRS on other types of plans which may be transferred into the New Hampshire Retirement system by future legislation insuring that the system's tax exempt status continues intact. Vote 13-0.

Amendment (2802h)

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

AN ACT establishing portability of a person's qualifying retirement funds for the purchase of permissive service credit in the New Hampshire retirement system.

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

1 Retirement System; Political Subdivision; Modification. Amend RSA 100A:22 to read as follows:

100-A:22 Modifications. Membership in the retirement system shall be optional for officers and employees of the employer who are in the service of the employer on the date when participation becomes effective, and any such officer or employee who elects to join the retirement system within one year thereafter shall be credited with prior service covering such periods of prior service rendered to such employer for which the employer is willing to make accrued liability contributions. If the employer is unable or unwilling to make such contributions, a member in service may petition the board of trustees within 5 years from the date when the employer's participation becomes effective for periods of prior service rendered to such employer. Upon payment by the member of the amount determined in accordance with RSA 100-A:3, VI(b) and with the approval of the board, the member shall receive credit for such prior service. Thereafter, service for such employer on account of which contributions are made by the employer and member shall also be considered as creditable service. Membership shall be compulsory for all employees entering the service of such employer after the date participation becomes effective. Municipalities may, by action of their city council or board of selectmen, exempt their chief administrative officer, as an unclassified employee, from compulsory membership provided herein. ~~[Any such officer who is presently a member of the retirement system, or who previously was a member of the retirement system, shall be entitled to have any accumulated contributions and the accumulated interest thereon in such officer's account or the employer's account, paid over to such officer and the employer respectively for the express purpose of having said accumulated contributions or equal amounts of monies contributed to the International City Management Retirement Corporation.]~~ The chief fiscal officer of the employer, and the heads of its departments, shall submit to the board of trustees such information and shall cause to be performed with respect to the employees of such employer, who are members of the retirement system, such duties as shall be prescribed by the trustees in order to carry out the provisions of this chapter.

2 New Section; Pension Portability, Purchase of Permissive Service Credit. Amend RSA 100-A by inserting after section 24 the following new section:

100-A:24-a Pension Portability, Purchase of Permissive Service Credit.

I. A member participating under a retirement arrangement federally tax-qualified under Sections 403(b) or 457 of the United States Internal Revenue Code of 1986, as amended, may authorize a direct trustee-to-trustee transfer of funds credited to the member's account held under such transferor plan for purchase under the retirement system of permissive service credit, as defined in Section 415(n)(3)(A) of the United States Internal Revenue Code of 1986, as amended, or for the purchase of qualifying prior service, on behalf of such member.

II. The provisions of this section shall be subject to such restrictions or qualifications as may be required by the retirement system in conformity with applicable provisions of the United States Internal Revenue Code of 1986, as amended.

III. Service credit purchased under this section shall be creditable service for the purpose of eligibility for retirement and other benefits under RSA 100-A as may be permitted under applicable provisions of the United States Internal Revenue Code of 1986, as amended.

3 Limitation on Membership. Amend RSA 100-A:28 to read as follows:

100-A:28 Limitation on Membership. This retirement system and the provisions hereof shall not apply to any person benefited by or entitled to participate under any other provisions of law which provides wholly or in part at the expense of the state or any other employer, for retirement benefits for employees, teachers, permanent policemen, and permanent firemen employed by the state or such other employer, their widows or other dependents, with respect to the same period of service for which they are eligible for benefits under the terms of this chapter. The provisions of this section shall not apply to any person participating in, or receiving or eligible to receive benefits under the old-age and survivors insurance provisions of Title II of the federal Social Security Act, as amended *or under a retirement arrangement federally tax-qualified under sections 403(b) or 457 of the United States Internal Revenue Code of 1986, as amended.*

4 Effective Date. This act shall take effect 180 days after its passage.

AMENDED ANALYSIS

This bill establishes provisions for the portability of a person's qualifying retirement funds for the purchase of permissive service credit in the New Hampshire retirement system.

HB 1458-FN-L, allowing emergency medical service personnel to be group II members of the New Hampshire retirement system. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: This bill would have established a new category of group II personnel who do not meet the existing criteria under the system. The committee felt there were other ways to qualify these people by incorporating them into the political subdivision infrastructure without modifying the existing system. Vote 12-1.

HB 556-FN-A, making certain appropriations to the department of cultural resources and the department of safety. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: This bill funded developing handbooks and holding conferences on building rehabilitation and historic preservation. Since the office of State Planning, NHHFA and CDFA have agreed to pay for them, no state funds need be appropriated, and the amendment eliminates them. Vote 19-0.

Amendment (2730h)

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

AN ACT relative to responsibilities of the department of cultural resources and the department of safety regarding building preservation and rehabilitation.

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

2 Purposes; Authority to Accept Grants.

I. The department of cultural resources shall hold conferences on building rehabilitation and historic preservation, in order to assist municipal, county, and state officials, New Hampshire Main Street organizations, regional development corporations, regional planning commissions, property owners, design professionals, and non-profit organizations to understand and

develop strategies for the successful preservation and rehabilitation of historic and culturally significant buildings and structures and older commercial and industrial buildings. The commissioner of cultural resources may accept grants, services, and property from state agencies, the federal government, foundations, organizations, and other entities as may be available for the purposes of paying the costs of holding the conferences. Any sums accepted by the commissioner pursuant to this section shall not be used for any other purpose, are hereby appropriated, and shall not lapse.

II. The department of safety shall provide for the development, publication, and distribution of a handbook, and/or other media, that will include information on life safety, fire and building codes and standards, historic preservation codes and standards, procedures and guidelines for local and state approval of preservation and rehabilitation projects, and resources available to assist political subdivisions, property owners, non-profit organizations, and developers with preservation and rehabilitation projects. The department may enter into contracts with individuals, public or private corporations or institutions for assistance in the development, publication, and distribution of said handbook, and/or other media. The commissioner of safety may accept grants, services, and property from state agencies, the federal government, foundations, organizations, and other entities as may be available for the purposes of paying the costs of this project. Any sums accepted by the commissioner pursuant to this section shall not be used for any other purpose, are hereby appropriated, and shall not lapse.

III. The provisions of this section shall be subject to the availability of funds, and any other resources accepted by the commissioner of cultural resources, and the commissioner of safety pursuant to paragraphs I and II.

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

AMENDED ANALYSIS

This bill allows the commissioner of the department of cultural resources to accept grants, for the purpose of holding conferences on building rehabilitation and historic preservation. The bill also allows the commissioner of the department of safety to accept grants, and contract for services for the development, publication, and distribution of a handbook that will provide information on life safety, fire and building codes and standards, procedures and guidelines for local and state approval of preservation and rehabilitation projects, and resources available to assist political subdivisions, property owners, non-profit organizations, and developers with preservation and rehabilitation projects.

HB 557-FN-A, relative to victims' assistance programs and the victims' assistance fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The Committee felt that aiding victims of sexual assault was a worthy goal. This bill increases the cap on the victims' assistance fund from \$750,000 to \$1,000,000. The fund is derived from fine dollars. This seemed to be an appropriate source of revenue. It is consistent with the philosophy that the perpetrators should support the victims. Despite the higher cap, the general fund should still receive its anticipated \$150,000 due to more recent, higher estimates of fine revenues. Vote 19-0.

Amendment (2800h)

Amend the bill by replacing section 4 with the following:

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

AMENDED ANALYSIS

This bill removes the 25 percent cap on grants made from the victims' assistance fund. The bill also provides that money in the victims' assistance fund in excess of \$1,000,000 shall lapse to the general fund.

HB 1206-FN, increasing the annuity paid to a surviving spouse or beneficiary upon the accidental death of a group II permanent firemen member in the performance of duty. **REFER FOR INTERIM STUDY**

Rep. Joseph E. Stone for Finance: This bill increased the annuity paid to a surviving spouse or beneficiary upon the accidental death of a group II permanent firemen member in the performance of duty. After reviewing all the information provided, the Committee was unanimous in determining that the bill should be referred to interim study in the policy committee to cover all of the new information that had been presented to Finance regarding this bill. Furthermore, it was felt that because the passage of this bill would set a precedent for all other members covered under the state's retirement plan, we should do it right the first time. Vote 20-1.

HB 1230-FN, authorizing the commissioner of the department of education to expend funds for special education advocacy. **OUGHT TO PASS WITH AMENDMENT**

Rep. Linda T. Foster for Finance: This bill requires the Commissioner of the Department of Education to contract with a non-profit agency for the provision of additional special education advocacy services to parents or legal guardians of children with educational disabilities. The contract shall provide for the minimum equivalent of 2 full-time special education advocates and overhead and administrative costs not to exceed \$105,000 for FY 2003 and \$105,000 for FY 2004. The program requires no supplemental appropriation, as the monies will be allocated from discretionary funds within the special education department. Goals and outcomes including sufficient numerical data to quantify results will be included in the department's Request For Proposals report for this advocacy program. We're hopeful that this will make the process more efficient. Vote 20-0.

Amendment (2507h)

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

AN ACT authorizing the commissioner of the department of education to expend funds for special education advocacy.

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

1 New Paragraph; Duties of Commissioner. Amend RSA 21-N:4 by inserting after paragraph X the following new paragraph:

XI. In accordance with the state competitive bidding process, contract with one or more nonprofit agencies to provide special education advocacy services to parents and legal guardians of children with educational disabilities in New Hampshire with regard to any alleged violations of rights under the federal Individuals with Disabilities Education Act, RSA 186-C, and any other applicable federal and state education statutes. The contract shall require the provision of advocacy services by qualified staff including the power and duty to petition for, initiate, appear, or

intervene on behalf of, the parent or legal guardian of an educationally disabled child in any proceeding concerning special education decisions rendered by a local school board, the state board of education, or before any board, commission, agency, court, or regulatory body in which the interests of the parents or legal guardians of an educationally disabled child are involved. The contract shall provide for the advice and support of parents and legal guardians on such matters where appropriate.

2 Contract Funding. Any contract for special education advocacy services entered into pursuant to this act shall provide for the minimum equivalent of 2 full-time special education advocates and shall cover incidental overhead and administrative costs not to exceed \$105,000 for the fiscal year ending June 30, 2003 and \$105,000 for the fiscal year ending June 30, 2004.

3 Department of Education; Special Education Funds. Any funding for special education advocacy services pursuant to this act shall be provided from special education funds appropriated to the department of education.

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

HB 1302-FN, relative to the purchase of certain prior service credit by members of the retirement system, relative to legislative review of retirement fund investment practices, and relative to the payment of medical benefits costs for retired state employees. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: This bill allows for purchase of some but not necessarily all of a participant's past service, removes requirements of legislative review that have been updated by the system and changes a date of payment to accommodate the accounting system without any negative implication on the general fund. Vote 20-0.

HB 1324-FN, requiring that budget requests made by the state government be limited by inflationary and population growth indices. **REFER FOR INTERIM STUDY**

Rep. Elizabeth S. Hager for Finance: This bill set maximum guidelines for departmental biennial budget requests. Up to a two year increase in the total percentages of CPI and population would be the cap for growth. Special circumstances and legislative mandates could cause the caps to be exceeded. Five other states now use the total of CPI and population growth to cap increases. There were too many questions as to how to apply these growth factors to pass the bill now. Material from the other states has been insufficient in setting benchmarks, thus the recommendation of interim study. Vote 20-0.

HB 1409-FN-A-L, relative to payment of autopsy expenses and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The Committee felt that since there was no money for this appropriation and the Attorney General has gone to the fiscal committee to resolve financial difficulties in this area the last two times they occurred, that solution should continue. The amendment removes the appropriation and leaves the policy intact. Autopsy expenses will be competing for dollars in the next biennial budget. Vote 18-1.

Amendment (2734h)

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

AN ACT relative to payment of autopsy expenses.

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

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

AMENDED ANALYSIS

This bill changes the procedures for payment of autopsy expenses by the state and by counties.

HB 1437-FN-A, relative to increasing the staff in the consumer protection and antitrust bureau of the department of justice and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. MaryAnn N. Blanchard for Finance: This bill, as amended, creates positions in the Consumer Protection and Antitrust Bureau of the A.G.'s office. It further removes the appropriation and changes the effective date to July 2003. It is expected that funding these positions will be part of the next budget preparation for the A.G.'s office. The need for financial support for this Bureau was clearly demonstrated in a study by the Commerce Committee regarding the changing nature and amount of consumer fraud. Vote 18-0.

Amendment (2776h)

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

AN ACT relative to increasing the staff in the consumer protection and antitrust bureau of the department of justice.

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

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

AMENDED ANALYSIS

This bill allows for the addition of 3 attorneys, 2 paralegals, and one legal secretary to the staff in the department of justice, consumer protection and antitrust bureau.

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**

Rep. Betsy A. Coes for Finance: This bill makes necessary changes to RSA 188, enabling the Challenge Grant Program to continue successfully. Under SB 201, three changes are made: 1) With \$1,000,000 now available, the \$25,000 cap is removed. 2) Funds will be available to a broader spectrum of businesses. 3) The Grant Program will be administered by the New Hampshire Community Technical College with the Commissioner of Employment Security acting as fiscal agent. Vote 20-0.

HB 1465, extending the New Hampshire task force on deafness and hearing loss. **OUGHT TO PASS**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The New Hampshire task force on deafness and hearing loss has been effective in studying important issues relating to the needs of those with hearing loss and deafness and recommending pertinent legislation. The task force feels that their work is not complete. All that the bill does is allow the task force to continue their work until November 1, 2002. Vote 17-0.

HB 1393, relative to the determination of just compensation in eminent domain proceedings
OUGHT TO PASS WITH AMENDMENT

Rep. Loren J. Jean for Judiciary: This bill addresses the issue of just compensation for businesses that have been displaced due to New Hampshire eminent domain actions. The committee views the present policies inadequate to satisfy the ideal of just compensation in relocating small businesses. A business taking and subsequent relocation is far more involved as to costs that governmental agencies are willing to pay, such as location, setbacks, interim zoning changes, etc. This bill provides for payments equal to the replacement costs of the business. Replacement costs shall mean the present value cost as documented by competent evidence. The business, however, may choose to receive payment at the fair market value of the property as provided in RSA 498-A:25. Vote 13-0.

Amendment (2757h)

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

AN ACT relative to business replacement costs resulting from government program
 displacement.

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

1 Statement of Intent. The general court recognizes that the displacement of businesses by eminent domain takings can result in the closure of those businesses. The primary purpose of this act is to ensure that the adverse impacts of displacement to businesses are minimized or eliminated.

2 New Section; Relocation Assistance and Real Property Acquisition; Replacement Costs for Businesses. Amend RSA 124-A by inserting after section 5 the following new section:

124-A:5-a Replacement Costs for Businesses. In addition to any other payments authorized by this chapter, the displacing agency shall make an additional payment to any business which is a displaced person as defined in RSA 124-A:2, IV. The payment shall consist of an amount equal to the replacement cost of the business. "Replacement cost" shall mean the present value cost, as documented by competent evidence, to replace the business property for the displaced person, taking into account all reasonable matters of significance to the property for the uses to which the property was able to lawfully be used at the time of the displacement, including such matters as lot size, location, highway access, zoning laws, public or private utilities, and building and facility reproduction. The business may choose in lieu of this payment to be paid the fair market value of the property as provided in RSA 498-A:25.

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

AMENDED ANALYSIS

This bill requires displacing agencies under RSA 124-A to pay the replacement costs of businesses displaced by government programs.

HB 1463-FN, relative to sole proprietors under the unemployment compensation law. **REFER FOR INTERIM STUDY**

Rep. John M. Whittier for Labor, Industrial and Rehabilitative Services: This bill was brought to us on the deadline for bills going to a second committee with no time to understand the very significant ramifications. Although the committee recognized the problem being addressed by this bill, the Department of Employment Security testified that, as written, the bill had a number of problems. This bill requires employers to allow employees who are crime victims to leave work to attend court or other proceedings and/or counseling sessions. Vote 11-0.

HB 1479-FN, establishing the crime victim employment leave act. **REFER FOR INTERIM STUDY**

Rep. Randolph Holden for Labor, Industrial and Rehabilitative Services: The majority of the committee, in addition to the Department of Labor, business and the sponsor, felt that an Interim Study was most appropriate course of action. Vote 11-0.

HB 1480, relative to liability for benefits under workers' compensation. **REFER FOR INTERIM STUDY**

Rep. Randolph Holden for Labor, Industrial and Rehabilitative Services: This bill clarifies that it is the carrier which was the carrier on the date of the medical diagnosis that is liable for further medical treatment if any injury has reoccurred. The majority of the committee, along with the sponsor and the Department of Labor, felt that because of the complexity of the issue an Interim Study was in order. Vote 11-0.

HB 1103, establishing a committee to study the budget process. **INEXPEDIENT TO LEGISLATE**

Rep. Peter H. Burling for Legislative Administration: The committee did not feel that this study was required at this time, at least not as a statutory committee. Any member wishing to study this budget process is, of course free, to do so. Vote 11-0.

HB 1314, requiring candidates for speaker of the house of representatives to file certain reports and register as political committees. **OUGHT TO PASS**

Rep. Peter H. Burling for Legislative Administration: The committee felt this bill reflects an idea whose time has definitely come. Passage of this bill will make it clear that contributions to speaker candidates will be reported. The integrity of the House requires nothing less. Vote 11-0.

HB 1329-FN, relative to fiscal notes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter H. Burling for Legislative Administration: The committee feels this bill will clarify the need for accurate fiscal notes which meet the requirements of RSA 14:44, 45 and 46. The committee specifically requests referral of this bill to Finance. Vote 12-0.

Amendment (2791h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Preparation of Fiscal Notes; Vote on Bill. Amend RSA 14:46 by inserting after paragraph VI the following new paragraph:

VII. No bill requiring a fiscal note may be voted on by the house of representatives or the senate unless the bill is accompanied by a fiscal note meeting the requirements of this subdivision or a majority of the members present and voting in the house of representatives or the senate affirmatively vote to waive the requirements of this subdivision.

AMENDED ANALYSIS

This bill prohibits the house of representatives or the senate from voting on a bill requiring a fiscal note unless the bill is accompanied by a fiscal note meeting the requirements of law or the members affirmatively vote to waive the requirements of the fiscal note law.

HB 1387, relative to toll exemptions for legislators. **INEXPEDIENT TO LEGISLATE**

Rep. Donald R. Philbrick for Legislative Administration: This bill provides that a member of the legislature shall get toll-free use of the state highways whether as a driver or passenger by displaying a legislative I.D. card. Because of the similarity of the legislative I.D. Card and the New Hampshire Drivers License it would delay legislators at the toll gate and possibly cause traffic delays. This bill was opposed by the Department of Transportation. Vote 11-1.

HB 1435, extending the reporting dates of certain study committees. **OUGHT TO PASS**

Rep. Maurice E. Goulet for Legislative Administration: This bill extends the reporting dates of the following study committees: (1) Creation of an At-Home Infant Care Program in New Hampshire Study; (2) Information, Training, and Support Needs of Family Caregivers in New Hampshire Study; (3) the Shortage of Health Care Personnel and Support Staff in New Hampshire – to November 1, 2002. Vote 12-0.

HB 1441, relative to the availability of records of the joint committee on legislative facilities. **OUGHT TO PASS**

Rep. Robert E. Clegg for Legislative Administration: The bill amends RSA 17-E by adding a new section requiring records of minutes of meetings of the Joint Legislative Facilities Committee be made available in the office of legislative accounting. Vote 12-0.

HB 1121, relative to planning board recommended programs of capital improvements. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nancy K. Johnson for Municipal and County Government: Presently, there is frustration at the local level regarding the authority of planning boards in their preparation of the six year Capital Improvements Program (CIP), since RSA 674:5 allows the legislative body to authorize only the planning board to prepare and amend a recommended CIP. This amendment gives municipalities an option to appoint a capital improvement program committee which may include, but not be limited to, members of the planning board and the budget committee of the governing body of the municipality without affecting any current practices at the local level. Vote 15-0.

Amendment (2727h)

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

AN ACT relative to capital improvement committees.

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

1 Capital Improvement Program Committee Authorized. Amend RSA 674:5 to read as follows:

674:5 Authorization. In a municipality where the planning board has adopted a master plan, the local legislative body may authorize the planning board to prepare and amend a recommended program of municipal capital improvement projects projected over a period of at least 6 years. ***As an alternative, the governing body of a municipality may appoint and authorize a capital improvement program committee, which may include but not be limited to members of the planning board, the budget committee, or the town or city governing body, to prepare and amend a recommended program of municipal capital improvement projects projected over a period of at least 6 years.*** The capital improvements program may encompass major projects being currently undertaken or future projects to be undertaken with federal, state, county and other public funds. The sole purpose and effect of the capital improvements program shall be to aid the mayor and the budget committee in their consideration of the annual budget.

2 Preparation; Capital Improvement Program Committee Added. Amend RSA 674:7 to read as follows:

674:7 Preparation.

I. In preparing the capital improvements program, the planning board ***or the capital improvement program committee*** shall confer, in a manner deemed appropriate by the board ***or the committee*** with the mayor or the board of selectmen, or the chief fiscal officer, the budget committee, other municipal officials and agencies, the school board or boards, and shall review the recommendations of the master plan in relation to the proposed capital improvements program.

II. Whenever the planning board ***or the capital improvement program committee*** is authorized and directed to prepare a capital improvements program, every municipal department, authority or agency, and every affected school district board, department or agency, shall, upon request of the planning board ***or the capital improvement program committee***, transmit to the board ***or committee*** a statement of all capital projects it proposes to undertake during the term of the program. The planning board ***or the capital improvement program committee*** shall study each proposed capital project, and shall advise and make recommendations to the department, authority, agency, or school district board, department or agency, concerning the relation of its project to the capital improvements program being prepared.

3 Consideration; Selectmen Added; Capital Improvement Program Committee Added. Amend RSA 674:8 to read as follows:

674:8 Consideration by Mayor and Budget Committee. Whenever the planning board ***or the capital improvement program committee*** has prepared a capital improvements program under RSA 674:7, it shall submit its recommendations for the current year to the mayor ***or selectmen*** and the budget committee, if one exists, for consideration as part of the annual budget.

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

AMENDED ANALYSIS

This bill authorizes a municipality to create a capital improvement committee, as an alternative to the planning board, to prepare a capital improvements program in communities which have adopted a master plan.

HB 1193-L, relative to local enforcement of junk yards and motor vehicle recycling yards. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary R. Cooney for Municipal and County Government: HB 1193 as amended, allows municipalities to assess a civil penalty on owners of property determined to be not in compliance with junk yard licensing laws. The local governing body or enforcement official of the town, city or unincorporated place may impose a fine of up to \$50 per day for this noncompliance with the junk yard laws, after notice to the property owner. The municipality will keep civil penalties collected. This amendment enables the municipality to have more local enforcement authority regarding junk yards and motor vehicle recycling yards. Vote 14-0.

Amendment (2601h)

Amend the bill by replacing section 2 with the following:

2 Junk Yards and Motor Vehicle Recycling Yards; Local Enforcement; Civil Penalty Authority Added. RSA 236:128 is repealed and reenacted to read as follows:

236:128 Local Enforcement; Injunction; Civil Penalties. The governing body, elected or appointed officers or other appointed agents of a town, city, or unincorporated place, or a private person pursuant to RSA 236:129 may initiate proceedings for the enforcement of the provisions of this subdivision. In addition to the criminal penalty in RSA 236:127, enforcement may be by the following:

I. The local governing body may obtain a mandatory injunction to end the violation.

II. If the local governing body does not obtain such an injunction the attorney general may obtain an injunction in the name of the state

III. The local governing body or other enforcement official of the town, city, or unincorporated place, after providing notice, may impose a civil penalty of up to \$50 for each day upon any person whose land is deemed a nuisance pursuant to RSA 236:119 until such time as the nuisance is removed or abated to the satisfaction of the governing body, or until the owner of the land acquires a license and is in compliance with the provisions of this subdivision. The building inspector or other local official with the authority to enforce the provisions of this section may commence an action to collect the civil penalty in the district court. Imposition of a civil penalty under this paragraph shall not relieve the owner of any requirement to comply with the provisions of this subdivision, nor shall it preclude the imposition of further actions or remedies under this chapter. The proceeds from the assessment of civil penalties under this section shall be for the use of the town, city, or unincorporated place.

AMENDED ANALYSIS

This bill allows municipalities to assess a civil penalty on owners of property determined to be not in compliance with junk yard licensing laws.

HB 1274, relative to deputy town clerks. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nancy K. Johnson for Municipal and County Government: The qualifications for a deputy town clerk have always been the same as for a town clerk. A situation was brought to the attention of the committee two years ago about some deputy town clerks who were not living in the town where they worked. The New Hampshire City and Town Clerk's Association reviewed the policy and asked that this bill be brought forward to allow currently non-domiciled deputy town clerks to retain their position for the duration of their job, but to require future appointed deputy town clerks to meet the domicile requirement.

Another situation was discovered during administrative rules procedures involving a town clerk's authority to fill out burial transit forms. In 1997, there were changes made in the laws relative to the administration of vital records. The town clerk is the "keeper" of these vital records at the local level and works in conjunction with the bureau of vital record and health statistics. With this amendment, the town clerks can again sign burial transmit forms when there is no funeral director easily available or close by. Vote 15-0.

Amendment (2667h)

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

AN ACT relative to town clerks and deputy town clerks.

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

2 Death Records. Amend RSA 290:1 to read as follows:

290:1 Death Records. Whenever a person shall die, the physician attending at the last sickness shall complete and deliver to the funeral director, ***town clerk***, next-of-kin as defined in RSA 290:16, IV, or designated agent under RSA 290:17 or shall complete electronically and forward immediately to the bureau of vital records and health statistics, a death record, duly signed, setting forth, as far as may be, the facts required by rules of the department of health and human services as provided in RSA 126:2. The cause or causes of death shall be printed or typed on all records required to be furnished under this section. The funeral director, ***town clerk***, next-of-kin, or designated agent shall transmit electronically the record of death to the bureau of vital records and health statistics.

3 Applicability. Any non-domiciled deputy town clerk who occupies that office on the effective day of this act shall be exempt from the domicile requirements of RSA 41:18 for the duration of his or her term of employment.

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

AMENDED ANALYSIS

This bill allows current non-domiciled deputy town clerks to retain their position for the duration of their term, but requires future appointed deputy town clerks to meet the domicile requirement, and allows a town clerk to put the question of creating a deputy town clerk to the voters. This bill also allows town clerks to receive death records from attending physicians.

HB 1344-L, establishing a village plan alternative in zoning and land use planning laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Twombly for Municipal and County Government: This bill establishes the village plan alternative in zoning and land use planning by amending RSA 674:21 with a new subparagraph entitled "Village Plan Alternative." A village plan alternative development grants a developer or owner of land the option to develop a limited portion of the property in an expedited manner and without certain dimensional requirements while keeping the major portion of the property undeveloped open space. The village alternative's purpose is to encourage the preservation of open space wherever possible, the retention in private ownership of parcels of land large enough to be conducive to farming, efficient management of timber resources and the preservation of wildlife habitat. An owner of record wishing to utilize the village plan alternative shall provide to the political subdivision within which the property is located, as a condition of approval, a recorded easement reserving the remaining land area of the entire original lot, solely for agriculture, forestry and conservation or for public recreation. Vote 16-1.

Amendment (2731h)

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

AN ACT establishing a village plan alternative subdivision in zoning and land use planning laws.

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

1 New Subparagraph; Innovative Land Use Controls; Village Plan Alternative Added.
Amend RSA 674:21, I by inserting after subparagraph (m) the following new subparagraph:

(n) Village plan alternative subdivision.

2 New Paragraph; Village Plan Alternative Defined. Amend RSA 674:21 by inserting after paragraph V the following new paragraph:

VI.(a) In this section, "village plan alternative" means an optional land use control and subdivision regulation to provide a means of promoting a more efficient and cost effective method of land development. The village plan alternative's purpose is to encourage the preservation of open space and wherever possible, the retention in private ownership of parcels of land large enough to be conducive for farming, efficient management of timber resources, and preservation of wildlife habitat. The village plan alternative subdivision is meant to encourage beneficial consolidation of land development to permit the efficient layout of less costly to maintain roads, utilities, and other public and private infrastructures; to improve the ability of political subdivisions to provide more rapid and efficient delivery of public safety and school transportation services as community growth occurs, and finally, to provide owners of private property with a method for realizing the inherent development value of their real property in a manner conducive to the creation of substantial benefit to the environment and to the political subdivision's property tax base.

(b) An owner of record wishing to utilize the village plan alternative in the subdivision and development of a parcel of land, by locating the entire density permitted by the existing land use regulations of the political subdivision within which the property is located, on 20 percent or less of the entire parcel available for development, shall provide to the political subdivision within which the property is located, as a condition of approval, a recorded easement reserving the remaining land area of the entire, original lot, solely for agriculture, forestry, and conservation, or for public recreation. The recorded easement shall limit any new construction on the remainder lot to structures associated with farming operations, forest management operations, and conservation uses. Public uses shall be subject to the written approval of those abutters whose

property lies within the village plan alternative subdivision portion of the project at the time when such a public use is proposed.

(c) The village plan alternative shall permit the developer or owner to have an expedited subdivision application and approval process wherever land use and subdivision regulations may apply. The submission and approval process for a village plan alternative subdivision shall be the same as that for a conventional subdivision. Existing zoning and subdivision regulations relating to emergency access, fire prevention, and public health and safety concerns including any setback requirement for wells, septic systems, or wetland requirement imposed by the department of environmental services shall apply to the developed portion of a village plan alternative subdivision but lot size regulations and dimensional requirements having to do with frontage setbacks measured from all new property lot lines, and lot size regulations; as well as density regulations shall not apply. The total density of development within a village plan alternate subdivision shall not exceed the total potential development density permitted a conventional subdivision of the entire original lot unless provisions contained with the political subdivision's land use regulations provide a basis for increasing the permitted density of development within a village plan alternative subdivision. In no case shall a political subdivisions impose lesser density requirements upon a village plan alternative subdivision than the density requirements imposed on a conventional subdivision.

(d) Within a village plan alternative subdivision, the exterior wall construction of buildings shall meet or exceed the requirements for fire-rated construction described by the fire prevention and building codes being enforced by the state of New Hampshire at the date and time the property owner of record files a formal application for subdivision approval with the political subdivision having jurisdiction of the project. Exterior walls and openings of new buildings shall also conform to fire protective provisions of all other building codes in force in the political subdivision. Wherever building code or fire prevention code requirements for exterior wall construction appear to be in conflict, the more stringent building or fire prevention code requirements shall apply.

(e) If the total area of a proposed village plan alternative subdivision including all roadways and improvements does not exceed 20 percent of the total land area of the undeveloped lot, and if the proposed subdivision incorporates the total sum of all proposed development as permitted by local regulation on the undeveloped lot, all existing and future dimensional requirements imposed by local regulation, including lot size, shall not apply to the development.

3 Development Restrictions Enforceable; Village Plan Development Added. Amend RSA 674:21-a to read as follows:

674:21-a Development Restrictions Enforceable. Any open space designation or other development restriction which is part of a cluster development, planned unit development, **village plan alternative subdivision**, or other proposal approved under innovative land use controls, or which is lawfully imposed by a local land use board as a condition of subdivision, site plan, variance, or other type of approval, and which has been filed in the records of the local land use board in accordance with its established procedure, shall be deemed to create a conservation restriction as defined in RSA 477:45, I, which shall run with the land, and shall be enforceable by the municipality, or by the owner of any property which would be specially damaged by the violation of such restriction, regardless of whether any deed or other instrument conveying such restriction has been executed or recorded. For purposes of this section, an applicant's statement of intent to restrict development, submitted with or contained in an application which is subsequently approved, shall be deemed a condition of the approval.

4 New Subparagraph; Subdivision Regulations; Village Plan Alternative Development
Added. Amend RSA 674:36, II by inserting after subparagraph (j) the following new subparagraph:

(k) Provide for efficient and compact subdivision development which promotes retention and public usage of open space and wildlife habitat, by allowing for village plan alternative subdivision as defined in RSA 674:21, VI.

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

AMENDED ANALYSIS

This bill establishes the village plan alternative subdivision in zoning and land use planning. Village plan alternative subdivision grants a developer or owner of land the option to develop a limited portion of the property in an expedited manner and without certain dimensional requirements while keeping the major portion of the property in agriculture, forestry, conservation, or public use.

HB 1407, relative to the definition of property in planning and zoning laws, and allowing planning and zoning boards to require public notice by posting signs for hearings on the property. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nancy K. Johnson for Municipal and County Government: Currently, only land owners are notified by planning and zoning boards as required by law. This means that a person in a manufactured home in a park who owns and pays taxes on a home, but does not own the property, is not notified. The amended bill includes in the definition of an abutter for land use boards, owners of manufactured housing which adjoins or is directly across the street or stream from the land under consideration. The amended bill also enables land use boards to require an applicant to post signs on the property to notify the public of the time, place and purpose of any public hearing relative to the applicant's property. Finally, as amended, this bill clarifies certain criteria to permit variances and specifies the three additional conditions of "unnecessary hardship" recently ruled on by the Supreme Court. Vote 14-0.

Amendment (2828h)

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

AN ACT relative to the definition of abutter in planning and zoning laws, allowing planning and zoning boards to require public notice by posting signs for hearings on the property, and relative to establishing certain criteria to permit variances from zoning ordinances.

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

1 General Provisions for Planning and Zoning; Definition of Abutter. Amend RSA 672:3 to read as follows:

672:3 Abutter. "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other

collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. ***For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term abutter includes manufactured housing park owner and tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.***

2 Notification by Posting Signs. Amend RSA 674:44, V to read as follows:

V. The planning board may, as part of its site plan review regulations, require an applicant to pay all costs for notification of abutters and may provide for the assessment of reasonable fees to cover the board's administrative expenses and costs of special investigation and the review of documents and other matters which may be required by particular applications. ***The board may require an applicant to post signs of such size and in such places as the board may designate to notify the public of the time, place, and purpose of any public hearing relative to the applicant's property. Such signs shall be erected at least 10 days before the scheduled public hearing.***

3 Notification of Subdivision by Posting Signs. Amend RSA 676:4, I(d) to read as follows:

(d) Notice to the applicant, holders of conservation, preservation, or agricultural preservation restrictions, abutters, and the public shall be given as follows: The planning board shall notify the abutters, the applicant, holders of conservation, preservation, or agricultural preservation restrictions, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the board by certified mail of the date upon which the application will be formally submitted to the board. Notice shall be mailed at least 10 days prior to submission. Notice to the general public shall also be given at the same time by posting or publication as required by the subdivision regulations. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the proposal. For any public hearing on the application, the same notice as required for notice of submission of the application shall be given. If notice of public hearing has been included in the notice of submission or any prior notice, additional notice of that hearing is not required nor shall additional notice be required of an adjourned session of a hearing with proper notice if the date, time, and place of the adjourned session was made known at the prior hearing. All costs of notice, whether mailed, posted, or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the planning board to terminate further consideration and to disapprove the plat without a public hearing. ***The board may require an applicant to post signs of such size and in such places as the board may designate to notify the public of the time, place, and purpose of any public hearing relative to the applicant's property. Such signs shall be erected at least 10 days before the scheduled public hearing.***

4 New Paragraph; Zoning Board of Adjustment; Notice by Posting Signs. Amend RSA 676:7 by inserting after paragraph IV the following new paragraph:

V. The board of adjustment may require an applicant to post signs of such size and in such places as the board may designate to notify the public of the time, place, and purpose of any public hearing relative to the applicant's property. Such signs shall be erected at least 10 days before the scheduled public hearing.

5 Zoning Variances. RSA 674:33, I (b) is repealed and reenacted to read as follows:

(b)(1) Authorize upon appeal in specific cases such variance from the terms of the zoning ordinance provided that:

(A) The variance would not decrease the value of surrounding properties;

(B) The variance would not be contrary to the public interest;

(C) The variance would not be contrary to the spirit and intent of the ordinance;

(D) The variance would provide substantial justice; and

(E) The variance would not result in unnecessary hardship to the owner seeking it.

(2) In the subparagraph, "unnecessary hardship" shall be established by satisfying the following 3 conditions:

(A) The zoning restriction as applied to the applicant's property interferes with the applicant's reasonable use of the property, considering the unique setting of the property in its environment;

(B) No fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction on the property; and

(C) The variance would not injure the public or private rights of others.

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

AMENDED ANALYSIS

This bill:

I. Changes the definition of abutter in the planning and zoning laws to include manufactured housing park tenants.

II. Provides that planning boards and zoning boards may require property owners to post signs notifying the public of any hearing relative to the property.

III. Establishes several criteria that must be met for a zoning board of adjustment to grant a variance to a zoning ordinance.

HB 1415, relative to requiring taxpayers requesting abatements to answer inquiries of the assessors, and relative to appeals of certain abatement decisions. **OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Twombly for Municipal and County Government: This bill is substantially changed from the original bill. The bill has been amended to include an improvement to RSA 76:16,II, since the committee noted that abatement appeal with no restrictions, is a right of every taxpayer. If the taxpayer chooses not to pay his tax bill, a penalty or loss of property is possible. The bill removes certain provisions for extension of the date for decision, reply or appeal in abatement cases in the effective year of a property revaluation for towns having 9,000 or more parcels. Vote 15-0.

Amendment (2600h)

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

AN ACT relative to removing certain extensions for abatement decisions, replies and appeals in a year of property revaluation.

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

1 Abatement; Extension to Respond Removed. Amend RSA 76:16, II to read as follows:

II. Upon receipt of an application under paragraph I, the selectmen or assessors shall review the application and shall grant or deny the application in writing by July 1 after notice of tax date under RSA 76:1-a~~[-except that in the effective year of a property revaluation, municipalities having 9,000 or more parcels shall have an additional 2 months to respond to appeals]~~. The failure to respond shall constitute denial. All such written decisions shall be sent by first class mail to the taxpayer and shall include a notice of the appeal procedure under RSA 76:16-a and RSA 76:17 and of the deadline for such an appeal. The board of tax and land appeals shall prepare a form for this purpose. Municipalities may, at their option, require the taxpayer to furnish a self-addressed envelope with sufficient postage for the mailing of this written decision.

2 Abatements; Board of Tax and Land Appeals; Reference to Extension Removed. Amend RSA 76:16-a, I to read as follows:

I. If the selectmen neglect or refuse to so abate, in accordance with RSA 76:16, any person aggrieved, having complied with the requirements of RSA 74, upon payment of a \$65 filing fee, may apply in writing to the board of tax and land appeals. The appeal shall be filed on or before September 1 after the date of notice of tax under RSA 76:1-a, and not afterwards~~[-unless the municipality has an additional 2 months to respond to the appeal as provided in RSA 76:16, II, in which case the appeal shall be filed by November 1 following the date of notice of tax under RSA 76:1-a]~~. The board, after inquiry and investigation, shall hold a hearing if requested as provided in this section and shall make such order thereon as justice requires; and such order shall be enforceable as provided hereafter. If the appeal is filed before July 1 the person aggrieved shall state in the appeal to the board the date of the municipality's decision on the RSA 76:16 application.

3 Abatements; Superior Court; Reference to Extension Removed. Amend RSA 76:17 to read as follows:

76:17 By Court. If the selectmen neglect or refuse so to abate, any person aggrieved, having complied with the requirements of RSA 74, may, in lieu of appealing pursuant to RSA 76:16-a, apply by petition to the superior court in the county, which shall make such order thereon as justice requires. The appeal shall be filed on or before September 1 following the date of notice of tax under RSA 76:1-a, and not afterwards~~[-unless the municipality has an additional 2 months to respond to the appeal as provided in RSA 76:16, II, in which case the appeal shall be filed by November 1 following the date of notice of tax under RSA 76:1-a]~~. If the appeal is filed before July 1 following the

date of notice of tax, the person aggrieved shall state in the appeal to the court the date of the municipality's decision on the RSA 76:16 application.

4 Repeal. RSA 76:16-d, I, relative to extensions for abatement decisions in the year of property revaluations, is repealed.

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

AMENDED ANALYSIS

The bill removes certain provisions for extension of the date for decision, reply, or appeal in abatement cases in the effective year of a property revaluation for towns having 9,000 or more parcels.

HB 1445, establishing a committee to study growth ordinances for municipalities. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: The prime sponsor in testimony indicated that the constituent that had requested this bill had lost interest and the sponsor asked that the bill be voted "inexpedient to legislate". Vote 15-0.

HB 1466-FN-L, providing for the assignment to the state of the collection of certain state education property taxes deemed uncollectible due to bankruptcy or disaster. **REFER FOR INTERIM STUDY**

Rep. William G. Johnson for Municipal and County Government: HB 1466-FN-LOCAL would allow the state to give tax and educational relief to New Hampshire towns faced with significant tax revenue loss by when a taxpayer having at least 20% of the tax base valuation goes bankrupt or is hit by a natural disaster. However, the committee heard extensive testimony that major technical revisions were needed to the bill. The lateness of the legislative calendar did not afford sufficient time for the committee to be sure that both the state and municipality would be protected equally with regard to the revenue stream available. Given the importance of the matter, the committee recommends interim study. Vote 17-0.

HB 1476, relative to the age of retirement or early retirement in the city of Manchester employees contributory retirement system. **OUGHT TO PASS**

Rep. Robert W. Brundige for Municipal and County Government: Prior action by this legislature allowed the City of Manchester to establish an employees contribution retirement system. This bill sets up the referendum question for the City of Manchester to lower the age qualifications for retirement or early retirement in the retirement system. The Committee agreed that the referendum process is the proper method to resolve this question and this change would not go into effect until ratified by the voters of the City of Manchester. Vote 17-0.

HB 1477, relative to the use of the real property of counties. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill would require officers or employees of a county to obtain approval of the county commissioners and ratification by the county convention before there may be any alteration to the existing state of county real property. It also would clarify that the county may not accept a gift of services or equipment for the alteration of its real property without the approval of the county commissioners , ratified by a majority of the county

convention. Since RSA 28:8-d already provides this option, any additional restrictions on the county commissioners could have unintended consequences on a state wide level through the micromanaging of counties daily operations. The Committee agrees that this issue is best resolved at the local level. Vote 17-0.

HB 1473-FN-A, relative to the capital appropriation made to the department of transportation for the new garage and testing lab facility. **OUGHT TO PASS**

Rep. Candace C. W. Bouchard for Public Works and Highways: This bill allows the Department of Transportation to move forward with the process to build a new garage and testing lab facility. Negotiations for the sale of the existing property are still ongoing. Vote 13-0.

HB 1111, establishing a committee to study regulation and procedures for lake level investigations and orders. **OUGHT TO PASS WITH AMENDMENT**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: The charge of the committee is to expedite and clarify the hearing and order process for setting the level of dam controlled lakes. The amendment broadens the scope somewhat to consider the impact on related waters both upstream and downstream of the specific lake under investigation. It also allows for modification of the related duties and responsibilities of the Department of Environmental Services (DES). Vote 14-0.

Amendment (2632h)

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the regulations and procedures under RSA 482:79 to:

- I. Clarify and expedite the procedures for lake level investigations and orders;
 - II. Ensure adequate protection of the rights and interests of all stakeholders, including but not limited to affected dam and waterfront property owners;
 - III. Review the scope of discretion delegated to the department of environmental services to determine if it should be altered; and
- I. Ensure the complainants' rights to a prompt decision and an impartial appellate review.

HB 1172, relative to the adoption of rules for certain wetland permits. **OUGHT TO PASS WITH AMENDMENT**

Rep. Judith T. Spang for Resources, Recreation and Development: This agency – initiated bill allows the Department of Environmental Services (DES) to develop rules to fast-track dredge and fill permits for specified minor projects by reducing permit applications to a mere notification process. Response time for the agency and municipal conservation commissions is also shortened. Vote 14-0.

Amendment (2805h)

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

1 Fill and Dredge in Wetlands; Notification for Certain Minimum Impact Projects; Rulemaking Authority for Activities not Requiring a Permit. Amend RSA 482-A:11, VI to read as follows:

VI. The commissioner may adopt rules pursuant to RSA 541-A establishing an expedited application and permitting process ***or permit by notification process*** for certain minimum [~~and minor~~] impact projects. The provisions of RSA 482-A:3, I and paragraph III of this section shall apply.

VII. The commissioner may adopt rules, pursuant to RSA 541-A, identifying those activities within the jurisdiction of RSA 482-A that may be conducted without obtaining a permit, consistent with the provisions of this chapter.

2 Administrative Provisions; Permit by Notification. Amend RSA 482-A:11, III to read as follows:

III.***(a)*** Upon written notification to the department by a municipal conservation commission that it intends to investigate any notice received by it pursuant to RSA 482-A:3, the department shall suspend action upon such notice and shall not make its decision on the notice of a minor ***or minimum impact*** project nor hold a hearing on it if a major project until it has received and acknowledged receipt of a written report from such commission, or until 40 days from the date of filing with the municipal clerk of such notice, whichever occurs earlier, subject to an extension as permitted by the department. In connection with any local investigation, a conservation commission may hold a public informational meeting or a public hearing, the record of which shall be made a part of the record of the department. If a conservation commission makes a recommendation to the department in its report, the department shall specifically consider such recommendation and shall make written findings with respect to each issue raised in such report which is contrary to the decision of the department. If notification by a local conservation commission pursuant to this paragraph is not received by the department within 14 days following the date the notice is filed with the municipal clerk, the department shall not suspend its normal action, but shall proceed as if no notification has been made.

(b) Relative to any permit by notification under paragraph VI, the provisions of subparagraph (a) shall be modified as follows:

(1) The 40 day suspended action limit is reduced to 21 days;
and

(2) The notification by a municipal conservation commission of intended investigation shall be assumed unless the application filed under RSA 482-A:3 was signed by the conservation commission, or, if one has not been established in the municipality, by the local governing body, in which case the provisions of subparagraph (a) shall not apply.

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

AMENDED ANALYSIS

This bill allows the commissioner of the department of environmental services to exempt certain activities of minor impact from the dredge and fill permitting process.

HB 1252, relative to the membership of the wetlands council. **OUGHT TO PASS WITH AMENDMENT**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: This bill modifies the membership of the wetlands council to eliminate the conflict of a council member from the Department of Environmental Services (DES) from overseeing the work of DES. It also broadens the membership to include representation by a natural resource scientist, and an appointee by the Commissioner of the Department of Agriculture in recognition of the impact wetland regulations have on the agricultural community. To increase public representation in the wetlands appeal process, a member of the Executive Council shall also be appointed to the Wetlands Council. Vote 14-0.

Amendment (2690h)

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

1 Wetlands Council: Membership. Amend RSA 21-O:5-a, I and II to read as follows:

I. There is established a wetlands council for the purpose of implementing the provisions of law conferring on the department authority to decide matters relative to resources of the state, including, but not limited to, excavating, dredging, and filling waters of the state. Appointees and officials shall have voting rights as members of the wetlands council; provided, however, that nothing in this section shall be construed as affecting other duties of the department with reference to dams, water levels, and administration of the department of environmental services. The wetlands council shall be composed of the following:

- (a) The executive director of the department of fish and game or designee.
- (b) The commissioner of transportation or designee.
- (c) The commissioner of resources and economic development or designee.
- (d) The director of the office of state planning or designee.
- (e) The commissioner of the department of ~~[environmental services or designee]~~ **agriculture, markets, and food, or designee.**
- (f) ~~[The commissioner of safety or designee]~~ **An executive councilor, or an alternate executive councilor, appointed for a 1-year term by the executive council.**
- (g) ~~[Six]~~ **Seven** members of the public appointed by the governor and council for a term of 3 years or until a successor is chosen. One of these shall be a member of a municipal conservation commission at the time of appointment, and be one of 3 nominees submitted by the New Hampshire Association of Conservation Commissions; one shall be a supervisor, associate supervisor, former associate supervisor, or former supervisor, of a conservation district at the time of appointment, and be one of 3 nominees submitted by the New Hampshire Association of Conservation Districts; one shall be an elected municipal official at the time of appointment, and be one of 3 nominees submitted by the New Hampshire Municipal Association; **one shall be a natural resource scientist and be one of 3 nominees submitted by the New Hampshire Association of Natural Resource Scientists;** one shall be a member of the non-marine construction industry at the time of appointment, and be nominated by the governor; one shall be a member of the marine

construction industry at the time of appointment and be nominated by the governor; and one shall have experience in environmental protection and resource management at the time of appointment and be one of 4 nominees submitted, 2 each, by the New Hampshire Audubon Society and the Society for the Protection of New Hampshire Forests. One member of the council shall be elected annually as chairperson by the members of the council.

II. The [6] 7 members appointed under subparagraph I(g) shall be entitled to expenses and \$50 compensation per diem. The other members of the council shall receive no additional compensation for their service as members of the council, other than their regular salaries from their respective state departments, but shall receive mileage and other expenses paid at the rate set for state employees.

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

HB 1134, relative to lighting requirements for motor vehicles and trailers. **OUGHT TO PASS WITH AMENDMENT**

Rep. John W. Flanders for Transportation: This bill and amendment clarifies the law that if a motor vehicle is manufactured with multiple stop lamps or tail lamps, they must be in working order. Vote 13-0.

Amendment (2709h)

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

1 Equipment of Vehicles; Stop Lamps; Multiple Stop Lamps. Amend RSA 266:38 to read as follows:

266:38 Stop Lamps. It shall be unlawful for any person to drive any motor vehicle, including any motorcycle, *moped* or motor-driven cycle, full trailer, trailer, or semi-trailer in this state unless it is equipped with [a] *one or more* stop [lamp] *lamps* in working order at all times; provided, however, that stop lamps shall not be required on a farm tractor, *and further provided that whenever a vehicle is manufactured with multiple stop lamps or stop lamps with multiple bulbs or filaments, each of the lamps, bulbs, or filaments shall be in working order.*

2 Equipment of Vehicles; Tail Lamp and Reflectors; Multiple Tail Lamps. Amend RSA 266:44 to read as follows:

266:44 Tail Lamp and Reflectors. Every motor vehicle and trailer or any combination of vehicles, when on the ways of this state at night, shall have on the rear thereof, and to the left of the axis thereof, one lamp, displaying a red light visible for a distance of at least 1000 feet to the rear of such vehicle, and a white light illuminating the registration plate of such vehicle so that the characters thereon shall be visible for a distance of at least 50 feet, except that passenger cars manufactured or assembled after January 1, 1952, shall have at least 2 tail lamps, *one to either side of the axis thereof*. On a combination of vehicles, only the tail lamps on the rearmost vehicle need actually be seen from the distance specified. On vehicles equipped with more than one tail lamp, the lamps shall be mounted on the same level and as widely spaced laterally as practicable. All tail lamps on any vehicle shall be located at a height of not more than 72 inches nor less than 20 inches from the ground, measured from the ground to the center of the reflector, and shall be placed in such manner as to indicate the extreme width of the vehicle and load and to reflect rays of light thrown upon such reflector. The visibility of such reflectors shall not be impaired at any time. *Whenever a vehicle is manufactured with multiple tail lamps or multiple bulbs or*

filaments in the tail lamps, each of the lamps, bulbs, or filaments and any other exterior lighting equipment with which the vehicle was manufactured shall be in working order.

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

AMENDED ANALYSIS

This bill provides that a motor vehicle, full trailer, or semi-trailer may be equipped with more than one stop lamp. This bill also requires that when a vehicle is manufactured with multiple stop lamps, multiple tail lamps, or stop lamps or tail lamps with multiple bulbs or filaments, each of the lamps, bulbs, or filaments shall be in working order.

This bill was requested by the police standards and training council.

HB 1475, establishing a committee to study the use of state-issued identification by law enforcement to enhance public safety. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: The committee understands the sponsors' intent and purpose, however, this bill as written outlines many specific duties that cannot be reasonably achieved within the study timeframe. Additionally, other duties are not within the state's current technology ability as related to driver identifications (IDs). The committee also felt that the threat of terrorism is not within the current experience of our legislature. Congress has tasked many Federal agencies to come up with Federal guidelines concerning these issues. The committee felt that it would be best to hold off on any action until Congress makes its recommendations. Vote 13-0.

CACR 31, relating to the valuation of real estate. Providing that real property in the state shall be valued in accordance with the method enacted into law by the general court and at such times as it shall order. **INEXPEDIENT TO LEGISLATE**

Rep. Jeffrey D. Gilbert for Ways and Means: The committee, in a bipartisan vote, agreed that recent court decisions, legislative action, and the ongoing work of the Department of Revenue Administration to establish a fair and uniform statewide real estate valuation system obviates the need for this bill. Its passage would confuse our citizens and undercut the progress that has been made to ensure a fair and uniform system. Vote 13-1.

CACR 36, relating to the funding of public education. Providing that the state shall fund an amount not less than 40 percent of the total average statewide expenditure for public education for kindergarten through grade 12 during the previous biennium and that the general court shall have the power to apportion this amount by statute; that the state shall assure the opportunity for an adequate public education for all pupils in the state in grades kindergarten through 12; and that no tax in any form on the value of real property shall be used to fund the state's obligation to cherish and support public education. **REFER FOR INTERIM STUDY**

Rep. Frank V. Sapareto for Ways and Means: The majority of the committee believes that there is some merit to this CACR. At this point some of the amendment's concepts are vague. It is believed that an interim study committee would easily be able to clear up some of these issues. At the sponsor's request, we have decided the best place for this bill is in interim study. Vote 15-2.

HB 1126-FN-A, establishing the weights and measures laboratory accreditation program. **INEXPEDIENT TO LEGISLATE**

Rep. Vivian R. Clark for Ways and Means: This bill would have imposed high registration fees on companies which calibrate measuring equipment in order to fill a dedicated fund. That fund would then pay for the maintenance and repair of the state weights and measures laboratory's equipment. The committee believes this is an inappropriate way to fund a normal expense of the department. A non-lapsing budget line would be preferred. Vote 13-1.

HB 1234-FN, relative to an education property tax cap for retired residents. **REFER FOR INTERIM STUDY**

Rep. Christine M. Konys for Ways and Means: Although the committee agrees that the issue of tax relief for low income senior citizens needs to be addressed, this bill, as written, has several technical problems. The prime sponsor agreed to send the bill to interim study to work on correcting those problems so the bill actually accomplishes what the sponsor had intended. Vote 14-2.

HB 1235, relative to operation of motorized vessels and safe boater education. **OUGHT TO PASS WITH AMENDMENT**

Rep. Vivian R. Clark for Ways and Means: At the request of the Department of Safety, this bill would replace a boater's acknowledgement of familiarity with safe boating regulations with a required exam and Boater Safety Certificate. A boater safety course, including the exam, is available online and could also be offered by agents. The amendment sets the fee for the certificate at \$15, which will cover the cost of its issue. It also limits the fee an agent could charge for the course to \$35, and eliminates a small dedicated fund. Vote 14-0.

Amendment (2703h)

Amend the bill by replacing section 7 with the following:

7 Safe Boater Education; Course Fee; Navigation Safety Fund. Amend RSA 270-D:17 to read as follows:

270-D:17 ~~[Course Fee]~~ **Fees.**

I. The department shall charge a fee of \$15 for issuing a safe boater education certificate.

II.(a) The department~~[, or its agents,]~~ ***may charge a fee for*** offering a safe boater education course or exam ~~[may charge a fee]~~. The fee shall not exceed the costs incurred by the department~~[, or its agents,]~~ in offering the course or exam ~~[and shall not exceed \$50]~~.

(b) Agents of the department may charge a fee for offering a safe boater education course or exam.

III. The total of all fees that a person may be required to pay under this section shall not exceed \$50.

IV. Fees collected by the department under this section shall be paid into the navigation safety fund established under RSA 270-E:6-a.

Amend the bill by inserting after section 8 the following and renumbering the original section 9 to read as 13:

9 New Section; Department of Safety; Division of Safety Services Report and Budget. Amend RSA 21-P by inserting after section 10-a the following new section:

21-P:10-b Division of Safety Services Report and Budget.

I. The department of safety shall submit an annual report, beginning on July 1, 2002, to the speaker of the house, president of the senate, and the governor and council which shall include, but not be limited to, training and educational programs offered or contracted by the division of safety services, the revenue generated from safe boater education certificates, and the budget and revenue projections of the division.

II. In addition to or in conjunction with the operating budget of the department of safety, the department shall submit a budget for the biennium beginning July 1, 2003, and for each biennium thereafter, which shall include financial responsibility for and the costs of all training and educational programs offered or contracted by the division of safety services, the revenue generated from safe boater education certificates, and all revenues and expenditures of the navigation safety fund established in RSA 270-E:6-a.

10 Boat Safety Course; Boat Safety Fund Changed to Navigation Safety Fund. Amend RSA 270:46-a to read as follows:

270:46-a [~~Boat Safety Fund;~~] Boat Safety Course.

I. In addition to any other penalty imposed, any person who is convicted of violating any of the following boating laws or rules of the division of safety services shall be assessed an administrative penalty of \$200 to be paid to the director of safety services who shall forward such sum to the state treasurer for deposit in the [~~boat~~] **navigation** safety fund **established under RSA 270-E:6-a**:

- (a) RSA 270:12-b, disobeying an officer.
- (b) RSA 270:29-a, careless and negligent operation of boats.
- (c) RSA 270:50, refusal of consent.
- (d) RSA 270:48-a, operating boats under the influence of liquor or drugs.

II. Any person who pays such penalty and who, within 6 months of conviction, completes at such person's own expense a boat safety course as specified in rules adopted, under RSA 541-A, by the director of safety services shall have his **or her** \$200 refunded to him **or her** from the [~~boat~~] **navigation** safety fund by the director. [~~All moneys deposited in the boat safety fund shall be continually appropriated to the division of safety services.~~]

III. In addition to any other penalty imposed, any person who is convicted of violating any of the following boating laws or rules of the division of safety services, and who has not already successfully completed an approved boating safety course shall complete a boat safety course, at that person's own expense, within 6 months of conviction. Any person who fails to complete the boat safety course within 6 months may be prevented from reregistering the boat:

- (a) Laws or rules relative to speed limit, safe passage, or personal flotation devices.

(b) RSA 270:37, decibel limits on noise.

11 Boating Safety Checklist; Registration Checklist Deleted. Amend RSA 270-D:2-c to read as follows:

270-D:2-c Boating Safety Checklist.

I. ~~[(a) No person shall register a vessel for operation on any waters of this state, including tidal and coastal waters and all inland waters, unless the registrant initials the checklist portion of the registration form, prepared by the department of safety, which certifies the registrant's knowledge of boating safety laws.]~~

~~(b)~~ No person shall rent a vessel for operation on any waters of this state, including tidal and coastal waters and all inland waters, unless the rental operator initials a rental safety checklist, prepared by the department of safety, which certifies the rental operator's knowledge of boating safety laws.

II. (a) The ~~[registration checklist and]~~ rental safety checklist shall include, but shall not be limited to, knowledge of the following provisions of the marine laws:

- (1) Safe passage.
- (2) DWI.
- (3) Headway speed.
- (4) Safety equipment.
- (5) Navigational lights requirements.

(b) The checklists shall include a provision which states that the ~~[registrant or]~~ rental operator is responsible for anyone who operates the vessel in accordance with RSA 270-D.

III. The ~~[registration checklist and]~~ rental safety checklist shall include a provision in which the ~~[registrant]~~ **operator** acknowledges that the director may require the ~~[registrant or]~~ operator to attend a boat safety course, as provided in RSA 270:46-a, for violating any of the boating laws or rules of the division.

12 Repeal. RSA 6:12, I(z), relative to the boat safety fund, is repealed.

AMENDED ANALYSIS

This bill:

I. Makes laws relative to safe boater education and the minimum age of operation of motorized vessels apply only to the operation of vessels with greater than 25 horsepower. Currently, these laws apply only to the operation of vessels with greater than 15 horsepower.

II. Limits when a person under 16 years of age may not operate a motorized vessel.

III. Limits the issuance of safe boater certificates to persons 16 years of age or older.

IV. Directs certain fees to the navigation safety fund.

V. Requires the department of safety to submit an annual report on the division of safety services.

VI. Eliminates the boat safety fund.

VII. Eliminates the boating safety registration checklist.

HB 1317-FN-A-L, targeting aid for education to certain school districts. **REFER FOR INTERIM STUDY**

Rep. Frank V. Sapareto for Ways and Means: This bill when finished is designed to provide a fair and more accurate method of education funding. The committee wishes to proceed with exploring the issues in this bill, however, there are various technical difficulties that, due to time constraints, remain unresolved. The committee feels more time is necessary to work the details out, and the most important venue for this will be interim study Vote 16-0.

HB 1427-FN-A-L, establishing a property tax relief program for low income homeowners. **REFER FOR INTERIM STUDY**

Rep. Christine M. Konys for Ways and Means: The original bill, with the agreement of the prime sponsor, was replaced with an amendment by another sponsor which was to replace the entire bill. However, there were several changes to the bill as amended that the sponsor was still attempting to make, and did not have the time to do so. At the sponsor's suggestion, the committee voted to send the bill to interim study. Vote 15-0.

HB 1438-FN-A, relative to fees collected by the attorney general. **OUGHT TO PASS WITH AMENDMENT**

Rep. David J. Alukonis for Ways and Means: HB 1438 would increase some, and create other, business registration fees in order to fund a new dedicated fund whose monies would be used to offset the costs of operating the Consumer Protection Bureau in the Office of the Attorney General. The original bill would have targeted eight types of businesses with increased or newly enacted registration fees. The committee believes that these eight fees unfairly target a very small population of our business community. The amendment eliminates the dedicated fund and establishes a fee for the registration of health clubs to register with the Office of the Attorney General, but does not call for a registration fee or a fine for not filing. This has led to many health clubs not following the required registration requirements with no consequences for non-compliance. The amendment imposes an annual fee of \$100 on all health clubs and would impose a \$1,000 administrative assessment for failure to register. The committee believes that this fee will adequately cover the costs incurred by the Department. Vote 17-0.

Amendment (2778h)

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

AN ACT relative to registration of health clubs.

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

1 Health Clubs; Registration; Fee. Amend RSA 358-I:8, I to read as follows:

I. Any person, corporation, partnership, association, or other entity operating or intending to open or operate a health club within this state shall file a registration statement with the attorney general. Such registration statement ~~[shall be updated annually, and]~~ shall contain the name and address of the health club; the names and addresses of the officers, directors, and those stockholders who hold in excess of 20 percent of the health club and its parent corporation, if such an entity exists; the type of available facilities; a written list of each piece of equipment and each service which the club has available for use by buyers; approximate size of the health club measured in square feet; whether or not a shower area is provided; type of membership plans to be offered and their cost; and a full and complete disclosure of any completed or pending litigation initiated against the health club and any of its officers or directors within the last 3 years. ***A new registration statement shall be filed annually by the anniversary date of the filing of the original registration statement. Each registration statement shall be accompanied by a registration fee of \$100. Any person failing to file a registration statement within 90 days of the date due shall be subject to an administrative assessment of \$1,000.***

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

AMENDED ANALYSIS

This bill establishes registration fees for health clubs and administrative assessments for the late filing of health club registration statements.

regular calendar

HB 1301, relative to grounds for divorce for persons with minor children. **REFER FOR INTERIM STUDY**

Rep. Carolyn M. Gargas for Children and Family Law: The committee felt that the intention of the bill is laudable, to keep families with minor children intact and to reduce divorce. However, to remove irreconcilable differences as a reason for divorce and to revert to fault divorce for these families would cause more harm than good. In most cases divorce would still occur. For a parent to prove fault against the other parent would make divorce more acrimonious and more expensive. It would also make cooperation and co-parenting post-divorce more difficult. It was felt it would be more effective to take measures to strengthen marriage and deal with problems before a couple files for divorce. Vote 10-3.

Adopted.

HB 1150, relative to insurance compliance self-audits. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen G. Avery for the Majority of Commerce: This bill would allow insurance companies the ability to conduct internal insurance compliance self-audits, audits aimed at uncovering areas when the insurance company may have broken the law. Secondly, although the company must report the problems to the insurance department, it would also give them the privilege to keep the information

secret, immune from discovery, even when a New Hampshire consumer is injured by the insurance companies' bad acts. During the public hearing and the subcommittee work session, there was no evidence presented indicating that there is a problem that warrants this kind of law. Similar legislation has been defeated in Maine, Massachusetts, Connecticut, Rhode Island, New York and other states. While four states have enacted similar laws there is no compelling need for New Hampshire to do so. The whole Enron situation should raise a red flag, a warning that not all companies act properly, and that the manipulation and abuses relating to corporate audits does exist. The majority of the committee feels that this is not the time to give insurance companies this privilege. Vote 10-7.

Rep. Paul D. Spiess for the Minority of Commerce: Insurance is one of the most heavily regulated industries under state supervision. The myriad of laws, rules and regulations imposed at both the state and federal level make it extremely difficult for insurers to comply without constant internal and external audit examination and self-critical evaluation. This bill was intended to address the conflict between an insurer's desire to evaluate its business practices with an equally strong desire not to expose themselves unduly to litigation. The original bill would have exempted all the information developed by an internal audit or self-evaluation from "discovery" in legal action against the insurer. This privilege or protection is intended to encourage insurers to uncover and correct problems without the worry that their efforts would be turned against them in a court of law. The subcommittee, with input from the Insurance Department, amended the bill to limit this privilege only to the analysis and conclusions of the audit, not to the underlying facts of the examinations. In addition, the privilege would not extend to the insurance department, which would have full access to the entire report. Further, the amended bill would have required the insurer to take corrective action if a problem or violation were uncovered. If we want to encourage good business practices we must provide incentives for complex commercial entities to self evaluate their compliance with the law without running the risk that their efforts can be used against them in class action litigation. Any effort to compare this piece of legislation to the Enron fiasco is a disservice to the industry, the insurance department and the subcommittee that worked hard to encourage positive business practices.

Majority report adopted.

HB 1159, prohibiting mail-order pharmacies from substituting generic drugs without written authorization. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: The language in the amended version of this bill is modeled after administrative rule Ph 704.06. This legislation, as amended, would allow pharmacists to substitute generic drug products for all legend and non-legend prescriptions unless the practitioner specifies that the brand name drug product is medically necessary. Vote 10-5.

Amendment (2591h)

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

AN ACT relative to substituting generic drugs for legend and non-legend drugs.

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

1 New Section; Pharmacies May Substitute Generic Drugs. Amend RSA 318 by inserting after section 47-c the following new section:

318:47-d Pharmacies; Substituting Generic Drugs. Pharmacies, including mail-order pharmacies, may substitute generically equivalent drug products for all legend and non-legend prescriptions unless the prescribing practitioner specifies that the brand name drug product is medically necessary.

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

AMENDED ANALYSIS

This bill authorizes pharmacies, including mail-order pharmacies, to substitute generically equivalent drugs for legend and non-legend drugs unless the prescribing practitioner specifies that the brand name drug is medically necessary.

Adopted.

Report adopted and ordered to third reading.

HB 1365-FN, requiring that the county departments of correction be charged the medicaid or lowest rate for inmates who need medical services within the community. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Beth Rodd for the Majority of Criminal Justice and Public Safety: Most day to day medical care in county jail facilities is provided by on-site medical staff. When hospital care is required, the cost to county budgets is expensive and unpredictable. Due to changes in federal laws, inmates at county jails no longer qualify for Medicaid benefits. Counties are responsible for all medical costs incurred by inmates. The common practice at hospitals is to charge inmate patients the full cost of care with steep profits built in. Although the subcommittee encouraged the differing parties to negotiate a fair standard of cost and payment so that legislation could be avoided, they were unable to do so. This legislatively set formula allows hospitals to charge 110% of the current Medicare rate to county jails. This rate approximates accepted, private insurance rates commonly used in this industry. This bill is a reasonable approach to addressing sky-high health care costs that allow hospitals to realize a fair market profit while protecting counties from unregulated, excessive medical costs. Vote 9-5.

Rep. James R. Splaine for the Minority of Criminal Justice and Public Safety: Having the state dictate by law to any private or non-profit business what it must charge for any service or product is not a path the New Hampshire legislature should walk. The process of negotiation between business and the state or counties for services or products is our long-term, time-honored, proven tradition. It works well. It should not be changed by a law, no matter how well-intended.

Amendment (2715h)

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

AN ACT requiring that the county departments of correction be charged 110 percent of the Medicare rate for inmates who need medical services within the community.

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

1 New Paragraphs; Reimbursement Rate for Medical Care for Inmates Incarcerated in the County Prison Systems Established. Amend RSA 623:1 by inserting after paragraph II the following new paragraphs:

III.(a) Except as provided in subparagraphs (b) through (f) and notwithstanding any provision of law to the contrary, no hospital or emergency room shall charge a county or their agent more than 110 percent of the Medicare allowable rate for inpatient or emergency room care provided for inmates in county correctional facilities.

(b) Allowances provided by hospitals shall qualify as community benefits under RSA 7:32-d, III(b).

(c) Hospitals reported by the department of health and human services as having a negative operating margin in the most recent year for which hospital-audited financial data is available shall charge no more than 125 percent of the Medicare rate.

(d) A superintendent of a county correctional facility may waive the application of subparagraph (a) if the superintendent determines such action is necessary to ensure inmate access to medically necessary care.

(e) A superintendent of a county correctional facility may waive the application of subparagraph (a) if the superintendent determines such action to be necessary for the efficient operations of the county correctional facility.

(f) Nothing in this paragraph shall require a hospital to admit any person.

IV. Pharmacists shall substitute generically equivalent drug products for all legend and non-legend prescriptions paid for by the county department of corrections, including the medicaid program, unless the prescribing practitioner specifies that the brand name drug product is medically necessary. Such notification shall be in the practitioner's own handwriting and shall be retained in the pharmacist's file. The superintendent may waive the application of paragraph III if the superintendent determines such action is necessary to ensure the availability of prescription and other pharmaceutical services to persons served by the county or to avert serious economic hardship in the provision of prescriptions and other pharmaceutical services. The county commissioners shall adopt necessary rules and regulations to implement this paragraph.

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

AMENDED ANALYSIS

This bill requires that the county departments of correction be charged 110 percent of the Medicare rate for inmates who need medical services within the community.

Adopted.

Majority report adopted and ordered to third reading.

HB 1433, prohibiting constructive possession of alcohol by minors. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John E. Tholl, Jr. for the Majority of Criminal Justice and Public Safety: HB 1433 was the result of a two-year study dealing with DWI and its penalties. Testimony was received from law enforcement and others, including the administrative judge for the district courts, about the lack of ability to charge a person under the age of 21, who cannot legally consume alcoholic beverages, with possession, even though they have consumed large quantities. This contributes to the abuse of

alcohol in our cities and towns by underage drinkers. HB 1433 addresses this problem in two ways. It allows voluntary use of a testing device to determine the alcohol concentration, or by observation, that the underage person has consumed the alcoholic beverage and is intoxicated. The minority of the committee felt that this was a violation of search and seizure. There is nothing in HB 1433 that compels the underage person to take any test, and there is no penalty for refusal. Therefore it meets that the constitutional requirements. The majority of the committee felt that this was a public safety issue that needed to be addressed. Vote 10-4.

Rep. William J. Kelley for the Minority of Criminal Justice and Public Safety: This bill, although well intended, does not pass the test of constitutionality. *Welch vs. Wisconsin*, 466 US 740 (1984). The United States Supreme Court has held that the "exigent circumstances" warrant exception cannot be constitutionally applied to certain evidence of petty offenses not punishable by imprisonment. The only possible justification for allowing the police to compel a minor to take a warrantless breath test would be "exigent circumstances" needed to ascertain the minor's alcohol level. The crime in question, minor in possession of alcohol, is a petty offense not punishable by imprisonment. The bill is a clear violation of 4th and 5th amendment rights.

Amendment (2511h)

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

AN ACT prohibiting intoxication and constructive possession of alcohol by minors.

Amend the bill by replacing section 1 with the following:

1 Alcoholic Beverages; Unlawful Possession; Intoxication and Constructive Possession.
Amend RSA 179:10 to read as follows:

179:10 Unlawful Possession *and Intoxication.*

I. Except as provided in RSA 179:23, any person under the age of 21 years who has in his ***or her*** possession any liquor or alcoholic beverage, ***or who is intoxicated by consumption of an alcoholic beverage, or who demonstrates constructive possession by having an alcohol concentration as defined in RSA 259:3-b of .02 or more***, shall be guilty of a violation and shall be fined a minimum of \$250. Any second and subsequent offense shall be fined at least \$500. No portion of this mandatory minimum fine shall be waived, continued for sentencing, or suspended by the court. ***In addition to the penalties provided in this section, the court may, in its discretion, impose further penalties authorized by RSA 263:56-b.***

II. Except for persons convicted on the basis of constructive possession, any person under the age of 21 years convicted of unlawful possession of liquor or beverage shall forfeit the same, and it shall be disposed of as the court directs. The proceeds, if any, shall be paid into the treasury of the county in which the proceedings were determined.

AMENDED ANALYSIS

This bill establishes that a person under the age of 21 is guilty of unlawful possession of alcohol if he or she demonstrates constructive possession by having an alcohol concentration of .02 or more, and is guilty of a violation if he or she is intoxicated by consumption of an alcoholic beverage.

Adopted.

Majority report adopted and ordered to third reading.

HB 1190, relative to local school management of teacher hiring and retention. **OUGHT TO PASS WITH AMENDMENT**

Rep. Warren C. Henderson for Education: This bill, as amended, gives much needed flexibility to our local school districts to hire non-certified teachers in cases where a critical local shortage exists or where there is an exceptional individual available to teach who is not certified. The majority of the committee strongly felt that giving this limited authority to local districts, as opposed to the current system in which the state wields almost total control, is long overdue. There is every reason to believe that local school leaders will work to assure that the best available person is recruited to teach because they are on the front lines of assuring educational excellence. Vote 15-3.

Amendment (2607h)

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

AN ACT relative to a one-year certificate of eligibility to teach.

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

1 New Sections; School Boards; Critical Staffing Shortages; One-Year Certificate of Eligibility. Amend RSA 189 by inserting after section 39 the following new sections:

189:39-a Critical Staffing Shortages. Notwithstanding a determination of critical staffing shortage made by the department of education, a superintendent, with the approval of the local school board, may determine that a critical staffing shortage exists in one or more specific teaching areas within the school district. The department of education shall be notified of any critical staffing shortages which have been determined in a school district within 30 days of such determination.

189:39-b One-Year Certificate of Eligibility.

I. The local school board, in consultation with the superintendent, may offer a one-time, one year certificate of eligibility to any person interested in teaching on a full-time or part-time basis, without requiring a person to possess a teaching credential, teaching license, or other teaching certification provided that such person:

(a) Possesses at least a bachelor's degree from an accredited postsecondary institution.

(b) Is subject to a background investigation pursuant to RSA 189:13-a.

(c) Is qualified for the position by relevant experience and education.

II. The school board, with input from the superintendent, shall formulate the terms of the certificate of eligibility which shall contain no tenure provisions.

III. The department of education shall be notified of the issuance of all certificates of eligibility within 30 days of the date of issuance.

IV. Any person who has had a teaching credential, teaching license, or other teaching certification revoked under RSA 189:14-c or RSA 189:14-d, or who has been rendered ineligible to be employed as a teacher under another provision of law, shall not be eligible to teach under this section.

V. No person shall be offered more than one certificate of eligibility under this section.

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

AMENDED ANALYSIS

This bill allows a local school board or superintendent to offer a one-time, one-year certificate of eligibility allowing a person to teach on a full-time or part-time basis, without requiring such person to possess a teaching credential, teaching license, or certification, provided certain conditions are fulfilled. The bill also authorizes a superintendent with the approval of the local school board to determine that a critical shortage areas exists in any teaching area within the school district.

Adopted.

Report adopted and ordered to third reading.

HB 1244, establishing a committee to study the curriculum content of an adequate education.
INEXPEDIENT TO LEGISLATE

Rep. Bruce L. Dearborn for Education: The sponsor of this bill was concerned that the existing study groups and commissions were not moving forward rapidly enough. Testimony from the two members of the Education Committee who are on the Adequacy Commission indicated that they and the other members of the Commission are actively pursuing the adequacy issue and the many facets it covers. Vote 14-4.

Adopted.

HB 1260-FN, relative to certification and licensing of teachers and school administrators. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles E. Sova for Education: The amendment requires the State Board of Education to adopt rules for the recertification of teachers by using a peer review process. This process could include rules for mentoring as part of the process. Vote 13-5.

Amendment (2686h)

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

1 New Subparagraph; State Board of Education; Rulemaking. Amend RSA 186:8 by inserting after subparagraph V the following new subparagraph:

VI. Peer review procedures for the recertification of teachers, provided that such recertification shall be available to teachers who hold a valid teaching credential and have been teaching for 5 or more years in the elementary or secondary schools of this state.

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

AMENDED ANALYSIS

This bill requires the state board of education to adopt rules for the recertification of teachers through a peer review process, provided the teacher holds a valid teaching credential and has been teaching for 5 or more years in the elementary or secondary schools of this state.

Adopted.

Report adopted and ordered to third reading.

HB 1474, relative to creating county commissioner districts in Strafford county. **INEXPEDIENT TO LEGISLATE**

Rep. Michael S. Rollo for Election Law: The bill as presented to the committee would have established three separate county commissioner districts in Strafford County. The committee heard no compelling evidence as to why things should change. The argument was made that the nine other counties do this, why shouldn't Strafford? Strafford County is unique in that it is the smallest county in land mass and is serviced by only one daily paper. The end result is the concerns of all citizens are heard no matter where they reside. As chance may have it, the current commissioners now are from different regions of the county. This committee applauds the attempts by the sponsor, but is uncomfortable changing the law without just cause. Vote 15-2.

Adopted.

HB 1267-FN-L, relative to a ban on landfilling and incinerating aluminum cans. **WITHOUT RECOMMENDATION**

Rep. Babson moved Inexpedient to Legislate and spoke in favor.

Adopted.

HB 1313, relative to spreading sludge on excavation sites for reclamation. **REFER FOR INTERIM STUDY**

Rep. James G. Phinzy for Environment and Agriculture: The basic premise of this legislation is sound. However, further work is necessary to clarify certain definitions and references. While the Interim Study is being completed, "EPA" and the "The McDowell" Report will be published and will aid completion of this Interim Study. Vote 10-9.

Adopted.

HB 1318, relative to the regulation of the use of pharmaceutical agents by licensed optometrists. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael O'Neil for Executive Departments and Administration: New Hampshire optometrists have had the authority to diagnose glaucoma for over eight years. This bill begins the first step in allowing optometrists to treat this disease. The subcommittee reviewed numerous drafts and amendments to assure the committee that all possible avenues have been taken to ensure patient safety. The amendment provides a process whereby an optometrist can be certified to treat glaucoma

patients, by a collaborative agreement between the patient, the optometrist and the ophthalmologist. In addition, optometrists will complete at least 40 hours of classroom education on medical issues relating to glaucoma and its treatment and then pass an examination approved by the Board of Optometry. After certification, optometrists shall refer each new glaucoma patient within 30 days to an ophthalmologist for confirmation of diagnosis and review of the treatment plan. The committee felt that this approach adequately addresses the issue of patient safety. Vote 13-1.

Amendment (2822h)

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

AN ACT relative to the regulation of the use of pharmaceutical agents and the treatment of glaucoma by licensed optometrists.

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

1 Definitions Amended; Pharmaceutical Agent; Practice of Optometry. Amend RSA 327:1, III and IV to read as follows:

III. "Pharmaceutical agent" means the following pharmaceutical products:

- (a) Non-legend, over the counter, agents.
- (b) Mydriatic and cycloplegic agents which are topically applied.
- (c) Miotic agents approved by the joint pharmaceutical formulary ~~[board]~~ **and credentialing committee** and included in the formulary.
- (d) Antibiotics, sulfonamides, and combinations thereof, which are topically applied or orally administered to treat or alleviate the effects of disease or abnormal conditions of the human eye, adnexa, and eyelids, excluding ~~[treatment of the lacrimal drainage system,]~~ the lacrimal gland, or structures posterior to the iris, approved by the joint pharmaceutical formulary ~~[board]~~ **and credentialing committee** and included in the formulary.
- (e) **Anti-allergy medications, including but not limited to** antihistamines, decongestants and mast-cell stabilizers which are topically applied.
- (f) Anesthetics and dyes which are topically applied.
- (g) Ocular lubricants and hypertonic agents which are topically applied.
- (h) Orally administered analgesic agents used for the purpose of alleviating pain caused by a disease or abnormal condition of the human eye or eyelid, excluding ~~[treatment of the lacrimal drainage system,]~~ the lacrimal gland, or structures posterior to the iris. This may include class III and IV controlled substances approved by the joint pharmaceutical formulary ~~[board]~~ **and credentialing committee** and included in the formulary.
- (i) Other pharmaceutical agents, any solely diagnostic agents, and diagnostic agents combined with pharmaceutical agents as defined in this paragraph and as approved by the joint pharmaceutical formulary ~~[board]~~ **and credentialing committee**.

(j) Non-steroidal anti-inflammatory agents approved by the joint pharmaceutical formulary [board] **and credentialing committee** and included in the formulary

(k) Anti-glaucoma agents which are topically applied provided that optometrist may dispense or prescribe such agents if the optometrist has met the requirements of RSA 327:6-c.

(l) Corticosteroids which are topically applied, as approved by the joint pharmaceutical formulary and credentialing committee.

(m) Antivirals which are topically applied, provided that prior to dispensing or prescribing the therapeutic pharmaceutical agent certified optometrist shall consult with an ophthalmologist with whom he or she has a collaborative relationship. The consultation shall be in a manner to be determined by the ophthalmologist.

(n) Corticosteroids or antivirals, provided that optometrists with patients on corticosteroids or antivirals who demonstrate no improvement in 10 days shall be referred to an ophthalmologist.

IV. "Practice of optometry" means the employment of any methods or means, other than surgery, for the:

(a) Diagnosis and treatment of any optical defect, deficiency, deformity, or disease of the human eye, adnexa and eyelids.

(b) Diagnosis and treatment of any visual or muscular anomaly of the visual system.

(c) Adaptation or prescribing of spectacle lenses, contact lenses, prisms or ocular exercises for the correction, relief or aid of the visual functions.

(d) Prescribing, administering or dispensing of pharmaceutical agents.

(e) The application or removal of Food and Drug Administration approved medical devices as approved by the board and consistent with the practice of optometry as set forth in this chapter including, but not limited to, contact lenses and punctal plugs. ["Practice of optometry" shall not include and nothing in this chapter shall authorize or allow the treatment of glaucoma or other intraocular pressure elevation, or the prescribing, administering, or dispensing of cortico-steroids in any form.]

(f) Diagnosis of acute angle closure glaucoma. Upon such diagnosis, an optometrist may administer emergency care and shall immediately refer the patient to an ophthalmologist. Oral pharmaceutical agents may be used for the emergency treatment of acute angle closure glaucoma.

2 Joint Pharmaceutical Formulary and Credentialing Committee. RSA 327:6-b is repealed and reenacted to read as follows:

327:6-b Joint Pharmaceutical Formulary and Credentialing Committee.

I. The joint pharmaceutical formulary and credentialing committee shall be comprised of 3 optometrists licensed under RSA 327 appointed by the New Hampshire Optometric Association, 3 ophthalmologists licensed under RSA 329 appointed by the New Hampshire Society of Eye Physicians and Surgeons, and 3 pharmacists licensed under RSA 318 appointed by the pharmacy board. Members shall serve terms of 5 years and shall not be eligible for a second consecutive term. The initial members shall be appointed for staggered terms as follows: one optometrist, one ophthalmologist, and one pharmacist for a term of 5 years; one optometrist, one ophthalmologist, and one pharmacist for a term of 4 years; and one optometrist, one ophthalmologist, and one pharmacist for a term of 3 years. All members shall be residents of the state of New Hampshire. Neither they nor their spouses shall have any material financial interest in the provision of eye care services other than that which is directly related to the practice of their professions. Matters to be brought before the board shall be filed in writing with the chairperson at least 30 days prior to the scheduled meeting. Any member of the committee may submit items to be assigned to the agenda for consideration. Agendas shall be posted on the board of optometry's public access Internet site at least 10 days prior to committee meetings.

II. The committee shall meet quarterly to:

- (a) Review glaucoma reporting forms and develop prescription drug protocols;
- (b) Develop a glaucoma reporting form and patient consent form;
- (c) Approve corticosteroids for optometric use;
- (d) Determine which combination medications shall be considered one medication for the purposes of treating glaucoma patients.
- (e) Provide minutes of their meetings to the board, the board of medicine, and the pharmacy board;
- (f) Determine which optometrists have successfully completed the requirements of RSA 327:6-c and maintain a list of such optometrists; and
- (g) Maintain a current list of approved prescription drugs which shall be available from the board.

III. Violations of this section shall be reported in writing to the board of pharmacy and to the board of registration in optometry, which shall investigate alleged violations and take disciplinary actions as appropriate under RSA 327:20. The joint pharmaceutical formulary and credentialing committee shall be apprised of all reported violations of this section and shall receive copies of all reports, findings, and disciplinary action taken. The use of any pharmaceutical agents by an optometrist not authorized under RSA 327:6-a or, other than those agents described in RSA 327:1 or those approved by the joint pharmaceutical formulary and credentialing committee shall be considered a violation of RSA 327:20.

3 New Section; Treatment of Glaucoma. Amend RSA 327 by inserting after section 6-b the following new section:

327:6-c Treatment of Glaucoma.

I.(a) Optometrists seeking authorization to treat glaucoma shall complete at least 40 hours of classroom education, approved by the board, incorporating: epidemiology of the glaucomas; genetics of the glaucomas; anatomy, physiology and mechanics of aqueous inflow and aqueous outflow; optic nerve anatomy and pathophysiology; neurotoxicity and neuroprotectants; receptor biology; pharmacology, clinical use and toxic effects of alpha and beta adrenergic agents, carbonic anhydrase inhibitors, prostanoids and cholinergic agents.

(b) Optometrists shall pass an examination approved by the board that covers the educational components listed in subparagraph (a). Upon passage of such exam, the optometrists shall have prescriptive authority during the clinical management period pursuant to RSA 327:6-a.

(c) The board may waive the requirements of subparagraphs (a) and (b) for optometrists who have graduated after 2002.

II.(a) To be authorized to initiate treatment of glaucoma for patients 18 years of age or older, a therapeutic pharmaceutical agent certified optometrist shall complete the educational requirements in paragraph I and provide evidence of written referrals and consultations with an ophthalmologist. For purposes of this section, "glaucoma" means primary open-angle glaucoma; "ophthalmologist" means a physician licensed under RSA 329 with a specialty in ophthalmology; and "treatment" means the use of no more than 2 concurrent topical prescription glaucoma medications. The joint pharmaceutical formulary and credentialing committee shall review evidence of glaucoma co-management submitted pursuant to subparagraph (b).

(b) Except as provided in paragraph III, therapeutic pharmaceutical agent certified optometrists are required to provide evidence of successful collaborative treatment and co-management of 40 glaucoma patients, up to 20 of which may be established patients, during a period of not less than 18 months for each patient, to ophthalmologists according to the following criteria:

(i) A new or existing glaucoma patient is examined and diagnosed by the optometrist;

(ii) The optometrist develops a proposed treatment plan and forwards the plan with examination documentation to an ophthalmologist for consultation;

(iii) The ophthalmologist, examines the patient and reviews the optometrist's examination documentation and proposed treatment plan;

(iv) The ophthalmologist, optometrist, and patient mutually agree to and document a treatment plan;

(v) The optometrist shall refer the patient within 30 days to the co-managing ophthalmologist when any of the following occurs: the patient's target pressure is not reached within 90 days; the patient requires more than 2 prescription glaucoma medications; the patient is experiencing progression of optic nerve damage or visual field loss; or the patient develops angle-closure or other secondary glaucoma; and

(vi) For each glaucoma patient the optometrist shall complete a glaucoma credentialing reporting form and submit the form to the joint pharmaceutical formulary and credentialing committee upon completion of the 18 months of treatment.

III. The following categories of optometrists may petition the joint pharmaceutical formulary and credentialing committee to waive or reduce the consultation requirement from 40 to 20 patients:

(a) Optometrists who have graduated after 2002;

(b) Optometrists with proof of 12 months of credentialed privileges to treat glaucoma by the U.S. Department of Defense, U.S. Department of Veteran Affairs, or the National Indian Health Service;

(c) Optometrists with a license and proof of practice for 12 months in another state that currently authorizes the treatment of glaucoma by optometrists; or

(d) Optometrists who have completed a 12-month accredited optometric residency program or its equivalent.

IV.(a) Upon certification to treat glaucoma patients, for a period of 24 months, optometrists shall refer each new glaucoma patient within 30 days to an ophthalmologist for confirmation of diagnosis and review of treatment plan. After the 24-month period, optometrists shall consult with an ophthalmologist upon diagnosis of a new glaucoma patient. An optometrist shall refer a glaucoma patient within 30 days when any of the following occurs:

(i) The patient's target pressure is not reached within 90 days;

(ii) The patient requires more than 2 prescription glaucoma medications;

(iii) The patient is experiencing progression of optic nerve damage or visual field loss; or

(iv) The patient develops angle-closure or other secondary glaucoma.

(b) Upon certification to treat glaucoma patients, the board shall issue a license awarding the optometrist with a "tpa/g" certification.

4 Continuing Education; Pharmaceutical and Glaucoma Certification. RSA 327:33-a is repealed and reenacted to read as follows:

327:33-a Continuing Education Courses Required for Pharmaceutical and Glaucoma Certification.

I. An optometrist certified to use pharmaceutical agents in the practice of optometry shall complete a minimum of 50 hours of continuing education every year in order to maintain pharmaceutical certification. A minimum of 20 hours shall be by participation in formal courses and the remainder by independent study. Each optometrist shall report continuing education hours to the board annually in accordance with rules adopted by the board for the implementation of this section. Such continuing education courses and activities shall satisfy the requirements of RSA 327:33.

II. An optometrist certified to treat glaucoma shall complete a minimum of 10 of the required hours in glaucoma specific education. A minimum of 7 hours shall be by participation in formal courses and 3 hours may be by independent study.

5 Continuation of Formulary. The formulary adopted by the joint pharmaceutical formulary board and in effect immediately prior to the effective date of this act shall continue in effect under the joint pharmaceutical formulary and credentialing committee as inserted by this act

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

AMENDED ANALYSIS

This bill allows licensed optometrists to use certain pharmaceutical agents in the treatment of glaucoma and conditions and diseases of the eye.

Adopted.

Report adopted and ordered to third reading.

HB 1351-FN, granting group II retirement system status to certain positions in the department of corrections. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: The bill was intended for interim study but was voted inexpedient to legislate late in the day for the following reasons: 1. A list of 60 department of corrections positions now in group I, that were recommended for group II, made up the bill. 2. After the list was made, 6 positions were removed. 3. When the scope of work for each of the positions was reviewed, it appeared that some did not meet group II requirements. The subcommittee asked for interim study for time to review each job description in detail, which was ultimately not granted in the full committee. While it is realized that this action results in having to have to submit a new bill to be acted on in 2003, it will give a new committee with new ideas an opportunity to resolve this issue. Vote 9-5.

Adopted.

HB 1388, relative to respiratory care. **OUGHT TO PASS WITH AMENDMENT**

Rep. Judson K. Dexter for Executive Departments and Administration: This bill replaces the current respiratory care practice act, which has not been up dated in over ten years. This bill reflects the changes in education, technology and training of respiratory care practitioners. This bill also clarifies definitions of diagnostic and therapeutic medications, criteria for licensure, examination criteria, the certifying board, interim licensing, rights of the consumer and public safety. Vote 13-0.

Amendment (2793h)

Amend RSA 326-E:1, V as inserted by section 2 of the bill by replacing it with the following:

V. "Performance of respiratory care" means respiratory care in accordance with the prescription of a licensed physician, licensed osteopath, certified physician assistant or nurse practitioner, including but not limited to, the diagnostic and therapeutic use of the following:

(a) Administration of medical gases (except for the purpose of anesthesia), aerosols, and humidification.

(b) Pharmacologic agents related to respiratory care procedures.

(c) Mechanical or physiological ventilatory support.

(d) Bronchopulmonary hygiene.

(e) Cardiopulmonary resuscitation.

(f) Insertion and maintenance of artificial airways.

(g) Specific diagnostic and testing techniques employed in the medical management of patients to assist in diagnosis, monitoring, treatment, and research of pulmonary abnormalities, including measurements of ventilatory volumes, pressures and flows, collection and analysis of specimens of blood and blood gases and specimens from the respiratory tract, expired and inspired gas samples, respiratory secretions, and pulmonary function testing and hemodynamic and other related physiologic measurements of the cardiopulmonary system.

Amend RSA 326-E:2 as inserted by section 2 of the bill by deleting RSA 326-E:2, V.

Amend RSA 326-E:3, V as inserted by section 2 of the bill by replacing it with the following:

V. The applicant applying for license under paragraph III shall practice under the indirect supervision and responsibility of a licensed respiratory care practitioner in this state, providing the applicant obtains an interim license as defined in RSA 326-E:6 and a current supervisory form is on file with the board.

Amend RSA 326-E:4, I as inserted by section 2 of the bill by replacing it with the following:

I. Examinations for licensure in respiratory care shall be in English, nationally standardized, and administered by the National Board of Respiratory Care, Inc. or its successor organization as approved by the board. Examinations shall be made available no fewer than 2 times a year and in such places as may be determined by the board.

Amend RSA 326-E:5, III as inserted by section 2 of the bill by replacing it with the following:

III. A person matriculated in an accredited respiratory care or polysomnographic technology education program shall display appropriate identification.

Amend RSA 326-E:6 as inserted by section 2 of the bill by replacing it with the following:

326-E:6 Interim License.

I. The board shall issue an interim license, upon payment to the board, to qualified applicants who have filed an application with the board and who:

(a) Have graduated from an approved respiratory care program and are awaiting examination and results of a national examination administered by the National Board of Respiratory Care, Inc., or its successor organization and as approved by the board; or

(b) Have been educated outside of the United States and are awaiting verification of credentials and education in English and examination and results of a national examination administered by the National Board of Respiratory Care, Inc., or its successor organization and as approved by the board; or

(c) Are meeting continuing education requirements set by the board prior to obtaining a license.

II. The interim license shall be valid for up to 6 months and shall not be renewable.

III. An interim license shall authorize its holder to engage in the practice of respiratory care under the supervision of a licensed respiratory care practitioner in this state.

(a) Applicants who do not have a current license in another state shall practice only under direct supervision.

(b) Applicants who have a current license in another state shall practice under indirect supervision.

IV. The interim license shall terminate when:

(a) The applicant has been issued a full license;

(b) The expiration date on the interim license as set by the board has been reached;

(c) Six months have elapsed from date of issue;

(d) Upon notification to the board that the applicant has failed the national examination;

(e) The supervisor of record has withdrawn support for cause;

(f) The holder has failed to file a new supervisory form within 5 days when there has been a change in the supervisor of record;

(g) When an out of state license validation reveals information that would cause the board not to issue a license; or

(h) Because of actions taken pursuant to RSA 328-F:18, V or RSA 328-F:26.

Amend RSA 326-E:11 as inserted by section 2 of the bill by replacing it with the following:

326-E:11 Training; Assistive Personnel. The assembly, delivery, maintenance, repair, and testing of respiratory care equipment and supplies shall be performed by respiratory care practitioners and other personnel in conformity with rules adopted by the board under RSA 541-A and RSA 326-E:2.

Amend RSA 326-E:12 as inserted by section 2 of the bill by replacing it with the following:

326-E:12 Penalties. An individual, corporation, or unincorporated association that violates any part of this chapter shall be guilty of a misdemeanor.

Adopted.

Report adopted and ordered to third reading.

HB 179-FN, including 17 year olds under RSA 169-B, the juvenile delinquency statute. **OUGHT TO PASS**

Rep. Mary Jane Wallner for Finance: This bill would raise the age of adult criminal responsibility from 17 years to 18 years, effective July 1, 2004. This bill, and the policy it embodies, indicates that juveniles between age 17 and 18 are best served in the juvenile justice system, where they can receive appropriate services and the intensive supervision that are not available in the adult criminal justice system. The bill was supported by the Children and Family Law Committee and by the full House. This bill does not change existing law, which permits serious, violent or repeat juvenile offenders to be tried in the adult system through the certification process that was strengthened by the General Court in 1996. The counties that have financial responsibility for both the portion of the cost of services provided by the juvenile justice system and the costs of operation of the county correctional system testified that they were neutral on this bill.

There is no cost to the state budget in this biennium or the first year of the next biennium, since the bill takes effect on July 1, 2004. When the bill takes effect, the annual cost is estimated to be approximately \$650 thousand per year in general funds to cover the cost of services and Juvenile Probation and Parole Officers to supervise the 17-year-olds. The county share of additional services will be approximately \$111 thousand annually. It is difficult to estimate cost savings to the state and county from not serving 17-year-olds in the adult corrections system. Vote 17-2.

Adopted and ordered to third reading.

HB 212-FN, providing an alternative method of calculating state education property tax hardship relief. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marjorie K. Smith for Finance: This bill, as amended, accomplishes three goals: 1) It corrects an omission in which the general court provided funds in the current budget for DRA to administer the property tax hardship relief program, but neglected to establish the necessary positions. 2) It corrects an inequity created when citizens of certain cities and towns who otherwise would have been eligible for state education property tax hardship relief inadvertently lost that eligibility because the cities and towns, acting however laudably, revaluated property in their jurisdiction. 3) It allows DRA to use rules already in place. This correction was necessary only for the property tax year beginning April 1, 2001. It is estimated that the cost will be less than \$300,000. Funds far in excess of this amount are already in the budget for this purpose. Vote 17-0.

Amendment (2630h)

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

AN ACT providing an alternative method of calculating state education property tax hardship relief and authorizing the commissioner of the department of revenue administration to establish certain positions.

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

VIII. Each claim shall be accompanied by copies of the claimant's 1998 and 2001 property tax bills for the homestead and by a copy of the claimant's 2000 federal income tax return. Claimants who were not required to file a federal tax return for the 2000 tax year may submit an affidavit to such effect in lieu of a tax return, which document shall include the claimant's social security number. A claimant who asserts ownership in a homestead because he or she holds equitable title, or the beneficial interest for life, in the homestead shall also submit a copy of the document creating such interest and a copy of the federal tax return, if any, for the 2000 tax year, of the trust holding legal title to the homestead. Any documents submitted shall be considered confidential, and protected under RSA 21-J:14.

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

XI. The provisions of RSA 198:53 and RSA 198:54, relative to penalties for fraudulent filings and appeals to the board of tax and land appeals shall apply to claimants filing under this act. Rules adopted by the commissioner of the department of revenue administration relative to the administration and enforcement of the hardship relief program under RSA 198:50-55 shall, where pertinent, also apply to the administration and enforcement of this act.

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

3 Authority to Establish Positions. The commissioner of the department of revenue administration is authorized to establish positions necessary to implement the low and moderate income homeowners property tax relief program under RSA 198:56-61.

AMENDED ANALYSIS

This bill provides an alternative method of calculating state education property tax hardship relief for the property tax year beginning April 1, 2001.

The bill also authorizes the commissioner of the department of revenue administration to establish positions necessary to implement the low and moderate income homeowners property tax relief program under RSA 198:56-61.

Adopted.

Report adopted and ordered to third reading.

HB 1231-FN, implementing a pre-engineering technology curriculum in the public high schools in the state. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elizabeth S. Hager for Finance: An optional pre-engineering technology curriculum in our public schools will prepare our young people for more successful careers and provide the staff for economic development of high-tech business in our state. The amendment takes \$250,000 of bonded funds previously appropriated for regional vocational schools, but not used, to pay for a portion of classroom equipment necessary to get the programs started. Operating expenses will be the responsibility of the participating school districts. Vote 20-0.

Amendment (2752h)

Amend the bill by replacing section 2 with the following:

2 Capital Appropriation; Bonds Authorized. To provide funds for this act, any remaining sums in the appropriation originally designated in 1973, 567:1 (former RSA 188-E:10), and as amended, for construction appropriation for the state board of education to make grants to regional vocational education centers are hereby transferred for the purposes of this act and appropriated to the department of education. The commissioner is authorized to grant these funds for implementation of the pre-engineering technology curriculum available to all public secondary schools and regional career and technical centers. The state treasurer is hereby authorized to borrow upon the credit of the state not exceeding said sum and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state. The bonds shall be 5-year bonds. This appropriation shall lapse June 30, 2005.

AMENDED ANALYSIS

This bill establishes a pre-engineering technology curriculum in the public high schools in the state and creates a pre-engineering technology curriculum advisory council to advise the department of education on the implementation of such curriculum. The bill also transfers a capital appropriation to implement the pre-engineering technology curriculum.

Adopted.

Report adopted and ordered to third reading.

HB 1233-FN-A, requiring an audit of the department of education and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Finance: This bill would require a performance audit of the Department of Education (DOE) to be started on or about July 1, 2002 and completed by February 1, 2003. Since 1999, five DOE audits, requiring thousands of work hours, have been performed. 1) July 1999 – Special Education, CAT Aid Program. 2) June 2000 – Financial and Compliance Audit Report. 3) June 2001 – Single Audit of Federal Financial Assistance Programs. 4) August 2001 – Bureau of Vocational Rehabilitation and Service Delivery. 5) September 2001 – Construction and Renovation Programs. The committee believes that if a new audit were authorized, the scope and parameters should be more narrowly delineated. The process and procedure for performance audits is clearly defined in RSA 17-N, which established a ten-member Legislative Performance Audit and Oversight Committee. Its charge is to consider the need to review state departments, boards, institutions, commissions and agencies, and to make recommendations to the Fiscal Committee for such reviews as provided in RSA 14:30-a, II. The nine-member LBA Audit Division is currently working on four audits. An additional topic has been approved, but the work has not yet begun. This bill does not specify whether or not these "works in progress" would cease in order to perform this particular audit. The Committee believes that, if any further audit of the Department of Education is to be done, its purpose should be clearly defined, and it should be effected through the existing statutory procedures. Vote 17-3.

Reps. Judith Sullivan and Winter spoke against and yielded to questions.

Rep. Foster spoke in favor and yielded questions.

Rep. Francoeur spoke in favor.

Rep. Judith Sullivan requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 273 NAYS 83

YEAS 273

BELKNAP

Czech, Stanley	Holbrook, Robert	Johnson, William	Millham, Alida
Nedeau, Stephen	Rice, Thomas Jr	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	Espieffs, Peter	Liebl, George	Manning, Joseph
McGuirk, Paul	Meader, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Slack, Pamela Russell	Smith, Edwin
Weed, Charles	Zerba, Roger		

COOS

Bradley, Paula	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Rodrigue, Robert	Tholl, John Jr	Woodward, David

GRAFTON

Akins, Ralph	Almy, Susan	Barker, Robert	Benn, Bernard
Cooney, Mary	Dudley, Terri	Eaton, Stephanie	Gabler, William
Ham, Bonnie	Marshall, Gene	Nordgren, Sharon	Pawlek, Marion
Scanlan, David	Scovner, Nancy	Sokol, Hilda	Solow, Martha
Teschner, Douglass			

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Andosca, Mary	Artz, Lawrence
Balcom, John	Baroody, Benjamin	Batula, Peter	Bellavance, Paul
Bouchard, David	Bragdon, Peter	Brundige, Robert	Buckley, Raymond
Calawa, Leon Jr	Cardin, Lori	Carlson, Donald	Clayton, William
Clemons, Jane	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Daigle, Robert	Desrosiers, William	Dionne, David
Dionne, Kimberley	Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard
Dwyer, Paul	Dyer, Merton	Eaton, Richard	Elliott, Larry
Emerton, Lawrence Sr	Fields, Dennis	Ford, Nancy	Foster, Linda
Furman, Christine	Gargasz, Carolyn	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary	Goulet, Maurice
Graham, John	Greenberg, Gary	Guinta, Frank	Hall, Betty
Hall, Charles	Herman, Keith	Holden, Randolph	Jean, Claudette
Johnson, Lionel	Kacavas, John	Keye, Harvey	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Leach, Edward
Leishman, Peter	Lessard, Rudy	Lynde, Harold	Martel, Andre
McDonough-Wallace, Alice	Melcher, Harold	Messier, Irene	Movsesian, Lori
Murphy, Robert	O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Shaw, Barbara	Spiess, Paul	Sullivan, Peter	Sweeney, Cynthia
Tahir, Saghir	Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert
White, John	Williams, Carol		

MERRIMACK

Anderson, Eric	Bouchard, Candace	Burney, Carol	Clarke, Claire
Colcord, J D	Crosby, Toni	Cummings, Raymond	Daneault, Gabriel
Davis, Frank	Dunne, Christopher	Fraser, Leo Jr	French, Barbara
Gile, Mary	Greco, Vincent	Hager, Elizabeth	Hess, David
Langer, Ray	Leber, William	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	Owen, Derek	Potter, Frances	Reardon, Tara
Rodd, Beth	Rush, Deanna	Seldin, Gloria	Swindlehurst, John

Wallner, Mary Jane

Whalley, Michael

Yeaton, Charles

ROCKINGHAM

Arndt, Janet

Belanger, Ronald

Blanchard, MaryAnn

Bowles, Raimond

Boynton, James

Clark, Martha Fuller

Clark, Vivian

Coes, Betsy

Cooney, Richard

Cox, Russell

Dalrymple, Janeen

Dearborn, Bruce

Dowling, Patricia

Downing, Michael

Fesh, Bob

Flanders, John Sr

Francoeur, Sheila

Gilbert, Jeffrey

Griffin, Mary

Hamel, Albert

Holland, James Jr

Johnson, Robert

Kane, Cecelia

Katsakiores, George

Katsakiores, Phyllis

Kobel, Rudolph

Langley, Jane

Letourneau, Robert

Major, Norman

McGuire, Robert

McKinney, Betsy

Micklon, Stephanie

Morse, Charles

Norelli, Terie

Nowe, Ronald

O'Keefe, Patricia

O'Neil, Michael

Packard, Sherman

Pantelakos, Laura

Pitts, Jacqueline

Priestley, Anne

Rausch, James

Robertson, Carl

Saia, Pamela

Shultis, Elizabeth

Sloan, Stephen

Splaine, James

Stone, Joseph

Stritch, C Donald

Varrell, Thomas

Weatherspoon,
Jacquelyne

Welch, David

Whittier, John

Zolla, William

STRAFFORD

Berube, Roger

Bickford, David

Brennan, William

Callaghan, Frank

Cossette, Larry

DeChane, Marlene

Dunlap, Patricia

Estabrook, Iris

Ferland, Paul

Gilmore, Gary

Goodwin, Earle

Grassie, Anne

Hughes, Christopher

Johnson, Nancy

Kaen, Naida

Knowles, William

Lent, Donald

McCarthy, Gerald

Musler, George

Pelletier, Arthur

Proulx, Raymond

Reid, Christopher

Rollo, Michael

Smith, Marjorie

Snyder, Clair

Spang, Judith

Taylor, Kathleen

Tsiros, William

Wall, Janet

Woodill, Rodney

SULLIVAN

Allison, David

Burling, Peter

Cloutier, John

Ferland, Brenda

Flint, Gordon Sr

Franklin, Peter

Harris, Joseph

Harris, Sandra

Jones, Constance

Phinizy, James

Robb, Amy

Rodeschin, Beverly

NAYS 83

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Dewhirst, Glenn	Pilliod, James
Rosen, Ralph	Wendelboe, Fran		

CARROLL

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

CHESHIRE

Edwards, Dana	Emerson, Susan	Fairbanks, Chandler	Hunt, John
Roberts, William			

COOS

Davis, Perley	Pratt, Leighton
---------------	-----------------

GRAFTON

Alger, John	Cobb, John	Gilman, G Michael	Giuda, Robert
Lovett, Sid	Sova, Charles	Ward, Brien	Williams, Burton

HILLSBOROUGH

Balboni, Michael	Bergeron, Jean-Guy	Bruno, Pierre	Christensen, D L Chris
Christiansen, Lars	Clegg, Robert Jr	Gleneck, David	Haley, Robert
Hopper, Gary	Jean, Loren	Martin, Mary Ellen	McHugh, Claire
McRae, Karen	Mercer, Robert	Milligan, Robert	Moran, Edward
Salts, Greg	Souza, Kathleen	Tate, Joan	

MERRIMACK

Brewster, Richard	Feuerstein, Martin	Hutchinson, John	Jacobson, Alf
Kennedy, Richard	L'Heureux, Stephen	Winter, Steven	

ROCKINGHAM

Bishop, Franklin	Bridle, Russell	Camm, Kevin	Carson, Sharon
------------------	-----------------	-------------	----------------

Case, Margaret	Chalbeck, Kevin	DiFruscia, Anthony	Dumaine, Dudley
Gilbert, Karl	Gleason, John	Henderson, Warren	Hill, Jonathan
Introne, Robert	Itse, Daniel	Johnson, Rogers	Kelley, Jane
Langone, John	Moore, Benjamin	Palermo, Diane	Power, Lucille
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Ruffner, Walter
Sapareto, Frank	Trueman, Raymond	Weyler, Kenneth	

STRAFFORD

Albert, Russell	Harrington, Michael	Woods, Phyllis
-----------------	---------------------	----------------

SULLIVAN

Leone, Richard	Odell, Bob
----------------	------------

and the committee report was adopted.

Rep. Giordano did not vote and wished to be recorded in favor.

HB 1279-FN-A, making an appropriation for the purchase of equipment to record committee sessions. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph E. Stone for Finance: This bill would appropriate \$20,000 for the purchase of equipment to record committee sessions. Last year the House ran a pilot program by recording the sessions of two policy committees. The program is still being evaluated but is reported by those involved to have been successful. The Finance Committee received testimony that the cost of financing an expanded program can occur through the current legislative budget. This is a program that can be implemented and handled through an internal administrative function. Therefore, while the Committee supports the recording project, this bill is not needed in order to go forward. Vote 20-0.

Rep. Dyer spoke in favor.

Adopted.

HB 1363-FN-L, requiring the state to reimburse counties for the costs of incarcerating certain prisoners. **REFER FOR INTERIM STUDY**

Rep. Beverly T. Rodeschin for Finance: Due to the complexity of the financial impact on the state, the counties and perhaps all taxpayers, the Committee needs time for a complete review. Vote 21-0.

Rep. Jacobson spoke against and yielded to questions.

Rep. Weyler spoke in favor and yielded to questions.

Reps. Cloutier and Kurk spoke in favor.

Adopted.

HB 1376-FN, relative to distribution of tobacco settlement funds. **INEXPEDIENT TO LEGISLATE**

Rep. Fran Wendelboe for Finance: This bill would have taken the approximate \$40 million a year of tobacco settlement funds, which are currently being used to fund education, and put an additional \$7.8 million into tobacco prevention and the approximate \$32 million balance into the health care fund. This legislature has already approved the funding of \$3 million a year to tobacco prevention and there has not been enough time to assess the outcome so far. Rather than continue to use the \$32 million for education, this bill would create more funds to provide health care for low-income people and under-served populations. While the intent is noble, under the current fiscal climate, the passage of this legislation is fiscally imprudent. Our legislature has already taken large steps with the expansion of the children's health insurance program, and expansion of continued coverage for disabled citizens who enter the work force. Additionally, low-income seniors are eligible for health care under Medicare and the final safety net is the backbone of charity care provided by hospitals under their non-profit status. The majority of the Committee clearly felt it inappropriate to take \$40 million out of the budget under challenging financial times to enact sweeping new social programs. Vote 12-7.

Rep. Pilliod spoke against.

Rep. Rogers Johnson spoke in favor.

Rep. Pilliod requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 205 NAYS 150

YEAS 205

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Holbrook, Robert
Lawton, David	Nedeau, Stephen	Rice, Thomas Jr	Russell, David
Salatiello, Thomas	Thomas, John	Wendelboe, Fran	

CARROLL

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

CHESHIRE

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

COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Tholl, John Jr	Woodward, David		

GRAFTON

Alger, John	Barker, Robert	Cobb, John	Dudley, Terri
Eaton, Stephanie	Gabler, William	Gilman, G Michael	Giuda, Robert
Ham, Bonnie	Marshall, Gene	Scanlan, David	Sova, Charles
Teschner, Douglass	Ward, Brien	Williams, Burton	

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Balcom, John	Batula, Peter	Bellavance, Paul	Bergeron, Jean-Guy
Bouchard, David	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Christensen, D L Chris	Christiansen, Lars
Clegg, Robert Jr	Cote, Peter	Coughlin, Pamela	Daigle, Robert
Desrosiers, William	Dionne, Kimberley	Dwyer, Paul	Dyer, Merton
Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis	Ford, Nancy
Foster, Linda	Furman, Christine	Ginsburg, Ruth	Gleneck, David
Golding, William	Gonzalez, Carlos	Goulet, Maurice	Graham, John
Greenberg, Gary	Guinta, Frank	Hall, Charles	Herman, Keith
Holden, Randolph	Hopper, Gary	Jean, Claudette	Jean, Loren
Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard
Lessard, Rudy	Martel, Andre	Martin, Mary Ellen	McHugh, Claire
McRae, Karen	Mercer, Robert	Milligan, Robert	Moran, Edward
Pepino, Leo	Reeves, Sandra	Rowe, Robert	Salts, Greg
Sargent, Maxwell	Souza, Kathleen	Tahir, Saghir	Tate, Joan
Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Colcord, J D	Cummings, Raymond	Dunne, Christopher
Greco, Vincent	Hess, David	Hutchinson, John	Kennedy, Richard
L'Heureux, Stephen	Langer, Ray	Leber, William	Maxfield, Roy
Swindlehurst, John	Whalley, Michael	Winter, Steven	

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Boynton, James	Bridle, Russell
Camm, Kevin	Carson, Sharon	Clark, Vivian	Cox, Russell
Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony	Dowling, Patricia
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hill, Jonathan	Holland, James Jr
Introne, Robert	Itse, Daniel	Johnson, Robert	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Letourneau, Robert
Major, Norman	McKinney, Betsy	Moore, Benjamin	Morse, Charles
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Palermo, Diane
Power, Lucille	Priestley, Anne	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Rausch, James	Robertson, Carl	Ruffner, Walter
Saia, Pamela	Sloan, Stephen	Stone, Joseph	Stritch, C Donald
Trueman, Raymond	Varrell, Thomas	Welch, David	Weyler, Kenneth
Zolla, William			

STRAFFORD

Albert, Russell	Berube, Roger	Cossette, Larry	Dunlap, Patricia
Ferland, Paul	Harrington, Michael	Knowles, William	McCarthy, Gerald
Musler, George	Reid, Christopher	Tsiros, William	Woods, Phyllis

SULLIVAN

Ferland, Brenda	Flint, Gordon Sr	Odell, Bob	Rodeschin, Beverly
-----------------	------------------	------------	--------------------

BELKNAP

Dewhirst, Glenn	Johnson, William	Millham, Alida	Pilliod, James
Rosen, Ralph	Wood, Jane		

CARROLL

Philbrick, Donald	Quimby, Lee
-------------------	-------------

CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espiefs, Peter
Manning, Joseph	McGuirk, Paul	Meadar, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Slack, Pamela Russell
Weed, Charles	Zerba, Roger		

COOS

Bradley, Paula	Davis, Perley	Landers, Dana	Rodrigue, Robert
----------------	---------------	---------------	------------------

GRAFTON

Akins, Ralph	Almy, Susan	Benn, Bernard	Cooney, Mary
Lovett, Sid	Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy
Sokol, Hilda	Solow, Martha		

HILLSBOROUGH

Andosca, Mary	Baroody, Benjamin	Buckley, Raymond	Cardin, Lori
Clayton, William	Clemons, Jane	Cote, David	Craig, James
Dionne, David	Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard
Eaton, Richard	Goley, Jeffrey	Gorman, Mary	Haley, Robert
Hall, Betty	Johnson, Lionel	Kacavas, John	Keye, Harvey
Konys, Christine	Leach, Edward	Leishman, Peter	Lynde, Harold
McDonough-Wallace, Alice	Melcher, Harold	Messier, Irene	Movsesian, Lori
Murphy, Robert	O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas
Shaw, Barbara	Spiess, Paul	Sweeney, Cynthia	White, John
Williams, Carol			

MERRIMACK

Bouchard, Candace	Brewster, Richard	Burney, Carol	Clarke, Claire
Crosby, Toni	Daneault, Gabriel	Davis, Frank	Feuerstein, Martin
Fraser, Leo Jr	French, Barbara	Gile, Mary	Hager, Elizabeth
Jacobson, Alf	Lockwood, Priscilla	MacKay, James	Owen, Derek
Potter, Frances	Reardon, Tara	Rodd, Beth	Rush, Deanna
Seldin, Gloria	Wallner, Mary Jane	Yeaton, Charles	

ROCKINGHAM

Bishop, Franklin	Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret
Chalbeck, Kevin	Clark, Martha Fuller	Coes, Betsy	Cooney, Richard
Downing, Michael	Gleason, John	Kane, Cecelia	Kelley, Jane
Langley, Jane	Langone, John	McGuire, Robert	Micklton, Stephanie
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Sapareto, Frank	Shultis, Elizabeth	Splaine, James	Weatherspoon, Jacquelyne
Whittier, John			

STRAFFORD

Brennan, William	Callaghan, Frank	DeChane, Marlene	Estabrook, Iris
Gilmore, Gary	Goodwin, Earle	Grassie, Anne	Hughes, Christopher
Johnson, Nancy	Kaen, Naida	Lent, Donald	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	Franklin, Peter
Harris, Joseph	Harris, Sandra	Jones, Constance	Leone, Richard
Phinizy, James			

and the committee report was adopted.

HB 1419-FN-A, increasing the capital appropriation made to the fish and game department for the Berry conservation camp building replacement and increasing a capital appropriation to the New

Hampshire veterans' home to design and build a new facility. **OUGHT TO PASS WITH AMENDMENT**

Rep. O. Alan Thulander for Finance: The Barry conservation camp, located at the fish hatchery in Berlin, may lose its accreditation from the National Camping Association should necessary building and facilities upgrades not be made. The camp is operated jointly by New Hampshire Fish and Game and the 4-H groups, and serves up to 210 campers per season. The additional bonding authorization of \$100,000 will be supported by the Fish and Game Fund and has no effect on the General Fund. The amendment removes the capital appropriation for the New Hampshire Veterans' Home, which has been funded in other legislation Vote 20-0.

Amendment (2748h)

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

AN ACT increasing the capital appropriation made to the fish and game department for the Barry conservation camp building replacement.

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

1 Purpose. The purpose of this act is to increase the amount authorized by the bonded appropriation to the fish and game department for the replacement of the Barry conservation camp building. The source of funds for payment of the cost of bonds or notes is from the fish and game fund.

2 Capital Budget; Fish and Game Department; Project Amount Amended. Amend 1999, 226:3, E to read as follows:

E. Barry conservation camp building replacement [~~100,000~~] **200,000**

3 Capital Budget; Total Amended. Amend 1999, 226:3, Total state appropriation section 3 to read as follows:

Total state appropriation section 3 [~~\$1,115,000~~] **\$1,215,000**

4 Capital Budget; Bonds Authorized; Total Amended. Amend 1999, 226:8 to read as follows:

226:8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$60,025,314~~] **\$60,125,314** and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

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

AMENDED ANALYSIS

This bill appropriates an additional bonded amount to the fish and game department for the replacement of the Barry conservation camp building. Payment of the cost of bonds or notes is from the fish and game fund.

Adopted.

Report adopted and ordered to third reading.

HB 1439-FN-A, relative to an agreement between the state of New Hampshire and city of Laconia and making an appropriation therefor. **OUGHT TO PASS**

Rep. Elizabeth S. Hager for Finance: This bill appropriates \$347,629 in order for the state to keep its promise to Laconia to build ball fields at the site of the correctional facility. The money comes from unspent bonding authorizations previously appropriated Vote 20-0.

Adopted and ordered to third reading.

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

Rep. Kenneth L. Weyler for Finance: Housing demand in our state has been strong due to a decade in which our population has increased more than 11%. In 1988, the legislature established a statewide affordable housing fund with \$4 million. The New Hampshire Housing Finance Authority (NHHFA), using a revolving fund and providing incremental financing for qualified projects, has multiplied that into \$14 million dollars of investment. To qualify, projects must construct or rehabilitate rental units that remain affordable to working families. Qualifying tenant families are often at the income level of schoolteachers and nurses. The growth of the affordable rentals has not kept up with the demand. New money is needed to alleviate some of that problem. The amendment provides an additional \$5 million to NHHFA to create more affordable housing, \$2.5 million dollars in the capital budget in this biennium, and an equal amount in the next.

The bill also funds higher, more recent cost estimates for an addition to the New Hampshire Veterans' Home in Tilton. The original approval was based on 1998 construction estimates. Steep demand for construction in the last few years has raised that estimate by \$1.9 million, a 19% increase. Federal dollars will provide \$650,000 of the extra, if commitment is made by April. That left the state a \$1.25 million increase. Earlier appropriations in capital budgets yielded \$650,000 of money appropriated but not spent. An additional \$600,000 will be new money in the capital budget. These sums are necessary to move this project forward. Vote 20-0.

Amendment (2639h)

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

AN ACT making a capital appropriation to support affordable housing solutions in the state of New Hampshire, and increasing capital appropriations for the Concord rail bridge and veterans' home.

Amend the bill by replacing all after section 4 with the following:

5 Capital Budget; 1999; Corrections; Halfway House Project Amount Decreased. Amend 1999, 226:1, V , as extended by 2001, 202:28, III, to read as follows:

V. Department of Corrections.

\$ 200,000	A. Replace boiler plant – women’s prison	
146,000	B. Year 2000 equipment replacement/upgrade *	
126,000	C. Expansion of department WAN *	
<u>200,000</u>	D. New halfway house – southern	<u>[500,000]</u>
<u>\$672,000</u>	Total state appropriation paragraph V	[\$ 972,000]

6 Capital Budget; 1999; Concord Rail Bridge; Veterans’ Home; Project Amounts Increased. Amend 1999, 226:1, XIII, as extended by 2001, 202:28, XXXVII, and 1999, 226:1, XIV to read as follows:

XIII. Department of Transportation.

A. Match for FAA projects	\$ 500,000	
B. Match for public transit bus replacement	290,000	
C. Acquisition for railroad and airport properties	1,450,000	
D. Concord rail bridge	~~[650,000]~~ 1,000,000	
E. Compliance, governor’s commission on disability –		
All general fund agencies	<u>900,000</u>	
Total state appropriation paragraph XIII	~~[\$ 3,790,000]~~ <u>\$4,140,000</u>	

XIV. N.H. Veterans Home.

\$11,900,000	A. Design and build new facility	~~[\$10,000,000]~~
	Less federal	~~[-6,500,000]~~ -7,150,000
	Net state appropriation subparagraph A	~~[3,500,000]~~ <u>4,750,000</u>
\$4,750,000	Total state appropriation paragraph XIV	~~[\$3,500,000]~~

The funds appropriated in subparagraph A shall not lapse.

7 Capital Budget; 1999; Total Amended: Amend 1999, 226:1, total state appropriation section 1 to read as follows:

Total state appropriation section 1	~~[\$ 41,311,314]~~ \$42,611,314
-------------------------------------	--

8 Capital Budget; 1999; Bonds Authorized; Total Amended: Amend 1999, 226:8, as amended by 2000, 132:4, to read as follows:

226:8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of ~~[\$60,025,314]~~ **\$61,325,314** and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

9 Capital Budget; 2001; State Rail Lines; Department of Transportation; Appropriation Reduced. Amend 2001, 202:1, XIII, B to read as follows:

B. Repair State Rail Lines	~~[2,000,000]~~ 600,000
Less Federal	~~[-1,000,000]~~ -300,000
Net state appropriation subparagraph B	~~[1,000,000]~~ 300,000

10 Capital Budget; 2001; Total Amended: Amend 2001, 202:1, XIII, total state appropriation paragraph XIII to read as follows:

Total state appropriation paragraph XIII	~~[\$4,087,000]~~
\$3,387,000	

11 Capital Budget; 2001; Total Amended: Amend 2001, 202:1, total state appropriation section 1 to read as follows:

Total state appropriation section 1	~~[\$54,221,200]~~
\$53,521,200	

12 Capital Budget; 2001; Bonds Authorized; Total Amended: Amend 2001, 202:8, I to read as follows:

I. To provide funds for the total of the appropriations of state funds made in sections 1, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of ~~[\$72,301,700]~~ **\$71,601,700** and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

13 Effective Date.

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

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

AMENDED ANALYSIS

This bill:

I. Makes a capital appropriation to support affordable housing initiatives in the state of New Hampshire.

II. Increases capital appropriations made to the department of transportation for the Concord rail bridge and to the New Hampshire Veterans' Home to design and build a new facility.

III. Decreases capital appropriations made to the department of corrections for a halfway house- southern and to the department of transportation for state rail lines.

Adopted.

Report adopted and ordered to third reading.

SB 161-FN-A, relative to treatment for individuals with disabilities and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard J. LaRose for Finance: As it came to the Finance Committee, this bill would have significantly expanded our existing treatment program for mentally disturbed individuals who engage in behaviors that potentially endanger their communities. The Committee believes that the state is not in a financial position to assume the additional operating costs involved in such a large expansion. However, mindful of the need, the Committee was able to find a way to support a more modest expansion, increasing the number of places available for those in need of services.

The Committee amendment bonds an additional \$1.5 million to replace an existing 6-bed facility on the Laconia state campus with a larger 12-bed facility. To ensure a suitable building, the Capital Budget Overview Committee must approve the plans for the facility. To ensure that new matching federal Medicaid funds are available, pre-approval of the program and building by federal Medicaid authorities is required. To assure Laconia residents that the facility will be secure, security components of the facility will be designed in consultation with the city.

Other than debt service, this expansion will not increase the state's general fund operating budget. The amount currently budgeted for operating the 6-bed facility plus the new matching federal Medicaid money should cover the cost of operating the new 12-bed facility. Vote 19-1.

Amendment (2763h)

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

AN ACT relative to specialized treatment for certain individuals and making an appropriation therefor.

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

1 Secure Facility Required; Approvals Required.

I. The department of health and human services may construct an architecturally-secure facility with a maximum of 12 beds in Laconia for treatment of individuals with significant intellectual limitations as well as effective or thought disorders, severe emotional disturbances, and

significant functional limitations who engage in behavior that potentially endangers their community.

II. The funds appropriated in 2001, 202:1, IX, E as amended by section 2 of this act shall not be spent, obligated, or encumbered until the department has developed an implementation plan for the 12-bed facility and received the approval of such plan from the capital budget overview committee.

III. The funds appropriated in 2001, 202:1, IX, E as amended by section 2 of this act shall not be spent, obligated, or encumbered until the department obtains approval from the Centers for Medicare and Medicaid Services for participation of this program in the state medicaid program, in the facility constructed under the authority of paragraph I.

IV. The security components of the facility design and implementation plan shall be developed in consultation with a committee of 3 individuals from Laconia selected by the city council.

2 Capital Improvements. Amend 2001, 202:1, IX to read as follows:

IX. Department Of Health & Human Services.

A. Patient Res. ADA & Fire Sys/Transitional Housing

– State Office Park South \$433,750

B. Asbestos Abatement - State Office Park South 996,250

C. Main Building - ADA, Fire/Life Safety Renovations 265,000

D. MOP Roof Replacement/Wiring, Phone, Alarm – Laconia 210,000

E. Laconia MR Offenders New Building

[500,000] 2,000,000

F. Patient Care Network * 700,000

G. LITS (Lab Information Tracking System) * 250,000

H. Bridges Enhancement * 3,000,000

Less Federal -1,500,000

Net state appropriation subparagraph H 1,500,000

I. DFA New Heights Enhancements * 3,100,000

Less Federal -1,550,000

Net state appropriation subparagraph I 1,550,000

J. Public Health Laboratories Replacement Equipment 495,000

<i>\$8,400,000</i>	Total state appropriation paragraph IX	<i>[\$6,900,000]</i>
---------------------------	--	-----------------------------

3 Total State Appropriation; Capital Improvements. Amend the total state appropriation section 1 of 2001, 202:1 to read as follows:

\$55,721,200	Total state appropriation section 1	[\$54,221,200]
---------------------	-------------------------------------	-----------------------

4 Bonds Authorized; Capital Improvements. Amend 2001, 202:8, I to read as follows:

I. To provide funds for the total of the appropriations of state funds made in sections 1, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of ~~[\$72,301,700]~~ **\$73,801,700** and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

5 Intent; Rents.

I. It is the intent that rents paid by the area agency to operate a program in the state-owned facility required to be constructed pursuant to this act be an offset to the annual cost of the additional bonds authorized.

II. Rents paid to the state by the area agency operating the program in Laconia shall be deposited into the general fund.

6 Effective Date. This act shall take effect July 1, 2002.

AMENDED ANALYSIS

This bill requires the department of health and human services to construct an architecturally-secure facility in Laconia for the treatment of certain individuals. The bill makes a bonded appropriation for the purposes of the bill. Under this bill, rents paid by area agencies to the state for the program in Laconia shall be deposited into the general fund.

Adopted.

Report adopted and ordered to third reading.

HB 1194, relative to medical records. OUGHT TO PASS WITH AMENDMENT

Rep. Alida I. Millham for Health, Human Services and Elderly Affairs: Privacy of medical records is an important issue for the citizens of New Hampshire. HB 1194 started out as an effort to make some minor changes to RSA 332-I:1. Five amendments and eight subcommittee meetings later, the committee proposed an amended bill addressing the issue of privacy of medical records. The federal Health Insurance Portability and Accountability Act (HIPAA) is a federal act that has a section devoted to the privacy of health information and medical records. It is a comprehensive and complicated act that requires healthcare providers to insure that their patients records are private. The significant changes to RSA 332-I:1 as a result of this amendment include: (1) A statement of purpose that makes it clear that New Hampshire intends to make laws that complement the federal law. This is done to avoid potential conflicts between state and federal law that could ultimately

interfere with quality of care issues. (2) The bill includes definitions that are HIPAA compatible. (3) The major area where state law will be "more stringent" is regarding marketing. In New Hampshire healthcare providers will be required to get consent for marketing contact prior to the contact. In the federal law one marketing contact is allowed before consent is required. Vote 13-4.

Amendment (2789h)

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

1 Statement of Purpose. In our democratic society, laws regarding medical and health information should balance the rights of the individual and the protection of public health. The intent of this act is to complement federal medical information privacy laws; provided, however, that where there is conflict between federal law and this act and the provisions of this act are more stringent than those of federal law, the provisions of this act shall prevail.

2 Medical Records; Confidentiality. RSA 332-I:1 is repealed and reenacted to read as follows:

332-I:1 Medical Records.

I. In this section:

(a) "Disclosure" means the release, transfer, provision of access to, or divulging in any other manner of individually identifiable health information outside the health care provider or medical records holder in possession of the information.

(b) "Health care provider" means any person, corporation, facility, or institution either licensed by this state or otherwise lawfully providing health care services, including, but not limited to, a physician, hospital or other health care facility, dentist, nurse, optometrist, pharmacist, podiatrist, physical therapist, or psychologist, and any officer, employee, or agent of such provider acting in the course and scope of employment or agency related to or supportive of health care services, any other person or organization who furnishes, bills, or is paid for health care in the normal course of business.

(c) "Individually identifiable health information" means information that:

(1) Is related to past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual; and

(2) Contains primary or obvious identifiers, such as the patient's name, address, telephone number or social security number, or secondary identifiers through which a patient's identity could be deduced.

(d) "Marketing" means to make a communication about a product or service a purpose of which is to encourage recipients of the communication to purchase or use the product or service other than:

(1) A product or service requested by an individual; or

(2) A product or service that is part of a plan of health care services for an individual established by the individual's health care provider.

(e) "Medical records holder" means any person, corporation or entity, including but not limited to, health care providers, life, accident and health insurers, pharmacies, pharmacy benefits management companies, laboratories, health benefits management entities and pharmaceutical manufacturers, that possesses patient identifiable medical information.

(f) "Use" means the sharing, employment, application, utilization, examination, or analysis of individually identifiable health information within a health care provider or medical records holder in possession of the information.

II. Individually identifiable health information in the possession of any health care provider or medical records holder may be used or disclosed by such provider or holder to provide, effect, administer, or carry out health care services or payment for such services requested by the person to whom the medical information relates. Subject to the provisions of paragraph III, any other use or disclosure, including but not limited to the marketing of products or services, shall require the prior written consent of the person to whom the medical information relates.

III. Nothing in paragraph II shall prohibit, restrict, or require consent for the use or disclosure of such individually identifiable health information by a health care provider or medical records holder for the performance of the following functions: quality assurance; quality improvement; performance evaluation; utilization review; peer review activities; actuarial; medical research, but only by a health care provider who has provided health care services to the person to whom the individually identifiable health information relates and whose privacy protection procedures and standards are at least as rigorous as those promulgated by federally mandated institutional review boards; grievance procedures; internal administration of compliance, managerial, and information systems; claims administration; claims adjustment and management; detection, investigation or reporting of actual or potential fraud, misrepresentation or criminal activity; underwriting; provider credentialing verification; policy placement or issuance; loss control; ratemaking and guaranty fund functions; reinsurance and excess loss insurance; risk management; case management; disease management; policyholder service functions; auditing; reporting; database security; administration of consumer disputes and inquiries; external accreditation standards; the replacement of a group benefit plan or workers' compensation policy or program; activities in connection with a sale, merger, transfer or exchange of all or part of a business or operating unit; disclosure that is required, or is one of the lawful or appropriate methods, to enforce the health care provider's or medical records holder's rights or the rights of other persons engaged in carrying out a transaction or providing a product or service that a consumer requests or authorizes; public health activities by the state of New Hampshire for the purpose of preventing or controlling disease, injury, or disability, including, but not limited to the reporting of disease, injury, vital events such as birth or death, and the conduct of public health surveillance, public health investigations and public health interventions; and any activity otherwise required by statute or rule, required pursuant to governmental reporting authority, or to comply with legal process.

IV. Consent to use or to disclose individually identifiable health information pursuant to this section shall be in written or electronic form, in a form that is easily understandable by the patient, and shall contain:

(a) The identity of the patient.

(b) A statement that consent is voluntary and that refusal to give consent cannot be the basis for a denial of services or discrimination against the patient.

(c) A general description of the types of individually identifiable health information to be used or disclosed.

(d) If the health care provider or medical records holder intends to use individually identifiable health information, a general description of how the information will be used.

(e) If the health care provider or medical records holder intends to disclose individually identifiable health information, a general description of the persons to whom the information will be disclosed, the purpose of the disclosure and how the information will be used.

(f) The signature of the patient or an individual who is legally empowered to grant authority and the date signed.

(g) A notice of the length of time for which the consent is valid and that the patient may revoke the consent at any time and the procedure for making a revocation.

(h) Such form may be adopted from any form required by federal programs or regulations which address the same content covered by this chapter.

V. The patient shall be entitled upon request to a copy of records containing individually identifiable health information. The charge for the copying of a patient's medical records shall not exceed \$15 for the first 30 pages or \$0.50 per page, whichever is greater; provided, that copies of filmed records such as radiograms, x-rays, and sonograms shall be copied at a reasonable cost.

VI. No person, corporation, facility, institution, or other entity to whom individually identifiable health information is disclosed may use the information for any purpose other than the purpose for which it was disclosed.

VII. No health care provider or medical records holder shall refuse to provide services to, do business with, or discriminate against any person solely because that person has not consented to the use by or disclosure to another person, corporation, facility, institution, or other entity of individually identifiable health information; provided, however that the foregoing prohibition shall not apply in circumstances in which, pursuant to paragraphs II and III, no consent is required for the use or disclosure of such information.

VIII. Any person who willfully violates any provision of this section is guilty of a class B misdemeanor. Each willful use or disclosure of individually identifiable health information in violation of this section shall be considered a separate offense.

2 Effective Date. This act shall take effect April 14, 2003.

AMENDED ANALYSIS

This bill declares that individually identifiable health information in the possession of health care providers or medical record holders may only be used for certain purposes, without the written consent of the person to whom such information relates.

Adopted.

Report adopted and ordered to third reading.

HB 1468-FN, relative to prescription drugs and medicaid best practices. **OUGHT TO PASS**

Rep. Fran Wendelboe for Health, Human Services and Elderly Affairs: This bill is composed of three major pieces with the goal to enhance access to prescription drug coverage for low income seniors. The first piece would required outreach by the Department of Health and Human Services (DHHS) to enroll our citizens who are eligible for medicaid (which includes pharmaceuticals) but are not enrolled. These are seniors and the disabled whose income does not exceed \$559 per month for one person or \$818 per month for two people. The second piece enhances prescription coverage for a limited group of New Hampshire citizens who are seniors or disabled and are eligible for one or two programs, the Qualified Medicare Beneficiary (QMB) or the Specified Low Income Medicare Beneficiary (SLMB). The person must not be eligible for prescription drugs through a third party payor or supplemental medicare policy. This would require DHHS a demonstration waiver with the federal government. Part of the waiver application requires the state to fund part of the drug benefit costs. This legislation requires a disease management program be enacted to save costs for current medicaid health care costs. Other states have proposed their portion be funded by requiring larger rebates from drug companies. The courts have struck down these waivers based on the rebate aspect. However, this legislation proposed funding from the general funds saved by disease management. Under this expansion of medicaid drug coverage, the elderly and disabled who have income under 100% of poverty (QMB's) and those with income under 120% of poverty (SLMB's) would become eligible for medicaid coverage on drugs only – thereby getting matching federal funds. The QMB's have income levels under \$736 per month for individuals and \$988 per month for couples. Eighteen states currently provide this level of coverage. (SLMB's) coverage would allow a 20% increase over the (QMB) level. The third part of this legislation establishes a three-year task force on the establishment of the NH prescription senior patient assistance program. Vote 9-8.

Adopted and ordered to third reading.

HB 1292, relative to interpreters for the deaf in certain governmental or public proceedings.
REFER FOR INTERIM STUDY

Rep. Larry G. Elliott for Judiciary: This bill, as introduced, went beyond the Americans with Disabilities Act (ADA) and beyond current state law in the requirements for providing an interpreter for the deaf and hard of hearing citizens of our state, creating a potential 28-a issue (unfunded mandates). A subcommittee met on two occasions in an effort to meet the intent of the sponsor of the bill, while at the same time trying to ensure that the legislation did not violate Part First, Article 28-a of the State Constitution. The subcommittee was able to meet this goal. However, significant issues surrounding the penalty provision of this proposed legislation and issues arising out of how a person conducting an initial investigation by a state agency or by a police officer could be in compliance without the individual investigator having prior knowledge of the person's inability to hear became a real concern. Furthermore, any information obtained during the initial investigation without an interpreter would not be admissible evidence. This brought the Judiciary Committee to the conclusion that this bill needed to be studied so that we can further evaluate it and determine how it would interact with current laws. We want to ensure that we are providing equal protection to the deaf and hard of hearing community without providing protections that go beyond what the non-hearing impaired citizens of our state receive. Vote 10-4.

Adopted.

HB 1360-FN, relative to appointments and qualifications of marital masters and procedures for cases heard by marital masters. **OUGHT TO PASS WITH AMENDMENT**

Rep. Larry G. Elliott for Judiciary: This bill, as amended, would change the current method of appointing marital masters. Currently, candidates are chosen by a five-member panel of judges appointed by the Chief Justice of the Superior Court known as the Marital Master Committee to

serve in this quasi-judicial capacity. The federal funding for marital masters comes from the Executive Branch and requires that marital masters are non-judicial officers. Recognizing the fact that the funds for marital masters flow from the federal Department of Health and Human Services to our state Department of Health and Human Services for enforcement of child support regulations and then to the Judicial Branch and that marital masters are supervised by the Judicial Branch, both the Executive Branch and Judicial Branch should have input into the nomination and confirmation of marital masters. Therefore, we recommend that the Judicial Branch submit a list of three candidates to the Governor who will choose one nominee to bring forth to the Council. A marital master's initial term shall be for the period of three years. Should an existing marital master wish to be renewed or re-nominated for service and the Marital Master Committee wishes to recommend that individual, the Committee will only submit the name of the one individual wishing to be renewed to the Governor and Council. If the Governor and Council approve the continued service of the marital master, each subsequent term shall be for a period of five years. If a marital master wishes to be reappointed, he or she is to notify the Governor and Council ninety days prior to the expiration of his or her current term. The other significant change in the bill as reported out by the committee from what the sponsor had asked for was in the area of marital masters wearing black judicial robes. The sponsor wanted the marital masters to wear no robes; however, after hearing testimony provided to the committee on this point, the committee felt that it was important to distinguish the marital master so as to provide the appropriate amount of respect and decorum for the authority of the position, yet still allow the individual who appears before a marital master to recognize the fact that the marital master is not a judge. The committee felt that there was a significant amount of confusion by the general public about who is a marital master or who is a judge. So, the solution that the committee arrived at was to require marital masters to wear robes of such color and type to distinguish themselves from judges, but they would still wear a judicial-type robe to foster that respect. Vote 13-2.

Amendment (2795h)

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

AN ACT relative to recommendations, appointments, and qualifications of marital masters and procedures for cases heard by marital masters.

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

1 Findings and Purpose.

I. The legislature finds that:

(a) The federal funding source for marital masters prohibits marital masters from being judicial officers of the court.

(b) Marital masters are supervised by the judicial branch and have a close working relationship with the judicial branch. Therefore, marital masters should be recommended for appointment by the judicial branch, and appointed as specified in this act.

II. The purpose of this act is to recognize the delicate balance between the appointing executive branch and the recommending judicial branch in administering the marital master program and to recognize the importance of the role of marital masters in the state court system by establishing the marital master program in the statutes.

2 New Subdivision; Marital Masters; Recommendations, Appointments and Procedures.
Amend RSA 491 by inserting after section 20 the following new subdivision:

Marital Masters

491:20-a Nominations and Appointments.

I. The supreme court shall recommend persons to the governor and council for appointment and reappointment as marital masters. In recommending candidates for appointment and reappointment as marital masters, the court shall utilize the procedures and standards described in supreme court rules except as otherwise provided.

II. When the court nominates a marital master for reappointment, the court shall submit to the governor and council, 90 days prior to the end of the marital master's term, the name of the marital master and all evaluations of the marital master's performance in his or her current term. The judicial conduct commission shall make available to the governor and council all judicial conduct disciplinary reports of such marital master. The governor and council's decision whether to reappoint the marital master shall be based on satisfactory performance during the current term. If the governor and council do not reappoint the marital master, the governor and council shall notify the court and the court shall recommend 3 persons for appointment as marital master.

III. For appointments of new marital masters, the court shall submit to the governor the names of 3 candidates. The governor and council shall appoint a candidate nominated by the court or may reject the list submitted by the court, and request a new list.

IV. Marital masters shall serve an initial term of 3 years. Subsequent reappointments shall be for a term of 5 years.

491:20-b Qualifications.

I. Marital masters shall possess the following qualifications:

(a) Professional experience in family law matters.

(b) Legal and personal qualities including, but not limited to:

(1) Knowledge of family matters, including related matters such as tax and pension law;

(2) Personal maturity so as to understand and make decisions on matters before the court; and

(3) Personal qualities of patience and understanding of the difficult personal matters which are the subject of divorce and a willingness to deal with complex family matters in a non-adversarial manner.

II. Each marital master shall complete a course in court process and procedures, mediation and negotiation, and both male and female gender bias.

491:20-c Proceedings. In proceedings heard by marital masters:

I. Marital masters shall wear robes of such a color or type as to distinguish them from the judges.

II. No party shall pay a fee additional to court filing fees.

III. If, following a decision by the marital master, a party claims that he or she will have less than a minimum standard of living, a superior court judge shall conduct a hearing on the financial aspects of the case and make a determination which will insure that the party maintains sufficient funds for a minimum standard of living.

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

AMENDED ANALYSIS

This bill requires marital masters to be recommended by the supreme court and appointed by the governor and council and establishes certain qualifications and a course requirement for marital masters.

Adopted.

Report adopted and ordered to third reading.

HB 1420, relative to exceptions to the prohibition on persons practicing as attorneys when not admitted to practice by the supreme court. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Phyllis L. Woods for the Majority of Judiciary: New Hampshire law for nearly 300 years has recognized the right of the individual to choose his or her attorney so long as such attorney is a person of good character. This right of choice is enshrined in statute and should not be lost. It has never been demonstrated that anyone has ever been harmed by a non-lawyer representative. In fact, lawyers who are members of the New Hampshire Bar are not currently covered by consumer protection laws, but non-lawyers acting as attorneys-in-fact, can be sued under the Consumer Protection Act. There exists a whole body of rules that regulate the conduct of non-lawyers administered by the Professional Conduct Committee. Lawyers are not required to carry malpractice insurance; it is optional, and non-lawyers as well can obtain insurance coverage. Regardless of whether one is represented by a lawyer or a non-lawyer, the judge remains the final authority in charge of the courtroom and can dismiss anyone who is obviously unqualified to represent a client. The right to use non-lawyer representation is, however, subject to limitations. A person who is not admitted to the New Hampshire Bar may not "commonly" represent clients. There have been some inconsistencies among various courts in the interpretation of the term "commonly". This bill will correct this by defining the term and provide for consistency throughout the state courts. It provides that a person of good character may represent up to six clients, or take six cases during each year. The majority of the committee agreed that this personal choice should be preserved and protected for the citizens of New Hampshire. Vote 10-5.

Rep. Peter S. Espie for the Minority of Judiciary: The minority sees no urgency to change the existing law (RSA 311:6) which permits a party to represent himself in legal proceedings or to obtain the services of a person of good character to represent him or her. The majority wants to specify that such persons (of good character) can represent up to six persons or take up to six cases during a 12-month period. No public necessity has been shown for specifying that non-lawyers can take up to six cases a year. This bill is clearly for the benefit of some well known non-lawyers. It certainly is of no benefit to the public or to the poor who already are afforded legal representation through the Public

Defenders Program in criminal cases, and the Pro Bono Program, New Hampshire Legal Assistance, and Reduced Fee Program. It is said that law degrees and a license to practice law don't ensure competence. But if your life or property is on the line, you would most likely hire Attorney F. Lee Bailey or Attorney Johnny Cochran rather than take your chances on a "what's-his-name". Licensed practitioners have been educated in the technical rules of procedure and evidence, as well as in the law. Most non-lawyers are no match for them. Moreover, non-lawyers cannot be disciplined for their maledictions by the Professional Conduct Committee of the Bar Association and do not carry malpractice insurance which is available only to licensed lawyers. Further, non-lawyers are not subject to the rules governing attorney (client) trust accounts. There is no public necessity or benefit in this legislation, and it exposes the gullible and vulnerable populace to the increased risk of deceit, exploitation and disaster.

Amendment (2448h)

Amend RSA 311:7 as inserted by section 1 of the bill by replacing it with the following:

311:7 Prohibition. No person shall be permitted commonly to practice as an attorney in court unless he *or she* has been admitted by the court and taken the oath prescribed in RSA 311:6. ***Nothing in this chapter, however, shall prohibit persons of good character who are not admitted to the practice of law in New Hampshire from representing parties as provided in RSA 311:1 when such persons represent 6 or fewer persons during any 12-month period, or represent parties in 6 or fewer cases, causes, or matters regardless of the number of litigants involved or courts which may hear the same cause during any 12-month period; whichever is greater.***

AMENDED ANALYSIS

This bill allows persons who are not licensed by the supreme court to practice as attorneys to represent no more than 6 parties a year or represent parties in 6 or fewer cases a year.

Adopted.

Rep. Espieffs spoke against and yielded to questions.

Rep. Jacobson spoke in favor and yielded to questions.

Rep. Phyllis Woods spoke in favor and requested a roll call. Sufficiently seconded

The question being adoption of the majority committee report.

YEAS 185 NAYS 168

YEAS 185

BELKNAP

Bartlett, Gordon

Boyce, Laurie

Czech, Stanley

Holbrook, Robert

Lawton, David

Nedeau, Stephen

Pilliod, James

Rosen, Ralph

Russell, David

Thomas, John

Wendelboe, Fran

CARROLL

Bradley, Jeb

Mock, Henry

Patten, Betsey

Stevens, Stanley

Sullivan, P Judith

CHESHIRE

Dexter, Judson

Edwards, Dana

Emerson, Susan

Fairbanks, Chandler

Hunt, John

Liebl, George

Roberts, William

Smith, Edwin

COOS

Davis, Perley

Gallus, John

Guay, Lawrence

Horton, Lynn

Pratt, Leighton

Tholl, John Jr

Woodward, David

GRAFTON

Akins, Ralph

Alger, John

Barker, Robert

Cobb, John

Dudley, Terri

Eaton, Stephanie

Gabler, William

Gilman, G Michael

Giuda, Robert

Ham, Bonnie

Marshall, Gene

Scanlan, David

Sova, Charles

Teschner, Douglass

Ward, Brien

Williams, Burton

HILLSBOROUGH

Allan, Nelson

Alukonis, David

Artz, Lawrence

Balboni, Michael

Balcom, John

Baroody, Benjamin

Batula, Peter

Bergeron, Jean-Guy

Bouchard, David

Bragdon, Peter

Brundige, Robert

Bruno, Pierre

Calawa, Leon Jr

Christensen, D L Chris

Christiansen, Lars

Clegg, Robert Jr

Coughlin, Pamela

Desrosiers, William

Dionne, Kimberley

Dyer, Merton

Elliott, Larry

Emerton, Lawrence Sr

Fields, Dennis

Furman, Christine

Gleneck, David

Golding, William

Gonzalez, Carlos

Goulet, Maurice

Graham, John

Greenberg, Gary

Hall, Betty

Herman, Keith

Hopper, Gary

Jean, Loren

Kurk, Neal

L'Heureux, Robert

LaFlamme, Paul

LaRose, Richard

Leach, Edward

Lessard, Rudy

Martel, Andre

Martin, Mary Ellen

McHugh, Claire

McRae, Karen

Mercer, Robert

Milligan, Robert

Moran, Edward

Pappas, Marc

Reeves, Sandra	Rowe, Robert	Salts, Greg	Sargent, Maxwell
Souza, Kathleen	Tahir, Saghir	Tate, Joan	Thulander, O Alan
Vaillancourt, Steve	Wheeler, Robert		

MERRIMACK

Anderson, Eric	Cummings, Raymond	Feuerstein, Martin	Hutchinson, John
Jacobson, Alf	Kennedy, Richard	L'Heureux, Stephen	Leber, William
Lockwood, Priscilla	MacKay, James	Whalley, Michael	Winter, Steven

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Boynton, James
Bridle, Russell	Camm, Kevin	Case, Margaret	Chalbeck, Kevin
Cooney, Richard	Dalrymple, Janeen	Dearborn, Bruce	Dowling, Patricia
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Giordano, Ronald	Gleason, John	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hill, Jonathan	Holland, James Jr
Introne, Robert	Itse, Daniel	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph	Letourneau, Robert
Major, Norman	McKinney, Betsy	Moore, Benjamin	Morse, Charles
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Palermo, Diane
Power, Lucille	Priestley, Anne	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Rausch, James	Ruffner, Walter	Sapareto, Frank
Sloan, Stephen	Stone, Joseph	Stritch, C Donald	Varrell, Thomas
Welch, David	Weyler, Kenneth	Whittier, John	

STRAFFORD

Albert, Russell	Cossette, Larry	Dunlap, Patricia	Gilmore, Gary
Harrington, Michael	Musler, George	Spang, Judith	Woods, Phyllis

SULLIVAN

Cloutier, John	Franklin, Peter	Odell, Bob	Phinizy, James
Rodeschin, Beverly			

NAYS 168

BELKNAP

Dewhirst, Glenn	Johnson, William	Millham, Alida	Rice, Thomas Jr
Salatiello, Thomas	Wood, Jane		

CARROLL

Babson, David Jr	Dickinson, Howard	Kenney, Joseph	Lyman, L Randy
Philbrick, Donald	Quimby, Lee		

CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Espiefs, Peter	Manning, Joseph	McGuirk, Paul	Meadar, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Slack, Pamela Russell	Weed, Charles	Zerba, Roger	

COOS

Bradley, Paula	Landers, Dana	Rodrigue, Robert
----------------	---------------	------------------

GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Lovett, Sid
Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy	Sokol, Hilda
Solow, Martha			

HILLSBOROUGH

Andosca, Mary	Bellavance, Paul	Buckley, Raymond	Cardin, Lori
Carlson, Donald	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Daigle, Robert	Dionne, David
Drabinowicz, A Theresa	Drisko, Richard	Dwyer, Paul	Eaton, Richard
Ford, Nancy	Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Guinta, Frank	Haley, Robert
Hall, Charles	Holden, Randolph	Jean, Claudette	Johnson, Lionel
Kacavas, John	Keye, Harvey	Konys, Christine	Leishman, Peter

Lynde, Harold	McDonough-Wallace, Alice	Melcher, Harold	Messier, Irene
Movsesian, Lori	Murphy, Robert	O'Connell, Timothy	Palangas, Eric
Panagopoulos, Nicholas	Pepino, Leo	Peterson, Andrew	Shaw, Barbara
Spiess, Paul	Sullivan, Peter	Sweeney, Cynthia	White, John
Williams, Carol			

MERRIMACK

Bouchard, Candace	Brewster, Richard	Burney, Carol	Clarke, Claire
Colcord, J D	Crosby, Toni	Daneault, Gabriel	Davis, Frank
Dunne, Christopher	Fraser, Leo Jr	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Langer, Ray	Owen, Derek
Potter, Frances	Reardon, Tara	Rodd, Beth	Rush, Deanna
Seldin, Gloria	Wallner, Mary Jane	Yeaton, Charles	

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Carson, Sharon	Clark, Martha Fuller
Clark, Vivian	Coes, Betsy	Cox, Russell	DiFruscia, Anthony
Downing, Michael	Gilbert, Karl	Johnson, Robert	Kane, Cecelia
Langley, Jane	Langone, John	McGuire, Robert	Norelli, Terie
O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline	Robertson, Carl
Shultis, Elizabeth	Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne
Zolla, William			

STRAFFORD

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Estabrook, Iris	Ferland, Paul	Goodwin, Earle	Grassie, Anne
Hughes, Christopher	Johnson, Nancy	Kaen, Naida	Knowles, William
Lent, Donald	McCarthy, Gerald	Pelletier, Arthur	Proulx, Raymond
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Taylor, Kathleen
Tsiros, William	Wall, Janet	Woodill, Rodney	

SULLIVAN

Allison, David	Burling, Peter	Ferland, Brenda	Flint, Gordon Sr
Harris, Joseph	Harris, Sandra	Jones, Constance	Leone, Richard
Robb, Amy			

and the majority report was adopted.

Ordered to third reading.

Reps. Dokmo, Reid and Saia declared conflicts of interest and did not participate.

HB 1331, requiring that the effect on revenues, expenditures, and fiscal liability be included in the reports of house standing committees. **REFER FOR INTERIM STUDY**

Rep. George N. Katsakiores for Legislative Administration: The Legislative Administration Committee felt that procedures need to be in place to require effects on revenues, expenditures, and fiscal liability of bills and resolutions be included in the reports of house standing committees. The committee felt going to Interim Study with this bill will provide time to develop procedures to fulfill the bills mandates. Vote 9-2.

Rep. Judith Sullivan spoke against.

Rep. Herman spoke in favor

On a division vote, 259 members having voted in the affirmative and 53 in the negative, the committee report was adopted.

HB 1342, relative to preparation of fiscal notes. **OUGHT TO PASS**

Rep. Robert E. Clegg for Legislative Administration: This bill stops the current practice of allowing the Legislative Budget Assistant to request fiscal information from registered lobbyists. Any information obtained shall be obtained only from those not paid to advocate one position over another. Vote 11-1.

Adopted and ordered to third reading.

HB 1320, establishing a committee to study establishing enterprise zones in economically deprived communities. **OUGHT TO PASS WITH AMENDMENT**

Rep. William G. Johnson for Municipal and County Government: The Committee felt that the worsening economic climate of the municipalities in the north country combined with the growing disparity of resources between our communities warrant the legislature's concern and attention. Since there are many fragmented sources of economic help and advice available, but not presently coordinated to address local needs, enterprise zones may be a valid remedy for such deprived areas. This study committee will examine the issues and report its recommendations. Vote 17-0.

Amendment (2546h)

Amend the bill by replacing section 3 with the following:

3 Duties.

I. The committee shall study economic development programs with regard to:

(a) Funding and incentive options for creating enterprise zones.

(b) What state and federal programs are available.

(c) What programs are currently implemented.

(d) Which programs are not implemented and why.

(e) Soliciting and receiving opinions from local communities regarding the successes and failures of various programs.

II. The committee shall seek testimony from the commissioner of the department of resources and economic development, the director of the office of state planning, the director of economic development for the city of Concord, and any other person the committee deems necessary.

Adopted.

Rep. Akins offered floor amendment (2849h).

Floor Amendment (2849h)

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

AN ACT establishing a committee to study establishing enterprise zones in economically-deprived communities and requiring the department of transportation to convey a certain parcel of land to the city of Lebanon.

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Land Lease from the Department of Transportation to the City of Lebanon.
Notwithstanding the provisions of RSA 4:40 or any other provision of law, the department of transportation shall lease to the city of Lebanon for negotiated consideration, occupancy of that portion of the parcel of land conveyed to the state of New Hampshire by a release deed recorded at the Grafton County Registry of Deeds at book 2409, pages 865 through 876 and dated August 2, 1999 which contains the historic structures known as the round house, the sand house, and the bunk house, the exact property line to be determined by representatives of the department of transportation and the city of Lebanon and to include sufficient land to provide adequate parking for the structures and their intended use. The lease shall be subject to completion of the environmental cleanup of the property by the department of transportation under the direction of the department of environmental services and the removal of any solid waste and the removal or remediation of any hazardous materials identified by the state including but not limited to oil, other petroleum products, and asbestos.

AMENDED ANALYSIS

This bill establishes a committee to study establishing enterprise zones in economically-deprived communities.

This bill also requires the department of transportation to convey a certain parcel of land to the city of Lebanon.

Rep Akins spoke in favor and yielded to questions.

Reps. Patten and Edwin Smith spoke against.

Rep. Guinta spoke in favor.

Rep. Akins requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (2849h).

YEAS 144 NAYS 209

YEAS 144

BELKNAP

Pilliod, James	Rice, Thomas Jr	Rosen, Ralph	Salatiello, Thomas
----------------	-----------------	--------------	--------------------

CARROLL

Babson, David Jr	Dickinson, Howard	Kenney, Joseph
------------------	-------------------	----------------

CHESHIRE

Batchelder, Robert	Burnham, Daniel	Dexter, Judson	Fairbanks, Chandler
Manning, Joseph	McGuirk, Paul	Meador, David	Pratt, Irene
Pratt, John	Slack, Pamela Russell	Weed, Charles	Zerba, Roger

COOS

Bradley, Paula	Rodrigue, Robert	Woodward, David
----------------	------------------	-----------------

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Benn, Bernard
Cobb, John	Dudley, Terri	Giuda, Robert	Ham, Bonnie
Lovett, Sid	Pawlek, Marion	Scovner, Nancy	Sokol, Hilda

Solow, Martha

Sova, Charles

Teschner, Douglass

Ward, Brien

HILLSBOROUGH

Balcom, John

Bellavance, Paul

Bergeron, Jean-Guy

Carlson, Donald

Christiansen, Lars

Cote, David

Dionne, Kimberley

Drabinowicz, A Theresa

Elliott, Larry

Ford, Nancy

Ginsburg, Ruth

Gleneck, David

Greenberg, Gary

Guinta, Frank

Haley, Robert

Hall, Betty

Holden, Randolph

Jean, Claudette

Johnson, Lionel

Kacavas, John

L'Heureux, Robert

LaFlamme, Paul

Lynde, Harold

Martel, Andre

Martin, Mary Ellen

McDonough-Wallace,
Alice

McHugh, Claire

McRae, Karen

Melcher, Harold

Messier, Irene

Milligan, Robert

Murphy, Robert

O'Connell, Timothy

Palangas, Eric

Panagopoulos, Nicholas

Pepino, Leo

Peterson, Andrew

Salts, Greg

Sargent, Maxwell

Shaw, Barbara

Souza, Kathleen

Spiess, Paul

Sweeney, Cynthia

Tate, Joan

Vaillancourt, Steve

MERRIMACK

Brewster, Richard

Burney, Carol

Clarke, Claire

Colcord, J D

Crosby, Toni

Davis, Frank

Dunne, Christopher

Feuerstein, Martin

Gile, Mary

Greco, Vincent

L'Heureux, Stephen

Langer, Ray

Maxfield, Roy

Potter, Frances

Rush, Deanna

Seldin, Gloria

Yeaton, Charles

ROCKINGHAM

Bowles, Raimond

Carson, Sharon

Clark, Vivian

Cox, Russell

DiFruscia, Anthony

Gilbert, Karl

Gleason, John

Hamel, Albert

Itse, Daniel

Kane, Cecelia

Katsakiores, George

Kelley, Jane

Langone, John

Micklton, Stephanie

Nowe, Ronald

O'Neil, Michael

Pantelakos, Laura

Power, Lucille

Priestley, Anne

Quandt, Marshall

Quandt, Matthew

Ruffner, Walter

Sapareto, Frank

Trueman, Raymond

Weyler, Kenneth

Whittier, John

STRAFFORD

Albert, Russell	Bickford, David	Callaghan, Frank	Cossette, Larry
DeChane, Marlene	Ferland, Paul	Goodwin, Earle	Grassie, Anne
Kaen, Naida	Lent, Donald	McCarthy, Gerald	Proulx, Raymond
Rollo, Michael	Taylor, Kathleen	Woodill, Rodney	

SULLIVAN

Harris, Joseph	Harris, Sandra	Leone, Richard
----------------	----------------	----------------

NAYS 209

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Holbrook, Robert
Johnson, William	Lawton, David	Millham, Alida	Nedeau, Stephen
Russell, David	Thomas, John	Wendelboe, Fran	Wood, Jane

CARROLL

Bradley, Jeb	Lyman, L Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald	Quimby, Lee	Stevens, Stanley	Sullivan, P Judith

CHESHIRE

Allen, Peter	Avery, Stephen	Edwards, Dana	Emerson, Susan
Espieffs, Peter	Hunt, John	Liebl, George	Mitchell, McKim
Richardson, Barbara	Roberts, William	Smith, Edwin	

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Pratt, Leighton	Tholl, John Jr	

GRAFTON

Barker, Robert	Cooney, Mary	Eaton, Stephanie	Gabler, William
Gilman, G Michael	Marshall, Gene	Nordgren, Sharon	Scanlan, David
Williams, Burton			

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Andosca, Mary	Artz, Lawrence
Balboni, Michael	Baroody, Benjamin	Batula, Peter	Bouchard, David
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Calawa, Leon Jr	Cardin, Lori	Chabot, Robert	Christensen, D L Chris
Clegg, Robert Jr	Clemons, Jane	Cote, Peter	Coughlin, Pamela
Craig, James	Daigle, Robert	Desrosiers, William	Dokmo, Cynthia
Drisko, Richard	Dwyer, Paul	Dyer, Merton	Emerton, Lawrence Sr
Fields, Dennis	Foster, Linda	Furman, Christine	Gargas, Carolyn
Golding, William	Goley, Jeffrey	Gorman, Mary	Goulet, Maurice
Graham, John	Hall, Charles	Herman, Keith	Hopper, Gary
Jean, Loren	Keye, Harvey	Konys, Christine	Kurk, Neal
LaRose, Richard	Leach, Edward	Leishman, Peter	Lessard, Rudy
Mercer, Robert	Moran, Edward	Movsesian, Lori	Pappas, Marc
Reeves, Sandra	Rowe, Robert	Sullivan, Peter	Tahir, Saghir
Thulander, O Alan	Wheeler, Robert	White, John	Williams, Carol

MERRIMACK

Anderson, Eric	Bouchard, Candace	Cummings, Raymond	Daneault, Gabriel
Fraser, Leo Jr	French, Barbara	Hager, Elizabeth	Hess, David
Hutchinson, John	Jacobson, Alf	Kennedy, Richard	Leber, William
Lockwood, Priscilla	MacKay, James	Owen, Derek	Reardon, Tara
Rodd, Beth	Wallner, Mary Jane	Whalley, Michael	Winter, Steven

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Boynton, James	Bridle, Russell	Camm, Kevin	Case, Margaret
Chalbeck, Kevin	Clark, Martha Fuller	Coes, Betsy	Cooney, Richard
Dalrymple, Janeen	Dearborn, Bruce	Dowling, Patricia	Downing, Michael
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Giordano, Ronald	Griffin, Mary	Henderson, Warren
Hill, Jonathan	Holland, James Jr	Introne, Robert	Johnson, Robert
Johnson, Rogers	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Letourneau, Robert	Major, Norman	McGuire, Robert	McKinney, Betsy

Morse, Charles	Norelli, Terie	O'Keefe, Patricia	Packard, Sherman
Palermo, Diane	Pitts, Jacqueline	Putnam, Ed II	Rausch, James
Reardon, Neil	Robertson, Carl	Saia, Pamela	Shultis, Elizabeth
Sloan, Stephen	Splaine, James	Stone, Joseph	Stritch, C Donald
Varrell, Thomas	Weatherspoon, Jacquelyne	Welch, David	Zolla, William

STRAFFORD

Berube, Roger	Brennan, William	Dunlap, Patricia	Estabrook, Iris
Harrington, Michael	Hughes, Christopher	Johnson, Nancy	Knowles, William
Pelletier, Arthur	Reid, Christopher	Smith, Marjorie	Snyder, Clair
Spang, Judith	Wall, Janet	Woods, Phyllis	

SULLIVAN

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

and the floor amendment failed

Report adopted and ordered to third reading.

HB 1389, enabling towns to charge fees for the disproportionate use of municipal safety services.
INEXPEDIENT TO LEGISLATE

Rep. Dudley D. Dumaine for Municipal and County Government: HB 1389 would have enabled towns and cities to adopt an ordinance that regulates excessive use of fire and police services by individual local residents by charging a fee for excessive calls made annually by those individuals to the fire/ police departments.

There are already sufficient statutes to deal with these offenses-False Fire Alarm (RSA 644:3a,b,c), False Report to Law Enforcement (RSA 641:4), and Harassment (RSA 644:4)-that could result in a misdemeanor or class B felony charge.

Also, the enabling ordinance statutes for towns and cities (RSA 31:39 and RSA 47:17) already give those entities adequate authority to set up rules and regulations for the smooth running of the municipalities and to address the concerns that were heard during the public hearing. Therefore the majority of the committee felt that the passage of HB 1389 was unnecessary and the issues should be handled at the local level with appropriate rules and regulations. Vote 10-4.

Adopted.

HB 1459-FN-A, making an appropriation to the Alan B. Shepard discovery center. **INEXPEDIENT TO LEGISLATE**

Rep. Bernard L. Benn for Public Works and Highways: While supportive of the Alan B. Shepard Discovery Center Project, the committee felt that this bill has been submitted prematurely and out of a proper procedural sequence. Last year, a sum was allocated in the Capital Budget to fund a study to establish the feasibility of raising private funds for part of this project. That feasibility study is currently in progress and is due in June 2002. This project will be included in the next Capital Budget request, at which time it will be reviewed in context of the overall Capital Budget and with the input of the above mentioned feasibility study. Vote 10-4.

Adopted.

HB 2000, relative to the state 10-year transportation improvement program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Edwin O. Smith for Public Works and Highways: The committee recognizes the long and tedious work by the communities, regional planning commissions, Department of Transportation, and the Governor and Executive Council. The projects are listed in priority and published in a plan dated December 2001. It provides for anticipated \$140,000,000 of Federal aid in 2003, with a \$5,000,000 increase each year to 2012. However, Federal appropriations sometimes do not match the anticipated amount. The Federal funds assigned to turnpike projects for Exit 12 to Exit 16 for the Spaulding Turnpike reverts back to Turnpike Funding. There was a reported shortfall in Federal aid anticipated under Transportation Equity Act for the 21st Century (TEA-21). There was a reported deficit in the New Hampshire Highway Fund of \$25,000,000. These financial difficulties have delayed projects by one to two years. The circumferential highway around Hudson and Litchfield is delayed unless turnpike revenues are increased. The amendment reestablishes the authority to install the toll booths that were removed in 2000. The House removed the toll booths in the 10-Year Highway Plan because the department felt that Federal monies were increasing at a rate allowing tolls to be totally removed from all NH roads. Times have changed and the Federal money will be more than \$30,000,000 less than last year. This is an automatic decrease due to lower than expected Federal revenues. These toll booths were always planned and are not new to the project. Bonds were issued using the toll revenue as payback. The other part of the amendment moves the long planned Troy Village bypass forward without additional requirements from the Department of Environmental Services. This project has been delayed because misunderstandings have occurred between DOT and DES. DES has already responded and made their objections known, and DOT is addressing these issues. The plans modified at the request of DES are the plans that the committee feels should be finalized, however, DES has 60 days after passage of this legislation to make final modifications. The committee understands and respects our environment and the role of DES, however, in the balance long delays allow unsafe roads, causing physical and mental anguish to NH motorists as well as increasing costs. The only two changes made by the committee are listed above and all other projects remain unchanged in any way. Vote 14-0.

Amendment (2823h)

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

AN ACT relative to the state 10-year transportation improvement program, relative to proposed toll booths in the city of Nashua, and relative to the Troy Village bypass.

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

2 Proposed Toll Booth. The department of transportation shall reestablish the plan for the proposed toll booth for the city of Nashua, and construction shall commence no later than September 30, 2002.

3 Toll Booths Added. Amend RSA 237:2, VII to read as follows:

VII. Acquire land as required and make improvements to the central New Hampshire turnpike including, but not limited to, completing the connection to the Merrimack industrial interchange, relocation of Camp Sargent Road, improvements to interchanges 3 through 7 as required, the extension of the system to include an easterly circumferential beltway around Nashua extending from exit 2 and running easterly through the city of Nashua and the towns of Hudson, Litchfield, and Merrimack to an intersection with the existing turnpike, improvements and widening between interchanges 2 and 7, widening between the Route 101 intersection and the Amoskeag interchange in Manchester, ~~[and]~~ coordinating a study of widening between the I-89 and I-93 interchanges, **and the establishment of a toll station southbound in the vicinity of Nashua and the Massachusetts state line.**

4 Bypass of Troy Village. The Troy Village bypass, as described in RSA 240:3, IV(f), shall be constructed as planned as of the effective date of this act without any further changes by the department of environmental services.

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

AMENDED ANALYSIS

This bill updates the 10-year transportation improvement program to maintain highways and bridges in the state.

This bill requires the department of transportation to reestablish the toll booths planned for the city of Nashua. Such toll booths were eliminated in 2000, 309.

This bill also requires the Troy Village bypass to be constructed as it is currently planned.

Rep. Drisko asked if the amendment was divisible and requested that Sections 2 and 3 of the amendment be divided.

The Speaker ruled the amendment was divisible and, without objection, so ordered.

The question now being adoption of Sections 2 and 3 of the committee amendment.

Reps. McHugh and Furman spoke against.

Reps. Leber and Marjorie Smith spoke in favor.

Rep. Drisko spoke against and yielded to questions.

Rep. Edwin Smith spoke in favor and yielded to questions.

Rep. Greenberg requested a roll call; sufficiently seconded.

The question is on Sections 2 and 3 of the committee amendment.

YEAS 119 NAYS 230

YEAS 119

BELKNAP

Czech, Stanley	Nedeau, Stephen	Russell, David	Thomas, John
Wendelboe, Fran			

CARROLL

Lyman, L Randy	Patten, Betsey	Philbrick, Donald	Quimby, Lee
Stevens, Stanley	Sullivan, P Judith		

CHESHIRE

Avery, Stephen	Burnham, Daniel	Dexter, Judson	Edwards, Dana
Fairbanks, Chandler	Liebl, George	Manning, Joseph	Roberts, William
Smith, Edwin	Zerba, Roger		

COOS

Davis, Perley	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Tholl, John Jr			

GRAFTON

Barker, Robert	Benn, Bernard	Eaton, Stephanie	Ham, Bonnie
Marshall, Gene	Scanlan, David	Sokol, Hilda	Teschner, Douglass

HILLSBOROUGH

Bragdon, Peter	Calawa, Leon Jr	Coughlin, Pamela	Dwyer, Paul
Golding, William	Graham, John	Kurk, Neal	Martel, Andre
O'Connell, Timothy	Pappas, Marc	Peterson, Andrew	Tahir, Saghir
Thulander, O Alan	Wheeler, Robert		

MERRIMACK

Anderson, Eric	Bouchard, Candace	Burney, Carol	Crosby, Toni
----------------	-------------------	---------------	--------------

Davis, Frank	Hess, David	Hutchinson, John	Kennedy, Richard
Leber, William	Lockwood, Priscilla	MacKay, James	Maxfield, Roy
Potter, Frances	Reardon, Tara	Swindlehurst, John	Wallner, Mary Jane

ROCKINGHAM

Bishop, Franklin	Blanchard, MaryAnn	Bowles, Raimond	Boynton, James
Bridle, Russell	Clark, Vivian	Coes, Betsy	Cooney, Richard
Dalrymple, Janeen	Dearborn, Bruce	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Gleason, John	Griffin, Mary
Henderson, Warren	Holland, James Jr	Johnson, Robert	Johnson, Rogers
Katsakiores, Phyllis	Langley, Jane	Letourneau, Robert	Major, Norman
Morse, Charles	Packard, Sherman	Priestley, Anne	Rausch, James
Reardon, Neil	Robertson, Carl	Sloan, Stephen	Stritch, C Donald
Trueman, Raymond	Varrell, Thomas	Welch, David	Zolla, William

STRAFFORD

Bickford, David	Callaghan, Frank	Cossette, Larry	DeChane, Marlene
Dunlap, Patricia	Hughes, Christopher	Knowles, William	McCarthy, Gerald
Pelletier, Arthur	Proulx, Raymond	Reid, Christopher	Rollo, Michael
Smith, Marjorie	Spang, Judith	Woodill, Rodney	

SULLIVAN

Cloutier, John	Harris, Joseph	Harris, Sandra	Robb, Amy
----------------	----------------	----------------	-----------

NAYS 230

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Holbrook, Robert	Johnson, William
Lawton, David	Millham, Alida	Pilliod, James	Rice, Thomas Jr
Rosen, Ralph	Salatiello, Thomas	Wood, Jane	

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
------------------	--------------	-------------------	----------------

Mock, Henry

CHESHIRE

Allen, Peter	Batchelder, Robert	Emerson, Susan	Espieffs, Peter
Hunt, John	McGuirk, Paul	Meadar, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Slack, Pamela Russell
Weed, Charles			

COOS

Bradley, Paula	Gallus, John	Landers, Dana	Rodrigue, Robert
Woodward, David			

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Cobb, John
Cooney, Mary	Gabler, William	Gilman, G Michael	Giuda, Robert
Lovett, Sid	Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy
Solow, Martha	Sova, Charles	Ward, Brien	Williams, Burton

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Andosca, Mary	Artz, Lawrence
Balboni, Michael	Balcom, John	Baroody, Benjamin	Batula, Peter
Bellavance, Paul	Bergeron, Jean-Guy	Bouchard, David	Brundige, Robert
Bruno, Pierre	Buckley, Raymond	Cardin, Lori	Carlson, Donald
Chabot, Robert	Christensen, D L Chris	Christiansen, Lars	Clayton, William
Clegg, Robert Jr	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daigle, Robert	Desrosiers, William	Dionne, Kimberley
Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard	Eaton, Richard
Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis	Ford, Nancy
Foster, Linda	Furman, Christine	Gargasz, Carolyn	Ginsburg, Ruth
Gleneck, David	Goley, Jeffrey	Gorman, Mary	Goulet, Maurice
Greenberg, Gary	Guinta, Frank	Haley, Robert	Hall, Betty
Hall, Charles	Herman, Keith	Holden, Randolph	Hopper, Gary
Jean, Claudette	Jean, Loren	Johnson, Lionel	Kacavas, John
Keye, Harvey	Konys, Christine	L'Heureux, Robert	LaFlamme, Paul

LaRose, Richard	Leach, Edward	Leishman, Peter	Lessard, Rudy
Lynde, Harold	Martin, Mary Ellen	McDonough-Wallace, Alice	McHugh, Claire
McRae, Karen	Melcher, Harold	Mercer, Robert	Messier, Irene
Milligan, Robert	Moran, Edward	Movsesian, Lori	Murphy, Robert
Palangas, Eric	Panagopoulos, Nicholas	Pepino, Leo	Reeves, Sandra
Rowe, Robert	Salts, Greg	Sargent, Maxwell	Shaw, Barbara
Souza, Kathleen	Spiess, Paul	Sullivan, Peter	Sweeney, Cynthia
Tate, Joan	Vaillancourt, Steve	White, John	Williams, Carol

MERRIMACK

Brewster, Richard	Clarke, Claire	Colcord, J D	Cummings, Raymond
Daneault, Gabriel	Dunne, Christopher	Feuerstein, Martin	French, Barbara
Gile, Mary	Greco, Vincent	Hager, Elizabeth	Jacobson, Alf
L'Heureux, Stephen	Langer, Ray	Owen, Derek	Rodd, Beth
Rush, Deanna	Seldin, Gloria	Winter, Steven	Yeaton, Charles

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Camm, Kevin	Carson, Sharon
Case, Margaret	Chalbeck, Kevin	Clark, Martha Fuller	Cox, Russell
DiFruscia, Anthony	Dowling, Patricia	Downing, Michael	Dumaine, Dudley
Fesh, Bob	Giordano, Ronald	Hamel, Albert	Hill, Jonathan
Introne, Robert	Itse, Daniel	Kane, Cecelia	Katsakiores, George
Kobel, Rudolph	Langone, John	McGuire, Robert	McKinney, Betsy
Micklton, Stephanie	Norelli, Terie	Nowe, Ronald	O'Keefe, Patricia
O'Neil, Michael	Palermo, Diane	Pantelakos, Laura	Pitts, Jacqueline
Power, Lucille	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Ruffner, Walter	Saia, Pamela	Sapareto, Frank	Shultis, Elizabeth
Splaine, James	Stone, Joseph	Weatherspoon, Jacquelyne	Weyler, Kenneth
Whittier, John			

STRAFFORD

Albert, Russell	Berube, Roger	Brennan, William	Estabrook, Iris
Ferland, Paul	Goodwin, Earle	Grassie, Anne	Harrington, Michael

Johnson, Nancy
Woods, Phyllis

Lent, Donald

Snyder, Clair

Wall, Janet

SULLIVAN

Allison, David
Franklin, Peter
Phinizy, James

Burling, Peter
Jones, Constance
Rodeschin, Beverly

Ferland, Brenda
Leone, Richard

Flint, Gordon Sr
Odell, Bob

and Sections 2 and 3 of the amendment failed.

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

Adopted.

Report adopted and ordered to third reading.

HB 1273-FN, relative to planning and procedures for state owned or leased trails for all-terrain vehicles and relative to registration fees for certain off highway recreational vehicles. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Bob Odell for the Majority of Resources, Recreation and Development: This legislation encompasses many of the recommendations provided by the ATV study committee that held six public meetings and heard from more than 50 witnesses last fall. The concerns of the ATV community, state government, environmental groups and citizens were all taken into consideration. This legislation increases ATV annual registration fees but uses the increased fees solely for ATV related activities. These include increased law enforcement, funds for ATV trail maintenance and development, purchase of land or easements for ATV use and educational programs. Environmental concerns are addressed on a statewide basis by putting in statute a "coarse and fine filter" evaluation standard. This standard was developed over many months by an interdepartmental working group and will be used by the Department of Resources and Economic Development when public lands are being considered for ATV trail development. ATV use in New Hampshire is increasing dramatically and this bill establishes new ground rules through which the state may work to meet this change. Vote 10-4.

Rep. Deanna P. Rush for the Minority of Resources, Recreation and Development: HB 1273-FN allows the Department of Resources & Economic Development (DRED) to expand ATV trails on state lands if certain criteria are met. However, in its current form, HB 1273-FN does not allow a local community to "opt out" of the creation or expansion of ATV trails on public lands in which it has a vested interest. The minority believes that expanded trails on public lands create a myriad of problems for some communities including public safety, financial impacts and environmental issues. We heard testimony that Bear Brook State Park encompasses 51% of the town of Allenstown. Increased expenses for the fire and police departments and emergency personnel are not fully reimbursed by the state, thus creating a devastating financial burden to a town with limited resources. An amendment to exclude Bear Brook State Park from expanded trails was defeated because it did not offer the same opportunity to the other state park communities. The minority feels the issues of local control and the 28-a issues of not fully funding fire and police protection on state

lands are serious problems. The minority amendment allows a local community to "opt out" of expanded ATV trails in state parks.

Majority Amendment (2161h)

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

1 New Paragraphs; Off Highway Recreational Vehicles and Trails; Definitions. Amend RSA 215-A:1 by inserting after paragraph V the following new paragraphs:

V-a. "OHRV club" means an organized, dues-paying, group of OHRV users with by-laws registered with the secretary of state as a nonprofit organization.

V-b. "OHRV training program," "OHRV safety training course," or "OHRV safety education program" means a course of instruction approved or recognized by the department of fish and game as appropriate for a certain type or types of OHRVs, that sufficiently covers proper operation, safety, laws and regulations, penalties, equipment maintenance, and other related matters pertaining to such type or types of OHRVs.

V-c. "Other OHRV" means an OHRV that is not a snow traveling vehicle or a trail bike.

2 Off Highway Recreational Vehicles; Bureau Responsibilities. Amend RSA 215-A:3, I to read as follows:

I. The bureau shall have the responsibility to provide coordination between the department of resources and economic development, ***division of forests and lands***, the fish and game department, and the department of transportation, with respect to matters pertaining to OHRVs.

3 New Subparagraph; Off Highway Recreational Vehicles and Trails; Bureau Responsibilities. Amend RSA 215-A:3, IV-a by inserting after subparagraph (i) the following new subparagraph:

(j) Maintain a list of recognized OHRV clubs.

4 Off Highway Recreational Vehicles and Trails; Bureau Responsibilities. Amend RSA 215-A:3, V to read as follows:

V. The chief supervisor of the bureau [~~in the interest of safety~~] may make [~~suggestions~~] ***recommendations*** concerning RSA 215-A:3-a and such rules as the chief supervisor feels may be necessary for the use and control of OHRV trails, facilities, and lands under bureau control or lease to the commissioner of the department of resources and economic development. The commissioner may adopt such [~~suggestions~~] ***recommendations*** as rules as provided in RSA 215-A:3-a. A person who fails to observe rules adopted under RSA 215-A:3-a shall be subject to the same penalties provided for in other sections of this chapter.

5 Off Highway Recreational Vehicles and Trails; Bureau Responsibilities. Amend RSA 215-A:3, IX to read as follows:

IX. The commissioner of the department of resources and economic development and the executive director of the department of fish and game shall each submit an annual report to the ~~[chairperson]~~ **chairpersons** of the ~~[wildlife and marine resources]~~ **fish and game committee, the resource, recreation and development committee, the transportation committee, and any other appropriate committee** of the house of representatives, ~~[and to]~~ the chairperson of the wildlife and recreation committee **and any other appropriate committee** of the senate, **and the state library** which details their agency's ~~[performance]~~ **activities** relating to OHRV programs during the previous year. **Such report shall include, but not be limited to, as applicable to each agency's responsibility, registration revenues received by type of vehicle, an accounting of all existing OHRV-related funds, accounts, and subaccounts, disbursements made from each fund, account, or subaccount by type of vehicle, where applicable, and use of disbursed funds, condition of trails by type of vehicle use, results of the continuing study on environmental damage by type of vehicle under RSA 215-A:3, IV, and state and contracted or otherwise known local enforcement actions taken by type of vehicle.** Each report shall be submitted on or before January 15 of each year **and shall be made available to the public in a manner deemed appropriate by each reporting agency.**

6 New Paragraphs; Off Highway Recreational Vehicles and Trails; Penalties and Owner/Operator Responsibilities. Amend RSA 215-A:19 by inserting after paragraph VI the following new paragraphs:

VII. In addition to any other penalty imposed, any person who is convicted of violating any of the following statutes shall be assessed an administrative penalty of \$200 to be paid to the department of fish and game, which shall forward such sum to the state treasurer for deposit in the fish and game fund:

(a) Disobeying any person authorized to enforce the provisions of this chapter, as provided in RSA 215-A:16 and 215-A:17, by acting in a manner prohibited by RSA 215-A:19, II or any other provision of law.

(b) RSA 215-A:11, relative to operating an OHRV while intoxicated or under the influence of drugs.

(c) RSA 215-A:11-b, relative to refusal of consent.

(d) RSA 215-A:6, IV, relative to endangerment of any person or damage to any property.

(e) RSA 215-A:29, X, relative to failure to yield right of way.

VIII. Any person who pays such penalty and who, within 6 months of conviction, successfully completes an OHRV training program, at that person's own expense, shall have his \$200 refunded to him from the fish and game fund by the executive director.

IX. In addition to any other penalty imposed, any person who is convicted of violating any of the following statutes, and who has not already successfully completed an OHRV training program, shall complete an OHRV training program, at that person's own expense, within 6 months of conviction. Any person who fails to successfully complete the OHRV training program within 6 months may not legally register or reregister any OHRV until such time as the OHRV training program is successfully completed:

(a) Laws relative to speed limit or safe operation.

(b) RSA 215-A:12 and RSA 215-A:13, relative to decibel limits on noise.

7 Off Highway Recreational Vehicles and Trails; Registration Fees Increased. Amend RSA 215-A:23, I to read as follows:

I. Individual resident registration-~~[\$26]~~ **\$55** for each 2-wheeled trail bike registration, \$45 for each snow traveling vehicle registration, or ~~[\$35]~~ **\$64** for each other OHRV registration upon presentation of **a** resident tax receipt, or a valid ~~[New Hampshire]~~ driver's license issued to a ~~[person]~~ **New Hampshire resident** 18 years of age or older.

(a) The first ~~[\$7]~~ **\$17** of each 2-wheeled trail bike registration, \$25 for each snow traveling vehicle registration, or ~~[\$16]~~ **\$26** of each other OHRV registration shall be appropriated to the department of resources and economic development for ~~[administration of]~~ the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, \$10.30 from each snow traveling vehicle registration or ~~[\$9.30]~~ **\$18.30** from each 2-wheeled trail bike or other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and \$9.70 **from each snow traveling vehicle registration or \$19.70 from each 2-wheeled trail bike or other OHRV registration** shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

8 Off Highway Recreational Vehicles and Trails; Registration Fees Increased. Amend RSA 215-A:23, III to read as follows:

III. Individual nonresident registration-~~[\$36]~~ **\$75** for each 2-wheeled trail bike registration, \$60 for each snow traveling vehicle registration, or ~~[\$45]~~ **\$84** for each other OHRV registration.

(a) The first ~~[\$13]~~ **\$23** of each 2-wheeled trail bike registration, \$36 of each snow traveling vehicle registration, or ~~[\$22]~~ **\$32** of each other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, \$12.10 from each snow traveling vehicle registration or ~~[\$11.10]~~ **\$21.10** from each 2-wheeled trail bike or other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and \$11.90 **from each snow traveling vehicle registration or \$30.90 from each 2-wheeled trail bike or other OHRV registration** shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

9 Off Highway Recreational Vehicles and Trails; Registration Fees. Amend RSA 215-A:23, VI to read as follows:

VI.(a) Any funds appropriated to the department of resources and economic development for ~~[administration of]~~ the bureau's grant-in-aid program shall be kept in a separate account and shall not be used for any other purpose. **Three subaccounts shall be kept within the separate account and separately designated for snow traveling vehicles, 2-wheeled trail bikes, and other OHRVs. The corresponding registration fee moneys allocated to the bureau's grant-in-aid program under paragraphs I and III shall be deposited in the respective sub-accounts. Moneys in a subaccount may only be used for grant-in-aid projects that benefit the ridership of the type of vehicle for which the subaccount was established,**

in amounts proportional to the approximate benefit of each project to such ridership when compared to that of the ridership of other types of OHRVs, as determined by the bureau.

Any unexpended balance in said account shall not lapse, but shall be carried forward to the next fiscal year. From each registration fee collected under this section, \$5 shall be used for the purpose of purchasing trail grooming equipment and trail maintenance equipment. All remaining funds shall be used for trail maintenance and construction.

(b) Grants-in-aid shall be granted to ~~[organized nonprofit]~~ OHRV clubs and political subdivisions for the construction and maintenance of OHRV trails and facilities. The bureau shall make grants on such terms as it deems necessary and shall determine what trails and facilities shall be eligible. All trails and facilities developed and maintained under this grant-in-aid program shall be open to the general public. Notwithstanding the provisions of this subparagraph, a landowner who grants permission for a grant-in-aid trail to be located on his property shall retain the right to establish the inclusive dates during which OHRV operation shall be permitted. The private landowner shall also retain the right to post any grant-in-aid trail located on his property against trespass by any specific activity or specific type of OHRV.

(c) All revenue appropriated in this paragraph shall be in addition to any other funds appropriated to the grant-in-aid program of the bureau of trails. Such revenue is hereby continually appropriated to the department of resources and economic development for the purposes of this paragraph.

10 Off Highway Recreational Vehicles and Trails; Amend RSA 215-A:23, VII(c) to read as follows:

(c) Land purchases, easements, and rights-of-way. A separate account shall be established into which \$5 of each resident trail bike and other OHRV registration fee appropriated for administration of the bureau under RSA 215-A:23, I(b) and \$5 of each nonresident trail bike and other OHRV registration fee appropriated for administration of the bureau under RSA 215-A:23, III(b) shall be deposited to be used only for land purchases, easements and rights-of-way for ATV or trail bike trail and facility development.

11 Off Highway Recreational Vehicles and Trails; Registration Fees. Amend RSA 215-A:23, VIII to read as follows:

VIII. Any funds appropriated to the fish and game department shall be used for the following purposes:

(a) Enforcement of the provisions of RSA 215-A.

(b) Establishment of **OHRV** training programs. ~~[in the operation, safety, regulation, equipment maintenance, and other related matters pertaining to OHRVs.]~~

(c) Law enforcement under this chapter, which shall be the responsibility of the executive director.

(d) OHRV registration.

(e) Such other purposes as may be budgeted within the limitation of the funds available. Any unexpended balance in said accounts shall not lapse, but shall be carried forward to the next fiscal year.

(f) Contracting with local police departments to enforce the provisions of this chapter relative to ATV use. Ten dollars of each resident other OHRV registration fee appropriated to the department of fish and game under RSA 215-A:23, I (b), and \$19 of each nonresident other OHRV registration fee appropriated to the department of fish and game under RSA 215-A:23, III (b) shall be used exclusively for such contracting and shall not be transferred or diverted to any other purpose.

12 Off Highway Recreational Vehicles and Trails; Issuing Agents and Fees. Amend RSA 215-A:24 to read as follows:

215-A:24 Issuing Agents; Fees. If any registration is issued for the executive director by one of his duly authorized agents, such agent shall collect from the registrant a fee of [~~\$1~~] **\$2** in addition to the fee prescribed by RSA 215-A:23. Each application for registration of an OHRV shall have printed thereon the words and figures, "agent's fee [~~\$1~~] **\$2**." Such agent shall retain the additional fee as compensation for his services in connection with the issuance of such registration, except that, if the agent is on the payroll of the executive director, the additional fee shall be retained by the department of fish and game.

13 New Section; Off Highway Recreational Vehicles and Trails; New Owner Notification; Amend RSA 215-A by inserting after section 26 the following new section:

215-A:26-a New Owner Notification of Laws. The fish and game department shall provide to OHRV dealers and rental agents a disclosure statement to inform buyers and renters of OHRVs of the laws and penalties relative to OHRV operation, including but not limited to, the need for permission to operate on the property of others. The disclosure statement shall be accompanied by a map showing known OHRV trails that are open to the public. OHRV dealers and rental agents shall require each buyer or renter to sign the disclosure document prior to each sale or rental of an OHRV. One copy shall be retained by the OHRV dealer or rental agent, one copy shall be retained by the buyer or renter, and one copy shall be remitted to the fish and game department by the dealer or rental agent as a requirement of licensure under RSA 215-A:26.

14 Off Highway Recreational Vehicles and Trails; OHRV Operation and License. Amend RSA 215-A:29, II(a) as follows:

(a) A person at least 12 years of age who has successfully completed an [~~approved~~] OHRV [~~safety training course~~] **training program**, or is licensed to drive a vehicle in accordance with RSA 263, shall be allowed to operate an OHRV in accordance with the provisions of this chapter ***on property other than that owned or leased by such person or such person's parent, grandparent, or guardian.*** A person operating an OHRV shall carry such person's valid driver's license or evidence of the completion of an [~~approved~~] OHRV [~~safety training course~~] **training program**, and shall present such evidence to any law enforcement officer who is empowered to enforce this [~~section~~] **chapter**, upon demand of such law enforcement officer. [~~Any person who possesses a~~] A valid driver's license issued by authority of law of another state or a province of Canada [~~or evidence of successful completion of an approved OHRV safety training course authorized by the New Hampshire fish and game department shall be allowed to operate an OHRV in accordance with the provisions of this chapter~~] **shall satisfy the driver licensure requirement of this subparagraph.**

15 Off Highway Recreational Vehicles and Trails; OHRV Operation and License. Amend RSA 215-A:29, V and VI as follows:

V. ~~[When the judge of a juvenile court determines that a person who is less than 16 years of age has violated this section, the judge shall immediately report the determination to the state fish and game department. If the person holds an OHRV safety certificate, the]~~ **The** executive director of the fish and game department~~[, upon receiving a notice of a determination pursuant to this section,]~~ may suspend ~~[the]~~ **a** person's OHRV ~~[safety]~~ **training program** certificate **or the department's recognition of a person's completion of an OHRV training program if not administered or sponsored by the department, in accordance with rules adopted under RSA 541-A, [without a hearing] for violating any provision or rule of this chapter. The terms of such suspension shall be determined by the executive director.**

VI. OHRV ~~[safety training]~~ **training programs** shall be established within the OHRV budget of the New Hampshire fish and game department as referred to in RSA 215-A:23, VIII. **The department shall issue a certificate to any person successfully completing an OHRV training program administered or sponsored by the department.**

16 New Subdivision; Off Highway Recreational Vehicles and Trails; ATV and Trail Bike Trails Operation on State Lands. Amend RSA 215-A by inserting after section 40 the following new subdivision:

ATV and Trail Bike Operation on State Lands

215-A:41 Intent.

I. The general court declares it to be in the public interest to balance the demand for ATV and Trail Bike Trails on state lands:

- (a) With other non-motorized recreational trail uses;
- (b) Potentially conflicting management goals for state lands; and
- (c) Protection of wildlife and ecologically important areas.

II. In furtherance of the public interest, the bureau, in cooperation with the department of fish and game and all other state agencies that are custodians of the property involved shall work to develop a system of trails for ATVs and trail bikes on both public and private lands that:

- (a) Uses, to the greatest extent possible, private lands, under voluntary agreement with landowners;
- (b) Uses public lands that can host ATV and trail bike trails that are compatible with existing uses and management goals and plans;
- (c) Is managed cooperatively with formally established ATV and trail bike clubs recognized by the bureau;
- (d) Is regularly monitored for overuse, compliance with laws and regulations, and environmental degradation, with curtailment of trail use if such conditions are found to exist;
- (e) Ensures safe and legal use through consistent enforcement of all laws as set forth in this chapter; and

(f) Provides opportunities for public input in all decisions regarding development of new or significantly revised trail systems on state lands.

215-A:42 ATV and Trail Bike Trails.

I. No ATV or trail bike trail shall be established after the effective date of this paragraph or subsequently maintained on state-owned property unless all of the following conditions are met:

(a) The property has been evaluated by the bureau in cooperation with the department of fish and game and the department of resources and economic development, division of forests and lands, and other state agencies that are custodians of the property using the coarse and fine filter criteria, established under RSA 215-A:43, and has passed such criteria as determined by the commissioner of the department of resources and economic development and the executive director of the department of fish and game.

(b) A memorandum of understanding (memorandum) exists between the bureau, the fish and game department, the department of resources and economic development, division of forests and lands, and all other state agencies that are custodians of the property. The memorandum shall include, but not be limited to, the responsibilities that each agency has in monitoring, maintaining, and enforcing relevant laws relative to the trail and the type of OHRV permitted on approved trails. The bureau shall enter into the memorandum only if it is certain that proper monitoring and maintenance of the trail shall occur, either through its own resources or those of others. The fish and game department shall enter into the memorandum only if it can commit sufficient resources to reasonably monitor for proper ATV or trail bike use on the property and enforce the applicable laws.

(c) A written agreement is in effect between the bureau and a locally organized ATV or trail bike club recognized by the bureau that details the club's on-going responsibilities, including but not limited to, monitoring the use and condition of the trail, erecting signage, educating operators, performing maintenance, and monitoring compliance with laws and regulations. Should the club fail to fulfill some or all of its responsibilities, the bureau or its agent may assume such responsibilities provided sufficient resources are available and committed.

(d) A management plan exists for the property that specifically allows ATV or trail bike use on the property, and the ATV or trail bike trail does not otherwise conflict with the management plan. Any state agency proposing to establish or change a management plan that affects ATV or trail bike use on state property shall publicize such plan and provide the public with the opportunity to comment on the plan before enactment.

II. An ATV or trail bike trail on state-owned property may be closed to ATV or trail bike use by the bureau, if the bureau finds that:

(a) ATV or trail bike use on the property is not in conformance with this chapter;

(b) Responsibilities assumed by the locally organized ATV or trail bike club pursuant to subparagraph I(c) are not being met; or

(c) Provisions of the memorandum between the state agencies as entered into pursuant to paragraph I(b) require such closure.

III. The bureau may not permanently close a trail under paragraph II to ATV or trail bike use without first holding a public hearing in the local area in which the trail is located. Such hearing shall be advertised at least 14 days prior to the hearing in a newspaper of statewide circulation and also in any local newspapers to the cities and towns in which the state property is located.

215-A:43 Evaluation Process. Any new ATV or trail bike trail proposal on state-owned property shall be evaluated by the department of resources and economic development using a 2-step process.

I. The new ATV or trail bike trail proposal shall be considered to have passed the initial screening process if the following coarse filter criteria are met:

(a) There are no deed restrictions, laws, or purchase funding source restrictions that prohibit the use of ATVs or trail bikes on the property.

(b) Less than 90 percent of the property is composed of the following types of areas in combination:

(i) Exemplary natural communities as identified in the natural heritage inventory program as defined in RSA 217-A:3, XVI;

(ii) Habitat necessary for the successful breeding or survival of federal or state listed endangered or threatened species; and

(iii) Forested wetlands consisting of group IIB forest soils as defined and mapped by the Natural Resources Conservation Service or non-forested wetlands as defined by the department of environmental services.

(c) If it is to be a self-contained trail network, at least 700 contiguous acres are available within which the trail network can be situated, in either single state ownership or as a combination of abutting state properties.

(d) If it is to be a trail corridor link, the trails which are being connected exist or will exist when the trail corridor link is established, or shortly thereafter.

(e) The use of ATVs or trail bikes on the property does not conflict with the purpose for which the property was acquired by the state as provided by law, or as attested to by letters from grantors, department memoranda, historic records, or other credible documents, or, if such conflict exists, it has been set aside by some legal means that includes a formal review process by the custodial state agency.

(f) The use of ATVs or trail bikes on the property is not prohibited by an existing management plan for the property.

II. A new ATV or trail bike trail proposal that has passed the initial screening process of the coarse filter criteria under paragraph I shall proceed into a planning and layout phase and shall be considered to have passed such phase if the following fine filter criteria are met:

(a) The new trail is supported by an organized ATV or trail bike club recognized by the bureau.

(b) ATVs or trail bikes operated on the trail will comply with maximum decibel limit established by law.

(c) Adequate parking exists or will be developed for the type of trail being proposed and the number of expected riders.

(d) The proposal is compatible with local planning and zoning ordinances.

(e) The proposed trail does not pass through a parcel with deed restrictions.

(f) The proposal is compatible with noise and obnoxious use ordinances.

(g) The proposal is reasonably compatible with existing uses.

(h) The proposal does not violate federal, state, or local laws.

(i) The proposal includes a monitoring and response system designed to detect and correct adverse environmental impacts.

(j) The proposed trail layout incorporates existing motorized travel corridors whenever possible.

(k) The proposed trail layout minimizes further fragmentation of blocks of forestland by locating trails on areas with existing development whenever possible.

(l) The proposed trail does not pass through a wellhead protection area as determined by the department of environmental services under RSA 485:48, II.

(m) The proposed trail is not located on earthen dams, dikes, and spillways.

(n) The proposed trail avoids areas having soil types classified as important forest soil group IIA or IIB as defined and mapped by the Natural Resources Conservation Service, unless there is an existing soil condition or surface roadway that can be used to reduce adverse environmental impacts.

(o) The proposed trail is not within 100 feet of the ordinary high water mark of first and second order streams, 330 feet of third order streams, and 600 feet of fourth order and higher streams, except for purposes of stream crossing.

(p) All stream crossing structures meet 5-year flood design criteria.

(q) The proposed trail is not within 200 feet of any water body, forested or non-forested wetland, or vernal pool.

(r) The proposed trail avoids elevations over 2700 feet.

(s) The proposed trail avoids important wildlife habitat features for species of concern.

(t) The proposed trail avoids known locations of federally and state listed endangered or threatened species, or their habitat, as specified on a site specific basis by the fish and game department.

(u) The proposed trail avoids known locations of rare plants and exemplary natural communities, as specified on a site specific basis by the natural heritage inventory.

(v) The proposed trail avoids alteration or disturbance of unique geologic features, formations, and designated state geologic waysides, as specified on a site specific basis by the state geologist.

(w) The proposed trail avoids alteration, disturbance and adverse impacts to cultural and historic resources.

(x) The proposed trail is not within 330 feet of known raptor nest trees, or within 650 feet of trees with eagle or osprey nests.

(y) The proposed trail is more than 650 feet from eagle winter roosting areas and 330 feet from the edge of wetlands containing heron rookeries.

(z) The proposed trail layout has a safe and appropriate trail design.

(aa) Safety standards for highway crossings are met.

(bb) Any planned use of the proposed trail with other uses is safely accommodated.

(cc) Local enforcement officers have been contacted to review and provide input regarding enforcement issues.

III. The bureau shall hold at least one meeting to inform the public and local cities and towns of the plan and layout for a proposed ATV or trail bike trail, consistent with the fine filter criteria in paragraph II, and to provide an opportunity for the public to comment. Information on the plan and layout shall be made available to the public at a place in the local area in which the proposed trail is to be located, at the bureau's office in Concord, and on the internet. The meeting and the places to obtain the information on the plan and layout shall be advertised at least 14 days prior to the meeting in a newspaper of statewide circulation and also in any local newspapers to the cities and towns in which the state property is located.

IV. No person shall operate an OHRV wider than 50 inches or over 1000 pounds on any state-owned trails.

17 Liability Insurance. Amend RSA 260:61, II as follows:

II. The OHRV bureau's grant-in-aid program shall bear the expenses of the following:

(a) A liability insurance policy for the benefit of landowners who allow ~~[snowmobilers]~~ **riders of off highway recreational vehicles, as defined in RSA 215-A:1, VI** to use their property, and

(b) A liability insurance policy for the benefit of landowners who lease their land to the state of New Hampshire for use by ~~[snowmobilers]~~ **riders of off highway recreational vehicles, as defined in RSA 215-A:1, VI.**

18 Increase in Fines. It is the intent of the general court that fines levied by the courts against persons who violate the provisions of this chapter should be increased to further discourage the unlawful use of OHRVs. The executive director shall submit to the supreme court a recommended uniform fine schedule that reflects this intent, provided such recommendation has not already been submitted prior to the effective date of this act, but on or after January 1, 2002.

19 Current Projects. The trails bureau, division of parks and recreation, department of resources and economic development, should move forward with ATV projects in process that comply with the provisions of RSA 215-A.

20 Nash Stream Forest. The commissioner of the department of resources and economic development should move forward with the planning and approval process for an appropriate ATV connecting trail in the Nash Stream Forest, in cooperation with a local ATV club.

21 State-owned ATV and Trail Bike Trail. Within 90 days of the effective date of this paragraph, the commissioner of the department of resources and economic development shall select, using the course filter criteria of RSA 215-A:43, I, one site on state public lands that is suitable for new ATV or trail bike trail networks. Once the lands are identified, the trails bureau shall work expeditiously to develop and open the ATV and trail bike trail networks in conformance with the provisions of RSA 215-A.

22 ATV and Trail Bike Trails Plan; Funding.

I. The department of resources and economic development, directly or through outside contractors or agencies, shall prepare an ATV and trail bike trails plan by December 31, 2003. Such plan shall be updated every 5 years thereafter. The plan shall emphasis development of self-contained trails, although state-owned connecting trails between two or more self-contained trail systems located on private lands shall not be excluded. The plan shall accomplish the following:

(a) Provide an inventory of the ATV and trail bike trails open to the public in the state, including the length and condition of the trails, persons or organizations responsible for maintenance, funding levels for maintenance, and estimated ATV and trail bike use.

(b) Provide an assessment of the amount of ATV and trail bike trail expansion required to reasonably accommodate the public need in the next 5 years.

(c) Propose additional sites of strategically located lands where public/private partnerships will allow development of ATV and trail bike trails.

(d) Propose sites for the acquisition by the state of strategically located lands for the development of ATV and trail bike trails.

II. An amount not to exceed \$50,000 shall be used by the department of resources and economic development from the other OHRV subaccount established in RSA 215-A:23, VI(a), to complete the ATV and trail bike trails plan.

23 Local Enforcement Program. An initial amount of not less than \$20,000 shall be used from moneys appropriated to the fish and game department under RSA 215-A:23, I(b) and III(b) to fund a local enforcement program, during fiscal year 2003, as provided for in RSA 215-A:23, VIII(f) to be followed by an expansion to a fully funded program from designated funds.

24 Repeal. RSA 215-A:3, X, relative to annual reports detailing grant in aid disbursements, is repealed.

25 Effective Date. This act shall take effect on July 1, 2002.

AMENDED ANALYSIS

This bill implements various changes to the existing laws relative to the operation and registration of off highway recreational vehicles (OHRV), including:

- I. The establishment of procedures for ATV and trail bike operation on state lands.
- II. The implementation of a 2-step process based on coarse and fine filter criteria for the evaluation of any new trail proposals for all terrain vehicles (ATV) or trail bikes.
- III. Increasing the resident and nonresident OHRV registration fees.
- IV. An increase in fines for violations of laws governing OHRV and ATV operation.

Majority amendment adopted.

Rep. Rush offered minority amendment (2785h).

Minority Amendment (2785h)

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

4 New Section; Trail Expansion in State Parks or State Forests. Amend RSA 216-F by inserting after section 5 the following new section:

216-F:6 Trail Expansion Prohibited. Notwithstanding the provisions of RSA 215-A, further off highway recreational vehicle trail expansion in any state park or state forest shall be prohibited, unless specifically permitted by the city or town through which the proposed trail expansion is to occur.

AMENDED ANALYSIS

This bill:

- I. Requires that procedures for establishing, maintaining, and governing the use by the public of state-owned or state-leased land as trails for all-terrain vehicles shall be adopted by the commissioner of the department of resources and economic development through the administrative rulemaking process.

II. Raises resident and nonresident fees from \$26 to \$45 for a trail bike and from \$45 to \$60 for any other off highway recreational vehicle.

III. Prohibits further off highway recreational vehicle trail expansion in any state park or forest without permission of the political subdivision through which the proposed trail expansion is to occur.

Reps. Rush and Spang spoke in favor.

Reps. Odell and McGuire spoke against and yielded to questions.

Rep. Lawton requested a roll call; sufficiently seconded.

The question being adoption of the minority amendment (2785h).

YEAS 118 NAYS 225

YEAS 118

BELKNAP

Johnson, William

Rice, Thomas Jr

Wood, Jane

CARROLL

Babson, David Jr

CHESHIRE

Allen, Peter

Batchelder, Robert

Burnham, Daniel

Espieffs, Peter

McGuirk, Paul

Mitchell, McKim

Richardson, Barbara

Slack, Pamela Russell

Weed, Charles

COOS

Davis, Perley

Landers, Dana

GRAFTON

Benn, Bernard

Cooney, Mary

Lovett, Sid

Nordgren, Sharon

Pawlek, Marion

Scovner, Nancy

Sokol, Hilda

Solow, Martha

HILLSBOROUGH

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Buckley, Raymond
Christiansen, Lars	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Daigle, Robert	Dwyer, Paul
Ford, Nancy	Ginsburg, Ruth	Gorman, Mary	Haley, Robert
Jean, Claudette	Johnson, Lionel	Kacavas, John	Keye, Harvey
Konys, Christine	L'Heureux, Robert	Lynde, Harold	Martin, Mary Ellen
McDonough-Wallace, Alice	Melcher, Harold	Moran, Edward	Movsesian, Lori
Murphy, Robert	Panagopoulos, Nicholas	Pepino, Leo	Shaw, Barbara
Sullivan, Peter	Sweeney, Cynthia	White, John	Williams, Carol

MERRIMACK

Bouchard, Candace	Burney, Carol	Clarke, Claire	Crosby, Toni
Daneault, Gabriel	Davis, Frank	French, Barbara	Greco, Vincent
Jacobson, Alf	Maxfield, Roy	Owen, Derek	Potter, Frances
Reardon, Tara	Rodd, Beth	Rush, Deanna	Wallner, Mary Jane
Yeaton, Charles			

ROCKINGHAM

Blanchard, MaryAnn	Case, Margaret	Clark, Martha Fuller	Coes, Betsy
DiFruscia, Anthony	Hamel, Albert	Langley, Jane	Norelli, Terie
O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline	Reardon, Neil
Ruffner, Walter	Shultis, Elizabeth	Splaine, James	Stone, Joseph
Trueman, Raymond	Weatherspoon, Jacquelyne		

STRAFFORD

Berube, Roger	Brennan, William	DeChane, Marlene	Estabrook, Iris
Ferland, Paul	Goodwin, Earle	Hughes, Christopher	Johnson, Nancy
Knowles, William	Lent, Donald	McCarthy, Gerald	Pelletier, Arthur
Proulx, Raymond	Smith, Marjorie	Snyder, Clair	Spang, Judith

SULLIVAN

Allison, David	Burling, Peter	Ferland, Brenda	Flint, Gordon Sr
Franklin, Peter	Harris, Joseph	Harris, Sandra	Robb, Amy

NAYS 225

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Holbrook, Robert
Lawton, David	Millham, Alida	Nedeau, Stephen	Pilliod, James
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	Sullivan, P Judith		

CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Liebl, George	Manning, Joseph
Meador, David	Pratt, Irene	Pratt, John	Roberts, William
Smith, Edwin	Zerba, Roger		

COOS

Bradley, Paula	Gallus, John	Guay, Lawrence	Horton, Lynn
Pratt, Leighton	Tholl, John Jr	Woodward, David	

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Cobb, John	Dudley, Terri	Eaton, Stephanie	Gabler, William
Gilman, G Michael	Giuda, Robert	Ham, Bonnie	Marshall, Gene
Scanlan, David	Sova, Charles	Teschner, Douglass	Ward, Brien
Williams, Burton			

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Balcom, John	Batula, Peter	Bergeron, Jean-Guy	Bouchard, David

Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Christensen, D L Chris	Clegg, Robert Jr
Coughlin, Pamela	Desrosiers, William	Dionne, Kimberley	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Eaton, Richard	Elliott, Larry
Emerton, Lawrence Sr	Fields, Dennis	Foster, Linda	Furman, Christine
Gargas, Carolyn	Gleneck, David	Golding, William	Goley, Jeffrey
Goulet, Maurice	Graham, John	Greenberg, Gary	Guinta, Frank
Hall, Charles	Herman, Keith	Holden, Randolph	Hopper, Gary
Jean, Loren	Kurk, Neal	LaFlamme, Paul	LaRose, Richard
Leach, Edward	Leishman, Peter	Lessard, Rudy	McHugh, Claire
McRae, Karen	Mercer, Robert	Messier, Irene	Milligan, Robert
O'Connell, Timothy	Palangas, Eric	Pappas, Marc	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Salts, Greg	Sargent, Maxwell
Souza, Kathleen	Spiess, Paul	Tahir, Saghir	Tate, Joan
Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Brewster, Richard	Colcord, J D	Cummings, Raymond
Dunne, Christopher	Feuerstein, Martin	Hager, Elizabeth	Hess, David
Hutchinson, John	Kennedy, Richard	L'Heureux, Stephen	Leber, William
Lockwood, Priscilla	MacKay, James	Seldin, Gloria	Swindlehurst, John
Whalley, Michael	Winter, Steven		

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bowles, Raimond
Boynton, James	Bridle, Russell	Camm, Kevin	Carson, Sharon
Chalbeck, Kevin	Clark, Vivian	Cooney, Richard	Cox, Russell
Dalrymple, Janeen	Dearborn, Bruce	Dowling, Patricia	Downing, Michael
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald	Gleason, John
Griffin, Mary	Henderson, Warren	Hill, Jonathan	Holland, James Jr
Introne, Robert	Itse, Daniel	Johnson, Robert	Johnson, Rogers
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langone, John	Letourneau, Robert	Major, Norman	McGuire, Robert

McKinney, Betsy	Micklon, Stephanie	Morse, Charles	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Palermo, Diane	Power, Lucille
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Rausch, James	Robertson, Carl	Saia, Pamela	Sapareto, Frank
Sloan, Stephen	Stritch, C Donald	Varrell, Thomas	Welch, David
Weyler, Kenneth	Whittier, John	Zolla, William	

STRAFFORD

Albert, Russell	Bickford, David	Callaghan, Frank	Cossette, Larry
Dunlap, Patricia	Harrington, Michael	Reid, Christopher	Rollo, Michael
Wall, Janet	Woodill, Rodney	Woods, Phyllis	

SULLIVAN

Cloutier, John	Jones, Constance	Leone, Richard	Odell, Bob
Phinzy, James	Rodeschin, Beverly		

and the minority amendment (2785) failed.

Rep. Bouchard requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 211 NAYS 132

YEAS 211

BELKNAP

Bartlett, Gordon	Czech, Stanley	Holbrook, Robert	Johnson, William
Lawton, David	Millham, Alida	Nedeau, Stephen	Rosen, Ralph
Russell, David	Thomas, John	Wood, Jane	

CARROLL

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

CHESHIRE

Avery, Stephen	Batchelder, Robert	Burnham, Daniel	Dexter, Judson
Edwards, Dana	Espieffs, Peter	Fairbanks, Chandler	Liebl, George
Manning, Joseph	Meader, David	Pratt, Irene	Pratt, John
Roberts, William	Smith, Edwin	Zerba, Roger	

COOS

Bradley, Paula	Davis, Perley	Horton, Lynn	Pratt, Leighton
Tholl, John Jr	Woodward, David		

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Cobb, John	Cooney, Mary	Dudley, Terri	Eaton, Stephanie
Gabler, William	Giuda, Robert	Lovett, Sid	Marshall, Gene
Nordgren, Sharon	Scanlan, David	Sova, Charles	Teschner, Douglass
Ward, Brien	Williams, Burton		

HILLSBOROUGH

Alukonis, David	Balcom, John	Batula, Peter	Bragdon, Peter
Brundige, Robert	Bruno, Pierre	Buckley, Raymond	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Christensen, D L Chris	Cote, David
Coughlin, Pamela	Craig, James	Desrosiers, William	Dokmo, Cynthia
Emerton, Lawrence Sr	Fields, Dennis	Foster, Linda	Furman, Christine
Gargasz, Carolyn	Ginsburg, Ruth	Gleneck, David	Golding, William
Goley, Jeffrey	Goulet, Maurice	Graham, John	Greenberg, Gary
Guinta, Frank	Hall, Charles	Herman, Keith	Hopper, Gary
Jean, Loren	Keye, Harvey	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Leach, Edward	Leishman, Peter
Lessard, Rudy	Lynde, Harold	Mercer, Robert	Messier, Irene
Milligan, Robert	Murphy, Robert	O'Connell, Timothy	Palangas, Eric
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Sargent, Maxwell	Souza, Kathleen	Spiess, Paul
Tahir, Saghir	Tate, Joan	Thulander, O Alan	Vaillancourt, Steve

Wheeler, Robert

MERRIMACK

Anderson, Eric	Brewster, Richard	Colcord, J D	Cummings, Raymond
Dunne, Christopher	Feuerstein, Martin	Hager, Elizabeth	Hess, David
Hutchinson, John	Jacobson, Alf	Kennedy, Richard	L'Heureux, Stephen
Leber, William	Lockwood, Priscilla	MacKay, James	Reardon, Tara
Seldin, Gloria	Swindlehurst, John	Whalley, Michael	Winter, Steven

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bowles, Raimond
Boynton, James	Camm, Kevin	Carson, Sharon	Case, Margaret
Clark, Vivian	Cooney, Richard	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	DiFruscia, Anthony	Downing, Michael	Flanders, John Sr
Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald
Gleason, John	Griffin, Mary	Henderson, Warren	Introne, Robert
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Langone, John	Major, Norman	McGuire, Robert	Micklon, Stephanie
Morse, Charles	Norelli, Terie	Nowe, Ronald	Palermo, Diane
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Robertson, Carl	Ruffner, Walter	Saia, Pamela	Sloan, Stephen
Stritch, C Donald	Varrell, Thomas	Whittier, John	Zolla, William

STRAFFORD

Albert, Russell	Callaghan, Frank	Cossette, Larry	Harrington, Michael
Knowles, William	Reid, Christopher	Rollo, Michael	Wall, Janet
Woods, Phyllis			

SULLIVAN

Burling, Peter	Cloutier, John	Ferland, Brenda	Harris, Joseph
Jones, Constance	Leone, Richard	Odell, Bob	Robb, Amy
Rodeschin, Beverly			

NAYS 132

BELKNAP

Boyce, Laurie	Pilliod, James	Rice, Thomas Jr	Wendelboe, Fran
---------------	----------------	-----------------	-----------------

CARROLL

Kenney, Joseph

CHESHIRE

Allen, Peter	Emerson, Susan	Hunt, John	McGuirk, Paul
Mitchell, McKim	Richardson, Barbara	Slack, Pamela Russell	Weed, Charles

COOS

Gallus, John	Guay, Lawrence	Landers, Dana
--------------	----------------	---------------

GRAFTON

Benn, Bernard	Gilman, G Michael	Ham, Bonnie	Pawlek, Marion
Scovner, Nancy	Sokol, Hilda	Solow, Martha	

HILLSBOROUGH

Allan, Nelson	Andosca, Mary	Artz, Lawrence	Balboni, Michael
Baroody, Benjamin	Bellavance, Paul	Bergeron, Jean-Guy	Bouchard, David
Christiansen, Lars	Clayton, William	Clegg, Robert Jr	Clemons, Jane
Cote, Peter	Daigle, Robert	Dionne, Kimberley	Drabinowicz, A Theresa
Drisko, Richard	Dwyer, Paul	Eaton, Richard	Elliott, Larry
Ford, Nancy	Gorman, Mary	Haley, Robert	Holden, Randolph
Jean, Claudette	Johnson, Lionel	Kacavas, John	LaFlamme, Paul
Martin, Mary Ellen	McDonough-Wallace, Alice	McHugh, Claire	McRae, Karen
Melcher, Harold	Moran, Edward	Movsesian, Lori	Panagopoulos, Nicholas
Salts, Greg	Shaw, Barbara	Sullivan, Peter	Sweeney, Cynthia
White, John	Williams, Carol		

MERRIMACK

Bouchard, Candace	Burney, Carol	Clarke, Claire	Crosby, Toni
Daneault, Gabriel	Davis, Frank	French, Barbara	Greco, Vincent
Maxfield, Roy	Owen, Derek	Potter, Frances	Rodd, Beth
Rush, Deanna	Wallner, Mary Jane	Yeaton, Charles	

ROCKINGHAM

Blanchard, MaryAnn	Bridle, Russell	Chalbeck, Kevin	Clark, Martha Fuller
Coes, Betsy	Dowling, Patricia	Dumaine, Dudley	Fesh, Bob
Hamel, Albert	Hill, Jonathan	Holland, James Jr	Letourneau, Robert
McKinney, Betsy	O'Keefe, Patricia	O'Neil, Michael	Packard, Sherman
Pantelakos, Laura	Pitts, Jacqueline	Power, Lucille	Rausch, James
Reardon, Neil	Sapareto, Frank	Shultis, Elizabeth	Splaine, James
Stone, Joseph	Trueman, Raymond	Weatherspoon, Jacquelyne	Welch, David
Weyler, Kenneth			

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Ferland, Paul	Goodwin, Earle
Hughes, Christopher	Johnson, Nancy	Lent, Donald	McCarthy, Gerald
Pelletier, Arthur	Proulx, Raymond	Smith, Marjorie	Snyder, Clair
Spang, Judith	Woodill, Rodney		

SULLIVAN

Allison, David	Flint, Gordon Sr	Franklin, Peter	Harris, Sandra
Phinizy, James			

and the majority committee report was adopted.

suspension of rules

Reps. Scanlan and Burling moved that Rules be so far suspended as to permit referral to a second committee and reporting beyond the deadlines with final action no later than March 21, 2002 on

HB 1273-FN, relative to planning and procedures for state owned or leased trails for all-terrain vehicles and relative to registration fees for certain off highway recreational vehicles.

Adopted by the necessary two-thirds.

Referred to Ways and Means.

regular calendar (cont'd.)

HB 1343, relative to processing excavating and dredging permits. **OUGHT TO PASS WITH AMENDMENT**

Rep. Judith T. Spang for Resources, Recreation and Development: This bill, supported by the Department of Environmental Services (DES), provides for shorter time limits for review of excavating and dredging permits. Testimony by experts and the construction industry indicated that the time saved for their projects would be well worth the additional fees required to give the Department of Environmental Services (DES) the resources to reduce turn-around time. Fees related to timber harvesting were not increased. Vote 12-0.

Amendment (2786h)

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

1 New Paragraph; Excavating and Dredging; Certain Exemptions. Amend RSA 482-A:3 by inserting after paragraph XIII the following new paragraph:

XIV. In processing an application for permits under this chapter the department shall:

(a) Within 20 days of receipt, examine the application, send notice to the applicant at the address provided on the application of any apparent error or omission with regard to the administrative completeness of the application, and notify the applicant of the name, official title, address, and telephone number of a department official or employee who may be contacted regarding the application.

(b) Within 120 days of receipt, or within 180 days if the application proposes more than one acre of jurisdictional impact, issue written technical comments on the application and request any additional information that the department is permitted by law to require.

(c) Where the department requests additional information pursuant to subparagraph (b), the department shall, within 60 days of the receipt of the applicant's complete response to said request for information:

(1) Approve or deny the application, in whole or in part; or

(2) Commence a non-adjudicative proceeding in accordance with this chapter and rules adopted by the commissioner.

(d) Where no request for additional information is made pursuant to subparagraph (b), the department shall, within a reasonable time not to exceed 120 days, or not to exceed 180 days if the application proposes more than one acre of jurisdictional impact:

(1) Approve or deny the application, in whole or in part; or

(2) Commence a non-adjudicative proceeding in accordance with this chapter and rules adopted by the commissioner.

(e) The time limits prescribed by this paragraph shall supersede any time limits provided in any other provision of law. If the department fails to render a decision within the time frames provided in this paragraph, the application shall be deemed to be approved.

(f) The time limits prescribed by this paragraph shall not apply to applications where a violation of this chapter exists on the same property.

2 Excavation and Dredging Permit; Certain Exemptions. Amend RSA 482-A:3, I to read as follows:

I. No person shall excavate, remove, fill, dredge, or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department. The permit application together with a detailed plan and a map showing the exact location of the proposed project, along with 4 copies of the permit application, plan, and map, shall be submitted to the town or city clerk, accompanied by a filing fee in the form of a check made out by the applicant to the state of New Hampshire. The permit application fee shall be **at least \$50 \$100** for ~~[minimum impact]~~ **all projects under this chapter.** ~~[Fees for minor and major projects shall be assessed based on the area of dredge, fill, or construction proposed and the number of boat slips requested.]~~ The rates shall be ~~[\$100 per boat slip]~~ **\$2.50 per square foot for docking facilities or fill in public waters** and ~~[\$0.04]~~ **\$0.10** per square foot for all **other** proposed projects under this chapter. At the time the permit application is submitted to the city or town clerk, the applicant shall provide postal receipts or copies, verifying that abutters, as defined in the rules of the department, and except as further provided in said rules, have been notified by certified mail. The postal receipts or copies shall be retained by the municipality. The town or city clerk shall immediately sign the application and forward by certified mail, the application, plan, map, and filing fee to the department. The town or city clerk shall then immediately send a copy of the permit application, plan, and map to the local governing body, the municipal planning board, if any, and the municipal conservation commission, if any, and may require an administrative fee not to exceed \$10 plus the cost of postage by certified mail. One copy shall remain with the city or town clerk, and shall be made reasonably accessible to the public. The foregoing procedure notwithstanding, applications and fees for projects by agencies of the state may be filed directly with the department, with 4 copies of the application, plan, and map filed at the same time with the town or city clerk to be distributed as set forth above.

3 Excavation and Dredging Permits; Certain Exemptions. Amend RSA 482-A:3, XI (h) to read as follows:

(h) Application fees shall be \$25 for residents of the state of New Hampshire and ~~[\$50]~~ **\$100** for out-of-state applicants. Fees shall be collected by the department and held in accordance with paragraph III.

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

AMENDED ANALYSIS

This bill provides specific time limits for processing excavation and dredging permits, and increases certain filing fees.

Adopted.

Report adopted.

suspension of rules

Reps. Scanlan and Burling moved that Rules be so far suspended as to permit referral to a second committee and reporting beyond the deadlines with final action no later than March 21, 2002 on

HB 1323, relative to processing excavating and dredging permits.

Adopted by the necessary two-thirds.

Referred to Ways and Means.

regular calendar (cont'd.)

HB 1349-FN-A, establishing a New Hampshire power authority. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb E. Bradley for Science, Technology and Energy: The amendment totally replaces both the title and content of the bill. The amendment establishes a legislative committee to examine issues pertaining to electric industry restructuring in the Connecticut Valley Electric Company's service territory. The Science, Technology & Energy Committee hopes that by establishing such legislative study, a settlement may be reached among the various parties. Vote 16-0.

Amendment (2826h)

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

AN ACT establishing a committee to study electric utility restructuring in the territory currently serviced by Connecticut Valley Electric Company.

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

1 Committee Established. There is established a committee to study electric utility restructuring in the territory currently serviced by Connecticut Valley Electric Company.

2 Membership and Compensation.

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

(a) Five members of the house of representatives, at least 3 of whom shall be members of the science, technology, and energy committee, appointed by the speaker of the house of representatives.

(b) Up to 5 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 issues pertaining to electric utility restructuring in the territory currently serviced by Connecticut Valley Electric Company and potential resolutions of those issues delaying or preventing retail competition in such service territory.

4 Chairperson. 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 90 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 barriers to electric utility restructuring in the territory currently serviced by Connecticut Valley Electric Company.

Adopted.

Report adopted and ordered to third reading.

HB 1357-FN, relative to the form of drivers' licenses. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. George N. Katsakiores for the Majority of Transportation: This bill permits a driver's license holder to determine whether his or her mailing address shall be printed on the driver's license instead of his or her home address. The applicant of a new New Hampshire driver's license shall provide his or her Social Security Number. Once proper identification is confirmed, the applicant may have his or her Social Security Number removed from the Department of Safety records. Vote 12-1.

Rep. Charles F. Weed for the Minority of Transportation: Current Federal law, Section 466 (a) (13) of the Social Security Act requires the recording and keeping on file Social Security numbers from driver's license applications. The SSN does not appear on the driver's license, but is on file to enable the Child Support Enforcement Program to locate individuals for the purposes of establishing paternity and establishing, modifying and enforcing child support obligations. If we pass this bill, all child support money, \$10,000,000 to \$12,000,000 sent to New Hampshire as a categorical grant could be at risk.

Amendment (2518h)

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

1 Motor Vehicles; Drivers' Licenses; Form of License; Social Security Numbers, Application Form Options; Addresses. Amend RSA 263:40-a to read as follows:

263:40-a Social Security Numbers; **Addresses**; Application Form Options.

I. The application form for a driver's license or a renewal of a driver's license ~~[may]~~ **shall** request the social security number of the applicant. ~~[An applicant for a renewal of a driver's license who is a resident of New Hampshire shall be given the opportunity to determine whether to provide the social security number.]~~ The application form shall include ~~[a box to check off if the applicant does not wish to provide his or her social security number pursuant to this paragraph.]~~ a box to check off if the applicant does not wish to have his or her social security number appear on the license, **a box to check off if the applicant wishes to have his or her mailing address appear on the license instead of his or her home address**, and a box to check off if the applicant does not wish to have his or her ~~[computerized image, likeness, or photograph]~~ **social security number** retained in the records of the department of safety.

II. An applicant for a driver's license ~~[who has established residency as provided in RSA 263:35]~~ shall provide his **or her** social security number in the application. The social security number shall be retained in the department's records unless the applicant ~~[obtains a waiver]~~ **elects not to have his or her social security number retained** pursuant to paragraph I.

III. Notwithstanding RSA 91-A, RSA 260:14, RSA 261:60, or any other provision of law to the contrary, the social security number shall not be a public record open to the inspection of any person. The department shall not sell or otherwise provide individual social security numbers or lists of social security numbers for any purpose which is not stated in this paragraph. The department shall only make the social security number available to other states for driver record purposes, to any national driver information repository established pursuant to federal law, or, on their request on a case by case basis (a) to a law enforcement agency that requires the social security number for investigative purposes, or (b) to the department of health and human services for use only in the administration of child support enforcement.

IV. At the time that an individual provides the social security number to the department, ~~[he]~~ **the individual** shall be given the opportunity to determine whether he **or she** desires to have the number printed on his **or her** license. If the individual desires not to have the social security number printed on his **or her** license, it shall not be printed on the license.

V. An individual shall be given an opportunity to determine whether his or her mailing address shall be printed on the license instead of his or her home address. If the individual desires to have the mailing address printed on his or her license, the home address shall not be printed on the license. The individual's home address shall be retained in the department's records.

2 Applicability; Current License Holders. Any holder of a New Hampshire driver's license valid on the effective date of this act shall be entitled to a driver's license on which his or her mailing address is printed instead of his or her home address. Such person may exchange his or her license for a license on which the mailing address is printed instead of the home address at the same cost to the license holder as a duplicate license.

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

AMENDED ANALYSIS

This bill:

I. Permits a driver's license holder to determine whether his or her mailing address shall be printed on the driver's license instead of his or her home address.

II. Clarifies that a driver's license applicant must provide his or her social security number to the department of safety, but may determine whether the social security number appears on the license.

III. Permits a driver's license applicant to elect whether to have his or her social security number retained in the records of the department of safety.

Rep. Packard spoke against majority amendment.

Amendment failed.

Rep. Packard offered floor amendment (2839h).

Floor Amendment (2839h)

Amend the bill by replacing section 1 with the following:

1 Motor Vehicles; Drivers' Licenses; Form of License; Social Security Numbers, Application Form Options; Addresses. RSA 263:40-a is repealed and reenacted to read as follows:

263:40-a Social Security Numbers; Addresses; Application Form Options.

I.(a) An applicant for a driver's license who has not previously been licensed to drive a motor vehicle in this state shall provide his or her social security number in the application. The applicant shall be given the opportunity to determine whether to have his or her social security number retained in the records of the department of safety. The application form shall include a box to check off if the applicant does not wish to have his or her social security number retained in the records of the department.

(b) The application form for a renewal of a driver's license may request the social security number of the applicant. An applicant who is a resident of New Hampshire shall be given the opportunity to determine whether to provide the social security number. The application form shall include a box to check off if the applicant does not wish to provide his or her social security number pursuant to this paragraph.

(c) The application form for an initial driver's license or a renewal of a driver's license shall include a box to check off if the applicant does not wish to have his or her social security number appear on the license, a box to check off if the applicant wishes to have his or her mailing address appear on the license instead of his or her home address, and a box to check off if the applicant does not wish to have his or her computerized image, likeness, or photograph retained in the records of the department of safety.

II. Notwithstanding RSA 91-A, RSA 260:14, RSA 261:60, or any other provision of law to the contrary, the social security number shall not be a public record open to the inspection of

any person. The department shall not sell or otherwise provide individual social security numbers or lists of social security numbers for any purpose which is not stated in this paragraph. The department shall only make the social security number available to other states for driver record purposes, to any national driver information repository established pursuant to federal law, or, on their request on a case by case basis (a) to a law enforcement agency that requires the social security number for investigative purposes, or (b) to the department of health and human services for use only in the administration of child support enforcement.

III. At the time that an individual provides the social security number to the department, the individual shall be given the opportunity to determine whether he or she desires to have the number printed on his or her license. If the individual desires not to have the social security number printed on his or her license, it shall not be printed on the license.

IV. An individual shall be given an opportunity to determine whether his or her mailing address shall be printed on the license instead of his or her home address. If the individual desires to have the mailing address printed on his or her license, the home address shall not be printed on the license. The individual's home address shall be retained in the department's records.

Rep. Packard spoke in favor.

Rep. Weed spoke against.

Floor amendment (2839h) adopted.

Rep. Murphy requested a roll call; sufficiently seconded.

The question being adoption of the amended report.

YEAS 228 NAYS 113

YEAS 228

BELKNAP

Bartlett, Gordon	Czech, Stanley	Holbrook, Robert	Johnson, William
Lawton, David	Millham, Alida	Neddeau, Stephen	Pilliod, James
Rice, Thomas Jr	Rosen, Ralph	Russell, David	Thomas, John
Wendelboe, Fran			

CARROLL

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

CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Roberts, William	Smith, Edwin
Zerba, Roger			

COOS

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

GRAFTON

Akins, Ralph	Barker, Robert	Cobb, John	Eaton, Stephanie
Gabler, William	Gilman, G Michael	Giuda, Robert	Ham, Bonnie
Lovett, Sid	Marshall, Gene	Pawlek, Marion	Scanlan, David
Sova, Charles	Teschner, Douglass	Ward, Brien	Williams, Burton

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balcom, John
Baroody, Benjamin	Batula, Peter	Bellavance, Paul	Bergeron, Jean-Guy
Bouchard, David	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert Jr	Cote, Peter	Craig, James	Desrosiers, William
Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard	Dwyer, Paul
Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis	Foster, Linda
Gargas, Carolyn	Ginsburg, Ruth	Gleneck, David	Goley, Jeffrey
Goulet, Maurice	Greenberg, Gary	Guinta, Frank	Haley, Robert
Hall, Charles	Herman, Keith	Holden, Randolph	Hopper, Gary
Jean, Claudette	Jean, Loren	Johnson, Lionel	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard
Leach, Edward	Leishman, Peter	Lessard, Rudy	Lynde, Harold
Martin, Mary Ellen	McHugh, Claire	McRae, Karen	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	O'Connell, Timothy
Palangas, Eric	Pappas, Marc	Pepino, Leo	Reeves, Sandra
Salts, Greg	Sargent, Maxwell	Souza, Kathleen	Tahir, Saghir
Tate, Joan	Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert

MERRIMACK

Anderson, Eric	Cummings, Raymond	Davis, Frank	Feuerstein, Martin
Greco, Vincent	Hager, Elizabeth	Hess, David	Hutchinson, John
Jacobson, Alf	Kennedy, Richard	L'Heureux, Stephen	Leber, William
Lockwood, Priscilla	MacKay, James	Maxfield, Roy	Seldin, Gloria
Swindlehurst, John	Whalley, Michael	Winter, Steven	

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bowles, Raimond	Boynnton, James
Bridle, Russell	Camm, Kevin	Carson, Sharon	Case, Margaret
Chalbeck, Kevin	Dalrymple, Janeen	Dearborn, Bruce	Downing, Michael
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald	Gleason, John
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hill, Jonathan
Holland, James Jr	Introne, Robert	Itse, Daniel	Johnson, Robert
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Major, Norman
McGuire, Robert	McKinney, Betsy	Micklon, Stephanie	Morse, Charles
Norelli, Terie	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Palermo, Diane	Priestley, Anne	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Rausch, James	Reardon, Neil	Ruffner, Walter
Saia, Pamela	Sapareto, Frank	Sloan, Stephen	Stone, Joseph
Stritch, C Donald	Trueman, Raymond	Varrell, Thomas	Welch, David
Weyler, Kenneth	Whittier, John	Zolla, William	

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Callaghan, Frank
Cossette, Larry	Dunlap, Patricia	Ferland, Paul	Harrington, Michael
Reid, Christopher	Wall, Janet	Woods, Phyllis	

SULLIVAN

Ferland, Brenda	Flint, Gordon Sr	Jones, Constance	Leone, Richard
-----------------	------------------	------------------	----------------

Odell, Bob

Phinizy, James

Rodeschin, Beverly

NAYS 113

BELKNAP

Boyce, Laurie

Wood, Jane

CARROLL

Lyman, L Randy

CHESHIRE

Allen, Peter

Batchelder, Robert

Burnham, Daniel

Espieffs, Peter

Liebl, George

Manning, Joseph

McGuirk, Paul

Meador, David

Mitchell, McKim

Pratt, Irene

Pratt, John

Richardson, Barbara

Slack, Pamela Russell

Weed, Charles

COOS

Landers, Dana

GRAFTON

Alger, John

Almy, Susan

Benn, Bernard

Cooney, Mary

Nordgren, Sharon

Scovner, Nancy

Sokol, Hilda

Solow, Martha

HILLSBOROUGH

Andosca, Mary

Balboni, Michael

Buckley, Raymond

Christensen, D L Chris

Clayton, William

Clemons, Jane

Cote, David

Coughlin, Pamela

Daigle, Robert

Drabinowicz, A Theresa

Eaton, Richard

Ford, Nancy

Furman, Christine

Golding, William

Gorman, Mary

Graham, John

Kacavas, John

Keye, Harvey

McDonough-Wallace,
Alice

Melcher, Harold

Movsesian, Lori

Murphy, Robert

Panagopoulos, Nicholas

Peterson, Andrew

Rowe, Robert

Shaw, Barbara

Spiess, Paul

Sullivan, Peter

Sweeney, Cynthia

White, John

Williams, Carol

MERRIMACK

Bouchard, Candace	Brewster, Richard	Burney, Carol	Clarke, Claire
Colcord, J D	Crosby, Toni	Daneault, Gabriel	Dunne, Christopher
French, Barbara	Owen, Derek	Potter, Frances	Reardon, Tara
Rodd, Beth	Rush, Deanna	Wallner, Mary Jane	Yeaton, Charles

ROCKINGHAM

Bishop, Franklin	Blanchard, MaryAnn	Clark, Martha Fuller	Clark, Vivian
Coes, Betsy	Cooney, Richard	Cox, Russell	DiFruscia, Anthony
Dowling, Patricia	Kane, Cecelia	O'Keefe, Patricia	Pantelakos, Laura
Pitts, Jacqueline	Robertson, Carl	Shultis, Elizabeth	Splaine, James
Weatherspoon, Jacquelyne			

STRAFFORD

Brennan, William	DeChane, Marlene	Estabrook, Iris	Goodwin, Earle
Hughes, Christopher	Johnson, Nancy	Knowles, William	Lent, Donald
McCarthy, Gerald	Pelletier, Arthur	Proulx, Raymond	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Woodill, Rodney

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Franklin, Peter
Harris, Joseph	Harris, Sandra	Robb, Amy	

and the report was adopted.

Ordered to third reading.

HB 1456-FN, relative to information on drivers' licenses. OUGHT TO PASS WITH AMENDMENT

Rep. Robert J. Letourneau for Transportation: This bill makes it a misdemeanor for any person knowingly to scan, record, retain or store in any electronic form or format, personal information obtained from any driver's license unless authorized by the Department of Safety. While this is current law, this bill establishes clear language outlining unauthorized methods of obtaining and retaining personal information. The amendment provides clearer language relating to legitimate business use of motor vehicle records. Vote 12-1.

Amendment (2707h)

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

AN ACT relative to information on drivers' licenses and relative to motor vehicle records.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 5:

2 New Subparagraph; Motor Vehicle Records and Certification; Legitimate Business Defined. Amend RSA 260:14, I by inserting after subparagraph (c) the following new subparagraph:

(d) "Legitimate business" means a business which is registered in New Hampshire and which receives compensation in connection with matters of motor vehicle or driver safety or theft, motor vehicle emissions, and motor vehicle market research activities, including survey research.

3 Motor Vehicle Records and Certification; Legitimate Business Use. Amend RSA 260:14, V(a)(1) to read as follows:

(1) For use by a legitimate business in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research, ***so long as the name and address of the individual is not disclosed by the department***; and removal of non-owner records from the original owner records of motor vehicle manufacturers.

4 Motor Vehicle Records and Certification; Legitimate Business Use. Amend RSA 260:14, V(a)(4) to read as follows:

(4) For use by a legitimate business in research activities, and for use by a legitimate business in statistical reports, so long as ~~[any]~~ personal information is not ~~[published, redisclosed, or used to contact individuals]~~ ***disclosed by the department***.

AMENDED ANALYSIS

This bill makes it a misdemeanor for any person knowingly to scan, record, retain, or store, in any electronic form or format, personal information obtained from any driver's license, unless authorized by the department of safety. This bill also modifies provisions relating to legitimate business use of motor vehicle records.

Adopted.

Report adopted and ordered to third reading.

HB 1268-FN, establishing a net operating loss deduction in computing the business profits tax. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank V. Sapareto for the Majority of Ways and Means: The majority of the committee felt that after three consecutive years of substantial business tax increases totaling over \$150 million in new

business taxes and in order to preserve New Hampshire as an attractive place to do business, this bill is absolutely necessary. The net operating loss deduction created with the business profits tax allowed a company with losses to limit the amount of losses to \$250,000 per year, going forward five years and going back two years. This puts us as the worst state in the country for any corporation experiencing business losses. With this bill, we are now brought up to par with the federal deduction limits, placing us on a level playing field with other states. It is believed by the majority that this bill will result in a positive tax impact for New Hampshire once the full effect of the tax increases hits businesses. In order to preserve New Hampshire's business advantage and to attract new business and jobs to our state, the majority believes that allowing businesses to re-capture their losses is crucial to the state. We have been strangling businesses through business profit tax increases and tripling the business enterprise taxes. This bill provides at least some consolation for the damage we have done. Vote 10-7.

Rep. David J. Alukonis for the Minority of Ways and Means: The minority of the committee cannot justify a complete elimination of the cap imposed on net operating loss deductions in one fell swoop. It simply costs too much. The majority proposal would lead to the loss of nearly \$60 million in the next biennium. The majority suggests that elimination of the cap will be offset by increased economic development. In order to achieve revenue neutrality, the profitability of our business will need to increase by 15% to 20%. This is simply not realistic. In fact, there is absolutely no guarantee that any business realizing reduced taxes as a result of this proposal will invest those savings in New Hampshire. The profitability of New Hampshire businesses has repeatedly been the highest in New England and amongst the highest in the United States. Most observers will say that productivity, profitability and investment have been hampered not by our tax structure but, rather, by the lack of available workers. The minority agrees with the majority that the New Hampshire Business Profits Tax should be reformed so as to eliminate the cap on the net operating loss carry-forward, but the minority wishes to accomplish this by phasing the cap out over time, thereby reducing the losses to the General Fund and the Educational Trust Fund. The minority amendment would increase the cap to one-half million dollars in 2002 and \$1 million in 2004; it would remove the cap entirely in 2006.

Majority Amendment (2756h)

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect December 31, 2002.

Adopted.

Rep. Alukonis offered minority amendment (2845h).

Minority Amendment (2845h)

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

AN ACT phasing in a net operating loss deduction in computing the business profits tax.

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

1 Business Profits Tax; Net Operating Loss Deduction. Amend RSA 77-A:4, XIII to read as follows:

XIII. A deduction for the amount of the net operating loss carryover determined under section 172 of the United States Internal Revenue Code in effect on December 31, 1996 provided, however, that in calculating such net operating loss carryover, the election permitted under section 172(b) (3) ~~[(C)]~~ of the United States Internal Revenue Code in effect on December 31, 1996, shall not be allowed. A net operating loss shall be apportioned in the year incurred according to RSA 77-A:3 and such apportioned net operating loss may only be carried forward for the 5 years following the loss year. The amount of net operating loss generated in a tax year that may be carried forward may not exceed ~~[\$250,000]~~ **\$500,000**. In the case of a business organization not qualifying for treatment as a subchapter C corporation under the United States Internal Revenue Code, such deduction shall be the amount that would be determined under section 172 of the United States Internal Revenue Code in effect on December 31, 1996 if the business organization were a subchapter C corporation and as limited by this section. A deduction for the ~~[amount]~~ **first \$250,000** of the net operating loss carryover shall be limited to losses incurred on or after January 1, 1989. ***A deduction for the remaining \$250,000 of the net operating loss carryover shall be limited to losses incurred on or after July 1, 2002.***

2 Business Profits Tax; Net Operating Loss Deduction. Amend RSA 77-A:4, XIII to read as follows:

XIII. A deduction for the amount of the net operating loss carryover determined under section 172 of the United States Internal Revenue Code in effect on December 31, 1996 provided, however, that in calculating such net operating loss carryover, the election permitted under section 172(b) (3) of the United States Internal Revenue Code in effect on December 31, 1996, shall not be allowed. A net operating loss shall be apportioned in the year incurred according to RSA 77-A:3 and such apportioned net operating loss may only be carried forward for the ~~[5]~~ **7** years following the loss year. The amount of net operating loss generated in a tax year that may be carried forward may not exceed ~~[\$500,000]~~ **\$1,000,000**. In the case of a business organization not qualifying for treatment as a subchapter C corporation under the United States Internal Revenue Code, such deduction shall be the amount that would be determined under section 172 of the United States Internal Revenue Code in effect on December 31, 1996 if the business organization were a subchapter C corporation and as limited by this section. A deduction for the first \$250,000 of the net operating loss carryover shall be limited to losses incurred on or after January 1, 1989. A deduction for the ~~[remaining]~~ **next \$250,000** of the net operating loss carryover shall be limited to losses incurred on or after July 1, 2002. ***A deduction for the remaining \$500,000 of the net operating loss carryover shall be limited to losses incurred on or after July 1, 2004.***

3 Business Profits Tax; Net Operating Loss Deduction. Amend RSA 77-A:4, XIII to read as follows:

XIII. A deduction for the amount of the net operating loss carryover determined under section 172 of the United States Internal Revenue Code in effect on December 31, 1996 provided, however, that in calculating such net operating loss carryover, the election permitted under section 172(b) (3) of the United States Internal Revenue Code in effect on December 31, 1996, shall not be allowed. A net operating loss shall be apportioned in the year incurred according to RSA 77-A:3 and such apportioned net operating loss may only be carried forward for the 7 years following the loss year. ~~[The amount of net operating loss generated in a tax year that may be carried forward may not exceed \$1,000,000.]~~ In the case of a business organization not qualifying for treatment as a subchapter C corporation under the United States Internal Revenue Code, such deduction shall be the amount that would be determined under section 172 of the United States Internal Revenue Code in effect on December 31, 1996 if the business organization were a subchapter C corporation and as limited by this section. A deduction for the first \$250,000 of the net operating loss carryover shall be limited to losses incurred on or after January 1, 1989. A deduction for the next \$250,000 of the net operating loss carryover shall be limited to losses incurred on or after July 1, 2002. A deduction for

the ~~remaining~~ **next** \$500,000 of the net operating loss carryover shall be limited to losses incurred on or after July 1, 2004. ***A deduction for the remaining amount of the net operating loss carryover shall be limited to losses incurred on or after July 1, 2006.***

4 Applicability.

I. Section 1 of this act shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 2002.

II. Section 2 of this act shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 2004.

III. Section 3 of this act shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 2006.

5 Validity. If any provision or application of RSA 77-A:4, XIII as inserted by this act is found invalid, then the version of RSA 77-A:4, XIII which was in effect on June 30, 2002 shall take effect.

6 Amend RSA 77-A:5-a to read as follows:

77-A:5-a Tax Expenditure Report.

I. On or before February 1 of every calendar year the commissioner shall certify to the general court and the governor an analysis of each of the past year's credits allowed under RSA 77-A, RSA 77-E, RSA 83-C, RSA 83-D, and RSA 400-A against the business profits tax imposed by this chapter and the apportionment factors under RSA 77-A:3, II(a), and deductions allowed under RSA 77-A:4, XIII.

II. The commissioner shall work with the house and senate ways and means committees to produce a reporting format which will provide more useful and informative data as appropriate for legislative purposes.

7 Effective Date.

I. Sections 1 and 5 and paragraph I of section 4 of this act shall take effect July 1, 2002.

II. Section 2 and paragraph II of section 4 of this act shall take effect July 1, 2004.

III. Section 3 and paragraph III of section 4 of this act shall take effect July 1, 2006.

Rep. Alukonis spoke in favor.

Rep. Konys spoke against

Rep. Herman spoke in favor.

Reps. Weyler and Sapareto spoke against and yielded to questions.

Rep. Sapareto requested a roll call; sufficiently seconded.

The question being adoption of minority amendment (2845h).

YEAS 95 NAYS 241

YEAS 95

BELKNAP

Lawton, David

CARROLL

Babson, David Jr

Mock, Henry

Quimby, Lee

Stevens, Stanley

CHESHIRE

Dexter, Judson

Edwards, Dana

Hunt, John

Smith, Edwin

COOS

Pratt, Leighton

Tholl, John Jr

GRAFTON

Akins, Ralph

Alger, John

Cobb, John

Dudley, Terri

Eaton, Stephanie

Gabler, William

Gilman, G Michael

Giuda, Robert

Marshall, Gene

Scanlan, David

Teschner, Douglass

HILLSBOROUGH

Alukonis, David

Bouchard, David

Bragdon, Peter

Brundige, Robert

Bruno, Pierre

Calawa, Leon Jr

Christensen, D L Chris

Christiansen, Lars

Clegg, Robert Jr

Coughlin, Pamela

Eaton, Richard

Emerton, Lawrence Sr

Ford, Nancy

Furman, Christine

Hall, Charles

Herman, Keith

Hopper, Gary

Jean, Loren

Kurk, Neal

LaFlamme, Paul

LaRose, Richard

Lessard, Rudy

Moran, Edward

Pappas, Marc

Pepino, Leo

Sargent, Maxwell

Souza, Kathleen

Tahir, Saghir

Tate, Joan

Thulander, O Alan

Vaillancourt, Steve

Wheeler, Robert

MERRIMACK

Anderson, Eric	Dunne, Christopher	Hess, David	L'Heureux, Stephen
Leber, William	Swindlehurst, John	Whalley, Michael	Winter, Steven

ROCKINGHAM

Bowles, Raimond	Bridle, Russell	Camm, Kevin	Clark, Vivian
Cooney, Richard	Dowling, Patricia	Fesh, Bob	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Henderson, Warren	Itse, Daniel
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Letourneau, Robert
Major, Norman	McKinney, Betsy	Nowe, Ronald	Palermo, Diane
Ruffner, Walter	Sloan, Stephen	Stone, Joseph	Stritch, C Donald
Trueman, Raymond	Welch, David		

STRAFFORD

Cossette, Larry	McCarthy, Gerald	Pelletier, Arthur	Pelletier, Marsha
Woods, Phyllis			

SULLIVAN

Flint, Gordon Sr	Rodeschin, Beverly
------------------	--------------------

NAYS 241

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Johnson, William
Millham, Alida	Nedeau, Stephen	Pilliod, James	Rice, Thomas Jr
Rosen, Ralph	Russell, David	Thomas, John	Wendelboe, Fran
Wood, Jane			

CARROLL

Bradley, Jeb	Dickinson, Howard	Kenney, Joseph	Lyman, L Randy
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	

CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
--------------	----------------	--------------------	-----------------

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	Gallus, John	Guay, Lawrence
Horton, Lynn	Landers, Dana	Woodward, David	

GRAFTON

Almy, Susan	Barker, Robert	Benn, Bernard	Cooney, Mary
Ham, Bonnie	Lovett, Sid	Nordgren, Sharon	Pawlek, Marion
Scovner, Nancy	Sokol, Hilda	Solow, Martha	Sova, Charles
Ward, Brien	Williams, Burton		

HILLSBOROUGH

Allan, Nelson	Andosca, Mary	Artz, Lawrence	Balboni, Michael
Balcom, John	Baroody, Benjamin	Batula, Peter	Bellavance, Paul
Bergeron, Jean-Guy	Buckley, Raymond	Carlson, Donald	Chabot, Robert
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daigle, Robert	Desrosiers, William	Dionne, Kimberley
Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard	Dyer, Merton
Elliott, Larry	Fields, Dennis	Foster, Linda	Gargasz, Carolyn
Ginsburg, Ruth	Gleneck, David	Golding, William	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Graham, John	Greenberg, Gary
Guinta, Frank	Haley, Robert	Holden, Randolph	Jean, Claudette
Johnson, Lionel	Kacavas, John	Keye, Harvey	Konys, Christine
L'Heureux, Robert	Leach, Edward	Leishman, Peter	Lynde, Harold
Martin, Mary Ellen	McDonough-Wallace, Alice	McHugh, Claire	McRae, Karen
Melcher, Harold	Mercer, Robert	Messier, Irene	Milligan, Robert
Movsesian, Lori	Murphy, Robert	O'Connell, Timothy	Palangas, Eric
Panagopoulos, Nicholas	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Salts, Greg	Shaw, Barbara	Spiess, Paul	Sullivan, Peter

Sweeney, Cynthia

White, John

Williams, Carol

MERRIMACK

Bouchard, Candace

Brewster, Richard

Burney, Carol

Clarke, Claire

Colcord, J D

Crosby, Toni

Cummings, Raymond

Daneault, Gabriel

Davis, Frank

Feuerstein, Martin

French, Barbara

Greco, Vincent

Hager, Elizabeth

Hutchinson, John

Jacobson, Alf

Kennedy, Richard

Lockwood, Priscilla

MacKay, James

Potter, Frances

Reardon, Tara

Rodd, Beth

Rush, Deanna

Seldin, Gloria

Wallner, Mary Jane

Yeaton, Charles

ROCKINGHAM

Arndt, Janet

Belanger, Ronald

Bishop, Franklin

Blanchard, MaryAnn

Boynton, James

Carson, Sharon

Case, Margaret

Chalbeck, Kevin

Clark, Martha Fuller

Coes, Betsy

Cox, Russell

Dalrymple, Janeen

Dearborn, Bruce

DiFruscia, Anthony

Downing, Michael

Dumaine, Dudley

Flanders, John Sr

Giordano, Ronald

Gleason, John

Griffin, Mary

Hamel, Albert

Hill, Jonathan

Holland, James Jr

Introne, Robert

Johnson, Robert

Kane, Cecelia

Kobel, Rudolph

Langley, Jane

Langone, John

McGuire, Robert

Micklon, Stephanie

Morse, Charles

Norelli, Terie

O'Keefe, Patricia

O'Neil, Michael

Packard, Sherman

Pantelakos, Laura

Pitts, Jacqueline

Priestley, Anne

Putnam, Ed II

Quandt, Marshall

Quandt, Matthew

Rausch, James

Reardon, Neil

Robertson, Carl

Saia, Pamela

Sapareto, Frank

Shultis, Elizabeth

Splaine, James

Varrell, Thomas

Weatherspoon,
Jacquelyne

Weyler, Kenneth

Whittier, John

Zolla, William

STRAFFORD

Albert, Russell

Berube, Roger

Bickford, David

Brennan, William

Callaghan, Frank

DeChane, Marlene

Dunlap, Patricia

Estabrook, Iris

Ferland, Paul

Goodwin, Earle

Harrington, Michael

Hughes, Christopher

Johnson, Nancy

Proulx, Raymond

Reid, Christopher

Rollo, Michael

Smith, Marjorie

Snyder, Clair

Spang, Judith

Wall, Janet

Woodill, Rodney

SULLIVAN

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

and the minority amendment failed.

Rep. Scanlan requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 326 NAYS 11

YEAS 326

BELKNAP

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

CARROLL

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

CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Dexter, Judson	Edwards, Dana	Emerson, Susan	Espieffs, Peter
Fairbanks, Chandler	Hunt, John	Liebl, George	Manning, Joseph
McGuirk, Paul	Meader, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Slack, Pamela Russell	Smith, Edwin
Weed, Charles	Zerba, Roger		

COOS

Bradley, Paula	Davis, Perley	Gallus, John	Guay, Lawrence
Horton, Lynn	Landers, Dana	Pratt, Leighton	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	Nordgren, Sharon	Pawlek, Marion
Scanlan, David	Scovner, Nancy	Sokol, Hilda	Solow, Martha
Sova, Charles	Teschner, Douglass	Ward, Brien	Williams, Burton

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Andosca, Mary	Artz, Lawrence
Balboni, Michael	Balcom, John	Baroody, Benjamin	Batula, Peter
Bellavance, Paul	Bergeron, Jean-Guy	Bouchard, David	Bragdon, Peter
Brundige, Robert	Bruno, Pierre	Buckley, Raymond	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Clayton, William	Clegg, Robert Jr	Clemons, Jane	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Daigle, Robert
Desrosiers, William	Dionne, Kimberley	Dokmo, Cynthia	Drabinowicz, A Theresa
Drisko, Richard	Dyer, Merton	Elliott, Larry	Emerton, Lawrence Sr
Fields, Dennis	Ford, Nancy	Foster, Linda	Furman, Christine
Gargas, Carolyn	Ginsburg, Ruth	Gleneck, David	Golding, William
Goley, Jeffrey	Gorman, Mary	Goulet, Maurice	Graham, John
Greenberg, Gary	Guinta, Frank	Haley, Robert	Hall, Charles
Herman, Keith	Holden, Randolph	Hopper, Gary	Jean, Claudette
Jean, Loren	Johnson, Lionel	Kacavas, John	Keye, Harvey
Konys, Christine	L'Heureux, Robert	LaFlamme, Paul	Leach, Edward
Leishman, Peter	Lynde, Harold	Martin, Mary Ellen	McDonough-Wallace, Alice
McHugh, Claire	McRae, Karen	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	Reeves, Sandra	Rowe, Robert
Salts, Greg	Sargent, Maxwell	Shaw, Barbara	Souza, Kathleen
Spiess, Paul	Sullivan, Peter	Sweeney, Cynthia	Tahir, Saghir
Tate, Joan	Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert
White, John	Williams, Carol		

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Burney, Carol
Clarke, Claire	Colcord, J D	Crosby, Toni	Cummings, Raymond
Daneault, Gabriel	Davis, Frank	Dunne, Christopher	Feuerstein, Martin
French, Barbara	Greco, Vincent	Hager, Elizabeth	Hutchinson, John
Jacobson, Alf	Kennedy, Richard	L'Heureux, Stephen	Leber, William
Lockwood, Priscilla	MacKay, James	Potter, Frances	Reardon, Tara
Rodd, Beth	Rush, Deanna	Seldin, Gloria	Swindlehurst, John
Wallner, Mary Jane	Whalley, Michael	Winter, Steven	Yeaton, Charles

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Bowles, Raimond	Boynton, James	Bridle, Russell	Camm, Kevin
Carson, Sharon	Case, Margaret	Chalbeck, Kevin	Clark, Martha Fuller
Coes, Betsy	Cooney, Richard	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	DiFruscia, Anthony	Downing, Michael	Dumaine, Dudley
Fesh, Bob	Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey
Gilbert, Karl	Giordano, Ronald	Gleason, John	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hill, Jonathan	Holland, James Jr
Introne, Robert	Itse, Daniel	Johnson, Robert	Johnson, Rogers
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Major, Norman
McGuire, Robert	McKinney, Betsy	Micklon, Stephanie	Morse, Charles
Norelli, Terie	Nowe, Ronald	O'Keefe, Patricia	O'Neil, Michael
Packard, Sherman	Palermo, Diane	Pantelakos, Laura	Pitts, Jacqueline
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew

Rausch, James	Reardon, Neil	Robertson, Carl	Ruffner, Walter
Saia, Pamela	Sapareto, Frank	Shultis, Elizabeth	Sloan, Stephen
Splaine, James	Stone, Joseph	Stritch, C Donald	Trueman, Raymond
Varrell, Thomas	Weatherspoon, Jacquelyne	Welch, David	Weyler, Kenneth
Whittier, John	Zolla, William		

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Brennan, William
Callaghan, Frank	Cossette, Larry	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Ferland, Paul	Goodwin, Earle	Harrington, Michael
Hughes, Christopher	Johnson, Nancy	Lent, Donald	McCarthy, Gerald
Proulx, Raymond	Reid, Christopher	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Wall, Janet	Woodill, Rodney
Woods, Phyllis			

SULLIVAN

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

NAYS 11

BELKNAP

None

CARROLL

None

CHESHIRE

None

COOS

None

GRAFTON

Eaton, Stephanie

HILLSBOROUGH

Eaton, Richard

Kurk, Neal

LaRose, Richard

Lessard, Rudy

Moran, Edward

MERRIMACK

Hess, David

ROCKINGHAM

Clark, Vivian

Dowling, Patricia

STRAFFORD

Pelletier, Arthur

Pelletier, Marsha

SULLIVAN

None

and the majority report was adopted.

Ordered to third reading.

HB 1417-FN-A, eliminating the payment of the business enterprise tax on interest paid by business enterprises. **INEXPEDIENT TO LEGISLATE**

Rep. David W. Hess for Ways and Means: The Business Enterprise Tax, or BET, consists of three interrelated levies: business salary and wages; dividends; and, interest payments. As drafted in 1994 and signed into law by Governor Merrill, the tax is an integral whole imposed on the labor and capital costs of a business. It was enacted to close a significant loophole whereby virtually all professional associations, including doctors and lawyers, all closely held corporations, and all partnerships and sole proprietorships escaped payment of the business profits tax because they could compensate themselves through wages and interest payments instead of declaring a profit. Removal of the interest component from the BET would re-open this loophole at a cost in lost revenues of more than \$12 million. This bill contains no offsetting revenue. We can't continue to spend money and reduce revenue without an adequate replacement. Removal of the interest component might also

jeopardize the legality of the entire BET. Finally, the impact of this tax on small business is nominal. A company that borrows \$300,000 at 8% interest pays a tax of only \$180 at most, and possibly as little as \$90. Vote 10-6.

Rep. Judith Sullivan spoke against and yielded to questions.

Rep. Alukonis spoke in favor.

Adopted.

HB 1450, authorizing the sweepstakes commission to allow multi-hall, linked bingo games.
MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Howard C. Dickinson for the Majority of Ways and Means: This bill will allow New Hampshire charities that sponsor bingo to use linked bingo in addition to their current paper bingo games to raise funds for charitable purposes. Present New Hampshire law allows paper bingo and electronic bingo systems for use by New Hampshire charities. This bill authorizes the Sweepstakes Commission to license multi-hall linked bingo, which is simply bingo played using 21st century technology. Players in different locations within New Hampshire can play the same game at the same time. This is not a replacement for traditional paper bingo. It is an additional fundraising tool for charities. Charitable bingo revenue and attendance has been in decline in the past decade, some up to 70 percent. This additional tool will help reverse this trend. The technology provides total accountability for both the charity and New Hampshire Sweepstakes Commission. Current New Hampshire law relative to enforcement, administration and inspection will still apply. Charities from across the state appeared in support of this bill, stating that they need HB 1450 in order to continue the good work they have done without resorting to seeking tax dollars. Vote 9-8.

Rep. Susan W. Almy for the Minority of Ways and Means: The minority of the committee fears that, rather than save social bingo, this bill would kill it. These solitary machines would bleed off enough players to kill the accompanying paper bingo games, which are valued by their patrons for the social opportunities they provide. The bill was heard one day before the vote. No machine or evidence of its workings in the eight Native American casinos that have them was produced, other than oral testimony about ranges of revenues. The bill leaves it up to the Sweepstakes Commission to decide how to regulate this new technology, who would benefit from it and by how much, and which charities would be left out. In short, it is a pig in a poke – and the pig may be a tusked wild boar.

Amendment (2706h)

Amend the bill by replacing section 2 with the following:

2 Bingo Defined. Amend RSA 287-E:1, I to read as follows:

I. "Bingo" means any game, by whatever name called, in which a prize is offered to the person first covering squares in a predetermined design on a card marked into squares for that purpose, ***or on an electronic card marked into squares containing numbers, in a predetermined design, for that purpose, and linked to other such electronic cards by a central computer, in which a prize is offered to one or more players playing against each other in a bingo game in the same or multiple locations.***

Amend RSA 287-E:1, VII-a as inserted by section 3 of the bill by replacing it with the following:

VII-a. "Multi-hall linked bingo game" means any bingo game, as defined in paragraph I, in which a prize is offered to the first person covering squares in a predetermined design on an electronic card marked in squares containing numbers, linked by a central computer, at the same or multiple locations.

Amend RSA 287-E:3, XIII-d as inserted by section 4 of the bill by replacing it with the following:

XIII-d. The number of multi-hall linked bingo machines licensed provided that no more than 1,000 multi-hall linked bingo game machines may be licensed in the state at any one time.

Majority amendment adopted.

Reps. McGuirk, Henderson and Hess spoke against.

Rep. Dickinson spoke in favor and yielded to questions.

Rep. Marshall Quandt spoke in favor.

Rep. Camm requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 127 NAYS 200

YEAS 127

BELKNAP

Bartlett, Gordon	Czech, Stanley	Lawton, David	Nedeau, Stephen
Rosen, Ralph	Russell, David	Wendelboe, Fran	

CARROLL

Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
--------------	-------------------	----------------

CHESHIRE

Avery, Stephen	Emerson, Susan	Slack, Pamela Russell
----------------	----------------	-----------------------

COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Landers, Dana
--------------	----------------	--------------	---------------

GRAFTON

Alger, John
Ham, Bonnie

Cobb, John
Pawlek, Marion

Gilman, G Michael
Ward, Brien

Giuda, Robert

HILLSBOROUGH

Allan, Nelson
Bruno, Pierre
Clemons, Jane
Daigle, Robert
Fields, Dennis
Gorman, Mary
Holden, Randolph
Konys, Christine

Andosca, Mary
Buckley, Raymond
Cote, David
Dwyer, Paul
Foster, Linda
Goulet, Maurice
Jean, Claudette
LaFlamme, Paul

Baroody, Benjamin
Clayton, William
Cote, Peter
Eaton, Richard
Furman, Christine
Graham, John
Kacavas, John
Lessard, Rudy

Bellavance, Paul
Clegg, Robert Jr
Craig, James
Emerton, Lawrence Sr
Goley, Jeffrey
Guinta, Frank
Keye, Harvey
McDonough-Wallace,
Alice

McRae, Karen
Panagopoulos, Nicholas
Vaillancourt, Steve

Milligan, Robert
Pepino, Leo
Williams, Carol

Murphy, Robert
Shaw, Barbara

Palangas, Eric
Tate, Joan

MERRIMACK

Cummings, Raymond
Jacobson, Alf
Winter, Steven

Dunne, Christopher
Kennedy, Richard

Greco, Vincent
Leber, William

Hutchinson, John
Seldin, Gloria

ROCKINGHAM

Belanger, Ronald
Camm, Kevin
DiFruscia, Anthony
Griffin, Mary
Kobel, Rudolph
Nowe, Ronald
Putnam, Ed II
Saia, Pamela
Welch, David

Bishop, Franklin
Case, Margaret
Downing, Michael
Holland, James Jr
Langone, John
O'Keefe, Patricia
Quandt, Marshall
Sapareto, Frank
Weyler, Kenneth

Boynton, James
Clark, Martha Fuller
Flanders, John Sr
Johnson, Robert
McGuire, Robert
O'Neil, Michael
Quandt, Matthew
Splaine, James
Whittier, John

Bridle, Russell
Cooney, Richard
Giordano, Ronald
Kane, Cecelia
Micklton, Stephanie
Priestley, Anne
Robertson, Carl
Trueman, Raymond

STRAFFORD

Albert, Russell
Cossette, Larry
Hughes, Christopher
Woodill, Rodney

Berube, Roger
DeChane, Marlene
McCarthy, Gerald

Bickford, David
Ferland, Paul
Proulx, Raymond

Callaghan, Frank
Harrington, Michael
Rollo, Michael

SULLIVAN

Burling, Peter

Harris, Joseph

Leone, Richard

Rodeschin, Beverly

NAYS 200

BELKNAP

Boyce, Laurie
Rice, Thomas Jr

Johnson, William
Thomas, John

Millham, Alida
Wood, Jane

Pilliod, James

CARROLL

Babson, David Jr
Philbrick, Donald

Lyman, L Randy
Quimby, Lee

Mock, Henry
Stevens, Stanley

Patten, Betsey
Sullivan, P Judith

CHESHIRE

Allen, Peter
Edwards, Dana
Liebl, George
Mitchell, McKim
Smith, Edwin

Batchelder, Robert
Espieffs, Peter
Manning, Joseph
Pratt, Irene
Weed, Charles

Burnham, Daniel
Fairbanks, Chandler
McGuirk, Paul
Pratt, John
Zerba, Roger

Dexter, Judson
Hunt, John
Meader, David
Richardson, Barbara

COOS

Bradley, Paula
Woodward, David

Davis, Perley

Pratt, Leighton

Tholl, John Jr

GRAFTON

Akins, Ralph
Cooney, Mary
Lovett, Sid

Almy, Susan
Dudley, Terri
Marshall, Gene

Barker, Robert
Eaton, Stephanie
Nordgren, Sharon

Benn, Bernard
Gabler, William
Scanlan, David

Scovner, Nancy
Teschner, Douglass

Sokol, Hilda
Williams, Burton

Solow, Martha

Sova, Charles

HILLSBOROUGH

Alukonis, David
Bergeron, Jean-Guy
Calawa, Leon Jr
Dionne, Kimberley
Dyer, Merton
Ginsburg, Ruth
Hall, Charles
Kurk, Neal
Leishman, Peter
Melcher, Harold
Movsesian, Lori
Reeves, Sandra
Souza, Kathleen
Tahir, Saghir

Artz, Lawrence
Bouchard, David
Carlson, Donald
Dokmo, Cynthia
Elliott, Larry
Gleneck, David
Herman, Keith
L'Heureux, Robert
Lynde, Harold
Mercer, Robert
O'Connell, Timothy
Rowe, Robert
Spiess, Paul
Thulander, O Alan

Balboni, Michael
Bragdon, Peter
Christiansen, Lars
Drabinowicz, A Theresa
Ford, Nancy
Golding, William
Hopper, Gary
LaRose, Richard
Martin, Mary Ellen
Messier, Irene
Pappas, Marc
Salts, Greg
Sullivan, Peter
Wheeler, Robert

Batula, Peter
Brundige, Robert
Coughlin, Pamela
Drisko, Richard
Gargasz, Carolyn
Greenberg, Gary
Jean, Loren
Leach, Edward
McHugh, Claire
Moran, Edward
Peterson, Andrew
Sargent, Maxwell
Sweeney, Cynthia
White, John

MERRIMACK

Anderson, Eric
Clarke, Claire
Davis, Frank
Hess, David
Potter, Frances
Swindlehurst, John

Bouchard, Candace
Colcord, J D
Feuerstein, Martin
L'Heureux, Stephen
Reardon, Tara
Wallner, Mary Jane

Brewster, Richard
Crosby, Toni
French, Barbara
Lockwood, Priscilla
Rodd, Beth
Whalley, Michael

Burney, Carol
Daneault, Gabriel
Hager, Elizabeth
MacKay, James
Rush, Deanna
Yeaton, Charles

ROCKINGHAM

Arndt, Janet
Clark, Vivian
Dearborn, Bruce
Francoeur, Sheila
Hamel, Albert
Itse, Daniel

Blanchard, MaryAnn
Coes, Betsy
Dowling, Patricia
Gilbert, Jeffrey
Henderson, Warren
Johnson, Rogers

Bowles, Raimond
Cox, Russell
Dumaine, Dudley
Gilbert, Karl
Hill, Jonathan
Katsakiores, George

Chalbeck, Kevin
Dalrymple, Janeen
Fesh, Bob
Gleason, John
Introne, Robert
Katsakiores, Phyllis

Langley, Jane	Letourneau, Robert	Major, Norman	McKinney, Betsy
Norelli, Terie	Packard, Sherman	Palermo, Diane	Pantelakos, Laura
Pitts, Jacqueline	Rausch, James	Reardon, Neil	Ruffner, Walter
Shultis, Elizabeth	Sloan, Stephen	Stritch, C Donald	Varrell, Thomas
Weatherspoon, Jacquelyne	Zolla, William		

STRAFFORD

Dunlap, Patricia	Estabrook, Iris	Goodwin, Earle	Johnson, Nancy
Lent, Donald	Pelletier, Arthur	Pelletier, Marsha	Reid, Christopher
Smith, Marjorie	Snyder, Clair	Spang, Judith	Wall, Janet
Woods, Phyllis			

SULLIVAN

Allison, David	Cloutier, John	Ferland, Brenda	Flint, Gordon Sr
Harris, Sandra	Jones, Constance	Odell, Bob	Phinizy, James

and the majority report failed.

Rep. McGuirk moved Refer to Interim Study.

Rep. Wendelboe requested a roll call; sufficiently seconded.

The question now being adoption of Refer to Interim Study.

YEAS 252 NAYS 75

YEAS 252

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Lawton, David
Millham, Alida	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

Quimby, Lee

Sullivan, P Judith

CHESHIRE

Allen, Peter

Avery, Stephen

Batchelder, Robert

Burnham, Daniel

Dexter, Judson

Edwards, Dana

Emerson, Susan

Espieffs, Peter

Hunt, John

Liebl, George

McGuirk, Paul

Meadar, David

Mitchell, McKim

Pratt, Irene

Pratt, John

Richardson, Barbara

Slack, Pamela Russell

Smith, Edwin

Weed, Charles

Zerba, Roger

COOS

Bradley, Paula

Davis, Perley

Guay, Lawrence

Horton, Lynn

Landers, Dana

Pratt, Leighton

Tholl, John Jr

Woodward, David

GRAFTON

Akins, Ralph

Alger, John

Almy, Susan

Barker, Robert

Cobb, John

Cooney, Mary

Gabler, William

Gilman, G Michael

Giuda, Robert

Ham, Bonnie

Lovett, Sid

Marshall, Gene

Nordgren, Sharon

Pawlek, Marion

Scanlan, David

Sokol, Hilda

Sova, Charles

Ward, Brien

HILLSBOROUGH

Allan, Nelson

Alukonis, David

Andosca, Mary

Artz, Lawrence

Baroody, Benjamin

Batula, Peter

Bellavance, Paul

Bouchard, David

Bragdon, Peter

Brundige, Robert

Bruno, Pierre

Buckley, Raymond

Calawa, Leon Jr

Carlson, Donald

Christiansen, Lars

Clayton, William

Clegg, Robert Jr

Clemons, Jane

Cote, David

Cote, Peter

Craig, James

Daigle, Robert

Dionne, Kimberley

Drisko, Richard

Dyer, Merton

Eaton, Richard

Emerton, Lawrence Sr

Fields, Dennis

Foster, Linda

Furman, Christine

Gargas, Carolyn

Ginsburg, Ruth

Golding, William

Goley, Jeffrey

Gorman, Mary

Goulet, Maurice

Graham, John

Guinta, Frank

Hall, Charles

Holden, Randolph

Jean, Claudette

Jean, Loren

Kacavas, John

Keye, Harvey

Konys, Christine

Kurk, Neal

L'Heureux, Robert

LaFlamme, Paul

LaRose, Richard

Leach, Edward

Leishman, Peter

Lessard, Rudy

McDonough-Wallace, Alice	Mercer, Robert	Milligan, Robert	Moran, Edward
Murphy, Robert	O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas
Pappas, Marc	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Sargent, Maxwell	Shaw, Barbara	Souza, Kathleen	Spiess, Paul
Sweeney, Cynthia	Tahir, Saghir	Tate, Joan	Thulander, O Alan
Vaillancourt, Steve	White, John	Williams, Carol	

MERRIMACK

Anderson, Eric	Bouchard, Candace	Burney, Carol	Colcord, J D
Cummings, Raymond	Daneault, Gabriel	Davis, Frank	French, Barbara
Greco, Vincent	Hess, David	Hutchinson, John	Jacobson, Alf
Kennedy, Richard	Leber, William	Lockwood, Priscilla	MacKay, James
Reardon, Tara	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Swindlehurst, John	Whalley, Michael	Winter, Steven	

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Bowles, Raimond	Boynton, James	Bridle, Russell	Camm, Kevin
Case, Margaret	Chalbeck, Kevin	Clark, Martha Fuller	Cooney, Richard
Dalrymple, Janeen	DiFruscia, Anthony	Dowling, Patricia	Downing, Michael
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Giordano, Ronald	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Holland, James Jr	Introne, Robert	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Major, Norman	McGuire, Robert	McKinney, Betsy
Micklon, Stephanie	Norelli, Terie	Nowe, Ronald	O'Keefe, Patricia
O'Neil, Michael	Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Rausch, James	Robertson, Carl	Saia, Pamela	Sapareto, Frank
Shultis, Elizabeth	Sloan, Stephen	Splaine, James	Stritch, C Donald
Trueman, Raymond	Varrell, Thomas	Welch, David	Weyler, Kenneth
Whittier, John			

STRAFFORD

Albert, Russell	Bickford, David	Callaghan, Frank	DeChane, Marlene
Ferland, Paul	Goodwin, Earle	Harrington, Michael	Hughes, Christopher
Johnson, Nancy	McCarthy, Gerald	Proulx, Raymond	Rollo, Michael
Snyder, Clair	Wall, Janet	Woodill, Rodney	Woods, Phyllis

SULLIVAN

Burling, Peter	Cloutier, John	Flint, Gordon Sr	Harris, Joseph
Harris, Sandra	Jones, Constance	Leone, Richard	Phinizy, James
Rodeschin, Beverly			

NAYS 75

BELKNAP

Johnson, William	Nedeau, Stephen	Pilliod, James	Wood, Jane
------------------	-----------------	----------------	------------

CARROLL

Babson, David Jr	Philbrick, Donald	Stevens, Stanley
------------------	-------------------	------------------

CHESHIRE

Fairbanks, Chandler	Manning, Joseph
---------------------	-----------------

COOS

Gallus, John

GRAFTON

Benn, Bernard	Dudley, Terri	Eaton, Stephanie	Scovner, Nancy
Solow, Martha	Teschner, Douglass	Williams, Burton	

HILLSBOROUGH

Balboni, Michael	Bergeron, Jean-Guy	Coughlin, Pamela	Dokmo, Cynthia
Drabinowicz, A Theresa	Dwyer, Paul	Elliott, Larry	Ford, Nancy

Gleneck, David	Greenberg, Gary	Herman, Keith	Hopper, Gary
Lynde, Harold	Martin, Mary Ellen	McHugh, Claire	McRae, Karen
Melcher, Harold	Messier, Irene	Movsesian, Lori	Pepino, Leo
Salts, Greg	Sullivan, Peter	Wheeler, Robert	

MERRIMACK

Brewster, Richard	Clarke, Claire	Crosby, Toni	Dunne, Christopher
Feuerstein, Martin	Hager, Elizabeth	L'Heureux, Stephen	Potter, Frances
Wallner, Mary Jane	Yeaton, Charles		

ROCKINGHAM

Clark, Vivian	Coes, Betsy	Cox, Russell	Dearborn, Bruce
Dumaine, Dudley	Fesh, Bob	Hill, Jonathan	Palermo, Diane
Reardon, Neil	Ruffner, Walter	Weatherspoon, Jacquelyne	Zolla, William

STRAFFORD

Berube, Roger	Cossette, Larry	Dunlap, Patricia	Estabrook, Iris
Lent, Donald	Pelletier, Arthur	Pelletier, Marsha	Reid, Christopher
Smith, Marjorie	Spang, Judith		

SULLIVAN

Allison, David	Ferland, Brenda	Odell, Bob
----------------	-----------------	------------

and the motion to Refer for Interim Study was adopted.

special orders

Without objection, the Speaker ordered the bills removed from today's Consent Calendar, **HB 1429**, relative to the scope of the consumer protection act, **HB 1472-FN**, amending the definitions, applications, and fees relating to explosives and explosive substances, and relative to background investigations and criminal records checks for applicants for private detective or security services, **HB 1304**, prohibiting preferences in hiring, promotion, or admission by state agencies, the university system, the regional community-technical colleges, and the postsecondary education commission, **HB 1410-L**, permitting the city of Dover to hold a municipal election in conjunction with the 2002 biennial election, be Special Ordered to the end of the Regular Calendar on Thursday, March 7, 2002.

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, March 7, 2002 at 10:00 a.m..

Adopted.

LATE SESSION

Third reading and final passage

HB 1299-FN, establishing a committee to study the creation of a marriage education and enhancement program.

HB 1201, relative to charitable trust customer data.

HB 1203, relative to retroactive health insurance denials.

HB 1208, relative to real estate broker liens.

HB 1225, relative to disclosure of referral restrictions.

HB 1413, relative to disclosure of information by hospitals.

HB 1436-FN, relative to requiring treatment for persons convicted of DWI offenses.

HB 1457, authorizing emergency medical care providers to withdraw blood for certain alcohol concentration tests.

HB 1460-FN, relative to penalties for alcohol- and drug-related offenses.

HB 1443, relative to liability for educational expenses incurred during placement in certain department of health and human services facilities.

HB 1308, relative to checklist corrections on election day.

HB 1218, relative to the regulation of pharmacists and prescription drug orders.

HB 1352-FN-L, relative to establishing a hazardous duty classification in the length of service awards program.

HB 1366-FN, establishing a state employee recognition and award program.

HB 1372-FN, relative to certain residential care facilities.

HB 1455-FN-L, establishing portability of a person's qualifying retirement funds for the purchase of permissive service credit in the New Hampshire retirement system.

HB 556-FN-A, relative to responsibilities of the department of cultural resources and the department of safety regarding building preservation and rehabilitation.

HB 557-FN-A, relative to victims' assistance programs and the victims' assistance fund.

HB 1230-FN, authorizing the commissioner of the department of education to expend funds for special education advocacy.

HB 1302-FN, relative to the purchase of certain prior service credit by members of the retirement system, relative to legislative review of retirement fund investment practices, and relative to the payment of medical benefits costs for retired state employees.

HB 1409-FN-A-L, relative to payment of autopsy expenses.

HB 1437-FN-A, relative to increasing the staff in the consumer protection and antitrust bureau of the department of justice.

SB 201-FN, creating a dedicated fund for the job training program for economic growth and making certain changes to the program.

HB 1465, extending the New Hampshire task force on deafness and hearing loss.

HB 1393, relative to business replacement costs resulting from government program displacement.

HB 1314, requiring candidates for speaker of the house of representatives to file certain reports and register as political committees.

HB 1329-FN, relative to fiscal notes.

HB 1435, extending the reporting dates of certain study committees.

HB 1441, relative to the availability of records of the joint committee on legislative facilities.

HB 1121, relative to capital improvement committees.

HB 1193-L, relative to local enforcement of junk yards and motor vehicle recycling yards.

HB 1274, relative to town clerks and deputy town clerks.

HB 1344-L, establishing a village plan alternative subdivision in zoning and land use planning laws.

HB 1407, relative to the definition of abutter in planning and zoning laws, allowing planning and zoning boards to require public notice by posting signs for hearings on the property, and relative to establishing certain criteria to permit variances from zoning ordinances.

HB 1415, relative to removing certain extensions for abatement decisions, replies and appeals in a year of property revaluation.

HB 1476, relative to the age of retirement or early retirement in the city of Manchester employees contributory retirement system.

HB 1473-FN-A, relative to the capital appropriation made to the department of transportation for the new garage and testing lab facility.

HB 1111, establishing a committee to study regulation and procedures for lake level investigations and orders.

HB 1172, relative to the adoption of rules for certain wetland permits.

HB 1252, relative to the membership of the wetlands council.

HB 1134, relative to lighting requirements for motor vehicles and trailers.

HB 1235, relative to operation of motorized vessels and safe boater education.

HB 1438-FN-A, relative to registration of health clubs.

HB 1159, relative to substituting generic drugs for legend and non-legend drugs.

HB 1365-FN, requiring that the county departments of correction be charged 110 percent of the Medicare rate for inmates who need medical services within the community.

HB 1433, prohibiting intoxication and constructive possession of alcohol by minors.

HB 1190, relative to a one-year certificate of eligibility to teach.

HB 1260-FN, relative to certification and licensing of teachers and school administrators.

HB 1318, relative to the regulation of the use of pharmaceutical agents and the treatment of glaucoma by licensed optometrists.

HB 1388, relative to respiratory care.

HB 179-FN, including 17 year olds under RSA 169-B, the juvenile delinquency statute.

HB 212-FN providing an alternative method of calculating state education property tax hardship relief and authorizing the commissioner of the department of revenue administration to establish certain positions.

HB 1231-FN, implementing a pre-engineering technology curriculum in the public high schools in the state.

HB 1419-FN-A, increasing the capital appropriation made to the fish and game department for the Barry conservation camp building replacement.

HB 1439-FN-A, relative to an agreement between the state of New Hampshire and city of Laconia and making an appropriation therefor.

SB 102-A, making a capital appropriation to support affordable housing solutions in the state of New Hampshire, and increasing capital appropriations for the Concord rail bridge and veterans' home.

SB 161-FN-A, relative to specialized treatment for certain individuals and making an appropriation therefor.

HB 1194, relative to medical records.

HB 1468-FN, relative to prescription drugs and medicaid best practices.

HB 1360, relative to recommendations, appointments, and qualifications of marital masters and procedures for cases heard by marital masters.

HB 1420, relative to exceptions to the prohibition on persons practicing as attorneys when not admitted to practice by the supreme court.

HB 1342, relative to preparation of fiscal notes.

HB 1320, establishing a committee to study establishing enterprise zones in economically deprived communities.

HB 2000, relative to the state 10-year transportation improvement program, relative to proposed toll booths in the city of Nashua, and relative to the Troy Village bypass.

HB 1349-FN-A, establishing a committee to study electric utility restructuring in the territory currently serviced by Connecticut Valley Electric Company.

HB 1357-FN, relative to the form of drivers' licenses.

HB 1456-FN, relative to information on drivers' licenses and relative to motor vehicle records.

HB 1268-FN, establishing a net operating loss deduction in computing the business profits tax.

unanimous consent

Rep. Avery addressed the House.

RECESS MOTION

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

Adopted.

The House recessed at 5:20 p.m.

RECESS