

HOUSE RECORD

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Court

Calendar and Journal of the 2002 Session

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Concord N.H.

Wednesday, April 17, 2002

No. 34

HOUSE JOURNAL No. 11(cont.)

Thursday, April 4, 2002

RECESS

(Rep. Holden in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 379 and Senate Bills numbered 351, 356, 361, and 400.

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

enrolled bill amendments

SB 187-FN, establishing a committee to study eminent domain proceedings. (Amendment printed SJ 04/16/02)

Adopted.

SB 320, establishing a study committee to review independent living retirement communities. (Amendment printed SJ 04/16/02)

Adopted.

SB 398-FN, authorizing an increase in admission fees for the Seacoast Science Center at Odiorne Point state park in Rye, New Hampshire. (Amendment printed SJ 04/16/02)

Adopted.

RECESS

(Rep. Robert Johnson in the Chair)

enrolled bill amendment

SB 446, relative to rights and protections for New Hampshire national guard members called to state active duty. (Amendment printed SJ 04/16/02)

Adopted.

RECESS

Rep. Scanlan moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 12

Wednesday, April 17, 2002

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

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

O God of peace, we ask Your blessing upon the work of this honorable House today. Once again we pray especially for peace – peace in the Middle East and peace in all areas threatened by violence and terrorism. Enable each of us to do all we can to break down the walls of hatred that separate the people of the earth. Open our eyes with hope to see new opportunities for peace and give us the courage to pursue them. Bless and protect those who bravely defend the liberties we share, and uphold all those who work to promote justice and peace among all people. This we ask in the name of God who calls all people of genuine faith to be peacemakers. Amen.

Rep. Cecelia D. Kane led the Pledge of Allegiance.

The National Anthem was sung by Siobhan Connelly, a student from Gilford High School.

LEAVES OF ABSENCE

Reps. Arnold, Burnham, Feuerstein, Jane Kelley, Kobel, Lefebvre, Lyman, Stohl and Zolla, the day, illness.

Reps. Balcom, Cardin, Desrosiers, Dowling, Stephanie Eaton, Paul Ferland, Flora, Gabler, Grassie, Guay, William Johnson, Kenney, Leishman, Martin, T. Reardon, Robb, Rozek, Saia v the day, important business.

Rep. Flint, the day, illness in the family

INTRODUCTION OF GUESTS

Nancy and Bill Lines, Molly and Bill Connelly, guests of Rep. Russell. Charlene Kane, Cheryl and Robert Ramsey, Amy Jackson, Dr. Richard and Kathy Fagan, daughters, son-in-law, granddaughter and guests of Rep. Cecelia Kane. Mary, Louisa, Polly and Martin Carter, guests of Rep. Reid. William and Christie Hopper, brother and sister-in-law of Rep. Hopper. Kathleen Kenney, John and Greta Olmstead, Jerome and Mary Murphy, guests of Rep. Thomas. Steven Gerencser, guest of Rep. Potter. Jonathan Tymann, guest of Rep. Arndt. Former Rep. Marian Lovejoy, guest of Rep. Case. Raymond Bower, Paul Dumont, Ronald Chagnon and George Maglaras, guests of Rep. Julie Brown.

special guests

Jean Miccolo, recipient of the New Hampshire Chapter of the Order of Women Legislators' 2002 Scholarship, joined the Speaker and Reps. Janet Arndt and Julie Brown on the podium as guests of the House.

Representatives of the University of New Hampshire Hockey Team – 2002 Hockey East Tournament Champions, Wildcat members, Darren Haydar, Patrick Foley, Garret Stafford, David Busch, Matt Carney and Tim Collins with Coach Dick Umile, New England Coach of the Year, and Assistant Coach David Lassonde joined the Speaker on the podium as guests of the House.

enrolled bill amendments

HB 1414-FN-A-L, relative to taxation of excavation areas.

Amendment (3303 # -EBA)

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

7 Lien. Amend RSA 72-B:7 to read as follows:

Adopted.

senate messages

concurrence

HB 701, relative to municipal limitation of renewable energy systems.

HB 1104, establishing the Danny Carswell Memorial Patrol Shed in the town of Merrimack.

HB 1107, establishing a committee to study the telephone policies for juveniles under the care of the department of youth development services.

HB 1133, relative to intrastate fresh pursuit.

HB 1153, establishing a committee to study the jurisdiction of the board of manufactured housing, and relative to addressing the location of the records of the board of manufactured housing.

HB 1166, relative to alcoholic product advertising.

HB 1170, extending the environmental audit program.

HB 1182, establishing a committee to study the development of home and community-based long term supports for the elderly and adults with disabilities.

HB 1184-FN, permitting the department of health and human services to use the National Medical Support Notice.

HB 1201, relative to charitable trust customer data.

HB 1215, relative to county delegations.

HB 1225, relative to disclosure of referral restrictions.

HB 1247, establishing a study committee to review the impact on revenue flows to municipalities from lands being bought by federal, state, and other public agencies from private entities for conservation purposes.

HB 1254, relative to the budget preparation procedures of municipalities.

HB 1285, relative to the applicability of the stalking statute to minors.

HB 1310, relative to the city of Manchester's contributory retirement system.

HB 1367-FN, relative to the childhood lead poisoning prevention program.

HB 1402, designating segments of the Isinglass River as protected under the rivers management and protection program.

HB 1422, establishing certain positions in the insurance department.

HB 1435, extending the reporting dates of certain study committees.

HB 1442, relative to eligibility for special number plates for former prisoners of war.

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

HB 1453, extending the committee studying the status of veterans in New Hampshire and relative to the membership of the state veterans' advisory committee.

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

HCR 21, a resolution urging the state attorneys general and the Federal Trade Commission to enforce the Telemarketing Sales Rule and urging Congress to adopt the Know Your Caller Act of 2001.

HCR 22, encouraging multiple use management and access for future land transfers to the White Mountain National Forest.

HCR 23, urging Congress to abolish the Recreational Fee Demonstration Program on public lands including the White Mountain National Forest.

HCR 27, urging Congress to release information to the public regarding restrictions placed on Italian-American citizens of the United States during World War II.

nonconcurrency

HB 353-FN-A, relative to diversified agricultural development.

HB 392, relative to a property tax exemption for property of agricultural fairs.

HB 555-FN-L, relative to the billing of counties for certain expenses by the department of health and human services and relative to costs of certain juvenile placements.

HB 668, relative to genetic testing.

HB 744-FN-A, establishing a committee to study the feasibility of a state pilot program for family and disability leave.

HB 1260-FN, relative to certification and licensing of teachers and school administrators.

HB 1282, establishing a committee to study gaming options for New Hampshire.

HB 1320, establishing a committee to study establishing enterprise zones in economically deprived communities.

HB 1329-FN, relative to fiscal notes.

HB 1342, relative to preparation of fiscal notes.

HB 1409-FN-L, relative to payment of autopsy expenses.

HB 1444, requiring a majority vote of the legislature prior to placing memorials on certain state grounds.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 712-FN, relative to the coordination of state, regional, and local planning efforts. (Amendment printed SJ 03/14/02)

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

Adopted.

The Speaker appointed Reps. Brundige, Twombly, Lockwood and N. Johnson)

HB 380, apportioning county commissioner districts.
(Amendment printed SJ 03/21/02)

Rep. Arndt moved that the House concur.

Adopted.

HB 295-FN, relative to medicaid recoveries from third party settlements. (Amendment printed SJ 01/17/02)

Rep. Mock moved that the House concur.

Adopted.

CACR 5, relating to the rulemaking authority of the supreme court. Providing that: supreme court may adopt rules that have the force and effect of law, and that the general court may regulate these matters by statute and may accept or reject any rule adopted by the supreme court, and that in the

event of a conflict between a statute and a rule, the statute, if otherwise valid, shall supersede the rule. (Amendments printed SJ 01/24/02 and 02/20/02)

Rep. Mock moved that the House concur.

Adopted.

COMMITTEE REPORTS

CONSENT CALENDAR

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

SB 441-FN-A, establishing the position of hazardous materials response coordinator and making an appropriation therefor, and establishing a committee to study the interoperability of state agency communications, removed by Rep. Peterson.

SB 420-FN, making an appropriation for the purpose of hiring a recreational ride and lift investigator, removed by Rep. Letourneau

SB 440, relative to rules for water conservation, removed by Rep. Bruno.

Consent Calendar adopted.

SB 337, relative to consent orders in abuse and neglect cases. **OUGHT TO PASS WITH AMENDMENT**

Rep. Edward P. Moran for Children and Family Law: This bill allows the Department of Health and Human Services to enter into consent orders with people in child protection cases without requiring a finding of abuse or neglect by the court. Vote 12-0.

Amendment (3029h)

Amend the bill by replacing section 1 with the following:

1 Child Protection Act; Consent Order; Finding of Abuse and Neglect. Amend RSA 169-C:17, II to read as follows:

II. A consent order shall not be approved unless the department consents and the child and parents, guardian, or custodian are informed of the consequences of the order by the court and the court determines that the child and parents voluntarily and intelligently consent to the terms and conditions of the order. ***A consent order under this section may include a finding of abuse or neglect; however, a finding of abuse or neglect shall not be required except where the consent order provides for out-of-home placement of the child.***

SB 367, relative to the guardian ad litem board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Laura C. Pantelakos for Children and Family Law: This bill adds two legislative members to the board and makes certain technical changes. The board is already in place working on their rules. The committee felt these changes were necessary. Vote 15-0.

Amendment (3163h)

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

1 New Chapter; Guardian Ad Litem Board. Amend RSA by inserting after chapter 490-B the following new chapter:

CHAPTER 490-C

GUARDIAN AD LITEM BOARD

490-C:1 Board Established. There is hereby established a guardian ad litem board which shall be responsible for overseeing the credentialing, activities, and discipline for guardians ad litem appointed in New Hampshire.

490-C:2 Membership.

I. The board shall consist of the following members:

(a) One member representing the New Hampshire supreme court, appointed by the chief justice of the New Hampshire supreme court.

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

(c) One member of the house, appointed by the speaker of the house.

(d) The executive director of the New Hampshire judicial council.

(e) One member of Court Appointed Special Advocates (CASA), nominated by the director of CASA and appointed by the governor.

(f) One member representing the division of children, youth, and families, or Casey family services, or another child protection agency in the state, appointed by the governor.

(g) One member representing the interests of guardians ad litem, appointed by the governor.

(h) Two members of the general public representing the interests of those individuals receiving the services of guardians ad litem, appointed by the governor.

II. The members of the board shall serve without compensation.

III. All members of the board shall be New Hampshire residents.

490-C:3 Terms of Appointment; Organization; Meetings.

I.(a) The terms of the executive director of the judicial council, the member representing the New Hampshire supreme court, and the member representing the child protection agency shall be for 5 years and until a successor is appointed. The terms of the members representing the senate and house shall be concurrent with their terms of office. The terms of the members appointed under RSA 490-C:2, I (e) and (f) shall be for 3 years. Vacancies in board membership shall be filled in the same manner as the original appointment.

(b) All initial appointments to the board shall be made within 60 days of the effective date of this section.

II. The board shall elect a chairperson and secretary from among its members.

III. The board shall conduct regular meetings on a monthly basis or at such other times as may be determined by the board or its chairperson.

490-C:4 Duties of the Board. The duties of the board include:

I. Commissioning the participation of Franklin Pierce Law Center, the regional community-technical college system, or another appropriate in-state educational institution to provide training for guardians ad litem on a tuition basis.

II. Compiling and maintaining a list of those guardians ad litem statewide who are certified and in good standing and making such list available to the general public online through Webster, the official internet site for the state of New Hampshire, maintained by the department of administrative services or its designee.

III. Investigating the current cost and fee structure established under New Hampshire supreme court rules 48 and 48-A, and making recommendations to the legislature for appropriate action as necessary.

490-C:5 Rulemaking Authority. The board shall adopt rules for guardians ad litem, pursuant to RSA 541-A, relative to the following:

I. Application process and certification criteria.

II. Training requirements.

III. Continuing educational requirements.

IV. Specific duties to be performed, consistent with the provisions of RSA 463.

V. Formal evaluation process for performance.

VI. Procedures for processing complaints and addressing disciplinary issues.

VII. Fee schedule for obtaining certification.

490-C:6 Court Appointed Special Advocates. Court Appointed Special Advocates (CASA) of New Hampshire shall be accountable to the guardian ad litem board for complying with the training requirements established by the board under RSA 490-C:5, II and for the actions of its volunteer members who are appointed by the court as guardians ad litem in child abuse and neglect cases.

490-C:7 Administrative Attachment. The board shall be administratively attached to the department of administrative services.

2 Transition; Regulation of Guardian Ad Litem. New Hampshire court rules adopted prior to the effective date of this act shall remain in effect until replaced through the adoption of rules by the guardian ad litem board under RSA 490-C, as inserted by this act.

3 Repeal. RSA 463:33 – 463:38, relative to the guardian ad litem board, are repealed.

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

SB 408, governing records management of abuse or neglect reports. **OUGHT TO PASS WITH AMENDMENT**

Rep. L. Randy Lyman for Children and Family Law: This bill requires the Department of Health and Human Services to delete or destroy all records of screened out abuse and neglect reports after one year, of unfounded reports after 3 years, and founded reports after 7 years. This bill is the direct result of a study committee review done in the year 2001. Vote 12-0.

Amendment (3086h)

Amend RSA 169-C:35-a, III as inserted by section 1 of the bill by replacing it with the following:

III. The department shall retain a founded report for 7 years from the date that the petitionee has exhausted or failed to exercise his or her due process right to appeal the department's determination to found the report, after which time, the department shall delete or destroy all electronic and paper records of the report.

Amend RSA 169-C:35-a, V as inserted by section 1 of the bill by replacing it with the following:

V. Nothing in this section shall prevent the department from retaining generic, non-identifying information which is required for state and federal reporting and management purposes.

SB 409, relative to the length of time reports of child abuse and neglect are maintained in the state's central registry. **OUGHT TO PASS**

Rep. L. Randy Lyman for Children and Family Law: This bill, as amended, clarifies the amount of time a founded report of child abuse and neglect is to be listed in the central registry and establishes a procedure for individuals to petition to have their names removed from the registry. Vote 12-0.

SB 433, establishing a standardized protocol for the investigation and assessment of child abuse and neglect cases and relative to grant applications for the investigation and assessment of child abuse cases. **OUGHT TO PASS**

Rep. Cynthia J. Dokmo for Children and Family Law: This bill requires the establishment of a standardized protocol for interviewing, assessing and investigating child abuse and neglect cases. The protocol is required to minimize the impact on the child, while protecting the rights of all affected parties. Vote 16-0.

SB 445-FN, relative to a limited right to a jury trial for certain minors prior to commitment to an adult correctional facility. **OUGHT TO PASS WITH AMENDMENT**

Rep. Laura C. Pantelakos for Children and Family Law: This bill provides that a minor adjudged delinquent whose disposition includes an order of conditional release extending beyond the juvenile's seventeenth birthday, or, deferred, or imposed incarceration at an adult correction facility shall have the right to a jury trial prior to such incarceration. Vote 15-0.

Amendment (3258h)

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

1 New Paragraph; Delinquent Children; Limited Right to a Jury Trial. Amend RSA 169-B:19 by inserting after paragraph III-a the following new paragraph:

III-b.(a) A minor who meets the criteria for commitment to an adult correctional facility pursuant to RSA 169-B:4, RSA 169-B:19, III, or RSA 169-B:19, III-a, and whose disposition includes an order of conditional release extending beyond the juvenile's age of majority, or suspended, deferred, or imposed incarceration at an adult correctional facility shall not be committed without first being afforded the right to a jury trial or waiving the right to a jury trial.

(b) Any minor sentenced after a contested adjudicatory hearing to an order of conditional release extending beyond the juvenile's age of majority or suspended, deferred, or imposed incarceration at an adult correctional facility may, after the disposition is issued, request a de novo trial before a jury. To obtain a de novo jury trial under this chapter, the juvenile shall file a written request in the clerk's office within 3 days of the dispositional order. A copy of the written request shall also be provided to the local prosecutor and the county attorney. The request shall be given priority on the court's calendar. Whenever possible, any such hearing shall be held in a district court building equipped with jury capability. It shall be conducted by a district court judge specially assigned by the administrative judge of the district court. The jury panel shall be chosen from the jury pool of the superior court serving the county in which the court is located.

(c) The court in which the petition originated shall retain jurisdiction over all matters and orders pertaining to the placement, supervision and treatment of the juvenile during the pendency of the pre-trial and trial proceedings. The request for jury trial shall not suspend any provisions of the original court's order regarding placement, supervision, evaluation, or treatment. All other orders shall be vacated pending the de novo jury trial. The judge assigned to conduct the jury trial shall have authority to preside over the jury trial, decide trial management issues, and rule on all pre-trial and post-trial adjudicatory findings. In the event the juvenile waives the right to jury trial after the case has been specially assigned, the case shall be returned to the court in which the petition originated for continued action pursuant to this chapter.

(d) In the event the jury returns a finding of not true on all charges, the dispositional order in its entirety shall be vacated. In the event the jury returns a finding of true on one or more of the charges, the trial judge shall review and may reinstate or modify only those portions of the dispositional order made by the originating court suspended under this section during the pendency of the de novo process. In all other respects, the original dispositional order shall remain in effect.

(e) The provisions of RSA 169-B:34 through 169-B:38, relating to confidentiality of proceedings and records, shall apply to all de novo trials conducted pursuant to this section.

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

AMENDED ANALYSIS

This bill provides that a minor adjudged delinquent whose disposition includes an order of conditional release extending beyond the juvenile's age of majority, or suspended, deferred, or imposed incarceration at an adult correctional facility shall have the right to a jury trial.

SB 302, relative to privacy in the relationship between financial institutions and customers.
INEXPEDIENT TO LEGISLATE

Rep. Paul D. Spiess for Commerce: The purpose of this bill is to allow the county attorney to delegate responsibility for investigation of personal bank records upon suspicion of fraud. The privacy relationship between a bank and its customer is unique and deserves special protection. The current law allows local law enforcement agencies to gain access to bank records either by obtaining a subpoena from the court, or determination of probable cause by either the Attorney General's Office or the county attorney. The committee believes that this determination of probable cause is an important safeguard to privacy. Vote 14-0.

SB 313, relative to penalties for misrepresenting age for the purpose of procuring liquor or beverage.
OUGHT TO PASS

Rep. Leo W. Fraser, Jr. for Commerce: This bill addresses one very simple issue. If adopted the fines for anyone who falsely represents his or her ages for the purpose of procuring liquor will be doubled. The current fine for a first offence is \$250 that would be increased to \$500. If there is a second offense the current law requires payment of a fine of \$500. Should the provisions of this bill be adopted, the fine for a second offense would be increased to \$1000. Vote 15-0.

SB 334, relative to grounds for refusal or denial of hotel accommodations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene B. Marshall for Commerce: This bill embodies in law certain current practices relating to denial of hotel accommodations while clarifying the evidence on which denials are to be based. A provision legally authorizing hosts to require a deposit raised concerns that it had potential to be used as cover for discrimination solely on appearances, and it was amended out of the bill. Vote 15-0.

Amendment (3376h)

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

1 New Section; Hotels, Tourist Cabins, Etc.; Refusal or Denial of Accommodations. Amend RSA 353 by inserting after section 3-b the following new section:

353:3-bb Refusal or Denial of Accommodations.

I. A hotel keeper, including any person keeping public lodging houses, tourist camps, or cabins, may refuse or deny any accommodations, facilities, or privileges of a hotel, lodging house, or campground to:

(a) Any person who is unwilling or unable to pay for accommodations and services of the hotel, lodging house, or campground. The hotel keeper may require the prospective guest to demonstrate the ability to pay by cash, valid credit card, or a validated check.

(b) Any person under the age of 18 who does not present a signed notification from a parent or legal guardian that the parent or legal guardian accepts liability of the guest room or campground site costs, taxes, all charges by the guest, and any damages to the hotel, lodging house, campground, guest room, or its furnishings or to the campground site caused by the minor guest while at the hotel, lodging house, or campground to the extent that such costs, taxes, damages, or charges exceed the amount of cash or credit card deposit already provided by the guest.

(c) Any person or persons, if admitting that person or those persons would cause the limit on the number of persons who may occupy any particular guest room in the hotel or lodging house or a site in the campground to be exceeded. For purposes of this subparagraph, the limit represents the number permitted by local ordinances or reasonable standards of the hotel, lodging house, or campground relating to health, safety, or sanitation.

II. Nothing in this section authorizes any hotel keeper to violate the state law against discrimination, RSA 354-A.

2 Hotels, Tourist Cabins, Etc.; Ejection of Guests. Amend RSA 353:3-c, I and II to read as follows:

I. All hotel keepers and all persons keeping public lodging houses or cabins may remove or cause to be removed from such establishment any guest remaining in a rental unit in violation of RSA 353:3-b **or RSA 353:3-bb** by notifying such guest that the establishment no longer desires to entertain him **or her** and requesting that ~~[he]~~ **the guest** immediately leave. Any guest who remains or attempts to remain in a rental unit after being so requested to leave shall be guilty of a violation. For the purpose of this section, the term "rental unit" shall include residential property rented for one month or less.

II. All hotel keepers and persons keeping public lodging houses, cabins, or any rental unit may immediately remove or cause to be immediately removed by any law enforcement officer of this state, any guest who willfully denies other guests their right to quiet enjoyment of their tenancies, ~~[or who violates any local or state law]~~ **including but not limited to any guest who:**

(a) Disturbs, threatens, or endangers other guests;

(b) Is less than 21 years of age and possesses alcohol;

(c) Possesses illegal drugs;

(d) Violates any rule of the hotel, lodging house, or campground that is posted in a conspicuous place and manner at the guest registration desk and in each guest room; or

(e) Violates any local or state law.

II-a. ~~[Said]~~ **The** right to remove, or cause to be removed, shall arise after the hotel keeper or person keeping a public lodging house, or cabin, or their agents makes a reasonable attempt to verbally warn said guest to cease and desist said breach of quiet enjoyment or violation of local or state law. Upon such immediate eviction, the guest shall be refunded the unused portion of his **or her** pre-paid rental fee less damage charges for his **or her** actions. For the purpose of this section, the term "rental unit" shall include residential property rented for one month or less.

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

SB 345, making the misrepresentation of the geographic location of a business a violation of the consumer protection act. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This bill addresses the question of remote call forwarding services. During the course of the hearing it came to light that in both the white pages and the yellow pages of the local telephone directory, there is listed florist names that have no addresses but may have the directories' city for a name with a local telephone exchange. Should you dial that number the call will be forwarded to some other location, often in some other state. Based upon what is said when the call is placed, there is a possibility that a "deceptive practice" violation of the Consumer Protection Act may occur and can be addressed by the attorney general. This is especially true now because of the tightening of the Consumer Protection Act, which appears at this writing to be headed for the Governor's desk. The committee strongly opposed this legislation because of unexpected or unanticipated results that would adversely effect otherwise legitimate New Hampshire businesses that may use this practice to gain new customers and provide toll free phone service for their out-of-town customers. Vote 17-0.

SB 348, relative to the retail pricing of beer. **REFER FOR INTERIM STUDY**

Rep. Paul D. Spiess for Commerce: The original intent of this bill was to establish a floor retail price for beer at the wholesale price of the product as set by the distributor. The committee is uncomfortable with any aspect of price control, but is sensitive to the concern of small retail establishments that large retail franchises can engage in predatory pricing practices by selling beer at below cost. The committee considered an amendment that would have allowed small stores to buy up to 150 cases per month from large retailers at discounted retail prices. This alternative, however, raised serious taxation and enforcement questions. After giving full consideration to the issues raised, the committee voted unanimously to recommend interim study with the full intent to bring forward legislation in the next session if appropriate. The study will focus on the value of maintaining a three tier distribution structure, the impact of the current exclusive wholesale distributor system, and whether certain retailers are engaging in predatory pricing practices. Vote 16-0.

SB 371-FN, relative to the regulation of manufactured housing parks. **OUGHT TO PASS**

Rep. Marshall E. Quandt for Commerce: This bill addresses the award of damages and attorney fees in manufactured housing park disputes to protect against frivolous complaints. The bill amends the membership of the Board of Manufactured Housing by two members appointed by the Governor. Vote 13-0.

SB 392, establishing a committee to study certification of mortgage loan originators. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser for Commerce: This bill in its original form established a committee to study the feasibility of certifying and regulating non-bank mortgage loan originators, including appropriate levels of training and testing for issues involving mortgage originators. It has been amended to add a new chapter RSA 384-G, entitled "Regulation of Revolving Credit Plans." This chapter regulates the terms and conditions of open-end credit. Currently, open-end credit is not subject to regulation in this state. Accordingly, many of the terms of the borrowers and lenders are now derived from common law. This chapter would clarify the rights and duties of borrowers and lenders, providing for greater certainty in the law. If the provisions of SB 392, as amended, were to be adopted by the General Court it would in fact establish criteria for the regulation of revolving credit plans, having

the rights and liabilities of a bank or other financial institution. The definition of a "bank" would not only include a bank but also a trust company, savings association and credit union chartered by the state, and also now include revolving credit plans. The bill defines a revolving credit plan as a plan contemplating the extension of credit, governed by an agreement between the bank and a borrower. A "bank" can collect periodic interest based on an interest rate that may vary from time to time. It may charge reasonable fees for services, fees such as processing fees, official fees and taxes, normal costs by reason of an examination of title, inspection, appraisal, recording and mortgage satisfaction. The bill refers frequently to the rights and liabilities of the parties to the agreement. The agreement will be the governing factor. The bill permits an agreement to have variable rates to apply to all or any part of the outstanding indebtedness, and permits variable rates contingent upon the happening of any event or circumstance (i.e. default). For consumer borrowers, prepayment charges are not allowed for payment of the outstanding unpaid indebtedness in full, but may be imposed for the payoff and termination of revolving credit plans, including those secured by real estate. Insurance may not be required of a consumer borrower unless real or personal property secures the revolving credit. Pyramiding of late charges is not permitted. For purposes of payment of late fees, payments by the borrower shall be deemed to be applied to satisfaction of installments in the order in which they become due. Agreements may be amended whether relating to rates of interest, the manner calculating periodic interest, variable schedules or other matters, and may be applied to indebtedness. If however, an amendment to the agreement increases the interest rate, a bank is required to provide clear and conspicuous notice at least 15 days prior to the effective date. Borrowers electing not to accept an amendment are permitted to pay the outstanding unpaid indebtedness in accordance with the rate of interest charged by a bank without giving effect to the proposed increase. The banking department has full supervisory powers over state-chartered banks for compliance with this section and enforcing this chapter. This bill applies to any state-chartered bank and any federal bank, including a national bank that maintains its principal place of banking business in New Hampshire. Vote 12-0.

Amendment (3118h)

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

AN ACT relative to the regulation of revolving credit plans.

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

1 New Chapter; Regulation of Revolving Credit Plans. Amend RSA by inserting after chapter 384-F the following new chapter:

CHAPTER 384-G

REGULATION OF REVOLVING CREDIT PLANS

384-G:1 Definitions. In this chapter:

I. "Bank" means a bank, trust company, savings association or credit union, which is chartered by this state or by any authority or agency of the United States and having its principal place of banking business in this State and any foreign bank agency.

II. "Bank commissioner" means the New Hampshire bank commissioner.

III. "Borrower" means any corporation, partnership, association, government or governmental subdivision or agency, trust, individual, or other entity.

IV. "Credit device" means any card, check, identification code or other means of identification contemplated by the agreement governing the plan.

V. "Individual borrower" means a borrower who is a natural person borrowing for personal, household, or family purposes.

VI. "Loans" mean cash advances or loans to be paid to or for the account of the borrower.

VII. "Outstanding unpaid indebtedness" means on any day an amount not in excess of the total amount of purchases and loans charged to the borrower's account under the plan which is outstanding and unpaid at the end of the day, after adding the aggregate amount of any new purchases and loans charged to the account as of that day and deducting the aggregate amount of any payments and credits applied to that indebtedness as of that day and, if the agreement providing the plan so provides, may include the amount of any periodic interest, interest charges and other charges permitted by this subchapter, including late or delinquency charges, which have accrued in the account and which are unpaid at the end of the day. Purchases and loans may be included in outstanding unpaid indebtedness as of such time as may be specified in the agreement governing the plan.

VIII. "Purchases" mean payments for property of whatever nature, real or personal, tangible or intangible, and payments for services, licenses, taxes, official fees, fines, private or governmental obligations, or any other thing of value.

IX. "Revolving credit plan" or "plan" means a plan contemplating the extension of credit under an account governed by an agreement between a bank and a borrower pursuant to which:

(a) The bank permits the borrower and, if the agreement governing the plan so provides, persons acting on behalf of or with authorization from the borrower, from time to time to make purchases and/or to obtain loans by use of a credit device;

(b) The amounts of such purchases and loans are charged to the borrower's account under the revolving credit plan;

(c) The borrower is required to pay the bank the amounts of all purchases and loans charged to such borrower's account under the plan but has the privilege of paying such amounts outstanding from time to time in full or otherwise in accordance with the agreement governing the plan; and

(d) Interest may be charged and collected by the bank from time to time on the outstanding unpaid indebtedness under such plan.

384-G:2 Extension of Credit. Any bank may, subject to any limitations on lending authorities contained in its charter or otherwise imposed by law and subject to the other provisions of this chapter, offer and extend credit under a revolving credit plan to a borrower and in connection therewith may charge and collect periodic interest, interest charges and other charges permitted by this subchapter and may take such security as collateral in connection therewith as may be acceptable to the bank. Without limitation of the foregoing, credit may be extended under a revolving credit plan by a bank's acquisition of obligations arising out of the honoring by a merchant, a bank or other financial institution, whether chartered or organized under the laws of this or any other state, the District of Columbia, the United States or any district, territory or possession of the United

States, or any foreign country, or a government or governmental subdivision or agency of a credit device made available to a borrower under a plan, whether directly or indirectly by means of telephone, point of sale terminal, automated teller machine or other electronic or similar device or through the mails.

384-G:3 Periodic Interest. A bank may charge and collect periodic interest under a revolving credit plan on outstanding unpaid indebtedness in the borrower's account under the plan at such daily, weekly, monthly, annual or other periodic percentage rate or rates as the agreement governing the plan provides or as established in the manner provided in the agreement governing the plan. Periodic interest may be calculated using an average daily balance, 2-cycle average daily balance, adjusted balance or previous balance method or using any other balance computation method provided for in the agreement governing the plan. Periodic billing cycles may be established in such manner and shall have such duration as may be specified in the agreement governing the plan.

384-G:4 Variable Rates. If the agreement governing the revolving credit plan so provides, the periodic percentage rate or rates of interest under such plan may vary in accordance with a schedule or formula. Such periodic percentage rate or rates may vary from time to time as the rate determined in accordance with such schedule or formula varies and such periodic percentage rate or rates, as so varied, may be made applicable to all or any part of outstanding unpaid indebtedness under the plan on or after the first day of the billing cycle that contains the effective date of such variation including any such indebtedness arising out of purchases made or loans obtained prior to such variation in the periodic percentage rate or rates. Without limitation, a permissible schedule or formula hereunder may include provision in the agreement governing the plan for a change in the periodic percentage rate or rates of interest applicable to all or any part of outstanding unpaid indebtedness, whether by variation of the then applicable periodic percentage rate or rates of interest, variation of an index or margin or otherwise, contingent upon the happening of any event or circumstance specified in the plan, which event or circumstance may include the failure of the borrower to perform in accordance with the terms of the plan.

384-G:5 Interest Charges.

I. In addition to or in lieu of interest at a periodic percentage rate or rates as provided in RSA 384-G:3 and RSA 384-G:4, a bank may, if the agreement governing the revolving credit plan so provides, charge and collect, as interest, in such manner or form as the plan may provide, one or more of the following:

(a) A daily, weekly, monthly, annual or other periodic charge in such amount or amounts as the agreement may provide for the privileges made available to the borrower under the plan.

(b) A transaction charge or charges in such amount or amounts as the agreement may provide for each separate purchase or loan under the plan.

(c) A minimum charge for each daily, weekly, monthly, annual or other scheduled billing period under the plan during any portion of which there is an outstanding unpaid indebtedness under the plan.

(d) Reasonable fees for services rendered or for reimbursement of expenses incurred in good faith by the bank or its agents in connection with the plan, or other reasonable fees incident to the application for and the opening, administration and termination of a plan including, without limitation, commitment, application and processing fees, official fees and taxes, costs

incurred by reason of examination of title, inspection, appraisal, recording, mortgage satisfaction or other formal acts necessary or appropriate to the security for the plan, and filing fees.

(e) Returned payment charges or charges imposed for the return of a draft drawn on a revolving credit plan evidencing an extension of credit under such plan.

(f) Documentary evidence charges.

(g) Stop payment fees.

(h) Overlimit charges.

(i) Automated teller machine charges or similar electronic or interchange fees or charges.

(j) Prepayment charges authorized under paragraph II.

(k) Subject to any limitations contained in this chapter, such other fees and charges as are set forth in the agreement governing the plan.

II. An individual borrower may pay the outstanding unpaid indebtedness charged to the borrower's account under a plan in full at any time. Except for a charge imposed to terminate a plan if the agreement governing the plan so provides, a bank may not impose any prepayment charge in connection with the payment of outstanding unpaid indebtedness in full by an individual borrower. A bank may charge and collect any prepayment penalty or charge specified in the agreement governing the plan in connection with the payoff and termination of a plan that is secured by a real estate mortgage. The terms of prepayment of the outstanding unpaid indebtedness relating to a revolving credit plan involving a borrower other than an individual borrower shall be as the bank and the borrower may agree.

III. No charges assessed by a bank in accordance with this section shall be deemed void as a penalty or otherwise unenforceable under any statute or the common law.

384-G:6 Terms for Indebtedness. A bank may, if the agreement governing a revolving credit plan so provides, impose different terms (including, without limitation, the terms governing the periodic percentage rate or rates used to calculate interest, the method of computing the outstanding unpaid indebtedness to which such rate or rates are applied, the amounts of other charges, and the applicable installment repayment schedule) in respect to indebtedness arising out of purchases and indebtedness arising out of loans made under the plan.

384-G:7 Overdraft Accounts. If credit under a revolving credit plan is offered and extended in connection with a demand deposit account or other transaction account maintained by the borrower with a bank that is also a depository institution pursuant to an agreement or arrangement whereby such bank agrees to honor checks, drafts, or other debits to such account, which if paid would create or increase a negative balance in such account, by making extensions of credit to such borrower under such revolving credit plan, any charges customarily imposed by such bank under the terms governing such demand deposit or other transaction account in the absence of any associated revolving credit plan (including, without limitation, check charges, monthly maintenance charges, checkbook charges, charges for checks drawn on funds in excess of an available line of credit and other similar charges) may continue to be imposed on such account without specific reference thereto or incorporation thereof by reference in the agreement governing the revolving credit plan and the amount of any such charge, to the extent the balance in such demand deposit or other transaction

account is insufficient to pay such a charge, may be charged to the borrower's account under the plan as a loan thereunder and may be included in outstanding unpaid indebtedness in accordance with the terms of the agreement governing such revolving credit plan.

384-G:8 Omitted Installments. A bank may at any time and from time to time unilaterally extend to a borrower under a revolving credit plan the option of omitting monthly installments.

384-G:9 Insurance.

I. A bank may request but not require an individual borrower to be insured in respect of a revolving credit plan under a life, health, accident, health and accident or other credit or other permissible insurance policy, whether group or individual, and in the event that an individual borrower's outstanding unpaid indebtedness under the plan is secured by an interest in real or personal property, a bank may require the borrower to obtain insurance from a licensed insurer against loss of or damage to such property, or against the liability arising out of the ownership or use of the property and may finance the premiums for such insurance.

II. In the case of a borrower borrowing under a revolving credit plan for other than personal, household or family purposes, a bank may require the borrower to obtain insurance, from a licensed insurer acceptable to the bank, under a life, health, accident, health and accident or other credit or other permissible insurance policy, whether group or individual, and in the event that the borrower's outstanding unpaid indebtedness under the plan is secured by an interest in real or personal property, the bank may require the borrower to obtain insurance, from an insurer acceptable to the bank, against loss of or damage to such property, or against the liability arising out of the ownership or use of the property and may finance the premiums for such insurance.

III. The offer and placement of insurance under this section shall be subject in all respects to the applicable provisions of title 37.

384-G:10 Delinquent Installments.

I. If the agreement governing a revolving credit plan so provides, a bank may impose, as interest, a late or delinquency charge upon any outstanding unpaid installment payments or portions thereof under the plan which are in default; provided however, that no more than one such late or delinquency charge may be imposed in respect of any single such installment payment or portion thereof, regardless of the period during which it remains in default; and provided further, however, that for the purpose only of the preceding proviso all payments by the borrower shall be deemed to be applied to satisfaction of installment payments in the order in which they become due. Nothing contained in this section shall limit, restrict or otherwise affect the right of a bank under and pursuant to RSA 384-G:4 and RSA 384-G:5 to change the periodic percentage rate or rates of interest applicable to the revolving credit plan between the bank and a borrower upon the occurrence of a delinquency or default or other failure of the borrower to perform in accordance with the terms of the plan.

II. No charges assessed by a bank in accordance with this section shall be deemed void as a penalty or otherwise unenforceable under any statute or the common law.

384-G:11 Attorney's Fees; Costs. In the event a borrower defaults under the terms of a plan, the bank may, if the borrower's account is referred to an attorney (not a regularly salaried employee of the bank) or to a third party for collection and if the agreement governing the revolving credit plan so provides, charge and collect from the borrower a reasonable attorney's fee. In addition, following a borrower's default, the bank may, if the agreement governing the plan so provides, recover from the

borrower all court, alternative dispute resolution or other collection costs, including, without limitation, fees and charges of collection agencies, actually incurred by the bank.

384-G:12 Amendment of Agreement.

I. Unless the agreement governing a revolving credit plan otherwise provides, a bank may at any time and from time to time amend such agreement in any respect, whether or not the amendment or the subject of the amendment was originally contemplated or addressed by the parties or is integral to the relationship between the parties. Without limiting the foregoing, such amendment may change terms by the addition of new terms or by the deletion or modification of existing terms, whether relating to plan benefits or features, the rate or rates of periodic interest, the manner of calculating periodic interest or outstanding unpaid indebtedness, variable schedules or formulas, interest charges, fees, collateral requirements, methods for obtaining or repaying extensions of credit, attorney's fees, plan termination, the manner for amending the terms of the agreement, arbitration or other alternative dispute resolution mechanisms, or other matters of any kind whatsoever. Unless the agreement governing a revolving credit plan otherwise expressly provides, any amendment may, on and after the date upon which it becomes effective as to a particular borrower, apply to all then outstanding unpaid indebtedness in the borrower's account under the plan, including any such indebtedness that arose prior to the effective date of the amendment. An agreement governing a revolving credit plan may be amended pursuant to this section regardless of whether the plan is active or inactive or whether additional borrowings are available thereunder. Any amendment that does not increase the rate or rates of periodic interest charged by a bank to a borrower under RSA 384-G:3 or RSA 384-G:4 may become effective as determined by the bank, subject to compliance by the bank with any applicable notice requirements under the Truth in Lending Act 15 U.S.C. 1601 et seq., and the regulations promulgated thereunder, as in effect from time to time. Any notice of an amendment sent by the bank may be included in the same envelope with a periodic statement or as part of the periodic statement or in other materials sent to the borrower.

II.(a) If an amendment increases the rate or rates of periodic interest charged by a bank to a borrower under RSA 384-G:3 or RSA 384-G:4, the bank shall mail or deliver to the borrower, at least 15 days before the effective date of the amendment, a clear and conspicuous written notice that shall describe the amendment and shall also set forth the effective date thereof and any applicable information required to be disclosed pursuant to the following provisions of this section.

(b) Any amendment that increases the rate or rates of periodic interest charged by a bank to a borrower under RSA 384-G:3 or RSA 384-G:4 may become effective as to a particular borrower if the borrower does not, within 15 days of the earlier of the mailing or delivery of the written notice of the amendment or such longer period as may be established by the bank, furnish written notice to the bank that the borrower does not agree to accept such amendment. The notice from the bank shall set forth the address to which a borrower may send notice of the borrower's election not to accept the amendment and shall include a statement that, absent the furnishing of notice to the bank of nonacceptance within the referenced 15 day or longer time period, the amendment will become effective and apply to such borrower. As a condition to the effectiveness of any notice that a borrower does not accept such amendment, the bank may require the borrower to return to it all credit devices. If, after 15 days from the mailing or delivery by the bank of a notice of an amendment or such longer period as may have been established by the bank as referenced in this section, a borrower uses a plan by making a purchase or obtaining a loan, notwithstanding that the borrower has prior to such use furnished the bank notice that the borrower does not accept an amendment, the amendment may be deemed by the bank to have been accepted and may become effective as to the borrower as of the date that such amendment would have become effective but for the furnishing of notice by the borrower or as of any later date selected by the bank.

(c) Any amendment that increases the rate or rates of periodic interest charged by a bank to a borrower under RSA 384-G:3 or RSA 384-G:4 may, in lieu of the procedure referenced in RSA 384-G:12, II(b), become effective as to a particular borrower if the borrower uses the plan after a date specified in the written notice of the amendment that is at least 15 days after the mailing or delivery of the notice (but that need not be the date the amendment becomes effective) by making a purchase or obtaining a loan; provided, that the notice from the bank includes a statement that the described usage after the referenced date will constitute the borrower's acceptance of the amendment.

(d) Any borrower who furnishes timely notice electing not to accept an amendment in accordance with the procedures referenced in subparagraph II(b) and who does not subsequently use the plan, or who fails to use such borrower's plan as referenced in subparagraph II(c), shall be permitted to pay the outstanding unpaid indebtedness in such borrower's account under the plan in accordance with the rate or rates of periodic interest charged by a bank to a borrower under RSA 384-G:3 or RSA 384-G:4 without giving effect to the amendment.

(e) Notwithstanding the other provisions of this chapter, no notice required by this paragraph of an amendment of an agreement governing a revolving credit plan shall be required, and any amendment may become effective as of any date agreed upon between a bank and a borrower, with respect to any amendment that is agreed to in written form between the bank and the borrower.

III. For purposes of this section, the following are examples of amendments that shall not be deemed to increase the rate or rates of periodic interest charged by a bank to a borrower under RSA 384-G:3 or RSA 384-G:4:

(a) A decrease or increase in the required number or amount of periodic installment payments;

(b) Any change to a plan that increases the rate or rates in effect immediately prior to the change by less than 1/4 of one percentage point per annum; provided that a bank may not make more than one such change in reliance on this paragraph with respect to a plan within any 12-month period;

(c)(1) A change in the schedule or formula used under a variable rate plan under RSA 384-G:4 that varies the determination date of the applicable rate, the time period for which the applicable rate will apply or the effective date of any variation of the rate, or any other similar change; or

(2) Any other change in the schedule or formula used under a variable rate plan under RSA 384-G:4; provided, that the initial interest rate that would result from any such change under subparagraph III(c), as determined on the effective date of the change or, if notice of the change is mailed or delivered to the borrower prior to the effective date, as of any date within 60 days before mailing or delivery of such notice, will not be an increase from the rate in effect on such date under the existing schedule or formula;

(d) A change from a variable rate plan to a fixed rate, or from a fixed rate to a variable rate plan so long as the initial rate that would result from such a change, as determined on the effective date of the change, or if the notice of the change is mailed or delivered to the borrower prior to the effective date, as of any date within 60 days before mailing or delivery of such notice, will not be an increase from the rate in effect on such date under the existing plan;

(e) A change from a daily periodic rate to a periodic rate other than daily or from a periodic rate other than daily to a daily periodic rate; and

(f) A change in the method of determining the outstanding unpaid indebtedness upon which periodic interest is calculated, including, without limitation, a change with respect to the date by which or the time period within which a new balance or any portion thereof must be paid to avoid additional periodic interest.

IV. The procedures for amendment by a bank of the terms of a plan to which a borrower other than an individual borrower is a party may, in lieu of the provisions of this section, be as the agreement governing the plan may otherwise provide.

384-G:13 Examinations. Subject to federal preemption where applicable:

I. The banking department may examine the business affairs of any bank, as it deems necessary to determine whether a revolving credit plan complies with this chapter and the rules adopted hereunder and also with RSA 399-B, the Truth in Lending Act, 15 U.S.C. 1601 et seq., and any other applicable law or regulation. In determining compliance, the banking department may examine the books, accounts, records, files, and other documents or matters of any bank or person. In conjunction therewith, the banking department shall have the power to subpoena witnesses and administer oaths in any adjudicative proceedings, and to compel, by subpoena duces tecum, the production of all books, records, files, and other documents and materials relevant to its investigation.

II. A bank shall maintain such records as will enable the banking department to examine whether the bank's business is in compliance with the provisions of this chapter and the rules adopted pursuant to it. Such records shall be maintained and made available for examination for a period of at least 3 years after the loan is closed, if the loan is not retained in the bank's loan portfolio, or 3 years after the loan is paid in full, if the loan is retained in the bank's loan portfolio. Banks may maintain photocopies, microfilm, microfiche, or electronic copies of original documents.

III. For the purpose of discovering violations of this chapter, the banking department may examine, during business hours, the records of any bank and of any person by whom any such loan is made, whether such person shall claim to act, as principal, agent, or other representative, or under, or without the authority of this chapter; and for that purpose, the banking department shall have access to the books, papers, records, files, and vaults of all such persons. The banking department shall also have authority to examine, under oath, all persons whose testimony it may require relative to such loans or business.

IV. The affairs and records within this state of every bank shall be subject at any time to such periodic, special, regular, or other examination by the banking department, with or without notice to the bank. All books, papers, files, related material, and records of assets of the bank shall be subject to the banking department's examination.

V. Any agent of the banking department may make a thorough examination into the business affairs of each bank and shall report any violations of law, rule, or standard business practice to the banking department.

VI. The expense of such examination shall be chargeable to and paid by the bank. The procedure for such payment shall be the same as for payments by institutions for cost of examinations under RSA 383:11.

384-G:14 Enforcement.

I. Subject to federal preemption where applicable, the bank commissioner shall administer and enforce the provisions of this chapter. The bank commissioner may take enforcement action to remedy any act or practice which violates this chapter, including injunctive relief and restitution.

II. Any borrower injured by any such act or practice in violation of RSA 384:G may bring an action for damages and for such equitable relief, including an injunction, as the court deems necessary and proper, against a bank. A prevailing plaintiff shall be awarded reasonable attorneys' fees and costs, as determined by the court. If the court finds that an action initiated by the plaintiff under this paragraph was frivolous, the court shall give reasons thereof in writing and may assess reasonable attorneys' fees and costs.

384-G:15 Rulemaking. Pursuant to RSA 541-A, the bank commissioner may adopt such rules as the bank commissioner deems necessary to the administration and enforcement of this chapter. Such rules shall be consistent with the provisions of this chapter.

384-G:16 Application of Other State Laws. Extensions of credit and other transactions conducted pursuant to this chapter shall be subject where applicable to the provisions of RSA 399-B. Any other law of this state limiting the rate or amount of interest, discount, points, finance charges, service charges or other charges which may be charged, taken, collected, received or reserved, or providing for enforcement action or remedies shall not apply to extensions of credit under a revolving credit plan operated in accordance with this chapter.

384-G:17 Application; Captions.

I. The provisions of this chapter shall apply to and exclusively govern a revolving credit plan, provided that the plan references this chapter in the agreement and states that the provisions of this chapter shall so govern.

II. Section headings and captions contained in this chapter are inserted only as a matter of convenience and for reference and do not, and shall not be construed to, define, limit, extend or describe the scope of this chapter or the meaning or intent of any section hereof.

384-G:18 Materiality of Terms. All terms, conditions and other provisions of and relating to a plan as contained in this chapter or in the agreement governing the plan other than those which are interest under this chapter, including, without limitation, provisions relating to the method of determining the outstanding unpaid indebtedness on which interest is applied, time periods within which interest charges may be avoided, reasons for default and the right to cure any default, rights to accelerate, account cancellation, choice of law, change in terms requirements, rights to charge and collect attorney's fees, court and collection costs, and the compounding of periodic interest or interest charges, shall be and hereby are deemed to be material to the determination of interest applicable to a plan under New Hampshire law, under the most favored lender doctrine, and under Section 85 of the National Bank Act, 12 U.S.C. Section 85 or Section 521 of the Depository Institutions Deregulation and Monetary Control Act of 1980, 12 U.S.C. Section 1831d.

384-G:19 Governing Law. A revolving credit plan between a bank and a borrower shall be governed by the laws of this state.

384-G:20 Severability. If any provision of this chapter or the application of any section or part thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such

invalidity shall not affect other provisions or applications of the chapter that can be given effect without the invalid provision or application, and to this end the provisions of the chapter are severable.

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

AMENDED ANALYSIS

This bill provides for regulation by the banking department of revolving credit plan agreements between banks and borrowers.

SB 404, changing certain limitations on investment management fees and investments by banks acting as fiduciaries. **OUGHT TO PASS**

Rep. Leo W. Fraser, Jr. for Commerce: This bill makes two changes to the existing practices and laws governing a bank trust investment in affiliated securities. These changes are in keeping with changes that have been made in 48 other states. This conformity with other states is desirable and should serve to further enhance a business climate that supports the establishment of trust accounts in New Hampshire. Representatives of the Banking Department and the Office of the Attorney General supported the bill. Vote 14-0.

SB 443-FN, relative to the division of condominiums. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tara G. Reardon for Commerce: This bill, as amended, would allow a condominium formed, after the effective date of this new law, to include in their declaration and/or by-laws a provision to divide the condominium by 4/5 vote of the unit owners. The current law is a 100% vote of the unit owners. The committee declined to apply this provision to condominiums already in existence as an unlawful taking of property rights. Vote 15-0

Amendment (3258h)

Amend RSA 356-B:34-a, VIII as inserted by section 2 of the bill by replacing it with the following:

VIII. This section shall apply to all condominiums within the state declared after the effective date of this section.

SB 447, requiring the real estate commission to create an agency disclosure form and an agency informational brochure. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: During the hearing the committee learned that the intent of the legislation was to require all real estate agents to give any new real estate buyer a Real Estate Commission brochure describing the several different kinds of arrangements or services all realtors may provide. This brochure must be delivered and signed at initial contact even though current law already requires disclosure at the time any agreements or contracts are offered. The Real Estate Commission's intent with the brochure was to inform consumers of the benefit of an "exclusive buyer's agent" even though an "exclusive buyer's agent" is not defined in the law. Unless and until the General Court addresses the issue of what constitutes an "exclusive buyer's agent", bills such as SB 447 must be resisted. Vote 15-0.

SB 360-FN, establishing criminal penalties for the introduction of computer contaminants. **OUGHT TO PASS WITH AMENDMENT**

Rep. Patricia M. O'Keefe for Criminal Justice and Public Safety: This bill establishes the crime of intentional computer contamination. A person would be guilty of this crime if he or she knowingly introduces, or causes to be introduced, a computer contaminant into any computer or computer system without the authorization of the owner. According to the bill, a computer contaminant is defined as any set of computer instructions, including but not limited to, the set of computer instructions commonly known as viruses or worms that are self-replicating or self propagating and are designed to contaminate other computer programs, computer data, consume computer resources, modify, destroy, record, transmit data, or in some other fashion usurp the normal operation of the computer, computer program, computer operations, computer services, or computer network. The amendment places the proposed language in the appropriate statutes RSA638:16 and RSA 638:17, which deal with computer crime, and the penalties will be the same as the other computer related offenses under current statute RSA 638:18. The "typo" on page 4 of the amendment will be corrected by the enrolled bills process. Vote 16-1.

Amendment (3257h)

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

1 Computer Crime; Definitions. RSA 638:16 is repealed and reenacted to read as follows:

I. "Access" means to instruct, communicate with, store data in, retrieve data from, intercept data from, or otherwise make use of any computer, computer network, computer program, computer software, computer data, or other computer resources.

II. "Authorization" means the express or implied consent given by a person to another to access or use said person's computer, computer network, computer program, computer software, password, identifying code, or personal identification number.

III. "Computer" means an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic or storage functions, and includes any data storage facility or communication facility directly related to or operating in conjunction with such device. The term "computer" includes any connected or directly related device, equipment, or facility which enables the computer to store, retrieve, or communicate computer programs, computer data, or the results of computer operations to or from a person, another computer, or another device, but such term does not include an automated typewriter or typesetter, a portable hand-held calculator, or other similar device.

IV. "Computer contaminant" means any set of computer instructions that are designed to modify, damage, destroy, record, or transmit information within a computer, computer system, or computer network without the authorization of the owner of the information. They include, but are not limited to, a group of computer instructions commonly called viruses or worms, that are self-replicating or self-propagating and are designed to contaminate other computer programs or computer data, consume computer resources, modify, destroy, record, or transmit data, or in some other fashion usurp the normal operation of the computer, computer program, computer operations, computer services, or computer network.

V. "Computer data" means any representation of knowledge, facts, concepts, instruction, or other information computed, classified, processed, transmitted, received, retrieved, originated, stored, manifested, measured, detected, recorded, reproduced, handled, or utilized by a computer, computer network, computer program, or computer software, and may be in any medium, including, but not limited to, computer print-outs, microfilm, microfiche, magnetic storage media,

optical storage media, punch paper tape, or punch cards, or it may be stored internally in read-only memory or random access memory of a computer or any other peripheral device.

VI. "Computer network" means a set of connected devices and communication facilities, including more than one computer, with the capability to transmit computer data among them through such communication facilities.

VII. "Computer operations" means arithmetic, logical, storage, display, monitoring, or retrieval functions or any combination thereof, and includes, but is not limited to, communication with, storage of data in or to, or retrieval of data from any device and the human manual manipulation of electronic magnetic impulses. A "computer operation" for a particular computer shall also mean any function for which that computer was designed.

VIII. "Computer program" means an ordered set of computer data representing instructions or statements, in a form readable by a computer, which controls, directs, or otherwise influences the functioning of a computer or computer network.

IX. "Computer software" means one or more computer programs, existing in any form, or any associated operational procedures, manuals, or other documentation.

X. "Computer services" means computer access time, computer data processing, or computer data storage, and the computer data processed or stored in connection therewith.

XI. "Computer supplies" means punch cards, paper tape, magnetic tape, magnetic disks or diskettes, optical disks or diskettes, disk or diskette packs, paper, microfilm, and any other tangible input, output, or storage medium used in connection with a computer, computer network, computer data, computer software, or computer program.

XII. "Computer resources" includes, but is not limited to, information retrieval, computer data processing, transmission and storage, and any other functions performed, in whole or in part, by the use of a computer, computer network, computer software, or computer program.

XIII. "Financial instrument" includes, but is not limited to, any check, draft, warrant, money order, note, certificate of deposit, letter of credit, bill of exchange, credit or debit card, transaction authorization mechanism, marketable security or any computerized representation thereof.

XIV. "Owner" means any person who owns or leases or is a licensee of a computer, computer network, computer data, computer program, computer software, computer resources, or computer supplies.

XV. "Person" means any natural person, general partnership, limited partnership, trust, association, corporation, joint venture, or any state, county or municipal government and any subdivision, branch, department, or agency thereof.

XVI. "Property" includes:

(a) Real property;

(b) Computers and computer networks;

(c) Financial instruments, computer data, computer programs, computer software and all other personal property regardless of whether they are:

(1) Tangible or intangible;

(2) In a format readable by humans or by a computer;

(3) In transit between computers or within a computer network or between any devices which comprise a computer; or

(4) Located on any paper or in any device on which it is stored by a computer or by a human; and

(d) Computer services.

2 Computer Crime Penalties; Computer Contaminants. Amend RSA 638:17 to read as follows:

638:17 Computer Related Offenses.

I. A person is guilty of the computer crime of unauthorized access to a computer ~~[system]~~ **or computer network** when, knowing that ~~[he]~~ **the person** is not authorized to do so, he **or she** knowingly accesses or causes to be accessed any computer ~~[system]~~ **or computer network** without authorization. It shall be an affirmative defense to a prosecution for unauthorized access to a computer ~~[system]~~ **or computer network** that:

(a) The person reasonably believed that the owner of the computer ~~[system]~~ **or computer network**, or a person empowered to license access thereto, had authorized him **or her** to access; or

(b) The person reasonably believed that the owner of the computer ~~[system]~~ **or computer network**, or a person empowered to license access thereto, would have authorized ~~[him]~~ **the person** to access without payment of any consideration; or

(c) The person reasonably could not have known that his **or her** access was unauthorized.

II. A person is guilty of the computer crime of theft of computer services when he **or she** knowingly accesses or causes to be accessed or otherwise uses or causes to be used a computer ~~[system]~~ **or computer network** with the purpose of obtaining unauthorized computer services.

III. A person is guilty of the computer crime of interruption of computer services when ~~[he]~~ **the person**, without authorization, knowingly or recklessly disrupts or degrades or causes the disruption or degradation of computer services or denies or causes the denial of computer services to an authorized user of a computer ~~[system]~~ **or computer network**.

IV. A person is guilty of the computer crime of misuse of computer ~~[system]~~ **or computer network** information when:

(a) As a result of his **or her** accessing or causing to be accessed a computer ~~[system]~~ **or computer network**, ~~[he]~~ **the person** knowingly makes or causes to be made an

unauthorized display, use, disclosure, or copy, in any form, of data residing in, communicated by, or produced by a computer ~~[system]~~ **or computer network**; or

(b) ~~[He]~~ **The person** knowingly or recklessly and without authorization:

(1) Alters, deletes, tampers with, damages, destroys, or takes data intended for use by a computer ~~[system]~~ **or computer network**, whether residing within or external to a computer ~~[system]~~ **or computer network**; or

(2) Intercepts or adds to data residing within a computer ~~[system]~~ **or computer network**; or

(c) ~~[He]~~ **The person** knowingly receives or retains data obtained in violation of subparagraph (a) or (b) of this paragraph; or

(d) ~~[He]~~ **The person** knowingly uses or discloses any data he **or she** knows or believes was obtained in violation of subparagraph (a) or (b) of this paragraph.

V. A person is guilty of the computer crime of destruction of computer equipment when ~~[he]~~ **or she**, without authorization, knowingly or recklessly tampers with, takes, transfers, conceals, alters, damages, or destroys any equipment used in a computer ~~[system]~~ **or computer network**, or knowingly or recklessly causes any of the foregoing to occur.

VI. A person is guilty of the computer crime of computer contamination if such person knowingly introduces, or causes to be introduced, a computer contaminant into any computer, computer program, or computer network which results in a loss of property or computer services.

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

AMENDED ANALYSIS

This bill establishes a criminal offense for the introduction of computer contaminants which result in the impairment of computer operations or the loss of property. The bill also revises the definitions relative to computer related offenses.

SB 386, relative to automated external defibrillators. **OUGHT TO PASS WITH AMENDMENT**

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: SB 386 establishes a register of Automatic External Defibrillators within the 911 system for businesses and public buildings that have chosen to make an AED available for medical emergencies. This register will allow those persons who call 911 to be advised if there is an AED at their present location and where it is located. Emergency personnel may also be advised of the presence of an AED by the dispatcher. Early intervention during heart attacks by the use of an AED has been proven to save lives. The committee amendment removes the requirement that AED's located in private residences be included in the registry. The committee feels that this bill is an important step to saving lives in New Hampshire. Vote 16-1.

Amendment (3315h)

Amend RSA 153-A:33 as inserted by section 2 of the bill by inserting after paragraph II the following new paragraph:

III. The provisions of paragraphs I and II shall not apply to owners who purchase an automated external defibrillator for use in a private residence.

AMENDED ANALYSIS

This bill establishes an automated external defibrillator registry in the department of safety, and requires commercial owners to register their devices.

SB 321-L, clarifying the right to public education for children of homeless families. **OUGHT TO PASS WITH AMENDMENT**

Rep. Russell N. Cox for Education: This bill originally attempted to deal with school assignment and residency questions for homeless children. The bill raised more questions than answers. The amendment replaces the entire bill and does three things: 1) Establishes a committee to review and recommend residency solutions for homeless children, foster children, court ordered placements, etc. 2) Establishes a "school of origin", where the student was last enrolled, as a default school during any disputes on residency to assure that a homeless child will always have a school to attend. 3) Makes a technical correction by clarifying that the superintendents shall have the final decision in the public school choice bill passed earlier this year. Vote 15-0.

Amendment (3193h)

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

AN ACT establishing a committee to study statutory and administrative requirements regarding the legal residency of homeless children in certain educational and institutional settings, and relative to the appeal of decisions made regarding change of school or assignment.

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

1 Committee Established. There is established a committee to study the existing statutory and administrative requirements regarding the legal residency of homeless children for the purposes of primary and secondary public education and for the purpose of determining liability for the education of children placed in certain child care agencies, health care facilities, or state institutions.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall:

I. Study existing statutory requirements and relevant department of education rules regarding the school assignment and legal residency of homeless children for the purposes of primary and secondary public education.

II. Study existing statutory requirements and relevant departmental rules regarding legal residency for the purpose of determining liability for the education of children placed in child care agencies, health care facilities, residential schools, state institutions, foster care placements, or court ordered placements.

III. Study the provisions of the McKinney-Vento Homeless Assistance Act and Title I of the Elementary and Secondary Education Act, as reauthorized by the No Child Left Behind Act of 2001 (Pub. L. 107-110), and recommend changes to state law deemed necessary or appropriate.

IV. Determine how funds received under the McKinney-Vento Homeless Assistance Act and Title I of the Elementary and Secondary Education Act have been used by the state, analyze whether such use is the most effective means of achieving the purposes for which the funds have been appropriated, and recommend alternative methods of using such funds as may be necessary.

V. Solicit information and expertise from the commissioners of the departments of education and health and human services relative to any issue within the scope of the committee's duties.

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

5 Report.

I. On or before September 1, 2002, the commissioner of the department of education shall submit a report to the chairperson of the study committee which shall include recommendations for proposed legislation necessary for revising existing statutory and administrative provisions relating to legal residency of homeless children as set forth in section 3, paragraphs I-II of this act. The commissioner of the department of education shall consult with the commissioner of the department of health and human services regarding any issue relevant to the scope of this legislation for which the commissioner of the department of health and human services has primary authority or jurisdiction.

II. The committee shall report its findings and any recommendations for proposed legislation, and shall consider the contents of the report submitted by the commissioner of the department of education, and shall submit its report 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 New Subparagraph; Pupils; Change of School or Assignment. Amend RSA 193:3, III by inserting after subparagraph (g) the following new subparagraph:

(h) Notwithstanding RSA 21-N:11, III, for the purposes of this paragraph, the decision of the superintendent shall be final.

7 Legal Residence Required; Pendency of Residency Dispute. Amend RSA 193:12, VI to read as follows:

VI. The superintendent shall decide residency issues under this section. If more than one school district is involved in a residency dispute or the parents who live apart cannot agree on the residence of a minor child, the respective superintendents shall jointly make such decision. In those instances when an agreement cannot be reached in a timely manner, the commissioner of education shall make a determination and such determination shall be final. No school district shall deny a pupil attendance or implementation of an existing individual education plan. A pupil shall remain in attendance in the pupil's ~~current~~ school **of origin** during the pendency of a determination of residency **and shall be counted in the average daily membership in residence in the district of residence. In this paragraph, "school of origin" means the school the child attended when permanently housed or the school in which the child was last enrolled.** Notwithstanding the provisions of RSA 21-N:11, III any person aggrieved by a determination of the commissioner may appeal such determination to a court of competent jurisdiction.

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

AMENDED ANALYSIS

This bill:

I. Establishes a committee to study existing statutory issues relating to the legal residency of homeless children for the purposes of primary and secondary public education and to study existing statutory requirements and relevant departmental rules regarding legal residency for the purpose of determining liability for the education of children placed in certain child care agencies, health care facilities, or state institutions.

II. Provides that the superintendent's decision on a pupil's change of school or assignment shall be final.

III. Provides a clarification of the procedure for determining legal residency.

SB 354, authorizing foster parents to act as surrogate parents for educationally disabled children.
OUGHT TO PASS WITH AMENDMENT

Rep. Sharon M. Carson for Education: This bill permits foster parents to make education decisions on behalf of educationally-disabled foster children in their home for the duration of their placement. In order to make sure that the decisions are in the child's best interests, the bill requires advocacy training and approval by both the Department of Education and Health and Human Services for those foster parents who choose to exercise this responsibility. Vote 15-0.

Amendment (3195h)

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

AN ACT authorizing foster parents to act as educational advocates for foster children with educational disabilities.

Amend the bill by replacing section 2 with the following:

2 New Section; Special Education; Foster Parent Representation of Foster Children with Educational Disabilities. Amend RSA 186-C by inserting after section 14 the following new section:

186-C:14-a Foster Parent Representation of Foster Children with Educational Disabilities.

I. A foster parent or parents may be appointed by the commissioner of the department of education, upon recommendation of the commissioner of the department of health and human services or designee, or by the director of a child placing agency licensed under RSA 170-E that has placed the child with the foster parent or parents, to make educational decisions on behalf of a foster child for the duration of the foster placement, provided that:

(a) The natural parents' parental rights have been terminated by a court of law or by death; and

(b) Each such foster parent:

(1) Is in an ongoing, long-term parental relationship with the child, as determined by the department of health and human services or the child placing agency;

(2) Is willing to make the educational decisions required of parents under state and federal law;

(3) Has no interest that would conflict with the interests of the child; and

(4) Has demonstrated to the satisfaction of the commissioner of the department of education that he or she has the knowledge and skills to represent adequately the child in educational decision-making.

II. A foster parent appointment pursuant to this section shall supersede the appointment of a surrogate parent under RSA 186-C:14.

III. A foster parent acting as a parent shall have the same right of access as the natural parents or guardians to all records concerning the child. These records shall include, but are not limited to, educational, medical, psychological, and welfare records.

IV. No foster parent appointed to act in the capacity of a parent under this section shall be liable to the child entrusted to the foster parent or the parents or guardian of such child for any civil damages which result from acts or omissions of such foster parent which may arise out of ordinary negligence. This immunity shall not apply to acts or omissions constituting gross, willful, or wanton negligence.

V. The state board of education shall adopt rules, pursuant to RSA 541-A, necessary for the implementation of this section.

AMENDED ANALYSIS

This bill authorizes foster parents to act as educational advocates for foster children with educational disabilities in the educational decision-making process and sets forth circumstances under which such representation may occur.

SB 444, relative to parents in the classroom. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen R. L'Heureux for Education: The Committee shares in the belief of parental involvement in their children's education, however this legislation would not have provided any additional involvement as it did not require any action from any party. The bill was not even permissive, as schools already have the power to establish policies on parents in the classroom. Vote 15-3.

SB 324, urging a study of the operating efficiency of state government. **REFER FOR INTERIM STUDY**

Rep. Nelson S. Allan for Executive Departments and Administration: While some may feel the phrase "efficient government" is an oxymoron, this well-intentioned bill deserves further study. Incorporation of proven and existing processes such as those employed by the performance audit and oversight committee and the legislative budget assistant's office need to be looked into. Similarities with certain aspects of the HB 1378 "sunset review process" also suggest the need for a detailed and careful review. After four subcommittee review meetings, the recommendation of refer to interim study was unanimously forwarded to the full committee and unanimously approved. Vote 11-0.

SB 330, relative to the administration of a patient's own prescription by emergency medical care providers. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice E. Goulet for Executive Departments and Administration: This bill originated to allow basic emergency management technicians (EMT's) to administer epinephrine to a patient when responding to an emergency situation. Testimony revealed that the EMT Medical Control Board has rulemaking authority to establish rules to allow EMT's to do this. At the last meeting of the EMT Medical Control Board met with the food allergy group (alliance) and agreed to establish rules to allow EMT's (basic) to so administer epinephrine in an emergency situation. Therefore, this bill was considered unnecessary. Vote 11-0.

SB 358, relative to the authority to assess administrative fines to ophthalmic dispensers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary L. Andosca for Executive Departments and Administration: The committee made only one change to this bill. The amendment changes the administrative fine from \$2,000 to \$250.00. It was recognized that this is not a licensing issue but a registration issue and that the lesser amount is in keeping with this type of violation. Vote 14-0.

Amendment (3213h)

Amend the bill by replacing section 1 with the following:

1 New Section; Ophthalmic Dispensing; Assessment of Fines for Failure to Register or Reregister. Amend RSA 327-A by inserting after section 16 the following new section:

327-A:17 Administrative Fines. The commissioner after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine of \$250 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the commissioner shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

SB 381, relative to the employee benefits of employees of the Pease Development authority. **OUGHT TO PASS**

Rep. Michael O'Neil for Executive Departments and Administration: This bill removes the requirement that eligible employees of the Pease Development Authority must elect to participate in employee benefits programs, including the state retirement system, within 30 days of starting employment. The vast majority of state employees who have the option of joining the retirement system may join at any time. Currently, a very small number of PDA employees are not members of the retirement system. This bill levels the playing field and allows these employees to become members of the system. It does not address their ability to "buy back" previous years of service. It is the intent of the legislature that further statutory changes will be required if any of these employees decide that they would like to purchase credit for prior service at a later date. Vote 11-0.

SB 412, relative to the licensure of dietitians. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael O'Neil for Executive Departments and Administration: This bill makes two minor housekeeping changes to the law governing the licensure of dietitians that surfaced as the rules are currently being drafted. The first change allows for the necessary education training to come from a college or university if the program is board approved rather than just all college programs based in the United States. The second change establishes a grandfathering clause for proof of some credentials if the applying dietitian was a nationally registered dietitian by the Commission of Dietetic Registration prior to the enactment of the 1999 law. Both changes correct issues impacting less than 10 existing registered dietitians who are converting to licensure. Vote 14-0.

Amendment (3034h)

Amend the bill by replacing section 2 with the following:

2 Licensed Dietitians; Requirements for Licensure. Amend RSA 326-H:12, I to read as follows:

I. Hold a baccalaureate or higher degree from a ~~[regionally-accredited]~~ college or university ~~[in the United States and have completed]~~ **approved by the board with** a major course of study in human nutrition, nutrition education, food and nutrition, dietetics, public health nutrition, or food systems management;

SB 439, relative to the membership of the information technology management advisory board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles Q. Hall for Executive Departments and Administration: This bill, as amended, makes representatives of municipal and county government voting members of the information technology management advisory board. It also expands the advisory board to include four legislative members, the chancellor of the university system and the governor or designee as non-voting members. In addition, the amendment repeals the statutory requirement that the director of information technology management serve as the chairman of the advisory board. Vote 14-0.

Amendment (3119h)

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

3 Repeal. RSA 21-I:69, III, relative to the role of the director of information technology management as chairman of the information technology management advisory board, is repealed.

AMENDED ANALYSIS

This bill:

I. Makes the representatives of municipal and county government voting members of the information technology management advisory board.

II. Expands the membership of the information technology management advisory board to include legislative members, the chancellor of the university system, and the governor or the governor's designee.

III. Repeals the statutory requirement that the director of information technology management serve as the chairman of the information technology management advisory board.

SB 309-FN, relative to payment of medical benefits costs for disabled group II permanent firemen members of the retirement system. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: The committee felt that the funding of medical benefits costs for disabled group II members of the retirement system for one year was appropriate since the Executive Departments & Administration Committee has opted to study the whole retirement issue this year. Vote 14-0.

SB 331-FN, relative to the purchase of certain prior service credit by members of the retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The committee felt that, since reclassification in accordance with the Hay request is outside the authority of the Fiscal Committee, it is appropriate to reflect the Executive Department & Administration Committee's position on this bill. The fiscal impact is only \$900.00 in FY02 and \$1950.00 in each full year thereafter. Vote 14-0.

Amendment (3381h)

Amend the bill by replacing section 2 with the following:

2 Unclassified Officers; Health and Human Services Position Titles Added. Amend RSA 94:1-a, I(c) by inserting the following in:

I. Grade DD:

DD	Department of health and human services	systems analyst
DD	Department of health and human services	legal services director

II. Grade EE:

EE	Department of health and human services	administrator of
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finance

EE	Department of health and human services	senior systems analyst
	III. Grade FF:	
FF	Department of health and human services	director of MMIS
	IV. Grade HH:	
HH management	Department of health and human services	director of application
HH	New Hampshire hospital	associate commissioner and director

SB 435-FN, requiring the supreme court to establish a mental health court pilot program in the Keene District Court. **OUGHT TO PASS**

Rep. Marjorie K. Smith for Finance: The policy in this bill, establishing a mental health court pilot program in the Keene District Court, was supported by the Senate and the House. The Finance Committee concluded that passage would have no negative effect on state revenue or expenditures and therefore supports the passage of this bill. Vote 18-0.

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. **INEXPEDIENT TO LEGISLATE**

Rep. Phyllis L. Woods for Judiciary: CACR 33 set up a constitutional procedure for the nomination of judges which provided that the governor shall nominate judges from persons selected by an independent commission created by the legislature. While the intent of the sponsor of this bill was laudable, that is to insure that we get the "cream of the crop" in applications for judicial appointments, the majority believed that this was an inappropriate way to achieve that end. First, the composition of the commission as suggested, was totally unworkable. By stipulating that it be comprised of no more than one half of its members in "any one political party", one could never get a majority vote and instead of making the process less political, it would become even more political while also needlessly injecting politics into the constitution. Throughout this session the members of the Judiciary committee have looked at and examined a number of measures that would make the judiciary more open and accountable to the people and also ways of assuring that we attract the best, most-qualified candidates for judicial appointments. In the next session, we expect that we will be looking at even more creative and innovative ideas to achieve these goals. Vote 12-0.

SB 300, relative to the calculation of the 3/5 majority in certain votes under official ballot voting procedures. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary Cooney for Municipal and County Government: As amended this bill clarifies the current law under the Municipal Finance Act, that only votes cast in the affirmative and negative shall be counted in the calculation of the percentages for passage of town and district bonds and notes Vote 15-0.

Amendment (3355h)

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

AN ACT relative to the calculation of majority votes under official ballot voting procedures.

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

1 Towns or District Bonds or Notes; Adoption Amended. Amend RSA 33:8 to read as follows:

33:8 Town or District Bonds or Notes. Except as otherwise specifically provided by law, the issue of bonds or notes by any municipal corporation, except a city or a town which has adopted a charter pursuant to RSA 49-B, without a budgetary town meeting, and except a school district or municipality which has adopted official ballot voting procedures pursuant to RSA 40:13 shall be authorized by a vote by ballot of 2/3, and the issue of tax anticipation notes, by a vote of a majority, of all the voters present and voting at an annual or special meeting of such corporation, called for the purpose. The issue of notes or bonds by a school district or municipality which has adopted official ballot voting procedures pursuant to RSA 40:13 shall be authorized by a vote of 3/5. ***Only votes in the affirmative or negative shall be included in the calculation of any majority.*** No such action taken at any special meeting shall be valid unless a majority of all the legal voters are present and vote at such special meeting, unless the governing board of any municipality shall petition the superior court for permission to hold an emergency special meeting, which, if granted, shall give said special meeting the same authority as an annual meeting. The warrant for a special meeting shall be published once in a newspaper having a general circulation in the municipality within one week after the posting of such special meeting. The warrant for any such annual or special meeting shall be served or posted at least 14 days before the date of such special meeting. Every warrant shall be deemed to have been duly served or posted, if the return on the warrant shall so state, and it shall be certified by the officer or officers required to serve or post the same. All bonds or notes, authorized in accordance with this chapter, shall be signed by the governing board, or a majority of the governing board, and countersigned by the treasurer of the municipality, and shall have the corporate seal, if any, affixed to it. The discretion of fixing the date, maturities, denominations, the interest rate, or discount rate in the case of notes, the place of payment, the form and other details of said bonds or notes and of providing for the sale of such bonds or notes, may be delegated to the governing board or to the treasurer and shall, to the extent provision therefor shall not have been made in the vote authorizing the same, be deemed to have been delegated to the governing board.

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

AMENDED ANALYSIS

This bill clarifies the calculation of majority votes for the issuance of bonds or notes under official ballot voting procedures.

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. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marilyn Fraser for Municipal and County Government: Currently the property tax credit for veterans with service-connected total disability is either \$700 or, after adoption by the local municipality, \$1400. This bill enables the municipalities to increase the \$700 credit to \$2000 or the \$1400 credit to \$2000 by placing the question on the ballot. The filing period for the veterans credit currently is by March 1, which is after the tax rate has been set, which makes the credit eligibility retroactive. Section 3 of the bill enables the municipalities to change the filing date from March 1 to August 1, which is before the tax rate has been set. This change now makes the credit prospective.

The committee voted unanimously to adopt this amendment in order for the governing bodies to know the amount of money that will be expended in the exemptions and credits. Vote 13-0.

Amendment (3385h)

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

AN ACT allowing towns or cities to increase the property tax credit for service-connected total disability, and to adopt an optional date for filing exemptions.

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

1 Property Taxes; Tax Credit for Service-Connected Total Disability; Amount Increased.
Amend RSA 72:35, IV(a) to read as follows:

IV.(a) Upon its adoption by a city or town as provided in RSA 72:35-a, any person who has been honorably discharged or an officer honorably separated from the military service of the United States and who has total and permanent service-connected disability, or who is a double amputee or paraplegic because of service-connected injury, or the surviving spouse of such a person, shall receive a yearly tax credit in the amount of [~~\$1,400~~] **\$2,000** of property taxes on the person's residential property. ***A municipality which had elected under prior law to adopt a \$1,400 credit shall be required to comply with the procedure for adoption in RSA 72:35-a if the municipality wants to adopt the \$2,000 credit amount.***

2 Property Taxes; Tax Credit for Service-Connected Total Disability; Procedure for Adoption; Amount Increased. Amend RSA 72:35-a, I(c) to read as follows:

(c) The wording of the question shall be: "Shall we adopt the provisions of RSA 72:35, IV for an optional tax credit on the taxes due on residential property for a service-connected total disability? The optional disability tax credit is [~~\$1,400~~] **\$2,000**, rather than \$700."

3 Property Taxation; Optional Date for Filing Exemption. Amend RSA 72:33-b to read as follows:

72:33-b Optional Date for Filing for [~~Elderly Exemption~~] ***Exemptions.***

I. Any town or city may opt to change the date for filing for [~~an elderly exemption~~] ***all of the exemptions, deferrals, or tax credits listed*** under RSA 72:33 from March 1 to the August 1 prior to the setting of the tax rate. Any town or city may adopt the August 1 date for filing in the following manner:

(a) In a town, the question shall be placed on the warrant of a special or annual town meeting under the procedures set out in RSA 39, and shall be voted upon by ballot. In a city or charter town, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. The legislative body of a city or charter town may vote to place the question on the official ballot for any regular municipal election, or, in the alternative, shall place the question on the official ballot for any regular municipal election upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

(b) The governing body shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(c) The wording of the question shall be: "Shall we adopt the August 1 prior to the setting of the tax rate as the date for filing for ~~[an elderly exemption from]~~ **exemptions, deferrals, and tax credits against** the property tax?"

II. If a majority of those voting on the question vote "Yes," the August 1 filing date for ~~[the elderly exemption]~~ **exemptions, deferrals, or tax credits** shall apply within the town or city on the date set by the governing body.

III. Within 60 days from the initial adoption of the August 1 filing date for ~~[the elderly exemption]~~ **exemptions, deferrals, or tax credits**, the governing body of the town or city shall send a prominent written notice of the change of filing date to all residential property taxpayers in the town or city.

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

AMENDED ANALYSIS

This bill allows towns and cities to increase the property tax credit for service-connected total disability from \$1400 to \$2000.

This bill also allows towns or cities to adopt an optional filing date for all exemptions, deferrals, or tax credits. Current law allows adopting the optional filing date only for the elderly exemption.

SB 316, establishing a committee to study the fiscal relationship between the Pease development authority and the state and its political subdivisions. **OUGHT TO PASS**

Rep. Bernard L. Benn for Public Works and Highways: The proposed committee will study the fiscal relationship between the Pease Development Authority, the state and towns impacted by the development. While some members felt the study would better be accomplished with a "performance audit", the majority felt that the proposed study offers the opportunity for the state to look at and learn from a success story. Vote 9-7.

SB 380, establishing a committee to study the space needs of the division of safety services within the department of safety. **INEXPEDIENT TO LEGISLATE**

Rep. Marlene M. DeChane for Public Works and Highways: The majority of the committee feels that most of the needs in the Gilford area on Lake Winnepesaukee will best be addressed during the Capital Budget process, and with input from the Division of Safety Services within the Department of Safety. The Governor has formed the "Smart Growth Committee" to study the needs of all agencies within the state. The subject of this study has already been discussed. Their charge is to prioritize the needs of all state agencies for the good of all. Vote 15-2.

SB 414, relative to the committee allowing the use of business logo signing on the mainline of limited access and divided highways. **OUGHT TO PASS**

Rep. John A. Graham for Public Works and Highways: This bill simply extends the working life of an existing study committee with a new reporting date of November 2002. Vote 15-1.

SB 317, establishing a committee to study boat registration fees and eradication of milfoil and other exotic weeds. **INEXPEDIENT TO LEGISLATE**

Rep. Carol A. Williams for Resources, Recreation and Development: This bill would study potential funding mechanisms for milfoil prevention and research through an additional \$3 boat registration fee. A similar bill, HB 592 has passed the House and is presently in Senate Finance, and would replace SB 317. In light of the eventual passage of HB 592, the sponsors of this bill and the committee now feel SB 317 is unnecessary. Vote 14-0.

SB 437-FN-L, relative to the protection of public water supplies during emergency conditions and making certain changes to encourage the formation of regional water systems. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill, as amended, allows the governor to declare a state of emergency for public water supplies. This is in response to the 911 attacks, which has put us on notice of possible additional attacks on our public water supplies. This bill also provides for the interconnection of public water systems, which would aid us in dealing with water emergencies. Rate flexibility is provided in order to encourage expansion of municipal water systems beyond their boundaries. In addition, a study commission is established to investigate the possibility of providing grant in aid money to assist in overcoming the financial barriers to the interconnection of water system. These initiatives will result in more secure water systems and will provide economic benefits and water quality improvements for many of the small water systems in the state. Vote 15-0.

Amendment (3338h)

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

AN ACT relative to the protection of public water supplies during emergency conditions and establishing a committee to study the formation of regional water systems and the eligibility of such systems for state construction grants.

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

1 Petition to Protect Water Supplies; Emergency Conditions. Amend RSA 485:23 to read as follows:

485:23 Petition to Protect Water Supplies.

I. Whenever any board of water commissioners, local board of health, local health officer or 10 or more citizens of any town or city have reason to believe that a public water or ice supply is being contaminated or is in danger of contamination, and that the local regulations are not sufficient or effective to prevent such pollution, they may petition the department to investigate the case, and to adopt rules under RSA 541-A as the department may deem necessary for the protection of the said supply against any pollution that in its judgment would endanger the public health. Citizens petitioning under this section shall designate a signatory of the petition as the person to whom the department shall send its response.

II. Whenever any board of water commissioners, local board of health, or other owner of a public water supply has reason to believe that a public water supply is in danger of being contaminated or is otherwise threatened and that an emergency condition exists such that a petition pursuant to paragraph I to the department and the adoption of rules would not adequately protect the water supply, the board or owner may petition the governor to declare a state of emergency for the public water supply. At the request of the governor, the department shall consult with the owner of the water supply and make a recommendation as to emergency protections that may be necessary. If the governor declares a state of emergency for a public water supply, those additional protections that the governor deems necessary shall be effective immediately and for the duration of the emergency. The declaration of a state of emergency for a public water supply shall not exceed 6 months. The governor may renew the declaration one time for up to 6 additional months upon further request by the original petitioner. At such time as any of the emergency protections are to become permanent, the department shall initiate rulemaking in accordance with RSA 485:24. Any protections in the governor's declaration shall be enforced in the same manner as rules adopted pursuant to RSA 485:24 or RSA 485:25 with violations of the protections subject to RSA 485:4 and RSA 485:58.

2 Investigations; Rules. Amend RSA 485:24, I to read as follows:

I. The department shall respond in writing to a petition filed under RSA ~~[485:23]~~ **485:23, I**, after due investigation, but not later than 30 days after receipt of the petition, informing the petitioners of the department's intended action. In response to a petition, or upon its own motion, the department shall adopt such rules under RSA 541-A as it may deem best to protect the water or ice supply against any dangerous contamination. If requested by the department, the local board of water commissioners, the local board of health, or the local health officer, shall enforce such rules in cooperation with the department.

3 Power to Require Improvements; Citizen Complaint Procedure. Amend RSA 485:4 to read as follows:

485:4 Power to Require Improvements.

I. The department is empowered to investigate the sanitary conditions and methods pertaining to the source, treatment, and distribution of all public water supplies for domestic use, and to require the application of any treatment or improvement in conditions and methods as it may deem necessary to insure fitness and safety and adequate protection of the public health. If the department determines that improvements are necessary, the municipality, corporation, or person shall be so notified in writing and the requirements so ordered shall be effected pursuant to RSA 38:25 within a reasonable time to be fixed by the department. Appeals of actions of the department may be made as provided in RSA 485:59. The department may set intermediate goals and time frames to assist municipalities, corporations, or persons to abide by an order of the department under this ~~[section]~~ **paragraph**.

II. Upon complaint of not less than 10 customers of an existing public water system or not less than 10 residents not currently served by a public water supply, the department shall make an investigation of conditions regarding water quality or quantity problems described in the complaint. If, as a result of any such investigation, the department concludes that a significant public health or safety problem exists due to water supply quality or quantity, it shall perform a preliminary analysis of alternatives which address the problem. The department may request additional information from the complainants and nearby public water supply system owners, such as data on water supply

quality and quantity, well characteristics, and water distribution system characteristics, as is necessary to perform its investigation and analysis. If the department determines that an extension of water service from an existing public water supply system to the area of impaired water quality or quantity is the most feasible and cost effective alternative, that the extension is consistent with municipal master planning, local water system policies and rules, RSA 9-B, and RSA 162-C:2, V, and that the existing public water system has adequate water supply and system capacity to serve the problem area, the municipality, corporation, or person who owns the public water system shall be ordered to allow connection to its water distribution system from the identified area, regardless of existing municipal or public water system service area boundaries. The connection so ordered shall be effected pursuant to RSA 38:25 within a reasonable time to be fixed by the department and may contain limitations on water system connections unrelated to the original petition in order to limit unintended land use impacts. Appeals of actions of the department may be made as provided in RSA 485:59. The department may set intermediate goals and time frames to assist municipalities, corporations, or persons to abide by an order of the department under this paragraph. The provisions of this paragraph or of any order issued under this paragraph shall not delegate any costs associated with a connection to the person receiving the order from the department.

4 Public Utilities; Municipal Corporations; Sewage Disposal. Amend RSA 362:4, III to read as follows:

III. A municipal corporation furnishing ~~[water or]~~ sewage disposal services shall not be considered a public utility under this title:

(a) If ~~[serving]~~ **it serves** customers outside its municipal boundaries, charging such customers a rate no higher than that charged to its customers within the municipality, and ~~[serving]~~ **serves** those customers a ~~[quantity and quality of water or a]~~ level of sewage disposal service equal to that served **to** customers within the municipality. Nothing in this section shall exempt a municipal corporation from the franchise application requirements of RSA 374.

(b) If ~~[supplying bulk water or]~~ **it supplies** bulk ~~[sewer]~~ **sewage** disposal services pursuant to a wholesale rate or contract to another municipality, village district, or water precinct. ~~[This subparagraph shall not apply to bulk water contracts which were in effect before July 23, 1989, or renewal of said bulk water contracts.]~~

5 New Paragraph; Public Utilities; Municipal Corporations; Water Supply. Amend RSA 362:4 by inserting after paragraph III the following new paragraph:

III-a.(a) A municipal corporation furnishing water services shall not be considered a public utility under this title:

(1) If it serves new customers outside its municipal boundaries, charging such customers a rate no higher than 15 percent above that charged to its municipal customers, including current per-household debt service costs for water system improvements, within the municipality, and serves those customers a quantity and quality of water or a level of water service equal to that served to customers within the municipality. Nothing in this paragraph shall exempt a municipal corporation from the franchise application requirements of RSA 374.

(2) If it supplies bulk water pursuant to a wholesale rate or contract to another municipality, village district, or water precinct. This subparagraph shall not apply to bulk

water contracts which were in effect before July 23, 1989, or to the renewal of said bulk water contracts.

(b) The commission may exempt a municipal corporation from any and all provisions of this title except the franchise application requirements of RSA 374, and may authorize a municipal corporation to charge new and existing customers outside its municipal boundaries a rate higher than 15 percent above that charged to its municipal customers, if after notice and hearing, the commission finds such exemption and authorization to be consistent with the public good.

(c) A municipal corporation's authority to charge higher rates for new customers outside of its municipal boundaries shall be applied prospectively to new customers taking water service provided by means of a main extension or an expansion of the municipal corporation's system after the effective date of this paragraph.

(d) A municipal corporation serving customers outside of its municipal boundaries and charging a rate no higher than 15 percent above that charged to its municipal customers prior to July 1, 2002, may also be exempted from regulation as a public utility, except for the franchise application requirements of RSA 374, if after notice and hearing, the commission finds such exemption and authorization to be consistent with the public good.

6 New Section; Regional Technical Planning and new Source Development; Included in Rates. Amend RSA 378:30 by inserting after section 378:30-c the following new section:

378:30-d Regional Technical Planning and New Source Development; Included in Rates. Notwithstanding the provisions of RSA 378:30-a, the commission may include the cost or value of capital improvements or programs in the rates of a utility when the capital improvement or program is directly related to technical planning of regional water supply development or is directly related to development of new water supply sources.

7 Committee Established. There is established a committee to study the formation of regional water systems and the eligibility of such systems for state construction grant money under RSA 486-A.

8 Membership and Compensation.

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

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

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

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

9 Duties. The committee shall study the formation of regional water systems and the eligibility of such systems for state construction grant money under RSA 486-A.

10 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.

11 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.

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

AMENDED ANALYSIS

This bill:

I. Allows the governor, upon petition of a board of water commissioners or water supply owner, to declare a state of emergency for public water supplies. During the state of emergency, the governor may order emergency protections for the water supply. The emergency protections may become permanent.

II. Creates a mechanism for the department to consider citizen complaints concerning public water systems.

III. Allows municipal water systems to charge rate premiums for customers outside of its municipal boundaries.

IV. Allows the public utilities commission to include certain costs related to the development of regional water supplies and new water supply sources in the rates of a utility.

V. Establishes a committee to study the formation of regional water systems and the eligibility of such systems for state construction aid.

SB 451, relative to the shoreland protection act. **OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Lawton for Resources, Recreation and Development: This bill clarifies language, includes additional definitions, to the Shoreland Protection Act and requires photographic evidence of the woodland buffer for certain permitted projects within the protected shoreland. This bill will make the Shoreland Protection Act more easily understood and enforced to enhance protection of New Hampshire's public waters. Vote 13-1.

Amendment (3328h)

Amend RSA 483-B:9, V(a)(2) as inserted by section 9 of the bill by replacing it with the following:

(2) Within the natural woodland buffer of the protected shoreland under conditions defined in RSA ~~483-B:9~~, V, all of the following prohibitions and limitations shall apply:

(A) Not more than a maximum of 50 percent of the basal area of trees, and a maximum of 50 percent of the total number of saplings shall be removed for any purpose in a 20-year period. A healthy, well-distributed stand of trees, saplings, shrubs, ground cover, and their living, undamaged root systems shall be left in place.

(B) Any person applying to the department for a septic system construction approval or alteration of terrain permit pursuant to RSA 485-A, or an excavating and dredging permit pursuant to RSA 482-A, within the protected shoreland shall include photographic documentation of the natural woodland buffer.

(C) Structures, as defined in RSA 483-B:4, XXII, within the natural woodland buffer shall be afforded an opening for building construction that shall be excluded when computing the percentage limitations under subparagraph (a)(2)(A).

(D) Dead, diseased, unsafe, or fallen trees, saplings, shrubs, or ground cover may be removed. Their removal shall not be used in computing the percentage limitations under subparagraph (a)(2)(A).

(E) Stumps and their root systems, which are located within 50 feet of the reference line, shall be left intact in the ground, unless removal is specifically approved by the department under RSA 482-A.

(F) Preservation of dead and living trees that provide dens and nesting places for wildlife is encouraged.

(G) Planting efforts that are beneficial to wildlife are encouraged.

Amend the bill by replacing section 11 with the following:

11 New Paragraphs; Rulemaking; Woodland Buffer, Terrain Alterations, and Definitions Added. Amend RSA 483-B:17 by inserting after paragraph VI the following new paragraphs:

VII. Criteria governing maintaining a healthy, well-distributed stand of trees, saplings, shrubs and ground covers.

VIII. A methodology for identifying unsafe trees.

IX. Defining the opening for building construction.

X. Definitions of terms not defined in this chapter.

SB 442, establishing a committee to study revising the statutes relative to the state militia and the state guard. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen G. Avery for State-Federal Relations and Veterans Affairs: This bill is the first part of recodifying all of the National Guard Statutes. This piece will allow the National Guard to charge rental fees so they can do a better job in the upkeep of armories. It also exempts them from the requirements of RSA 541-A. The bill also allows commissioned and warrant officers to act as notaries and administer oaths for the purpose of the administration of military justice and administration. It also clarifies the Adjutant General's authority to defend, guard, protect and maintain National Guard facilities. Vote 17-0.

Amendment (3135h)

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

AN ACT establishing a committee to study revising the statutes relative to the state militia and the state guard, making certain technical changes to the militia statutes, and creating 2 funds.

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

1 Committee Established. There is established a committee to study revising the statutes relative to the state militia and the state guard.

2 Membership and Compensation.

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

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

(b) Three members of the state-federal relations and veterans affairs committee of the house of representatives, appointed by the speaker of the house.

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

3 Duties. The committee shall study issues involved in revising the statutes relative to the state militia and the state guard, which are currently RSA 110-B and RSA 111.

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 senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

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

6 Rulemaking and Regulations. Amend RSA 110-B:8-a to read as follows:

110-B:8-a Rulemaking.

[I]. All [special] military **and departmental** regulations adopted under this chapter shall be exempt from the requirements of RSA 541-A, ~~[except as indicated in paragraph II].~~

~~[II. The adjutant general, with the approval of the governor and council, shall adopt rules under RSA 541-A relative to:~~

~~(a) The use of armories for each of the groups identified in RSA 110-B:29-31;~~

~~(b) Rental fees for the use of armories in accordance with RSA 110-B:32; and~~

~~(c) The issuance of obsolete military property under RSA 110-B:33.]~~

7 National Guard Facilities; Use of Force. RSA 110-B:28 is repealed and reenacted to read as follows:

110-B:28 National Guard Facilities.

I. All armories, arsenals, camps, ranges, bases, airports, and other facilities owned, leased, licensed, or maintained by the state or by the United States for the use of the New Hampshire national guard and all activities conducted therein shall be under the general charge, control of, and regulated by the adjutant general and no political subdivision of the state shall interfere with or regulate such activities. The adjutant general may use the means necessary and required, including the arming of trained personnel, to protect, guard, secure and defend and maintain all such facilities. Use of force by any member of the New Hampshire national guard in duty status, shall be in accordance with the applicable Department of Defense, United States Army, and United States Air Force directives and instructions on rules of engagement and use of force. If mission specific rules of engagement are issued, the specific rules shall be followed, to the degree they deviate from the existing rules, for as long as military members are carrying out duties related to the mission for which the specific rules were issued.

II. Unless the same shall be furnished by the United States, the state shall provide adequate armory accommodations, bases, camps, target ranges, and other facilities and shall maintain the same for units of the army national guard and of the air national guard allotted to the state under the laws of the United States, accepted by the governor and organized under the authority of this chapter.

III. The adjutant general may designate an officer to be in direct charge of each armory, arsenal, camp, base, or other facility.

IV. The adjutant general may cooperate with and enter into agreements with the federal government, or any agency thereof, as he or she deems desirable to secure the participation of the United States government, through the allotment of federal funds, in the costs of constructing, enlarging, or altering armories or other military facilities.

V. Any military facilities which are the responsibility of the state shall be accepted by the adjutant general, after the approval of the governor and council in accordance with the provisions of RSA 4:29.

VI. For purposes of morale and unit cohesiveness and to assist in esprit de corps, units may have a social club composed of members located within national guard facilities. Any such club shall be subject to regulations issued by the adjutant general, shall be under the control of the assistant adjutant general for the air or army national guard, and shall be licensed and subject to inspection by the New Hampshire state liquor commission.

8 Use of Armories or Other National Guard Facilities. RSA 110-b:29 is repealed and reenacted to read as follows:

110-B:29 Use of Armories or Other National Guard Facilities.

I. All New Hampshire national guard facilities shall be primarily for the military duty, instruction, and training of the national and state guard and for the storage and maintenance of military property. Other use of national guard facilities may be authorized by the adjutant general and shall be governed by rules and regulations promulgated under this section.

II. Rental fees for the use of national guard facilities shall be fixed by the adjutant general and shall be declared as revenue and paid to the adjutant general subject to the provisions of RSA 110-B:61.

9 New Section; New Hampshire National Guard Training Center Funds. Amend RSA 110-B by inserting after section 32 the following new section:

110-B:32-a New Hampshire National Guard Training Center Funds.

I. For the purpose of supporting morale and maintaining training abilities, 2 funds are created. Both funds shall be nonlapsing interest bearing funds.

II. One fund shall be known as the chargeable transient quarters (QTC) and billeting fund. Revenue for this fund shall be non-appropriated funds obtained from the proceeds of room service charges at the army national guard state training center. These funds shall be used for non-appropriated fund services at the state training center. Funds will be released for their stated purpose at the discretion of the adjutant general.

III. The second fund shall be known as the army national guard state training center program management fund, into which operating costs billed to and collected from non-army national guard users shall be deposited. This fund shall be used to supplement federal funds provided to manage and operate the army national guard state training center. Funds may be released for their stated purpose at the discretion of the adjutant general.

10 Administration of Oaths and Notarial Acts. RSA 110-B:64 is repealed and reenacted to read as follows:

110-B:64 Administration of Oaths and Notarial Acts.

I. All commissioned and warrant officers of the New Hampshire national guard and state guard as well as other personnel authorized to administer oaths under the laws of this state shall have the power to administer oaths for the purpose of the administration of military justice and for other purposes of military administration. All commissioned and warrant officers of the armed forces of the United States, in addition to those named above may administer enlistment oaths to those enlisting or re-enlisting in the New Hampshire national guard.

II. All judge advocates and paralegals serving in the militia shall, by virtue of their office and service, have the general powers of a notary public as described in RSA 455 in the performance of all notarial acts to be executed by any member of the militia or United States armed forces and other persons eligible for legal assistance services by law or regulation. No fee may be paid to or received by any person for the performance of a notarial act authorized in this section. The signature of any such person acting as a notary, together with the title of that person's office, is prima facie evidence that the signature is genuine, that the person holds the designated title, and that the person is authorized to perform a notarial act. Any notarizations or acknowledgments accomplished under the authority of this chapter shall generally follow the form below but are not required to be under official seal:

I, (name of notary public), certify that the foregoing instrument was subscribed and (sworn)(affirmed) before me this (day of the month) day of (month), (year) by (name of person making statement), (Armed Forces service number/SSN), and who is known to me to be (a member of the New Hampshire national guard) (the spouse of a national guard member).

11 Trespassers and Disturbers; Camp Regulations. RSA 110-B-68 is repealed and reenacted to read as follows:

110-B:68 Trespassers and Disturbers; Camp Regulations.

I. The commanding officer of any armory, arsenal, camp, range, base or other facility of the New Hampshire national guard, or other place where military duties are being performed shall have the authority to arrest and hold under arrest during the continuance of the performance of such military duty any one who trespasses, or in any way interrupts or interferes with the performance of the duties of members of the national guard or the armed forces of the United States. This arrest authority shall extend to anyone who prevents or attempts to prevent the passage of troops of the New Hampshire national guard or of the armed forces of the United States in the performance of their military duties.

II. The adjutant general or commanding officer of any armory, arsenal, camp, range, base or other facility of the New Hampshire national guard, or any place where any unit is performing military duty, has the authority to limit access and activities in that place. This includes the authority to take action necessary to protect, guard, secure, and defend the armory, arsenal, camp, range, base, or other facility in accordance with RSA 110-B:28.

12 Repeal. The following are repealed:

I. RSA 110-B:29, relative to use of armories by military units.

II. RSA 110-B:30, relative to use of armories by veterans.

III. RSA 110-B:31, relative to use of armories for public meetings.

IV. RSA 110-B:32, relative to rent for use of armory.

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

AMENDED ANALYSIS

This bill establishes a committee to study revising the statutes relative to the state militia and the state guard.

The bill also makes certain technical corrections to the state militia laws to conform to federal law and current practice.

The bill establishes 2 national guard training center funds.

SCR 3, expressing the fundamental importance of public health to the people of New Hampshire.

OUGHT TO PASS

Rep. Carol T. Burney for State-Federal Relations and Veterans Affairs: This senate concurrent resolution expresses the fundamental importance of public health to the people of New Hampshire. The general court senses that now is the time to strengthen our public health system and to ensure that New Hampshire is adequately prepared to respond to all potential threats to the public's health. Vote 12-0.

SB 301, relative to an innovation initiative within the division of economic development, the creation of the New Hampshire e-commerce advisory commission, and a moratorium on Internet taxation.
OUGHT TO PASS WITH AMENDMENT

Rep. Vivian R. Clark for Ways and Means: As received by Ways and Means, this bill would have relieved cable companies which have added two-way communications services from the obligation to include the state Communication Services Tax on that portion of the total bill. Because the tax is on that two-way communication capability, and not on internet access, the committee amendment removes the relevant sections. The remainder of the bill, relative to the innovation initiative and the e-commerce advisory commission, is unchanged. The committee amendment preserves \$1.6 million which would otherwise be lost to the general fund. Vote 15-0.

Amendment (3377h)

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

AN ACT relative to an innovation initiative within the division of economic development and the creation of the New Hampshire e-commerce advisory commission.

Amend the bill by deleting sections 3-5 and renumbering the original sections 6-7 to read as 3-4, respectively.

AMENDED ANALYSIS

This bill directs the New Hampshire council on applied technology and innovation to collaborate with the division of economic development in creating the division's technology-based innovation initiative.

The bill also establishes an e-commerce advisory commission.

SB 363, establishing a committee to study economic distortions associated with property taxation.
INEXPEDIENT TO LEGISLATE

Rep. Christine M. Konys for Ways and Means: Although the committee feels that more study on the economic distortions associated with property taxes may be warranted, this bill provides no funds for hiring expert advice or for purchasing any additional data that might be helpful. The committee also feels that such a committee would not have sufficient time to fully study the issue by the given reporting date. Vote 15-0.

REGULAR CALENDAR

SB 415, relative to the severing of joint tenancies in property by divorce. **OUGHT TO PASS WITH AMENDMENT**

Rep. Claire B. McHugh for Children and Family Law: This bill responds to the Supreme Court's request in *Croteau v. Croteau* that the Legislature should address the holding of title in residential real property after divorce or annulment. Although dispositions in divorce now address the division of property, they do not necessarily review the manner in which title to residential property is held by the parties. There is an increasing trend for parties to file pro se, and they may not have a clear understanding of the legal consequences of holding title either as joint tenancy with rights of survivorship or tenants in common. This bill addresses the title issue and is in keeping with many other states. Vote 8-7.

Amendment (3309h)

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

AN ACT relative to the holding of title in residential real property after divorce.

Amend RSA 458:16-a, IV as inserted by section 1 of the bill by replacing it with the following:

IV.(a) The court shall review the manner in which title to residential real property is held by the parties and incorporate its findings in the decree of divorce or nullity.

(b) The court shall ensure that any agreement between the parties shall be the result of a clear understanding by each party of the legal consequences of the type of title ownership agreed upon. Disposition of the title or titles to residential real property resulting from a decree of divorce or nullity shall be recorded at the registry of deeds in the county where such property is located.

AMENDED ANALYSIS

This bill requires the court to review the manner in which residential real property is held after a divorce and incorporate its findings into the decree of divorce or nullity.

Adopted.

Report adopted and ordered to third reading.

SB 426, relative to the use of force by persons entrusted with the care of minors in child care settings. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mary Stuart Gile for the Majority of Children and Family Law: This bill amends RSA 627:6 II to define and limit the use of physical force by a teacher or other person entrusted with the care or supervision of minors in child care programs licensed or exempt from licensure under RSA 170–E. It further states that force shall be limited to the minimum physical contact necessary to protect the child or other children present. Vote 14-1.

Rep. David A. Bickford for the Minority Children and Family Law: The bill attempts to define necessary force for those using physical force to discipline children in child care programs. It will not be applied to teachers or persons otherwise entrusted with the care or supervision of a minor for special purposes who are already in the statute. The minority feels criminal charges for physical force should be consistent for all entrusted with the care of children.

Majority report adopted and ordered to third reading.

SB 34, relative to the process for nonrenewal of teacher contracts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Brien L. Ward for Education: In 1998 Governor Shaheen appointed a non-partisan task force to address teacher tenure reform. The Education Committee and the full House has passed legislation adopting these provisions in 1999, 2000 and twice in 2001. Meaningful teacher tenure reform is among the most widely-supported education reforms. The amended version of this bill reflects the

findings of the task force and the votes of the House in every way except the effective date. The amendment and the bill passed by a bi-partisan 11-5 vote. Vote 11-5.

Amendment (3178h)

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

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

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

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

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

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

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

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

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

189:14-b Review by State Board.

I. A teacher aggrieved by such decision may request the state board of education for review thereof. Such request must be in writing and filed with the state board within 10 days after

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

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

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

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

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

Rep. Henderson spoke in favor.

Rep. Herman requested a roll call; sufficiently seconded.

The question being adoption of the committee amendment.

YEAS 218 NAYS 119

YEAS 218

BELKNAP

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

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Mock, Henry
Patten, Betsey	Quimby, Lee	Stevens, Stanley	Sullivan, P Judith

Torressen, Gary

CHESHIRE

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

COOS

Davis, Perley	Gallus, John	Horton, Lynn	Pratt, Leighton
Tholl, John Jr			

GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Gilman, G Michael	Giuda, Robert	Ham, Bonnie
Marshall, Gene	Scanlan, David	Sova, Charles	Ward, Brien
Williams, Burton			

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Dionne, Kimberley	Dokmo, Cynthia
Drisko, Richard	Dyer, Merton	Eaton, Richard	Elliott, Larry
Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard	Ford, Nancy
Furman, Christine	Gargas, Carolyn	Gleneck, David	Golding, William
Goulet, Maurice	Graham, John	Greenberg, Gary	Guinta, Frank
Hall, Charles	Herman, Keith	Holden, Randolph	Hopper, Gary
Jean, Loren	Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul
LaRose, Richard	Leach, Edward	Lessard, Rudy	Martel, Andre
McHugh, Claire	Melcher, Harold	Mercer, Robert	Messier, Irene
Milligan, Robert	Moran, Edward	O'Connell, Timothy	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert

Salts, Greg	Sargent, Maxwell	Seibel, Christopher	Souza, Kathleen
Spiess, Paul	Tate, Joan	Thulander, O Alan	Vaillancourt, Steve
Wheeler, Robert			

MERRIMACK

Anderson, Eric	Brewster, Richard	Colcord, J D	Cummings, Raymond
Dunne, Christopher	Fraser, Leo Jr	Hager, Elizabeth	Hess, David
Hutchinson, John	Kennedy, Richard	Langer, Ray	Leber, William
Lockwood, Priscilla	MacKay, James	Maxfield, Roy	Soltani, Tony
Swindlehurst, John	Whalley, Michael	Winter, Steven	

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bowles, Raimond
Boynton, James	Bridle, Russell	Camm, Kevin	Carson, Sharon
Case, Margaret	Chalbeck, Kevin	Clark, Vivian	Cooney, Richard
Corbin, Corey	Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce
Downing, Michael	Dumaine, Dudley	Fesh, Bob	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hill, Jonathan	Holland, James Jr	Introne, Robert	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, William	Langley, Jane
Langone, John	Letourneau, Robert	Major, Norman	McGuire, Robert
McKinney, Betsy	Moore, Benjamin	Morse, Charles	O'Neil, Michael
Packard, Sherman	Palermo, Diane	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Rausch, James	Sapareto, Frank
Sloan, Stephen	Stone, Joseph	Stritch, C Donald	Varrell, Thomas
Welch, David	Weyler, Kenneth	Whittier, John	

STRAFFORD

Albert, Russell	Brown, Julie	Cossette, Larry	Dunlap, Patricia
Harrington, Michael	Kaen, Naida	McCarthy, Gerald	Musler, George
Reid, Christopher	Snyder, Clair	Tsiros, William	Twombly, James
Woods, Phyllis			

SULLIVAN

Jones, Constance	Leone, Richard	Odell, Bob	Phinizy, James
Rodeschin, Beverly			

NAYS 119

BELKNAP

Salatiello, Thomas

CARROLL

None

CHESHIRE

Allen, Peter	Batchelder, Robert	Espiefs, Peter	Meadar, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Slack, Pamela Russell	Weed, Charles	Zerba, Roger	

COOS

Bradley, Paula	Landers, Dana	Rodrigue, Robert
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GRAFTON

Almy, Susan	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
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Dionne, David	Drabinowicz, A Theresa	Dwyer, Paul
Foster, Linda	Goley, Jeffrey	Gorman, Mary	Haley, Robert
Hall, Betty	Jean, Claudette	Johnson, Lionel	Kacavas, John

Keye, Harvey	Konys, Christine	Lasky, Bette	McDonough-Wallace, Alice
Movsesian, Lori	Murphy, Robert	Palangas, Eric	Schulze, Joan
Shaw, Barbara	Sullivan, Peter	Sweeney, Cynthia	Tahir, Saghir
White, John	Williams, Carol		

MERRIMACK

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

ROCKINGHAM

Blanchard, MaryAnn	Clark, Martha Fuller	Coes, Betsy	Giordano, Ronald
Hutchinson, Karen	Johnson, Robert	Kane, Cecelia	Micklon, Stephanie
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Robertson, Carl	Shultis, Elizabeth	Splaine, James	Trueman, Raymond
Weatherspoon, Jacquelyne			

STRAFFORD

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Estabrook, Iris	Goodwin, Earle	Heon, Richard	Hughes, Christopher
Knowles, William	Lent, Donald	Pelletier, Arthur	Proulx, Raymond
Rollo, Michael	Smith, Marjorie	Taylor, Kathleen	Wall, Janet
Woodill, Rodney			

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Franklin, Peter
Harris, Joseph	Harris, Sandra		

and the amendment was adopted.

Report adopted and ordered to third reading.

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

SB 352, establishing a committee to study alternative regional public school programs for children who are at-risk. **OUGHT TO PASS WITH AMENDMENT**

Rep. Brien L. Ward for Education: The House Education Committee by a bi-partisan vote of 16-2 supported: 1) creation of a study committee to study alternative public school programs for at-risk students; 2) the establishment of an alternative school building formula to target building aid; 3) responded to a LBA audit of existing school building aid programs by incorporating their recommendations for the creation of maximum cost, square footage, and site size standards for the construction of new school buildings; and 4) authorized school building aid to be used for the leasing of space to house vocational technical educational programs. Vote 16-2.

Amendment (3369h)

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

AN ACT establishing a committee to study alternative regional public school programs for children who are at-risk, relative to the formula for distributing school building aid grants, and permitting high school vocational technical education programs which lease space to be eligible for school building aid grants.

Amend the bill by replacing all after section 5 with the following:

6 Purpose; Intent. An alternative school building aid program shall be offered to any duly organized school district, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, any receiving district operating an area school as defined in RSA 195-A:1, or any schools engaged in a joint maintenance agreement under RSA 194:21 as an alternative to the method of obtaining school building aid available under RSA 198:15-a through 198:15-h.

7 School Money; School Building Aid Annual Grant Amended. Amend RSA 198:15-a to read as follows:

198:15-a Annual Grant for the Payment of Debt Service for School Construction. To aid local school districts in meeting the costs of the payment of debt for school buildings and educational administration buildings, including office facilities for school administrative units, the ~~[state board]~~ **department** of education shall, from funds appropriated by the general court to carry out the provisions of this subdivision, pay annually to the school districts of the state, sums in accordance with the provisions of this subdivision **or the alternative school building aid provisions under RSA 198:15-u through RSA 198:15-w, depending on which option a school district elects.**

8 New Subdivision; Alternative School Building Aid. Amend RSA 198 by inserting after section 15-t the following new subdivision:

Alternative School Building Aid

198:15-u Definitions. As used in this subdivision:

I. "Median family income" means that income for each municipality using the most recent data available from the United States Bureau of the Census. For the purposes of this subdivision, median family income shall be recalculated at each decennial census.

II. "Equalized valuation per pupil" means the average equalized valuation within the school district over the most recent 5 years divided by the current number of pupils within the school district expressed as an average from the most recent 5 years of available data collected by the department of education.

198:15-v Alternative School Building Aid Grants.

I. The amount of the annual grant to any school district duly organized, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, or any receiving district operating an area school as defined in RSA 195-A:1, shall be determined as follows:

(a) Determine each municipality's equalized valuation per pupil by dividing the municipality's equalized valuation by the average daily membership in residence within each municipality. Assign each municipality a rank beginning with the municipality having the lowest equalized valuation per pupil ranked as number one, and continuing therefrom.

(b) Determine each municipality's median family income, and assign each municipality a rank beginning with the municipality having the lowest median family income ranked as number one and continuing therefrom.

(c) Add the rankings assigned in subparagraphs I(a) and I(b) and divide the sum by 2 to yield the building aid factor.

II. The amount of the annual grant in this subdivision shall be a sum equal to a percentage of the amount of the annual payment of principal on all outstanding borrowings of the school district, city, cooperative school district, joint maintenance agreement, or receiving district, heretofore or hereafter incurred, for the cost of construction or purchase of school buildings and school administrative unit facilities, to the extent approved by the state board of education according to the following table:

Building Aid Factor Single District Preexisting District in a Cooperative

School District, Area School, or

Joint Maintenance Agreement

0-59	60 percent	60 percent
60-69	55 percent	60 percent
70-89	45 percent	55 percent
90-114	40 percent	50 percent
115 or greater	30 percent	40 percent

III. A cooperative school district or area school's grant amount shall be determined by calculating the percentage of the average daily membership in residence represented by each municipality within the cooperative school district and multiplying this percentage by each municipality's percentage of annual building aid eligibility under paragraph II of this section. The resulting product shall be multiplied by the projected cost of the building project. The sum of the individual municipality's entitlement of annual building aid shall be the annual grant for the cooperative school district.

198:15-w Alternative School Building Aid Grants; Procedures. The provisions of RSA 198:15-c through 198:15-h shall apply to any grant made under this subdivision.

9 Applicability. The provisions of sections 6-8 of this act shall apply to the total of approved costs of construction of school buildings for which loans are approved as of July 1, 2003 and thereafter.

10 School Building Aid; Amount of Annual Grant. Amend RSA 198:15-b, IV(c) to read as follows:

(c) Planning, construction, or both, of additions to existing buildings [~~to provide additional pupil capacity~~].

11 New Paragraph; School Building Aid; Cost and Size Standards. Amend RSA 198:15-b by inserting after paragraph VI the following new paragraph:

VII. The provisions of this paragraph shall apply to any school building aid grants made pursuant to RSA 198:15-a through RSA 198:15-w:

(a) The department of education shall issue annually maximum eligible cost standards for the construction of new school buildings or school administrative unit facilities, less site acquisition costs, qualifying for school building aid. These standards shall take into account the type, size and location of the school or school administrative unit facility and shall be based on an appropriate construction cost index developed or adopted by the department which shall reflect cost differences in the several regions of the state. Maximum cost standards shall be computed and published annually and expressed as a maximum cost per square foot. If the construction costs of the project divided by the total square feet of new construction exceed the applicable per square foot cost index, then the amount of school building aid shall be limited to the index multiplied by the total square feet of new construction in the project.

(b) The department of education shall compute and publish annually a maximum cost per square foot. Maximum cost per square foot shall be calculated by averaging the final new construction costs, less site costs, divided by the planned enrollment for each school type and for school administrative unit facilities for all school projects first qualifying for school building aid in the prior 3 years for which complete data is available.

(c) Maximum size standards for new schools shall be as follows:

(1) Maximum gross square footage per pupil:

Elementary school 120

Middle or junior high school 140

Senior high school 160

(2) Maximum usable site size for new schools:

Elementary School 20 acres plus 1 acre for each 100 pupils

Middle or junior high school 25 acres plus 1 acre for each 100 pupils

Senior high school 30 acres plus 1 acre for each 100 pupils

(d) For the purpose of calculating the total school building aid grants made under RSA 198:15-a through RSA 198:15-w, the final approved cost for school construction or school project, shall not exceed the cost that would result if the project conformed to the maximum cost and size standards. The provisions of this section shall not preclude an eligible applicant from exceeding the maximum standards provided, however, the cost of the portion of the facilities which exceed the maximum standards shall not be eligible for school building aid. The maximum cost and size standards in effect at the time general contract work begins shall be used for the purposes of determining school building aid.

(e) The commissioner of the department of education shall have the authority to waive eligible cost and size standards for new construction for good reason shown.

12 School Building Aid; High School Vocational Technical Education Programs. Amend RSA 198:15-a to read as follows:

198:15-a Annual Grant for the Payment of Debt Service for School Construction. To aid local school districts in meeting the costs of the payment of debt for school buildings and educational administration buildings, including office facilities for school administrative units, ***and to meet the costs of leasing permanent space in a building or buildings which are used for the operation of a high school vocational technical education program*** the state board of education shall, from funds appropriated by the general court to carry out the provisions of this subdivision, pay annually to the school districts of the state, sums in accordance with the provisions of this subdivision.

13 New Section; School Building Aid; Grants for High School Vocational Technical Education Programs. Amend RSA 198 by inserting after section 15-h the following new section:

198:15-i Annual Grant for Leased Space.

I. The amount of the annual grant to any school district duly organized, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, or any receiving district operating an area school as defined in RSA 195-A:1, shall be a sum equal to 30 percent of the amount of the annual payment of principal on all outstanding borrowings of the school district, city, cooperative school district, joint maintenance agreement, or receiving district, heretofore or hereafter incurred, for the cost of leasing permanent space in a building or buildings located outside of the school district or school administrative unit which is used for the operation of a high school vocational technical education program, to the extent approved by the state board of education, provided that the amount of the annual grant in the case of a cooperative school district, joint maintenance agreement, or a receiving district operating an area school, shall be 40 percent plus 5 percent for each pre-existing district in excess of 2 and each sending district, in excess of one, and provided further that no cooperative school district, joint maintenance agreement, or receiving district operating an area school, shall receive an annual grant

in excess of 55 percent. Such lease agreements shall be eligible for grants under this section, provided all of the following conditions apply:

(a) A school district, city, cooperative school district, joint maintenance agreement, or receiving district operating an area school as defined in RSA 195-A:1, which receives grants under this section shall remain eligible to apply for, receive, and expend moneys from other state or federal sources made available for the purpose of purchasing new equipment, materials, or supplies necessary for the operation of the program. Moneys received from such other state or federal sources shall not be used to make permanent upgrades or renovations to the leased space.

(b) A lease agreement for permanent space shall be adopted in the same manner as required by law for the passage of construction bonds in the school district, city, cooperative school district, joint maintenance agreement, or receiving district operating an area school as defined in RSA 195-A:1.

(c) An initial lease agreement for a term of 10 years or less shall be eligible to receive grants under this section. Upon renewal, a lease agreement may remain eligible to receive grants, provided the commissioner of the department of education determines that the lease agreement represents an efficient use of state and local resources.

(d) In any fiscal year where the state pays a pro rata share of school building aid grants, the state shall pay the same pro rata share for leased agreements approved under this section.

II. Lease agreements for the use of portable or modular classroom space shall not be eligible for grants.

III. A school district, city, cooperative school district, joint maintenance agreement, or receiving district operating an area school as defined in RSA 195-A:1, shall submit details of the lease arrangement, including a copy of the proposed lease agreement, in writing to the state board of education on such forms as the state board may prescribe. Grant applications for leased space shall be submitted before January 1 of each year in order to be eligible for grants in the fiscal year following the year of submittal. The state board of education shall, no later than August 1, 2002, adopt rules pursuant to RSA 541-A, relative to procedures for grant applications for leased space.

14 Effective Date.

I. Sections 6-8 of this act shall take effect as provided in section 9.

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

AMENDED ANALYSIS

This bill:

I. Establishes a committee to study alternative regional public school programs for children who are at-risk.

II. Creates an optional school building aid grant formula which shall be available to school districts beginning in the 2003-2004 school year.

III. Establishes maximum cost and maximum size standards for the purpose of construction or purchase of school buildings or school administrative units.

IV. Authorizes high school vocational technical education programs which enter into a lease agreement for permanent space to receive school building aid grants under certain circumstances.

Adopted.

Report adopted.

Referred to Finance.

SB 395, making certain changes to the laws pertaining to special education. OUGHT TO PASS WITH AMENDMENT

Rep. John R.M. Alger for Education: The Committee was asked by the Department of Education to pass this bill in order to conform to federal law regarding special education concerns. The Committee obliged with the exception of removing deletion of the phrase "...taking into consideration the cost of that education;" but, leaving in the bill the phrase "...the policy of the state that all children in New Hampshire be provided with equal educational opportunities." Vote 13-5.

Amendment (3139h)

Amend RSA 186-C:1 as inserted by section 1 of the bill by replacing it with the following:

186-C:1 Policy and Purpose. It is hereby declared to be the policy of the state that all children in New Hampshire be provided with equal educational opportunities. ~~[It is the purpose of this chapter to insure that the state board of education and the school districts of the state provide a free and appropriate public education for all educationally disabled children while taking into consideration the cost of that education when determining appropriateness].~~

Adopted.

Report adopted and ordered to third reading.

SB 112, relative to election day registration. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE

Rep. Robert E. Clegg, Jr. for the Majority of Election Law: The bill is enabling legislation. Cities and towns may use a new voter registration form, which explains what the qualifications are to vote in New Hampshire. The current form allows a person to swear they are not knowingly violating the laws determining qualified voters. If they do not know what the qualifications are, then they are not committing perjury. If we allow a registration form that allows for an explanation of qualifications, then everyone who signs is fully aware of the laws determining qualified voters. Vote 12-6.

Rep. John P. Kacavas for the Minority of Election Law: The minority respects the right to vote as a fundamental right to which we are all equally entitled. SB112 undermines that fundamental right in several ways. First, a fair reading of its language reveals that it will disenfranchise certain voters. For example, if a voter is building a home in "Town A" with the intention of moving there permanently but is living in "Town B" while the home is being built, under the "domicile" language of the bill that voter can vote in neither locality. While no doubt unintended, this is a very real

consequence of SB112. Second, the inclusion of the "domicile" language in the bill is premature because the ambiguity of that term has prompted the Election Law Committee to refer the "domicile" issue to a study committee. Until the Election Law Committee itself has settled on a definition of this ambiguous term we should not enact law incorporating ambiguous terminology that only invites court intervention. Third, the bill broadly threatens same-day registrants with the forfeiture of unspecified benefits in other states in exchange for exercising the franchise in New Hampshire. The same-day registrant is then required to execute the form under the pains and penalties of perjury. Given the myriad possibilities for which this bill does not account, such threatening language will only serve to intimidate and discourage same-day registrants from exercising their right to vote. Fourth, local election officials are granted unfettered discretion to require some registrants to complete this affidavit while others will be permitted to register under a different affidavit. Such disparate treatment for similarly situated persons, based solely on the whim of a local election official, violates the equal protection provisions of part 1, Articles 1, 2 and 11 of the New Hampshire Constitution. For these reasons, SB112 is seriously flawed, constitutionally infirm, and vulnerable to court challenge.

Majority Amendment (3270h)

Amend RSA 654:7-a, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) My name is _____. I am today registering to vote in the city (town) of _____, New Hampshire.

I understand that to vote in this city (town), I must be at least 18 years of age, I must be a United States citizen, and I must be a resident of this city (town). A resident is a person who is not just living in a city (town) temporarily, but one who intends to make the city (town) his or her permanent domicile. This domicile is the voter's residence to which, upon temporary absence, he or she has the intention of returning. This domicile is that place, in which he or she dwells on a continuing basis for a significant portion of each year.

I understand that a person can be a resident of only one state and one city (town) at a time. By voting today, I am acknowledging that I am not a resident of any other state or any other city (town). I understand that if I am a resident of another state or city (town), I may be entitled to vote in elections held within that state or city (town) by absentee ballot.

In declaring myself a resident of New Hampshire, I am subject to the laws of the State of New Hampshire which apply to all residents, including laws requiring me to register my motor vehicles and apply for a New Hampshire driver's license within 60 days of becoming a resident.

In declaring myself a New Hampshire resident, I realize that I may be forfeiting benefits or rights, including the right to vote, in another state.

If I have any questions as to whether I am entitled to vote in this city (town), I am aware that a supervisor of the checklist is available to address my questions or concerns.

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under penalty of perjury, that I am qualified to vote in the above-stated city (town) on this day, and I have not voted and will not vote at any other polling place this election.

Date

Signature

On a division vote, 229 members having voted in the affirmative and 112 members in the negative, the majority amendment was adopted.

Reps. Rollo spoke against.

Rep. Kacavas spoke against and yielded to questions.

Rep. Arndt spoke in favor.

Rep. Clegg spoke in favor and yielded to questions.

Rep. Scanlan requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 223 NAYS 127

YEAS 223

BELKNAP

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

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Mock, Henry
Patten, Betsey	Stevens, Stanley	Sullivan, P Judith	Torressen, Gary

CHESHIRE

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

COOS

Davis, Perley	Gallus, John	Horton, Lynn	Pratt, Leighton
Tholl, John Jr			

GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Gilman, G Michael	Giuda, Robert	Ham, Bonnie
Marshall, Gene	Mirski, Paul	Scanlan, David	Sova, Charles
Ward, Brien	Williams, Burton		

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Dionne, Kimberley	Dokmo, Cynthia
Drisko, Richard	Dyer, Merton	Elliott, Larry	Emerton, Lawrence Sr
Fields, Dennis	Fletcher, Richard	Ford, Nancy	Furman, Christine
Gargas, Carolyn	Gleneck, David	Golding, William	Gonzalez, Carlos
Goulet, Maurice	Graham, John	Greenberg, Gary	Guinta, Frank
Hall, Charles	Herman, Keith	Holden, Randolph	Hopper, Gary
Jean, Loren	Johnson, Lionel	Kurk, Neal	L'Heureux, Robert
LaFlamme, Paul	LaRose, Richard	Leach, Edward	Lessard, Rudy
Martel, Andre	McHugh, Claire	McRae, Karen	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	O'Connell, Timothy
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Salts, Greg	Sargent, Maxwell	Seibel, Christopher
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	Fraser, Leo Jr	Hager, Elizabeth	Hess, David
Hutchinson, John	Kennedy, Richard	L'Heureux, Stephen	Langer, Ray
Leber, William	Lockwood, Priscilla	MacKay, James	Maxfield, Roy
Soltani, Tony	Swindlehurst, John	Whalley, Michael	Winter, Steven

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Boynton, James
Bridle, Russell	Camm, Kevin	Carson, Sharon	Case, Margaret
Chalbeck, Kevin	Clark, Martha Fuller	Clark, Vivian	Cooney, Richard
Corbin, Corey	Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce
Dumaine, Dudley	Fesh, Bob	Flanagan, Natalie	Flanders, John Sr
Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hill, Jonathan	Holland, James Jr	Introne, Robert	Johnson, Robert
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kelley, William
Langley, Jane	Langone, John	Letourneau, Robert	Major, Norman
McKinney, Betsy	Moore, Benjamin	Morse, Charles	O'Neil, Michael
Packard, Sherman	Palermo, Diane	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Rausch, James	Robertson, Carl
Ruffner, Walter	Sapareto, Frank	Sloan, Stephen	Stone, Joseph
Stritch, C Donald	Varrell, Thomas	Welch, David	Weyler, Kenneth
Whittier, John			

STRAFFORD

Albert, Russell	Bickford, David	Brown, Julie	Cossette, Larry
Dunlap, Patricia	Harrington, Michael	Heon, Richard	McCarthy, Gerald
Musler, George	Reid, Christopher	Tsiros, William	Twombly, James
Woods, Phyllis			

SULLIVAN

Jones, Constance	Leone, Richard	Odell, Bob	Rodeschin, Beverly
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NAYS 127

BELKNAP

Wood, Jane

CARROLL

Quimby, Lee

CHESHIRE

Allen, Peter	Batchelder, Robert	Espieffs, Peter	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Slack, Pamela Russell	Weed, Charles	Zerba, Roger

COOS

Bradley, Paula	Landers, Dana	Rodrigue, Robert
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GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Lovett, Sid
Naro, Debra	Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy
Sokol, Hilda	Solow, Martha		

HILLSBOROUGH

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Buckley, Raymond
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Dionne, David	Drabinowicz, A Theresa	Dwyer, Paul
Eaton, Richard	Foster, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Haley, Robert	Hall, Betty	Jean, Claudette
Kacavas, John	Keye, Harvey	Konys, Christine	Lasky, Bette
Lynde, Harold	McDonough-Wallace, Alice	Melcher, Harold	Movsesian, Lori
Murphy, Robert	Palangas, Eric	Panagopoulos, Nicholas	Schulze, Joan
Shaw, Barbara	Sullivan, Peter	Sweeney, Cynthia	White, John
Williams, Carol			

MERRIMACK

Bouchard, Candace	Burney, Carol	Clarke, Claire	Crosby, Toni
Daneault, Gabriel	Davis, Frank	Fraser, Marilyn	French, Barbara
Gile, Mary	Greco, Vincent	Jacobson, Alf	Moore, Carol
Owen, Derek	Perkins, Randy	Potter, Frances	Rodd, Beth
Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane	Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Coes, Betsy	Downing, Michael
Hutchinson, Karen	Kane, Cecelia	McGuire, Robert	Micklon, Stephanie
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Shultis, Elizabeth	Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne

STRAFFORD

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Estabrook, Iris	Gilmore, Gary	Goodwin, Earle	Hughes, Christopher
Kaen, Naida	Knowles, William	Lent, Donald	Pelletier, Arthur
Proulx, Raymond	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Taylor, Kathleen	Wall, Janet	Woodill, Rodney	

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Franklin, Peter	Harris, Joseph	Harris, Sandra	Phinizy, James

and the majority report was adopted.

Ordered to third reading.

motion to special order

Without objection, the Speaker ordered that **SB 336**, relative to disclosure of political contributions and expenditures be made a Special Order for today immediately following lunch recess.

Adopted.

regular calendar (cont'd.)

SB 140-FN-L, relative to the formula for free and reduced-price lunches. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: This bill changes the part of the adequacy formula that targets funds to school districts with a large number of students receiving free or reduced-price lunches. The current formula has "cliffs" built into it – as a school district's percentage of these children crosses over the 12% and 24% levels, a major increase/decrease in funding occurs. The bill eliminates the

"cliffs" so that funding is proportional to the number of free and reduced-price lunch students. The amendments reduces the cap on the weight given to this targeting, and it provides for funding to begin once a district's percentage of such students exceeds 85% of the state average. Vote 17-0.

Amendment (3396h)

Amend RSA 198:38, VII (d) as inserted by section 1 of the bill by replacing it with the following:

(d) Additional weights based on pupils eligible to receive a free or reduced-price meal shall be calculated by multiplying each municipality's elementary average daily membership in residence by the percentage of elementary pupils eligible to receive a free or reduced-price meal in the district of residence, and multiplied by:

(1) If the district percent is less than or equal to the percentage of elementary pupils eligible to receive a free or reduced-price meal statewide multiplied by 0.85, zero.

(2) If the district percentage is greater than the percentage of elementary pupils eligible to receive a free or reduced-price meal statewide multiplied by 0.85, the lesser of 1.0 or a number equal to 5 times the difference between the district percentage and the state average percentage multiplied by 0.85.

(3) If the elementary average daily membership of the district of residence is less than 10, the percentage of elementary pupils eligible to receive a free or reduced-price meal shall be equal to the percentage eligible in that district in which the majority of the elementary pupils attend.

Adopted.

Report adopted and ordered to third reading.

SB 423-FN-A, relative to fees collected by the department of safety and certificates of title. **OUGHT TO PASS WITH AMENDMENT**

Rep. MaryAnn N. Blanchard for Finance: As described by Ways and Means in House Calendar 29, this bill meets one of the important recommendations of the Governor's Commission on Domestic Terrorism by adding 5 motor vehicle inspectors for each of the next two fiscal years for needed commercial vehicle enforcement at the borders and during the evenings. The Federal Highway Administration has asked all states to increase the vigilance over the movement of hazardous materials. Truck inspections are currently below desirable levels due to limited resources. The bill increases the title fee by \$5.00 which will raise approximately \$1 million per year for the highway fund, which would provide for approximately \$213,000 in increased highway fund revenue distributed to cities and towns. It also increases the salvage decal fee which would bring an additional \$175,000 to the highway fund and \$175,000 to the general fund. Due to the skyrocketing construction costs, additional funding is needed to complete the Department of Motor Vehicle testing building, which was approved by the Legislature in 1999, to reduce the congestion at the Department's main building at 10 Hazen Drive and for much needed commercial testing. This bill will allow for the construction to be completed without any additional charge to highway or general funds.

The non-germane Finance Committee amendment has two parts. The first part provides for the inclusion of LBA staff in the confidentiality provisions of DRA statutes to enable LBA to access tax modeling software being developed by and residing at DRA.

The second part of the amendment appropriates the sum of \$675,073, of which \$253,163 shall be a charge against the highway fund and \$421,910 shall be a charge against the general fund, for the biennium ending June 30, 2003, to reimburse cities and towns for the state's share of the match from FEMA for the ice storm of March 5-6, 2001. Vote 15-3.

Amendment (3324h)

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

AN ACT relative to fees collected by the department of safety, certificates of title, and disclosure of information for the development, maintenance, and updating of the tax policy modeling system, and making an appropriation to the governor's office of emergency management.

Amend the bill by replacing all after section 9 with the following:

10 New Subparagraph; Department of Revenue Administration; Confidentiality; Tax Policy Modeling System. Amend RSA 21-J:14, V(d) by inserting after subparagraph (6) the following new subparagraph:

(7) The legislative budget assistant and the department of administrative services, provided that disclosure of department records, files, returns, or information to the legislative budget assistant and the department of administrative services shall be only for the purposes of, and to the extent necessary for, the development, maintenance, and updating of databases necessary for the operation of the tax policy simulation and forecasting models authorized pursuant to 1999, 338:23. The legislative budget assistant may disclose such information to any consultant under contract with the fiscal committee of the general court pursuant to 1999, 338:23 for the development, maintenance, or updating of the tax policy modeling system. Disclosure of confidential tax information under this exception shall be limited as follows:

(A) Federal records shall only be disclosed according to federal law, regulations, and any compacts or agreements between the department and the Internal Revenue Service;

(B) Information disclosed pursuant to this subparagraph shall not include records, files, returns, or information disclosed to officers or employees of the department by any other state pursuant to a compact for the exchange of information between the department and any other state unless permitted by such state or compact; and

(C) Information disclosed shall not be further disclosed to persons other than officers or employees of the department of administrative services, of the legislative budget assistant, or of the consultant. Officers or employees of the department of administrative services, the legislative budget assistant, or the consultant having in their custody or control any confidential taxpayer information obtained from the department pursuant to this subparagraph shall be subject to the provisions of RSA 21-J:14.

11 Confidentiality of Department Records; Violations. Amend RSA 21-J:14, VIII to read as follows:

VIII. Violation of this section is a misdemeanor and if the offender is an officer or an employee of the state or an officer or employee of a vendor which has entered into a contractual agreement with the department under RSA 21-J:3, XX, ~~[he]~~ ***or has entered into a contractual agreement with the state and is authorized by law to receive information made***

confidential and privileged by this section, such officer or employee or such vendor shall in addition be removed from [his] office or dismissed from [his] employment.

12 Appropriation; Emergency Management. The sum of \$675,073, of which \$253,163 shall be a charge against the highway fund, for the biennium ending June 30, 2003, is hereby appropriated to the governor's office of emergency management to provide a state match for federal funds received as a result of damages sustained from the severe storm (EM 3166) of March 5-6, 2001. This appropriation shall be in addition to any other sums appropriated to the governor's office of emergency management. Said sum may be a charge against any appropriate fund. The governor is authorized to draw a warrant out of any money in the treasury not otherwise appropriated.

13 Effective Date.

I. Sections 1-9 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. Increases the fee for number plates from \$2.50 to \$4.00.

II. Establishes a fee for salvage vehicle decals.

III. Increases certain fees for certificates of title.

IV. Makes an appropriation to pay for the hiring of motor vehicle inspectors.

V. Increases the additional funding required for the DMV testing building which may be charged to the inventory fund established by RSA 228:25.

VI. Permits any dealer to become the owner of a vehicle by satisfying the first lien named in the certificate of title.

VII. Adds an exception to the confidentiality of department of revenue administration records for the development, maintenance, and updating of the tax policy modeling system.

VIII. Makes an appropriation to the governor's office of emergency management to match federal funds received as a result of the storm of March 5-6, 2001.

Adopted.

On a division vote, 226 members having voted in the affirmative and 54 in the negative, the report was adopted.

Ordered to third reading.

SB 425-FN-L, revising the formula used to calculate the cost of an adequate education.
MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Kenneth L. Weyler for the Majority of Finance: This bill results from the recommendations of the Adequate Education and Education Financing Commission. The bill, as amended, does four things: 1. It amends the calculation of transportation costs by deducting revenues received from other school districts, individuals, organizations or federal aid. (This money had been double-counted). 2. It amends the definition of "attendance" for purposes of determining average daily membership in attendance and average daily membership in residence. 3. It revises home-schooled student counts to match the federal definition. 4. It changes the formula for calculating the "base cost" component of an adequate education to one that reflects and is adjusted for inflation as calculated by the Northeast Consumer Price Index (NCPI). Use of the NCPI to adjust the "base cost" component should be familiar, as the House passed that in HB 1259-FN-L. Its use should more accurately reflect the cost of an adequate education and improve budget planning at both state and local levels. The bill, as amended, sunsets this formula in 2009. The Adequacy Commission will evaluate the formula and report to the legislature in 2007.

It is estimated that these changes will increase the cost of an adequate education from \$896 million in FY03 to \$927 million in FY04. Vote 12-5.

Rep. Marjorie K. Smith for the Minority of Finance: While the minority would support much of the bill as amended, we oppose Section 3 that provides that the state will no longer calculate adequacy based on the adequacy formula. Instead, we will use the Consumer Price Index (CPI) to limit future increases in state funding for an adequate education.

Without the language in Section 3, the adequacy formula that the legislature had previously agreed to would have totaled \$965,370,288. Instead, Section 3 results in adequacy funding of about \$927 million. The adequacy grant pays for only a small percentage of the cost of education. Every dollar not provided by state revenue sources increases the burden on local property taxpayers.

The Bureau of Labor Statistics (BLS), which produces the CPI, explains that a CPI index is not a cost of living index. BLS says that "a complete cost of living index would go beyond this to also take into account changes in other governmental or environmental factors that affect consumers' well being. It is very difficult to determine the proper treatment of public goods, such as safety and education."

The minority continue to believe that Section 3 is bad public policy that hurts New Hampshire citizens in every city and town.

Majority Amendment (3273h)

Amend the bill by replacing section 3 with the following:

3 School Money; Determination of Per Pupil Adequate Education Grants. RSA 198:40, I is repealed and reenacted to read as follows:

I. For the bienniums beginning July 1, 2003, July 1, 2005, and July 1, 2007, the department of education shall calculate the base cost per pupil by multiplying the base cost per pupil calculated in the immediately preceding biennium by an amount equal to one plus 2 times the average annual rate of inflation taken from the 4 calendar years immediately preceding the calendar year in which the calculation in this subparagraph is made. Inflation shall be measured by the most

recent available northeast region consumer price index as published by the Bureau of Labor Statistics, United States Department of Labor.

Amend the bill by replacing all after section 7 with the following:

8 School Money; State Aid for Educational Adequacy; Definitions. Amend RSA 198:38, VI to read as follows:

VI. "[~~Average~~] Base cost per pupil of an elementary school pupil' means the amount as determined in accordance with RSA 198:40.

9 School Money; Determination of Per Pupil Adequate Education Cost. Amend RSA 198:40, III to read as follows:

III. For each fiscal year, the statewide cost of an adequate education for all pupils shall be calculated by multiplying the [~~average~~] base **cost** per pupil [~~cost of an adequate education~~] by the statewide weighted average daily membership in residence of pupils and then adding 70 percent of total statewide transportation costs.

10 School Money; Determination of Adequate Education Grants. Amend RSA 198:41, I (a) to read as follows:

(a) Multiply the [~~average~~] base cost per pupil of an elementary pupil by the weighted average daily membership in residence for the municipality;

11 New Paragraph; Adequate Education and Education Financing Commission; Duties Amended. Amend RSA 198:49 by inserting after paragraph IV the following new paragraph:

IV-a. In addition to the duties set forth in paragraph IV, and notwithstanding the deadlines established in paragraph V, the commission shall review the formula for determining the base cost per pupil required under RSA 198:40, I, and shall report its findings, including any recommendations for proposed legislation, no later than November 1, 2007.

12 Applicability. The provisions of this act shall apply to adequate education grant calculations made for the fiscal year beginning July 1, 2003.

13 Repeal. RSA 198:38, V, relative to the base expenditure per pupil, is repealed.

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

AMENDED ANALYSIS

This bill:

I. Makes changes to the base cost formula for calculating adequate education grants and provides that the base cost per pupil shall be adjusted by the northeast consumer price index.

II. Amends the calculation of transportation costs by deducting revenues received from other school districts, individuals, organizations, or federal aid.

III. Amends the definition of "attendance" for purposes of determining average daily membership in attendance and average daily membership in residence.

IV. Deletes the home education pupil exclusions from the cooperative school district apportionment of expenses laws.

V. Requires that the adequate education and education financing commission shall review the base cost per pupil formula and report its findings no later than November 1, 2007.

Majority amendment adopted.

Rep. Foster inquired as to whether the amended bill was divisible, and asked that Section 3 of the amended bill be divided.

The Speaker ruled that the question was divisible and, without objection, the House would take up Section 3.

The question now being adoption of Section 3.

Rep. Weyler spoke in favor.

Rep. Marjorie Smith spoke against.

Rep. Hess spoke in favor and yielded to questions.

Rep. Scanlan requested a roll call; sufficiently seconded.

The question being adoption of Section 3 of the amended bill.

motion to special order

Rep. Burling moved that continuing consideration of **SB 425-FN-L**, revising the formula used to calculate the cost of an adequate education, be made a Special Order for 3:00 p.m. today.

Rep. Burling requested a roll call; sufficiently seconded.

The question being adoption of the motion to Special Order.

YEAS 178 NAYS 174

YEAS 178

BELKNAP

Millham, Alida

Pilliod, James

Salatiello, Thomas

Wood, Jane

CARROLL

Bradley, Jeb Quimby, Lee

CHESHIRE

Allen, Peter	Batchelder, Robert	Espieffs, Peter	Fairbanks, Chandler
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Royce, H Charles
Slack, Pamela Russell	Weed, Charles	Zerba, Roger	

COOS

Bradley, Paula Davis, Perley Landers, Dana Rodrigue, Robert

GRAFTON

Akins, Ralph	Almy, Susan	Benn, Bernard	Cooney, Mary
Ham, Bonnie	Lovett, Sid	Naro, Debra	Nordgren, Sharon
Pawlek, Marion	Scovner, Nancy	Sokol, Hilda	Solow, Martha
Williams, Burton			

HILLSBOROUGH

Allan, Nelson	Andosca, Mary	Baroody, Benjamin	Bellavance, Paul
Bergin, Peter	Bragdon, Peter	Buckley, Raymond	Clayton, William
Clemons, Jane	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Dionne, David	Dionne, Kimberley	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Dwyer, Paul	Dyer, Merton
Eaton, Richard	Ford, Nancy	Foster, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haley, Robert	Hall, Betty
Jean, Claudette	Johnson, Lionel	Kacavas, John	Keye, Harvey
Konys, Christine	L'Heureux, Robert	LaRose, Richard	Lasky, Bette
Leach, Edward	Lynde, Harold	McDonough-Wallace, Alice	Melcher, Harold
Messier, Irene	Movsesian, Lori	Murphy, Robert	Palangas, Eric
Panagopoulos, Nicholas	Pepino, Leo	Peterson, Andrew	Rowe, Robert
Schulze, Joan	Shaw, Barbara	Spiess, Paul	Sullivan, Peter

Sweeney, Cynthia

Vaillancourt, Steve

White, John

Williams, Carol

MERRIMACK

Bouchard, Candace

Brewster, Richard

Burney, Carol

Clarke, Claire

Colcord, J D

Crosby, Toni

Daneault, Gabriel

Davis, Frank

Fraser, Marilyn

French, Barbara

Gile, Mary

Greco, Vincent

Jacobson, Alf

Langer, Ray

Lockwood, Priscilla

Moore, Carol

Owen, Derek

Perkins, Randy

Potter, Frances

Rodd, Beth

Rush, Deanna

Seldin, Gloria

Soltani, Tony

Wallner, Mary Jane

Yeaton, Charles

ROCKINGHAM

Bishop, Franklin

Blanchard, MaryAnn

Case, Margaret

Chalbeck, Kevin

Clark, Martha Fuller

Coes, Betsy

Cooney, Richard

DiFruscia, Anthony

Downing, Michael

Johnson, Robert

Kane, Cecelia

Langley, Jane

Langone, John

McGuire, Robert

Micklon, Stephanie

Norelli, Terie

O'Keefe, Patricia

Pantelakos, Laura

Pitts, Jacqueline

Putnam, Ed II

Quandt, Marshall

Quandt, Matthew

Robertson, Carl

Sapareto, Frank

Shultis, Elizabeth

Trueman, Raymond

Weatherspoon,
Jacquelyne

STRAFFORD

Brennan, William

Brown, Julie

Callaghan, Frank

DeChane, Marlene

Dunlap, Patricia

Estabrook, Iris

Gilmore, Gary

Goodwin, Earle

Heon, Richard

Kaen, Naida

Knowles, William

Lent, Donald

McCarthy, Gerald

Pelletier, Arthur

Proulx, Raymond

Rollo, Michael

Smith, Marjorie

Snyder, Clair

Spang, Judith

Taylor, Kathleen

Wall, Janet

Woodill, Rodney

SULLIVAN

Allison, David

Burling, Peter

Cloutier, John

Ferland, Brenda

Franklin, Peter

Harris, Joseph

Harris, Sandra

Leone, Richard

Odell, Bob

Phinzy, James

NAYS 174

BELKNAP

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

CARROLL

Babson, David Jr	Dickinson, Howard	Mock, Henry	Patten, Betsey
Stevens, Stanley	Sullivan, P Judith	Torressen, Gary	

CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Hunt, John	Liebl, George	Roberts, William	Smith, Edwin

COOS

Gallus, John	Horton, Lynn	Pratt, Leighton	Tholl, John Jr
Woodward, David			

GRAFTON

Alger, John	Barker, Robert	Cobb, John	Dudley, Terri
Gilman, G Michael	Giuda, Robert	Marshall, Gene	Mirski, Paul
Scanlan, David	Sova, Charles	Ward, Brien	

HILLSBOROUGH

Alukonis, David	Artz, Lawrence	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Bouchard, David	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clegg, Robert Jr	Elliott, Larry	Emerton, Lawrence Sr
Fields, Dennis	Fletcher, Richard	Furman, Christine	Gargas, Carolyn
Gleneck, David	Golding, William	Gonzalez, Carlos	Goulet, Maurice
Graham, John	Greenberg, Gary	Guinta, Frank	Hall, Charles

Herman, Keith	Holden, Randolph	Hopper, Gary	Jean, Loren
Kurk, Neal	LaFlamme, Paul	Lessard, Rudy	Martel, Andre
McHugh, Claire	McRae, Karen	Mercer, Robert	Milligan, Robert
Moran, Edward	O'Connell, Timothy	Pappas, Marc	Reeves, Sandra
Salts, Greg	Sargent, Maxwell	Seibel, Christopher	Souza, Kathleen
Tahir, Saghir	Tate, Joan	Thulander, O Alan	Wheeler, Robert

MERRIMACK

Anderson, Eric	Cummings, Raymond	Dunne, Christopher	Fraser, Leo Jr
Hager, Elizabeth	Hess, David	Hutchinson, John	Kennedy, Richard
L'Heureux, Stephen	Leber, William	MacKay, James	Maxfield, Roy
Swindlehurst, John	Whalley, Michael	Winter, Steven	

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bowles, Raimond	Boynton, James
Bridle, Russell	Camm, Kevin	Carson, Sharon	Clark, Vivian
Corbin, Corey	Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce
Dumaine, Dudley	Fesh, Bob	Flanagan, Natalie	Flanders, John Sr
Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hill, Jonathan	Holland, James Jr	Hutchinson, Karen	Introne, Robert
Itse, Daniel	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kelley, William	Letourneau, Robert	Major, Norman	McKinney, Betsy
Moore, Benjamin	Morse, Charles	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Palermo, Diane	Priestley, Anne	Rausch, James
Ruffner, Walter	Sloan, Stephen	Stone, Joseph	Stritch, C Donald
Varrell, Thomas	Welch, David	Weyler, Kenneth	Whittier, John

STRAFFORD

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

SULLIVAN

Jones, Constance

Rodeschin, Beverly

and the motion to Special Order was adopted.

regular calendar (con't.)

SB 455-FN-A, relative to funding for district and probate court security. **OUGHT TO PASS WITH AMENDMENT**

Rep. MaryAnn N. Blanchard for Finance: The Finance Committee recognized the need to modify and supplement security in full-time and part-time district courts as well as probate courts. The volatile nature of many of these cases, such as domestic violence, sexual assault, juvenile matters including CHINS and restraining orders, requires increased security presence to enhance safety of court personnel and the public, especially on non-court days.

The Finance Committee amendment replaces the bill. It appropriates \$600,000 from the general fund effective July 1, 2002. It increases entry fees by \$10.00 (they currently range from \$45 to \$125), except in probate court (only \$5.00 if SB64 passes – \$5 increase in probate court fee to fund mediation in SB64). These fee increases will raise approximately \$450,000 annually. The courts may waive fees for indigence or for other good cause. Vote 14-7.

Amendment (3425h)

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

AN ACT relative to funding for district and probate court security, requiring an increase in court entry fees, and making an appropriation therefor.

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

1 Appropriation; Judicial Branch. The sum of \$600,000 is hereby appropriated to 2001, 130:1.02, 01, 06 class 90 for the fiscal year ending June 30, 2003, for the purpose of district and probate court security. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Increase of Entry Fees. On July 1, 2002, the courts shall increase each entry fee by \$10.

3 Increase of Entry Fees. On July 1, 2002, the courts shall increase each entry fee collected by the probate courts by \$5 and each entry fee collected by other courts by \$10.

4 Contingency. If SB 64-FN-A of the 2002 legislative session becomes law, section 3 of this act shall take effect July 1, 2002 and section 2 of this act shall not take effect. If SB 64-FN-A does not become law, section 2 of this act shall take effect July 1, 2002 and section 3 of this act shall not take effect.

5 Effective Date.

I. Sections 2 and 3 of this act shall take effect as provided in section 4 of this act.

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

AMENDED ANALYSIS

This bill makes an appropriation to the judicial branch for district and probate court security and provides for an increase in court entry fees.

Rep. Blanchard spoke against and yielded to questions.

Amendment failed.

Rep. Scanlan offered a floor amendment (3547h).

Floor Amendment (3547h)

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

AN ACT relative to funding for district and probate court security.

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

1 Transfer of Funds from Police Standards and Training Council Training Fund and Escrow Fund for Court Facility Improvements to District and Probate Security. Notwithstanding the footnotes to 2001, 130:1.02, 01, 06 and the provisions of RSA 188-F and RSA 490:26-c, the state treasurer shall make a one-time transfer of \$275,000 from the police standards and training council training fund and the supreme court shall make a one-time transfer of \$275,000 from the escrow fund for court facility improvements to 2001, 130:1.02, 01, 06, class 90 for fiscal year 2003 for district and probate court security.

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

AMENDED ANALYSIS

This bill makes transfers of \$275,000 from the police standards and training council training fund and \$275,000 from the escrow fund for court facility improvements to the judicial branch operating budget for district and probate court security.

Reps. Scanlan and Pepino spoke in favor.

Rep. Burling spoke in favor and yielded to questions.

Adopted.

Rep. Mirski spoke against.

Rep. William Kelley requested a roll call; sufficiently seconded.

The question being adoption of the amended report.

YEAS 276 NAYS 76

YEAS 276

BELKNAP

Dewhirst, Glenn	Flanders, Donald	Millham, Alida	Nedean, Stephen
Pilliod, James	Russell, David	Thomas, John	Wood, Jane

CARROLL

Bradley, Jeb	Dickinson, Howard	Patten, Betsey	Quimby, Lee
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CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Dexter, Judson
Edwards, Dana	Espieffs, Peter	Fairbanks, Chandler	Liebl, George
Manning, Joseph	McGuirk, Paul	Meader, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Royce, H Charles
Slack, Pamela Russell	Smith, Edwin	Weed, Charles	Zerba, Roger

COOS

Bradley, Paula	Davis, Perley	Gallus, John	Horton, Lynn
Landers, Dana	Pratt, Leighton	Rodrigue, Robert	Tholl, John Jr
Woodward, David			

GRAFTON

Akins, Ralph	Almy, Susan	Barker, Robert	Benn, Bernard
Cooney, Mary	Dudley, Terri	Ham, Bonnie	Lovett, Sid
Marshall, Gene	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scanlan, David	Scovner, Nancy	Sokol, Hilda	Solow, Martha
Sova, Charles	Ward, Brien	Williams, Burton	

HILLSBOROUGH

Andosca, Mary	Artz, Lawrence	Baroody, Benjamin	Batula, Peter
Bellavance, Paul	Bergin, Peter	Bragdon, Peter	Brundige, Robert
Buckley, Raymond	Calawa, Leon Jr	Chabot, Robert	Christensen, D L Chris

Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Craig, James	Dionne, David	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Dwyer, Paul	Dyer, Merton
Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis
Fletcher, Richard	Ford, Nancy	Foster, Linda	Furman, Christine
Gargas, Carolyn	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gonzalez, Carlos	Gorman, Mary	Graham, John	Greenberg, Gary
Guinta, Frank	Hall, Betty	Holden, Randolph	Jean, Claudette
Johnson, Lionel	Kacavas, John	Keye, Harvey	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard
Lasky, Bette	Leach, Edward	Lessard, Rudy	Lynde, Harold
Martel, Andre	McDonough-Wallace, Alice	McHugh, Claire	Melcher, Harold
Messier, Irene	Milligan, Robert	Movsesian, Lori	Murphy, Robert
O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas	Pepino, Leo
Peterson, Andrew	Reeves, Sandra	Rowe, Robert	Sargent, Maxwell
Schulze, Joan	Seibel, Christopher	Shaw, Barbara	Spiess, Paul
Sullivan, Peter	Sweeney, Cynthia	Tahir, Saghir	Thulander, O Alan
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	Fraser, Leo Jr	Fraser, Marilyn
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Hess, David	Jacobson, Alf	Kennedy, Richard	Leber, William
Lockwood, Priscilla	MacKay, James	Maxfield, Roy	Moore, Carol
Owen, Derek	Perkins, Randy	Potter, Frances	Rodd, Beth
Rush, Deanna	Seldin, Gloria	Swindlehurst, John	Wallner, Mary Jane
Whalley, Michael	Yeaton, Charles		

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn	Bowles, Raimond
Boynton, James	Case, Margaret	Clark, Martha Fuller	Coes, Betsy

Cooney, Richard	Corbin, Corey	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	DiFruscia, Anthony	Downing, Michael	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Giordano, Ronald
Gleason, John	Griffin, Mary	Henderson, Warren	Holland, James Jr
Introne, Robert	Johnson, Robert	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	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	Power, Lucille
Priestley, Anne	Quandt, Marshall	Quandt, Matthew	Rausch, James
Robertson, Carl	Ruffner, Walter	Sapareto, Frank	Shultis, Elizabeth
Sloan, Stephen	Splaine, James	Stritch, C Donald	Trueman, Raymond
Varrell, Thomas	Weatherspoon, Jacquelyne	Welch, David	Whittier, John

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, Julie
Callaghan, Frank	Cossette, Larry	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Goodwin, Earle	Heon, Richard	Hughes, Christopher
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
Franklin, Peter	Harris, Joseph	Harris, Sandra	Jones, Constance
Leone, Richard	Odell, Bob	Phinizy, James	Rodeschin, Beverly

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BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Holbrook, Robert
Lawton, David	Rice, Thomas Jr	Rosen, Ralph	Wendelboe, Fran

CARROLL

Babson, David Jr	Mock, Henry	Stevens, Stanley	Sullivan, P Judith
Torressen, Gary			

CHESHIRE

Emerson, Susan	Roberts, William
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COOS

None

GRAFTON

Alger, John	Cobb, John	Gilman, G Michael	Giuda, Robert
Mirski, Paul			

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Balboni, Michael	Bergeron, Jean-Guy
Bouchard, David	Bruno, Pierre	Carlson, Donald	Christiansen, Lars
Clegg, Robert Jr	Dionne, Kimberley	Gleneck, David	Goulet, Maurice
Haley, Robert	Hall, Charles	Herman, Keith	Hopper, Gary
Jean, Loren	McRae, Karen	Mercer, Robert	Moran, Edward
Pappas, Marc	Salts, Greg	Souza, Kathleen	Tate, Joan
Vaillancourt, Steve	Wheeler, Robert		

MERRIMACK

Dunne, Christopher	Hutchinson, John	L'Heureux, Stephen	Langer, Ray
Soltani, Tony	Winter, Steven		

ROCKINGHAM

Bridle, Russell	Camm, Kevin	Carson, Sharon	Chalbeck, Kevin
Clark, Vivian	Dumaine, Dudley	Fesh, Bob	Gilbert, Karl
Hamel, Albert	Hill, Jonathan	Hutchinson, Karen	Itse, Daniel
Johnson, Rogers	Kelley, William	Langone, John	Moore, Benjamin

Palermo, Diane

Putnam, Ed II

Stone, Joseph

Weyler, Kenneth

STRAFFORD

Albert, Russell

Harrington, Michael

Twombly, James

Woods, Phyllis

SULLIVAN

None

And the report was adopted.

Ordered to third reading.

SB 339, relative to approval of contingent fee agreements by the courts. **OUGHT TO PASS WITH AMENDMENT**

Rep. James W. Craig for Judiciary: This bill terminates the current statutory requirement that any attorney representing a client on a contingent fee basis has to file a copy of the fee agreement with the court at the start of a lawsuit. This is an onerous burden that most lawyers feel violates the attorney/client privilege. Lawyers and clients are still required to enter into written contingency agreements by the rules of professional conduct; they will just not have to file them with the court. Finally, the bill requires that all fees and costs for actions resulting in settlement or judgment of \$200,000.00 or more, shall be subject to approval by the court. Vote 10-2.

Amendment (3058h)

Amend the bill by replacing section 1 with the following:

1 Contingent Fees. Amend RSA 508:4-e to read as follows:

508:4-e [~~Contingent Fees~~] ***Attorneys' Fees for Services.***

I. Contingent fee agreements between attorney and client shall be governed by Rules of Professional Conduct, Rule 1.5 as it may be amended by the supreme court from time to time and by any other rules regarding fees which are adopted or amended by the court.

II. No attorney shall enter into such a contingent fee arrangement with his ***or her*** client without first advising the client of his ***or her*** right and affording the client an opportunity to retain the attorney under an arrangement whereby the attorney would be compensated on the basis of the reasonable value of his ***or her*** services.

III. [~~All written contingency fee agreements entered into pursuant to Rule 1.5(e) of the Rules of Professional Conduct shall be filed with the court at the time of the entry of pleadings by the plaintiff's attorney.~~]

IV. [~~At the time of settlement or judgment of any action, all counsel of record will submit to the court a complete review of all fees received for services for said action; and all costs accruing from said action including, but not limited to, fees paid to expert witnesses.] All fees ***and***~~

costs for actions, resulting in settlement or judgment of \$200,000 or more, shall be subject to approval by the court.

AMENDED ANALYSIS

This bill removes a requirement that attorneys file written contingency agreements and reviews of fees received with the court. The bill requires attorneys' fees and costs in actions resulting in settlement or judgment of more than \$200,000 to be approved by the courts.

Adopted.

Report adopted and ordered to third reading.

SB 343-FN, relative to appeals in actions against tenants **REFER FOR INTERIM STUDY**

Rep. Larry G. Elliott for Judiciary: The committee spent a considerable amount of time deliberating this legislation. The first vote taken was "Inexpedient to Legislate", which resulted in a tie. Much of the disagreement centered around what is the appropriate make-up of an appellate court and whether or not the superior court could absorb the additional caseload without requesting additional financial resources. The superior court testified that it could do so; however, this philosophy seemed to be inconsistent with testimony provided on previous legislation this year. There was much conversation about the expanded timeframe it would take for a landlord to evict a non-paying or disruptive tenant from their apartment/residence. The committee felt that it was not likely to come to a majority on the merits of this legislation and that the best course of action would be to Interim Study the legislation so that we might further study and become enlightened as to the fairest mechanism to resolve disputes between tenants and landlords. Vote 14-4.

Adopted.

SB 391-FN, relative to appeals from the compensation appeals board **REFER FOR INTERIM STUDY**

Rep. Larry G. Elliott for Judiciary: The majority of the committee felt that the issue of creating an appeals court within the superior court required further study. Some members found the testimony of the superior court troubling. Representatives of the court testified that they could absorb and become an appellate court of appeals for workers' compensation cases. It was felt that the clerks of the court could absorb the additional docketing and the judges would have sufficient judge time available to hear and review these cases. The testimony was incongruous with testimony provided on other legislation over the biennium where clearly the court indicated that if we were to require them to hold additional hearings, there would be additional costs. Some members were quite concerned that an appellate court should consist of three judges and not a single judge. The committee also spent a great deal of time deliberating on the additional costs to litigants and potential time delays because the appeals process would become, in the first instance, an appeal to the workers' compensation appeals board, then to the superior court, and then, possibly, followed by an appeal to the supreme court. Prior to the creation of the workers' compensation appeals board, cases lingered in the superior court up to a period of three years before being resolved and the committee felt that it would be unacceptable to return to such a lengthy timeframe for the litigants in workers' compensation cases. Possibly the solution is to make the compensation appeals board function more in tune with the workers' compensation law, but that would be an issue for the Labor, Industrial and Rehabilitative Services policy committee to undertake rather than the Judiciary Committee. Vote 12-6.

Adopted.

senate messages

REQUESTS concurrence WITH AMENDMENTS

HB 1164, renaming Hill's Bridge in the town of Lee as the Captain Reuben Hill Bridge.(Amendment printed SJ 04/10/02)

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

Adopted.

HB 1148, naming the state office complex on Hazen Drive in the city of Concord the Meldrim Thomson State Office Complex and naming New Hampshire route 25A from Wentworth to Orford the Governor Meldrim Thomson Scenic Highway. (Amendments printed SJ 04/10/02)

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

Adopted.

HB 1251, relative to the use of mercury amalgam fillings by dentists. (Amendments printed SJ 04/10/02)

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

Adopted.

HB 1135, establishing a study committee to reevaluate the health benefits and risks from fluoridation of water in New Hampshire. (Amendments printed SJ 04/11/00)

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

Adopted.

HB 1447, establishing a committee to study methods of supporting the continued operation of wood-fired electrical generating facilities. (Amendment printed SJ 04/11/00)

Rep. J. Bradley moved that the House concur and spoke in favor.

Rep. Sloan spoke in favor.

Adopted.

HB 209-FN, relative to original and youth operators' licenses. (Amendment printed SJ 02/140/02)

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

Adopted.

HB 1109, establishing a commission to study problems related to the delivery of local assistance (Amendment printed SJ 04/10/02)

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

Adopted.

HB 522-L, establishing discretionary preservation easements for preserving historic agricultural structures. (Amendment printed SJ 04/10/02)

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

Adopted.

HB 1121, relative to capital improvement committees.
(Amendment printed SJ 04/10/02)

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

Adopted.

HB 1277, increasing the optional veterans' property tax credit. (Amendment printed SJ 04/11/02)

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

Adopted.

The Speaker appointed Reps. Brundige, Griffin, Fairbanks and M. Fraser

HB 439-FN-A, establishing a position of septage coordinator and making an appropriation therefor. (Amendment printed SJ 04/10/02)

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

On a division vote, 303 members having voted in the affirmative and 18 in the negative the motion was adopted.

The Speaker appointed Reps. Brundige, M. Cooney, Stone and Holbrook.

HB 1286, increasing the time period during which warrantless arrests for violations of the stalking law and violations of restraining orders in domestic cases are permitted. (Amendment printed SJ 04/11/02)

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

Adopted.

HB 1106, repealing the water pollution control revolving loan fund advisory committee, the local government advisory committee, the New Hampshire industrial heritage commission, and the environmental research advisory committee. (Amendment printed SJ 04/11/02)

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

Adopted.

The Speaker appointed Reps. Goulet, Horton, Nordgren and Whalley.

HCR 28, a resolution urging increased federal funding for quality breast cancer research. (Amendment printed SJ 04/10/02)

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

Adopted.

The Speaker appointed Reps. Avery, Coughlin, Pepino and Heon.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 462, 1104, 1182, 1247, 1422 and Senate Bills numbered 312, 338, 368, 369, 370 and 411.

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

special order

SB 336, relative to disclosure of political contributions and expenditures. **WITHOUT RECOMMENDATION**

Rep. Arndt moved Ought to Pass with Amendment and offered a floor amendment (3431h).

Floor Amendment (3431h)

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

AN ACT establishing a committee to study campaign finance reform.

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

1 Committee Established. There is established a committee to study campaign finance reform.

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. The committee shall study the provisions of RSA 664, political expenditures and contributions. The committee's study shall include, but not be limited to, methods of strengthening state campaign finance laws, especially in regard to issues raised in recent state and federal court decisions and federal law. The committee shall meet independently and in conjunction with the committee to study the recodification of the election laws established by 2002, 19. The committee shall consult with the leaders of the Republican and Democratic state parties, the secretary of state, and the attorney general during the course of its study.

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

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

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

AMENDED ANALYSIS

This bill establishes a committee to study campaign finance reform.

Rep. Arndt spoke in favor.

Adopted.

Rep. Scanlan offered floor amendment (3536h).

Floor Amendment (3536h)

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

AN ACT establishing a committee to study campaign finance reform and apportioning state representative districts.

Amend the bill by replacing all after section 5 with the following:

6 State Representative Districts. RSA 662:5 is repealed and reenacted to read as follows:

662:5 State Representative Districts. The state is divided into districts for the choosing of state representatives, each of which may elect the number of representatives set forth opposite the district, as follows:

I. Belknap County.

District No. 1 Center Harbor

New Hampton 1

District No. 2 Meredith 2

District No. 3 Sanbornton

Tilton 1

District No. 4 Belmont 2

District No. 5 Belmont

Sanbornton

Tilton 1

District No. 6 Gilmanton 1

District No. 7 Alton 1

District No. 8 Barnstead 1

District No. 9 Gilford 2

District No. 10 Alton

Barnstead

Gilford 1

District No. 11 Laconia 5

II. Carroll County.

District No. 1 Bartlett

Chatham

Hart's Location

	Jackson	1
District No. 2	Conway	
	Hale's Location	2
District No. 3	Bartlett	
	Chatham	
	Conway	
	Hale's Location	
	Hart's Location	
	Jackson	1
District No. 4	Albany	
	Eaton	
	Madison	1
District No. 5	Ossipee	1
District No. 6	Effingham	
	Freedom	
	Ossipee	
	Tamworth	2
District No. 7	Wakefield	1
District No. 8	Wolfeboro	1
District No. 9	Moultonborough	1
District No. 10	Brookfield	
	Moultonborough	
	Sandwich	
	Tuftonboro	
	Wakefield	

Wolfeboro 3

III. Cheshire County.

District No. 1 Gilsum

Stoddard

Sullivan

Surry 1

District No. 2 Jaffrey 1

District No. 3 Dublin

Harrisville

Nelson

Roxbury 1

District No. 4 Dublin

Jaffrey

Harrisville

Nelson

Roxbury 1

District No. 5 Marlborough

Swanzey 3

District No. 6 Rindge 1

District No. 7 Winchester 1

District No. 8 Fitzwilliam

Richmond

Rindge

Troy

Winchester 3

District No. 9 Hinsdale 1

District No. 10 Chesterfield

Westmoreland 1

District No. 11 Chesterfield

Hinsdale

Westmoreland 1

District No. 12 Alstead

Marlow

Walpole 2

District No. 13 Keene Ward 1 1

District No. 14 Keene Ward 2 1

District No. 15 Keene Ward 3 1

District No. 16 Keene Ward 4 1

District No. 17 Keene Ward 5 1

District No. 18 Keene Wards 1-5 2

IV. Coos County

District No. 1 Atkinson and Gilmanton Academy Grant

Cambridge

Clarksville

Colebrook

Columbia

Dix's Grant

Dixville

Dummer

Errol

Erving's Location

Millsfield

Odell

Pittsburg

Second College Grant

Stewartstown

Wentworth's Location 2

District No. 2 Milan

Shelburne

Stark

Stratford

Success 1

District No. 3 Carroll

Jefferson

Kilkenny

Lancaster

Northumberland

Randolph 2

District No. 4 Bean's Grant

Bean's Purchase

Berlin

Chandler's Purchase

Crawford's Purchase

Cutt's Grant

Gorham

Green's Grant

Hadley's Purchase

Low and Burbank's Grant

Martin's Location

Pinkham's Grant

Sargent's Purchase

Thompson and Meserve's Purchase 3

District No. 5 Bean's Grant

Bean's Purchase

Berlin

Carroll

Chandler's Purchase

Crawford's Purchase

Cutt's Grant

Gorham

Green's Grant

Hadley's Purchase

Jefferson

Kilkenny

Lancaster

Low and Burbank's Grant

Martin's Location

Northumberland

Pinkham's Grant

Randolph

Sargent's Purchase

Thompson and Meserve's Purchase 2

District No. 6 Dalton

Whitefield 1

V. Grafton County

District No. 1 Bethlehem

Littleton

Monroe 3

District No. 2 Bath

Lisbon

Lyman 1

District No. 3 Benton

Franconia

Landaff

Sugar Hill

Warren 1

District No. 4 Easton

Ellsworth

Lincoln

Livermore

Waterville Valley

Woodstock 1

District No. 5 Haverhill

Orford

Piermont 2

District No. 6 Ashland
Campton
Holderness
Thornton 3

District No. 7 Plymouth 2

District No. 8 Alexandria
Bridgewater
Bristol
Hebron 2

District No. 9 Dorchester
Groton
Rumney
Wentworth 1

District No. 10 Hanover
Lyme 4

District No. 11 Canaan
Enfield
Grafton
Orange 3

District No. 12 Lebanon 4

VI. Hillsborough County.

District No. 1 Antrim
Deering 1

District No. 2 Antrim
Deering

	Hillsborough	
	Windsor	1
District No. 3	Hillsborough	
	Windsor	1
District No. 4	Weare	2
District No. 5	Goffstown	
	Weare	1
District No. 6	Francestown	
	Greenfield	1
District No. 7	Goffstown	5
District No. 8	Peterborough	
	Sharon	2
District No. 9	Bennington	
	Hancock	1
District No. 10	Lyndeborough	
	Mt. Vernon	
	New Boston	2
District No. 11	Temple	
	Wilton	1
District No. 12	Milford	
	Temple	
	Wilton	1
District No. 13	Milford	4
District No. 14	Amherst	3
District No. 15	Amherst	

	Lyndeborough	
	Mt. Vernon	
	New Boston	1
District No. 16	Bedford	6
District No. 17	Litchfield	2
District No. 18	Merrimack	8
District No. 19	Greenville	
	New Ipswich	2
District No. 20	Brookline	
	Hollis	
	Mason	1
District No. 21	Brookline	
	Mason	1
District No. 22	Hollis	2
District No. 23	Hudson	7
District No. 24	Pelham	3
District No. 25	Hudson	
	Litchfield	
	Pelham	1
District No. 26	Nashua Ward 1	3
District No. 27	Nashua Ward 2	3
District No. 28	Nashua Ward 3	3
District No. 29	Nashua Ward 4	3
District No. 30	Nashua Ward 5	3
District No. 31	Nashua Ward 6	3

District No. 32 Nashua Ward 7	3
District No. 33 Nashua Ward 8	3
District No. 34 Nashua Ward 9	3
District No. 35 Nashua Wards 1-9	1
District No. 36 Manchester Ward 1	3
District No. 37 Manchester Ward 2	3
District No. 38 Manchester Ward 3	3
District No. 39 Manchester Ward 4	3
District No. 40 Manchester Ward 5	3
District No. 41 Manchester Ward 6	3
District No. 42 Manchester Ward 7	3
District No. 43 Manchester Ward 8	3
District No. 44 Manchester Ward 9	3
District No. 45 Manchester Ward 10	2
District No. 46 Manchester Ward 11	2
District No. 47 Manchester Ward 12	2
District No. 48 Manchester Wards 10, 11, and 12	2

VII. Merrimack County.

District No. 1 Andover	
Hill	1
District No. 2 New London	1
District No. 3 Danbury	
New London	
Wilmot	1
District No. 4 Newbury	

	Sutton	
	Warner	2
District No. 5	Bradford	
	Henniker	2
District No. 6	Dunbarton	
	Hopkinton	
	Webster	2
District No. 7	Bow	2
District No. 8	Bow	
	Dunbarton	
	Hopkinton	
	Webster	1
District No. 9	Hooksett	4
District No. 10	Allenstown	
	Pembroke	4
District No. 11	Chichester	
	Epsom	2
District No. 12	Pittsfield	1
District No. 13	Loudon	1
District No. 14	Northfield	1
District No. 15	Boscawen	1
District No. 16	Boscawen	
	Canterbury	
	Loudon	
	Northfield	

Pittsfield 2

District No. 17 Franklin

Salisbury 3

District No. 18 Concord Ward 1 1

District No. 19 Concord Ward 2 1

District No. 20 Concord Ward 3 1

District No. 21 Concord Ward 4 1

District No. 22 Concord Ward 5 1

District No. 23 Concord Ward 6 1

District No. 24 Concord Ward 7 1

District No. 25 Concord Ward 8 1

District No. 26 Concord Ward 9 1

District No. 27 Concord Ward 10 1

District No. 28 Concord Wards 1-10 3

VIII. Rockingham County.

District No. 1 Northwood 1

District No. 2 Nottingham 1

District No. 3 Deerfield 1

District No. 4 Candia 1

District No. 5 Candia

Deerfield

Northwood

Nottingham 1

District No. 6 Raymond 3

District No. 7 Auburn 1

District No. 8	Chester	1
District No. 9	Auburn	
	Chester	
	Raymond	1
District No. 10	Danville	1
District No. 11	Sandown	1
District No. 12	Fremont	1
District No. 13	Danville	
	Sandown	1
District No. 14	Atkinson	2
District No. 15	Hampstead	2
District No. 16	Plaistow	2
District No. 17	Hampstead	
	Plaistow	1
District No. 18	Derry	11
District No. 19	Londonderry	7
District No. 20	Windham	3
District No. 21	Londonderry	
	Windham	1
District No. 22	Salem	9
District No. 23	Epping	1
District No. 24	Epping	
	Fremont	1
District No. 25	Exeter	
	Kensington	5

District No. 26	Brentwood	1
District No. 27	East Kingston	
	Kingston	
	Newton4	
District No. 28	Newfields	
	Newmarket	3
District No. 29	Stratham	2
District No. 30	Greenland	1
District No. 31	New Castle	
	Rye	2
District No. 32	North Hampton	1
District No. 33	Hampton	
	Hampton Falls	5
District No. 34	Hampton	
	Hampton Falls	
	North Hampton	1
District No. 35	Seabrook	
	South Hampton	3
District No. 36	Portsmouth Ward 1	1
District No. 37	Portsmouth Ward 2	1
District No. 38	Newington	
	Portsmouth Ward 3	1
District No. 39	Portsmouth Ward 4	1
District No. 40	Portsmouth Ward 5	1
District No. 41	Portsmouth Wards 1, 2, and 5	1

District No. 42 Newington

Portsmouth Wards 3 and 4 1

IX. Strafford County.

District No. 1 Farmington 1

District No. 2 Milton 1

District No. 3 Middleton

New Durham 1

District No. 4 Farmington

Middleton

Milton

New Durham 1

District No. 5 Rochester Ward 1 1

District No. 6 Rochester Ward 2 1

District No. 7 Rochester Wards 1 and 2 1

District No. 8 Rochester Ward 3 1

District No. 9 Rochester Ward 4 1

District No. 10 Rochester Wards 3 and 4 1

District No. 11 Rochester Ward 5 1

District No. 12 Rochester Ward 6 1

District No. 13 Rochester Wards 5 and 6 1

District No. 14 Rollinsford

Somersworth 5

District No. 15 Dover Ward 1 1

District No. 16 Dover Ward 6 1

District No. 17 Dover Wards 1 and 6 1

District No. 18 Dover Ward 2 1

District No. 19 Dover Ward 3 1

District No. 20 Dover Wards 2 and 3 1

District No. 21 Dover Ward 4 1

District No. 22 Dover Ward 5 1

District No. 23 Dover Wards 4 and 5 1

District No. 24 Durham 4

District No. 25 Barrington 2

District No. 26 Lee 1

District No. 27 Strafford 1

District No. 28 Barrington

Durham

Lee

Madbury

Strafford 1

X. Sullivan County.

District No. 1 Cornish

Plainfield 1

District No. 2 Croydon

Newport

Unity 2

District No. 3 Cornish

Croydon

Newport

Plainfield

	Unity	1
District No. 4	Sunapee	1
District No. 5	Grantham	
	Springfield	1
District No. 6	Acworth	
	Goshen	
	Lempster	
	Washington	1
District No. 7	Charlestown	
	Langdon	1
District No. 8	Acworth	
	Charlestown	
	Goshen	
	Langdon	
	Lempster	
	Washington	1
District No. 9	Claremont Ward 1	1
District No. 10	Claremont Ward 2	1
District No. 11	Claremont Ward 3	1
District No. 12	Claremont Wards 1-3	1

7 Application. The changes in state representative districts established by this act shall not affect constituencies or terms of office of representatives presently in office. The state representative districts established by this act shall be in effect for the purpose of electing representatives at the 2002 state general election. If there shall be a vacancy in a state representatives district for any reason prior to the 2002 state general election, the vacancy shall be filled by and from the same state representative district that existed for the 2000 state general election. No provision of this act shall affect in any manner any of the proceedings of the membership of the house of representatives of the general court that assembled for a biennial session in January 2001.

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

AMENDED ANALYSIS

This bill establishes a committee to study campaign finance reform.

This bill also establishes new state representative districts in accordance with the latest federal decennial census.

Reps. Vaillancourt and Burling spoke against and yielded to questions.

Reps. Scanlan, Kennedy and Stritch spoke in favor.

Rep. Jacobson spoke to the amendment.

Rep. Scanlan requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (3536h).

YEAS 200 NAYS 147

YEAS 200

BELKNAP

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

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	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	Roberts, William
Royce, H Charles	Smith, Edwin		

COOS

Davis, Perley
Tholl, John Jr

Gallus, John
Woodward, David

Horton, Lynn

Pratt, Leighton

GRAFTON

Akins, Ralph
Dudley, Terri
Marshall, Gene
Ward, Brien

Alger, John
Gilman, G Michael
Mirski, Paul
Williams, Burton

Barker, Robert
Giuda, Robert
Scanlan, David

Cobb, John
Ham, Bonnie
Sova, Charles

HILLSBOROUGH

Allan, Nelson
Bergeron, Jean-Guy
Brundige, Robert
Chabot, Robert
Coughlin, Pamela
Eaton, Richard
Fletcher, Richard
Golding, William
Greenberg, Gary
Holden, Randolph
L'Heureux, Robert
Lessard, Rudy
Mercer, Robert
Pappas, Marc
Rowe, Robert
Tahir, Saghir

Alukonis, David
Bergin, Peter
Bruno, Pierre
Christensen, D L Chris
Dionne, Kimberley
Elliott, Larry
Ford, Nancy
Gonzalez, Carlos
Guinta, Frank
Hopper, Gary
LaFlamme, Paul
Martel, Andre
Milligan, Robert
Pepino, Leo
Salts, Greg
Tate, Joan

Artz, Lawrence
Bouchard, David
Calawa, Leon Jr
Christiansen, Lars
Dokmo, Cynthia
Emerton, Lawrence Sr
Furman, Christine
Goulet, Maurice
Hall, Charles
Jean, Loren
LaRose, Richard
McHugh, Claire
Moran, Edward
Peterson, Andrew
Sargent, Maxwell
Thulander, O Alan

Batula, Peter
Bragdon, Peter
Carlson, Donald
Clegg, Robert Jr
Dyer, Merton
Fields, Dennis
Gleneck, David
Graham, John
Herman, Keith
Kurk, Neal
Leach, Edward
McRae, Karen
O'Connell, Timothy
Reeves, Sandra
Souza, Kathleen
Wheeler, Robert

MERRIMACK

Anderson, Eric
Hess, David
L'Heureux, Stephen
Swindlehurst, John

Dunne, Christopher
Hutchinson, John
Langer, Ray
Whalley, Michael

Fraser, Leo Jr
Jacobson, Alf
Leber, William
Winter, Steven

Hager, Elizabeth
Kennedy, Richard
MacKay, James

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bowles, Raimond	Boynton, James
Bridle, Russell	Carson, Sharon	Case, Margaret	Chalbeck, Kevin
Cooney, Richard	Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce
DiFruscia, Anthony	Dumaine, Dudley	Fesh, Bob	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Giordano, Ronald	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hill, Jonathan	Holland, James Jr	Introne, Robert
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Langone, John	Letourneau, Robert	Major, Norman
McKinney, Betsy	Morse, Charles	Nowe, Ronald	Packard, Sherman
Palermo, Diane	Power, Lucille	Priestley, Anne	Putnam, Ed II
Rausch, James	Reardon, Neil	Ruffner, Walter	Sapareto, Frank
Sloan, Stephen	Stone, Joseph	Stritch, C Donald	Varrell, Thomas
Welch, David	Weyler, Kenneth		

STRAFFORD

Albert, Russell	Bickford, David	Brown, Julie	Cossette, Larry
Dunlap, Patricia	Harrington, Michael	Musler, George	Reid, Christopher
Twombly, James	Woods, Phyllis		

SULLIVAN

Jones, Constance	Leone, Richard	Odell, Bob	Rodeschin, Beverly
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NAYS 147

BELKNAP

Pilliod, James	Wood, Jane
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CARROLL

None

CHESHIRE

Allen, Peter	Batchelder, Robert	Espieffs, Peter	Manning, Joseph
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McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Slack, Pamela Russell	Weed, Charles
Zerba, Roger			

COOS

Bradley, Paula	Landers, Dana	Rodrigue, Robert
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GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Lovett, Sid
Naro, Debra	Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy
Sokol, Hilda	Solow, Martha		

HILLSBOROUGH

Andosca, Mary	Balboni, Michael	Baroody, Benjamin	Bellavance, Paul
Buckley, Raymond	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Dionne, David	Drabinowicz, A Theresa	Drisko, Richard
Dwyer, Paul	Foster, Linda	Gargasz, Carolyn	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haley, Robert	Hall, Betty
Jean, Claudette	Johnson, Lionel	Kacavas, John	Keye, Harvey
Konys, Christine	Lasky, Bette	Lynde, Harold	McDonough-Wallace, Alice
Melcher, Harold	Messier, Irene	Movsesian, Lori	Murphy, Robert
Palangas, Eric	Panagopoulos, Nicholas	Schulze, Joan	Shaw, Barbara
Sullivan, Peter	Sweeney, Cynthia	Vaillancourt, Steve	White, John
Williams, Carol			

MERRIMACK

Bouchard, Candace	Brewster, Richard	Burney, Carol	Clarke, Claire
Colcord, J D	Crosby, Toni	Cummings, Raymond	Daneault, Gabriel
Davis, Frank	Fraser, Marilyn	French, Barbara	Gile, Mary
Greco, Vincent	Lockwood, Priscilla	Maxfield, Roy	Moore, Carol
Owen, Derek	Perkins, Randy	Potter, Frances	Rodd, Beth
Rush, Deanna	Seldin, Gloria	Soltani, Tony	Wallner, Mary Jane
Yeaton, Charles			

ROCKINGHAM

Blanchard, MaryAnn	Camm, Kevin	Clark, Martha Fuller	Clark, Vivian
Coes, Betsy	Downing, Michael	Hutchinson, Karen	Kane, Cecelia
Kelley, William	Langley, Jane	McGuire, Robert	Micklon, Stephanie
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Robertson, Carl	Shultis, Elizabeth	Splaine, James	Trueman, Raymond
Weatherspoon, Jacquelyne	Whittier, John		

STRAFFORD

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Estabrook, Iris	Gilmore, Gary	Goodwin, Earle	Heon, Richard
Hughes, Christopher	Kaen, Naida	Knowles, William	Lent, Donald
McCarthy, Gerald	Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Tsiros, William	Wall, Janet	Woodill, Rodney

SULLIVAN

Burling, Peter	Cloutier, John	Ferland, Brenda	Franklin, Peter
Harris, Joseph	Harris, Sandra	Phinizy, James	

and floor amendment was adopted.

Rep. Herman moved that Rep. Scanlan's remarks and responses to questions be printed in the Journal. Without objection, the Speaker so ordered.

remarks

Rep. Scanlan: Thank you, Mr. Speaker. Mr. Speaker, I was here ten years ago when we went through the redistricting process and I can tell you it's awfully nice when we had a legislature, both chambers, that were of the same party leadership and we had a governor who was of the same party. We had a fairly lengthy debate, one day on a hot day like this during the session, and then the redistricting bill passed into law. Relatively speaking, it seemed like a smooth process. However, that's not the case this time around and I certainly don't blame our colleagues on the other side of the aisle. I think that they have their strategy for passing a redistricting proposal. As Republicans, we have ours, too. The bottom line is that the Governor did veto HB 420 which was our original redistricting plan and while we were taking the opportunity to look at her veto message, look at options and have discussions with our colleagues across the aisle, some of the Democrats in the

House did decide to throw the issue into the courts and asked them to take jurisdiction of the redistricting process. We think that's premature and disagree with that approach, but that is the way it is. Following up on how we as Republicans should proceed is to come forward with another redistricting plan that does in fact address some of the Governor's concerns in the veto message. If this process, if this plan were redistricting proposal is going to be in the courts and they are going to have some say in the process and how it's adopted, we would like to address a couple of potential concerns, legal in nature.

All this amendment does over HB 420 is make two changes. It affects two counties. First is the issue of an overlapping floterial district in the town of Mount Vernon. We have corrected that in this plan by creating two districts: one including the towns of New Boston, Mount Vernon and Lyndeborough with two representatives; another creating a single town district of Amherst with three representatives, and then having a float with one representative representing the two districts I just mentioned. That takes care of the overlapping float which is a potential legal concern if this goes to court. The second real potential problem we had with the plan was the fact that the overall statewide deviation was in excess of 20%. It is possible that the court would find that that deviation is simply too high. The way we dealt with that in this amendment was, we went to Coos County where the deviation was very high on a county wide basis and we rearranged the districts there to bring the deviation down to about 6%. The overall deviation statewide is in the range of 16% which the courts have stated in past cases is on the upper end but it is do-able.

Now there are a couple other plans dealing with redistricting that are in your seatpockets. I don't want anybody to be confused with what those do. Because we are attempting to use the campaign finance reform bill as a vehicle and we are discussing other amendments, the redistricting plan that is presented to you today is exactly the same in each instance. The only change is the numbering that would take effect depending on what happens. This amendment assumes that the study committee that we just passed in the floor amendment is what SB 336 is going to look like once we adopt this. Now, if by chance the Bragdon amendment, which is coming up, is adopted, then we have a redistricting plan because that would wipe out this plan if it's adopted, we have another option or alternative for that as well. So, I would strongly urge this House to send this redistricting plan on to the Governor give her another opportunity to take a look at it and also strengthen our position if this goes to court. Thank you.

Rep. Jacobson: Thank you, Mr. Speaker. Thank you, Mr. Majority Leader. I have two quick questions. One is, is the 16% deviation at the high end of possibility or is it the low end?

Rep. Scanlan: It's at the high end of possibility.

Rep. Jacobson: And my second question is how many floterial districts are there in the proposal?

Rep. Scanlan: I don't have the exact number to that. I can tell you we are minus two in Hillsborough County and I would have to do a comparison with Coos County to see if we actually changed the actual number of floats. It's very similar to the plan that we passed on to the Governor in the form of HB 420.

Rep. Jacobson: In the bill that was passed before there were 42 floterial districts up from 27 currently and you were saying there are two less than there were before?

Rep. Scanlan: I believe that there are two less in Hillsborough County and I'm not sure whether we changed the number in Coos County. Rep. Stritch will have that more specific information when he comes up.

Rep. Herman: Thank you, Representative. I just want to make certain I heard you correctly that adoption of this floor amendment does not prevent any further floor amendment from Rep. Bragdon or anybody else from coming forward, is that correct?

Rep. Scanlan: That's correct. The adoption of this amendment does not preclude any other floor amendment coming up after this.

Rep. Bragdon offered floor amendment (3481h).

Floor Amendment (3481h)

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

AN ACT relative to campaign finance reform.

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

1 Political Expenditures and Contributions; Definitions; Contribution. Amend RSA 664:2, VIII to read as follows:

VIII. "Contribution" shall mean a payment, gift, subscription, assessment, contract, payment for services, dues advance, forbearance, or loan **(a)** to a candidate ~~[or political committee]~~ made for the purpose of influencing the nomination or election of ~~[any]~~ **the candidate; or (b) to a political party or to a political committee.** "Contributions" shall include the use of any thing of value but shall not include the services of volunteers who receive no pay therefor or the use of personal resources by a candidate on behalf of his **or her** candidacy.

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

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

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

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

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

XX. "Person" means a natural person, a political committee, a political party, and any other body corporate or politic, unless the context clearly requires otherwise.

4 Political Expenditures and Contributions; Prohibited Political Contributions. Amend the introductory paragraph of RSA 664:4 to read as follows:

No contribution, whether tangible or intangible, shall be made to a candidate, a political committee, or **a** political party, or in behalf of a candidate or political committee or political party, directly or indirectly~~[-, for the purpose of promoting the success or defeat of any candidate or political party at any state primary or general election]:~~

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

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

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

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

7 Political Expenditures and Contributions; Prohibited Political Contributions. Amend RSA 664:4, V to read as follows:

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

8 New Sections; Political Expenditures and Contributions; Limitations on Contributions to Political Committees, Political Parties, and Candidates. Amend RSA 664 by inserting after section 4-b the following new sections:

664:4-c Limitations on Contributions to Political Committees and Political Parties. Contributions by any person to a political committee, other than a political committee working on behalf of a candidate, or to a political party shall not exceed \$5,000 in value in any year.

664:4-d Limitations on Contributions to Candidates. Contributions by any person to a candidate, including contributions to any political committee working on behalf of a candidate, shall not exceed \$5,000 in value for a primary election and \$5,000 in value for a general election, except that contributions to a candidate, including contributions to any political committee working on behalf of a candidate, who does not voluntarily agree to limit his or her campaign expenditures and those expenditures made on his or her behalf as provided in RSA 664:5-a, shall not exceed \$1,000 in value for a primary election and \$1,000 in value for a general election.

9 New Paragraph; Political Expenditures and Contributions; Limitations on Political Expenditures; Exception. Amend RSA 664:5-a by inserting after paragraph III the following new paragraph:

IV. If a candidate voluntarily agrees to limit campaign expenditures as provided in this section, and any opposing candidate (a) has not voluntarily agreed to limit campaign expenditures as provided in this section, and (b) has total expenditures exceeding the expenditure limitation amount established in RSA 664:5-b, the expenditure limitation amount applicable to the candidate shall be increased by $\frac{1}{2}$ of the amount by which the opposing candidate exceeds the limitation amount, provided that the candidate's adjusted expenditure limitation shall not be greater than twice the amount established in RSA 664:5-b.

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

664:6 Reporting by Political Committee.

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

II. An itemized statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday 3 weeks immediately preceding a primary and a

general election, before 5 o'clock in the afternoon. The statement shall summarize the statement filed pursuant to paragraph I, if any, and shall itemize all receipts of contributions and expenditures made since the cutoff of the statement filed pursuant to paragraph I up until the Monday preceding the filing of the statement under this paragraph.

III. A statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday immediately preceding a primary and a general election, before 5 o'clock in the afternoon. The statement shall summarize the statements filed pursuant to paragraphs I and II, if any, and itemize all receipts of contributions and expenditures made since the cutoff of the statement filed pursuant to paragraph II up until the Monday preceding the filing of the statement under this paragraph. In addition to the reporting requirements contained in this section, the fiscal agent shall notify the secretary of state within 24 hours of any contributions exceeding \$500 that are received after the statement under this paragraph is filed and prior to the day of election.

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

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

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

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

VIII. Copies of the statements required by paragraphs I through VII of the state committee of a political party shall be filed with the secretary of state in sufficient numbers so as to

provide a copy for the state committee of each party on the ballot, which they may obtain by application to the secretary of state.

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

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

664:7 Reporting by Candidates.

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

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

11 New Section; Political Expenditures and Contributions; Reports; Form of Contributions; Content of Disclosure Reports; Campaign Finance Disclosure Record. Amend RSA 664 by inserting after section 7-a the following new section:

664:7-b Content of Disclosure Reports. All contributions reported pursuant to RSA 664:6 or RSA 664:7 shall be listed on forms or other means prescribed by the secretary of state. All contributions of \$25 or under shall appear on the statement as unitemized receipts. The listing for each contribution exceeding \$25 shall include the full name and home post office address of the contributor. Contributions shall be categorized as in-state or out-of-state. A summary of the contribution totals by category shall be included with each scheduled report. The report shall also list the aggregate total received from each contributor whose total contributions exceed \$100 for each election and the employer, business organization, or primary source of income; post office address of employer or business; and occupation of the contributor. All expenditures, as defined in RSA 664:2, IX and XVIII, shall be reported in similar detail on forms or other means prescribed by the secretary of state.

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

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

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

14 Committee to Study Campaign Finance Reform.

I. There is established a committee to study campaign finance reform.

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

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

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

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

III. The committee shall study the provisions of RSA 664, political expenditures and contributions. The committee's study shall include, but not be limited to, methods of strengthening state campaign finance laws, especially in regard to issues raised in recent state and federal court decisions and federal law. The committee shall meet independently and in conjunction with the committee to study the recodification of the election laws established by 2002, 19. The committee shall consult with the leaders of the Republican and Democratic state parties, the secretary of state, and the attorney general during the course of its study.

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

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

15 Effective Date.

I. Sections 1-13 of this act shall take effect January 1, 2003.

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

AMENDED ANALYSIS

This bill:

I. Modifies the applicability of certain prohibitions on political contributions.

II. Establishes an exception to the political expenditure limitation amounts for a candidate who is opposed by a candidate who does not agree to limit expenditures and whose expenditures exceed the expenditure limitation amount.

III. Defines coordinated expenditures and changes the definition of independent expenditure.

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

Permits business organizations and labor unions to establish political committees.

VI. Establishes a committee to study campaign finance reform.

Reps. Arndt and Clegg spoke against.

Reps. Leach and Bragdon spoke in favor.

Rep. Bragdon requested a roll call, sufficiently seconded.

The question now being adoption of floor amendment (3481h).

YEAS 164 NAYS 174

YEAS 164

BELKNAP

Millham, Alida

Pilliod, James

Wood, Jane

CARROLL

None

CHESHIRE

Allen, Peter

Avery, Stephen

Batchelder, Robert

Espieffs, Peter

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

Landers, Dana

Rodrigue, Robert

GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Lovett, Sid
Naro, Debra	Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda
Solow, Martha	Williams, Burton		

HILLSBOROUGH

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Bergeron, Jean-Guy
Bergin, Peter	Bragdon, Peter	Buckley, Raymond	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Dionne, David
Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard	Dwyer, Paul
Eaton, Richard	Elliott, Larry	Fletcher, Richard	Foster, Linda
Gargas, Carolyn	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haley, Robert	Hall, Betty	Jean, Claudette	Johnson, Lionel
Kacavas, John	Keye, Harvey	Konys, Christine	Lasky, Bette
Leach, Edward	Lynde, Harold	McDonough-Wallace, Alice	McHugh, Claire
Melcher, Harold	Messier, Irene	Movsesian, Lori	Murphy, Robert
O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas	Schulze, Joan
Shaw, Barbara	Spiess, Paul	Sullivan, Peter	Sweeney, Cynthia
Vaillancourt, Steve	White, John	Williams, Carol	

MERRIMACK

Bouchard, Candace	Brewster, Richard	Burney, Carol	Clarke, Claire
Colcord, J D	Crosby, Toni	Daneault, Gabriel	Davis, Frank
Fraser, Marilyn	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Lockwood, Priscilla	Moore, Carol	Owen, Derek
Perkins, Randy	Potter, Frances	Rodd, Beth	Rush, Deanna
Seldin, Gloria	Soltani, Tony	Wallner, Mary Jane	Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Clark, Martha Fuller
Clark, Vivian	Coes, Betsy	Cox, Russell	DiFruscia, Anthony
Downing, Michael	Kane, Cecelia	Langley, Jane	Langone, John
McGuire, Robert	Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura

Pitts, Jacqueline
Shultis, Elizabeth
Weatherspoon,
Jacquelyne

Putnam, Ed II
Sloan, Stephen
Whittier, John

Robertson, Carl
Splaine, James

Sapareto, Frank
Trueman, Raymond

STRAFFORD

Berube, Roger
Dunlap, Patricia
Heon, Richard
Lent, Donald
Proulx, Raymond
Spang, Judith

Brennan, William
Estabrook, Iris
Hughes, Christopher
McCarthy, Gerald
Rollo, Michael
Taylor, Kathleen

Callaghan, Frank
Gilmore, Gary
Kaen, Naida
Pelletier, Arthur
Smith, Marjorie
Wall, Janet

DeChane, Marlene
Goodwin, Earle
Knowles, William
Pelletier, Marsha
Snyder, Clair
Woodill, Rodney

SULLIVAN

Burling, Peter
Harris, Joseph

Cloutier, John
Harris, Sandra

Ferland, Brenda
Leone, Richard

Franklin, Peter
Phinizy, James

NAYS 174

BELKNAP

Bartlett, Gordon
Flanders, Donald
Rice, Thomas Jr
Wendelboe, Fran

Boyce, Laurie
Holbrook, Robert
Rosen, Ralph

Czech, Stanley
Lawton, David
Russell, David

Dewhirst, Glenn
Nedeau, Stephen
Thomas, John

CARROLL

Babson, David Jr
Patten, Betsey
Sullivan, P Judith

Bradley, Jeb
Philbrick, Donald

Dickinson, Howard
Quimby, Lee

Mock, Henry
Stevens, Stanley

CHESHIRE

Dexter, Judson
Hunt, John
Smith, Edwin

Edwards, Dana
Liebl, George

Emerson, Susan
Roberts, William

Fairbanks, Chandler
Royce, H Charles

COOS

Gallus, John
Woodward, David

Horton, Lynn

Pratt, Leighton

Tholl, John Jr

GRAFTON

Akins, Ralph

Dudley, Terri

Mirski, Paul

Alger, John

Gilman, G Michael

Scanlan, David

Barker, Robert

Giuda, Robert

Sova, Charles

Cobb, John

Marshall, Gene

Ward, Brien

HILLSBOROUGH

Alukonis, David

Bouchard, David

Carlson, Donald

Coughlin, Pamela

Fields, Dennis

Golding, William

Greenberg, Gary

Holden, Randolph

L'Heureux, Robert

McRae, Karen

Pappas, Marc

Salts, Greg

Thulander, O Alan

Artz, Lawrence

Brundige, Robert

Christensen, D L Chris

Dionne, Kimberley

Ford, Nancy

Gonzalez, Carlos

Guinta, Frank

Hopper, Gary

LaFlamme, Paul

Mercer, Robert

Pepino, Leo

Sargent, Maxwell

Wheeler, Robert

Balboni, Michael

Bruno, Pierre

Christiansen, Lars

Dyer, Merton

Furman, Christine

Goulet, Maurice

Hall, Charles

Jean, Loren

LaRose, Richard

Milligan, Robert

Reeves, Sandra

Souza, Kathleen

Batula, Peter

Calawa, Leon Jr

Clegg, Robert Jr

Emerton, Lawrence Sr

Gleneck, David

Graham, John

Herman, Keith

Kurk, Neal

Martel, Andre

Moran, Edward

Rowe, Robert

Tahir, Saghir

MERRIMACK

Anderson, Eric

Hess, David

L'Heureux, Stephen

Swindlehurst, John

Cummings, Raymond

Hutchinson, John

Langer, Ray

Whalley, Michael

Dunne, Christopher

Jacobson, Alf

Leber, William

Winter, Steven

Fraser, Leo Jr

Kennedy, Richard

MacKay, James

ROCKINGHAM

Arndt, Janet

Belanger, Ronald

Boynton, James

Bridle, Russell

Camm, Kevin	Carson, Sharon	Chalbeck, Kevin	Cooney, Richard
Dalrymple, Janeen	Dearborn, Bruce	Dumaine, Dudley	Fesh, Bob
Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey
Gilbert, Karl	Giordano, Ronald	Gleason, John	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hill, Jonathan	Introne, Robert
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kelley, William	Letourneau, Robert	Major, Norman
McKinney, Betsy	Morse, Charles	Nowe, Ronald	Packard, Sherman
Palermo, Diane	Power, Lucille	Priestley, Anne	Quandt, Marshall
Quandt, Matthew	Rausch, James	Reardon, Neil	Ruffner, Walter
Stritch, C Donald	Varrell, Thomas	Welch, David	Weyler, Kenneth

STRAFFORD

Albert, Russell	Bickford, David	Brown, Julie	Cossette, Larry
Harrington, Michael	Musler, George	Reid, Christopher	Tsiros, William
Twombly, James	Woods, Phyllis		

SULLIVAN

Jones, Constance	Odell, Bob	Rodeschin, Beverly
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and the floor amendment failed.

Rep. Whalley requested a roll call; sufficiently seconded.

The question now being adoption of Ought to Pass with Amendment.

YEAS 200 NAYS 140

YEAS 200

BELKNAP

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

CARROLL

Bradley, Jeb	Dickinson, Howard	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	Roberts, William
Royce, H Charles	Smith, Edwin		

COOS

Davis, Perley	Gallus, John	Horton, Lynn	Pratt, Leighton
Tholl, John Jr	Woodward, David		

GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Gilman, G Michael	Giuda, Robert	Marshall, Gene
Mirski, Paul	Scanlan, David	Sova, Charles	Ward, Brien
Williams, Burton			

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Artz, Lawrence	Batula, Peter
Bergeron, Jean-Guy	Bouchard, David	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Christensen, D L Chris	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Dionne, Kimberley	Drisko, Richard
Dyer, Merton	Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr
Fields, Dennis	Fletcher, Richard	Ford, Nancy	Furman, Christine
Gargasz, Carolyn	Gleneck, David	Golding, William	Gonzalez, Carlos
Goulet, Maurice	Graham, John	Greenberg, Gary	Guinta, Frank
Hall, Charles	Herman, Keith	Holden, Randolph	Hopper, Gary
Jean, Loren	Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul
LaRose, Richard	Leach, Edward	Martel, Andre	McHugh, Claire
McRae, Karen	Mercer, Robert	Messier, Irene	Milligan, Robert

Moran, Edward	O'Connell, Timothy	Pappas, Marc	Pepino, Leo
Reeves, Sandra	Rowe, Robert	Salts, Greg	Sargent, Maxwell
Souza, Kathleen	Tahir, Saghir	Thulander, O Alan	Wheeler, Robert

MERRIMACK

Anderson, Eric	Colcord, J D	Cummings, Raymond	Dunne, Christopher
Fraser, Leo Jr	Hager, Elizabeth	Hess, David	Hutchinson, John
Jacobson, Alf	Kennedy, Richard	L'Heureux, Stephen	Langer, Ray
Leber, William	Lockwood, Priscilla	MacKay, James	Swindlehurst, John
Whalley, Michael	Winter, Steven		

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bowles, Raimond	Boynton, James
Bridle, Russell	Camm, Kevin	Carson, Sharon	Case, Margaret
Chalbeck, Kevin	Cooney, Richard	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	DiFruscia, Anthony	Dumaine, Dudley	Fesh, Bob
Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey
Gilbert, Karl	Giordano, Ronald	Gleason, John	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hill, Jonathan	Introne, Robert
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Langley, Jane	Langone, John	Letourneau, Robert
Major, Norman	McKinney, Betsy	Morse, Charles	Nowe, Ronald
Packard, Sherman	Palermo, Diane	Power, Lucille	Priestley, Anne
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Rausch, James
Reardon, Neil	Ruffner, Walter	Sapareto, Frank	Sloan, Stephen
Stritch, C Donald	Varrell, Thomas	Welch, David	Weyler, Kenneth
Whittier, John			

STRAFFORD

Albert, Russell	Bickford, David	Brown, Julie	Cossette, Larry
Harrington, Michael	Musler, George	Reid, Christopher	Twombly, James
Woods, Phyllis			

SULLIVAN

Jones, Constance

Leone, Richard

Odell, Bob

Rodeschin, Beverly

NAYS 140

BELKNAP

Wood, Jane

CARROLL

Babson, David Jr

CHESHIRE

Allen, Peter

Batchelder, Robert

Espieffs, Peter

Manning, Joseph

McGuirk, Paul

Meador, 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

Naro, Debra

Nordgren, Sharon

Pawlek, Marion

Scovner, Nancy

Sokol, Hilda

Solow, Martha

HILLSBOROUGH

Andosca, Mary

Balboni, Michael

Baroody, Benjamin

Bellavance, Paul

Bergin, Peter

Bragdon, Peter

Buckley, Raymond

Clemons, Jane

Cote, David

Cote, Peter

Craig, James

Dionne, David

Dokmo, Cynthia

Drabinowicz, A Theresa

Dwyer, Paul

Foster, Linda

Ginsburg, Ruth

Goley, Jeffrey

Gorman, Mary

Haley, Robert

Hall, Betty

Jean, Claudette

Johnson, Lionel

Kacavas, John

Keye, Harvey

Konys, Christine

Lasky, Bette

Lynde, Harold

McDonough-Wallace, Alice	Melcher, Harold	Movsesian, Lori	Murphy, Robert
Palangas, Eric	Panagopoulos, Nicholas	Schulze, Joan	Shaw, Barbara
Spiess, Paul	Sullivan, Peter	Sweeney, Cynthia	Vaillancourt, Steve
White, John	Williams, Carol		

MERRIMACK

Bouchard, Candace	Brewster, Richard	Burney, Carol	Clarke, Claire
Crosby, Toni	Daneault, Gabriel	Davis, Frank	Fraser, Marilyn
French, Barbara	Gile, Mary	Greco, Vincent	Moore, Carol
Owen, Derek	Perkins, Randy	Potter, Frances	Rodd, Beth
Rush, Deanna	Seldin, Gloria	Soltani, Tony	Wallner, Mary Jane
Yeaton, Charles			

ROCKINGHAM

Blanchard, MaryAnn	Clark, Martha Fuller	Clark, Vivian	Coes, Betsy
Downing, Michael	Kane, Cecelia	Kelley, William	McGuire, Robert
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Robertson, Carl	Shultis, Elizabeth	Splaine, James	Trueman, Raymond
Weatherspoon, Jacquelyne			

STRAFFORD

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Goodwin, Earle
Heon, Richard	Hughes, Christopher	Kaen, Naida	Knowles, William
Lent, Donald	McCarthy, Gerald	Pelletier, Arthur	Pelletier, Marsha
Proulx, Raymond	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Tsiros, William	Wall, Janet
Woodill, Rodney			

SULLIVAN

Burling, Peter	Cloutier, John	Ferland, Brenda	Franklin, Peter
Harris, Joseph	Harris, Sandra	Phinizy, James	

and the motion was adopted.

Ordered to third reading.

Rep. Babson voted nay and intended to vote aye.

protest

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Peter M. Sullivan requested that his protest be entered on the Journal.

Under the provision of Article 24, Part 2 of the New Hampshire Constitution, I hereby protest passage of SB 336, as amended, as violative of the rules of the New Hampshire House of Representatives and the Constitution of the State of New Hampshire.

special order

SB 425-FN-L, revising the formula used to calculate the cost of an adequate education.

The question being adoption of Section 3 of the amended bill.

YEAS 193 NAYS 143

YEAS 193

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Lawton, David	Millham, Alida
Neddeau, Stephen	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Thomas, John	Wendelboe, Fran		

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Mock, Henry
Patten, Betsey	Quimby, Lee	Stevens, Stanley	Sullivan, P Judith

CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
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Fairbanks, Chandler
Royce, H Charles

Hunt, John
Smith, Edwin

Liebl, George

Roberts, William

COOS

Gallus, John
Woodward, David

Horton, Lynn

Pratt, Leighton

Tholl, John Jr

GRAFTON

Alger, John
Gilman, G Michael
Scanlan, David

Barker, Robert
Giuda, Robert
Sova, Charles

Cobb, John
Marshall, Gene
Ward, Brien

Dudley, Terri
Mirski, Paul
Williams, Burton

HILLSBOROUGH

Allan, Nelson
Batula, Peter
Bragdon, Peter
Carlson, Donald
Coughlin, Pamela
Dyer, Merton
Fletcher, Richard
Gleneck, David
Graham, John
Hall, Charles
Jean, Loren
LaRose, Richard
McRae, Karen
O'Connell, Timothy
Salts, Greg
Tahir, Saghir

Alukonis, David
Bergeron, Jean-Guy
Brundige, Robert
Christensen, D L Chris
Dionne, Kimberley
Elliott, Larry
Ford, Nancy
Golding, William
Greenberg, Gary
Herman, Keith
Kurk, Neal
Leach, Edward
Mercer, Robert
Pappas, Marc
Sargent, Maxwell
Thulander, O Alan

Artz, Lawrence
Bergin, Peter
Bruno, Pierre
Christiansen, Lars
Dokmo, Cynthia
Emerton, Lawrence Sr
Furman, Christine
Gonzalez, Carlos
Guinta, Frank
Holden, Randolph
L'Heureux, Robert
Martel, Andre
Milligan, Robert
Reeves, Sandra
Souza, Kathleen
Vaillancourt, Steve

Balboni, Michael
Bouchard, David
Calawa, Leon Jr
Clegg, Robert Jr
Drisko, Richard
Fields, Dennis
Gargasz, Carolyn
Goulet, Maurice
Haley, Robert
Hopper, Gary
LaFlamme, Paul
McHugh, Claire
Moran, Edward
Rowe, Robert
Spiess, Paul
Wheeler, Robert

MERRIMACK

Anderson, Eric
Fraser, Leo Jr
Kennedy, Richard

Brewster, Richard
Hager, Elizabeth
L'Heureux, Stephen

Cummings, Raymond
Hess, David
Langer, Ray

Dunne, Christopher
Hutchinson, John
Leber, William

MacKay, James
Winter, Steven

Soltani, Tony

Swindlehurst, John

Whalley, Michael

ROCKINGHAM

Arndt, Janet

Belanger, Ronald

Bowles, Raimond

Boynton, James

Bridle, Russell

Camm, Kevin

Carson, Sharon

Chalbeck, Kevin

Clark, Vivian

Cox, Russell

Dalrymple, Janeen

Dearborn, Bruce

Downing, Michael

Dumaine, Dudley

Fesh, Bob

Flanagan, Natalie

Flanders, John Sr

Francoeur, Sheila

Gilbert, Jeffrey

Gilbert, Karl

Giordano, Ronald

Gleason, John

Griffin, Mary

Hamel, Albert

Henderson, Warren

Hill, Jonathan

Introne, Robert

Itse, Daniel

Johnson, Rogers

Katsakiores, George

Katsakiores, Phyllis

Kelley, William

Langley, Jane

Letourneau, Robert

Major, Norman

McKinney, Betsy

Morse, Charles

Nowe, Ronald

Packard, Sherman

Palermo, Diane

Power, Lucille

Priestley, Anne

Quandt, Marshall

Quandt, Matthew

Reardon, Neil

Ruffner, Walter

Sloan, Stephen

Stritch, C Donald

Varrell, Thomas

Welch, David

Weyler, Kenneth

Whittier, John

STRAFFORD

Bickford, David

Cossette, Larry

Dunlap, Patricia

Harrington, Michael

Musler, George

Reid, Christopher

Twombly, James

Woods, Phyllis

SULLIVAN

Jones, Constance

Odell, Bob

Rodeschin, Beverly

NAYS 143

BELKNAP

Pilliod, James

Wood, Jane

CARROLL

Philbrick, Donald

CHESHIRE

Allen, Peter	Batchelder, Robert	Espieffs, Peter	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	Landers, Dana	Rodrigue, Robert
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GRAFTON

Akins, Ralph	Almy, Susan	Benn, Bernard	Cooney, Mary
Lovett, Sid	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scovner, Nancy	Sokol, Hilda	Solow, Martha	

HILLSBOROUGH

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Buckley, Raymond
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Dionne, David	Drabinowicz, A Theresa	Dwyer, Paul	Foster, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Hall, Betty
Jean, Claudette	Johnson, Lionel	Kacavas, John	Keye, Harvey
Konys, Christine	Lasky, Bette	Lynde, Harold	McDonough-Wallace, Alice
Melcher, Harold	Messier, Irene	Movsesian, Lori	Murphy, Robert
Palangas, Eric	Panagopoulos, Nicholas	Pepino, Leo	Schulze, Joan
Shaw, Barbara	Sullivan, Peter	Sweeney, Cynthia	White, John
Williams, Carol			

MERRIMACK

Bouchard, Candace	Burney, Carol	Clarke, Claire	Colcord, J D
Crosby, Toni	Daneault, Gabriel	Davis, Frank	Fraser, Marilyn
French, Barbara	Gile, Mary	Greco, Vincent	Jacobson, Alf
Lockwood, Priscilla	Moore, Carol	Owen, Derek	Perkins, Randy
Potter, Frances	Rodd, Beth	Rush, Deanna	Wallner, Mary Jane
Yeaton, Charles			

ROCKINGHAM

Blanchard, MaryAnn	Case, Margaret	Clark, Martha Fuller	Coes, Betsy
Cooney, Richard	DiFruscia, Anthony	Johnson, Robert	Langone, John
McGuire, Robert	Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura
Pitts, Jacqueline	Putnam, Ed II	Rausch, James	Robertson, Carl
Sapareto, Frank	Shultis, Elizabeth	Splaine, James	Trueman, Raymond
Weatherspoon, Jacquelyne			

STRAFFORD

Berube, Roger	Brennan, William	Brown, Julie	Callaghan, Frank
DeChane, Marlene	Estabrook, Iris	Gilmore, Gary	Goodwin, Earle
Heon, Richard	Hughes, Christopher	Kaen, Naida	Knowles, William
Lent, Donald	McCarthy, Gerald	Pelletier, Arthur	Pelletier, Marsha
Proulx, Raymond	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Tsiros, William	Wall, Janet
Woodill, Rodney			

SULLIVAN

Burling, Peter	Cloutier, John	Ferland, Brenda	Franklin, Peter
Harris, Joseph	Harris, Sandra	Leone, Richard	Phinizy, James

and Section 3 was adopted.

Remainder of bill adopted and ordered to third reading.

regular calendar (cont'd.)

SB 326, establishing a committee to study the workers' compensation appeals process at the department of labor. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert E. Clegg, Jr. for the Majority of Labor, Industrial and Rehabilitative Services: The intent of the legislation is to study the current workers compensation appeals process. Concerns from parties on both sides of the issue were responsible for the filing of legislation. No changes are being made to the process under this bill. The committee would make recommendations for any future

changes to the next legislature by filing a bill, which would then follow the same procedures as any other bill. Vote 10-7.

Rep. Benjamin C. Baroody for the Minority of Labor, Industrial and Rehabilitative Services: Having been a member of the Workers Compensation Appeals Board for over 9 years, I have seen many changes first-hand. The system is now working very well. Since its inception in 1991, we have seen cases that took 2 to 3 years to be heard in Superior Court now being heard in 3 months or less with the Workers Compensation Appeals Board. Employers have seen double digit premium rate reductions with another 6% reduction just last year. This significant rate reduction is due mainly to speedy resolution of its cases.

Rep. Baroody offered floor amendment (3554h).

Floor Amendment (3554h)

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

AN ACT establishing a committee to study the workers' compensation hearings and appeals process at the department of labor.

Amend the bill by replacing sections 1-3 with the following:

1 Committee Established. There is established a committee to study the workers' compensation hearings and appeals process at the department of labor.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study:

I. The membership of the appeals board created under RSA 281-A:43, including the selection and appointment process and the size and composition of the board.

II. The grounds for appeals and manner in which appeals are brought to the board.

III. The docketing and hearings process including continuances, recesses, and any other causes for delays in the scheduling or holding of hearings.

IV. Any other matters that may adversely impact the efficiency or fairness of the hearings and appeals process.

AMENDED ANALYSIS

This bill creates a study committee to study the workers' compensation hearings and appeals process at the department of labor.

Reps. Baroody and Clegg spoke in favor.

Adopted.

Amended majority report adopted and ordered to third reading.

SB 418-FN, relative to unemployment compensation. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Franklin C. Bishop for the Majority of Labor, Industrial and Rehabilitative Services: This bill was requested by the Department of Employment Security and received the full support of the Unemployment Insurance Advisory Council. Vote 10-4.

Rep. Corey E. Corbin for the Minority of Labor, Industrial and Rehabilitative Services: SB 418 simply increases the maximum unemployment compensation payments made to unemployed workers. This bill was introduced because the unemployment compensation trust fund recently received a one-time federal disbursement of \$38 million. This bill increases the average weekly amount for recipients in the top levels by almost 70%. The cost, presumably, to be absorbed by this federal disbursement of funds. The concern of the minority is as follows: the Department of Employment Security says that because quarterly employer payments are coming due, representing an additional \$20 million deposit into the fund, there will be no impact on the solvency of the trust fund. The Deputy Commissioner testified that the Department of Employment Security would be paying out approximately \$10.5 million per month for the next six months if this bill took effect. Simple math tells us that if we are spending \$63 million over the course of six months, but receiving only \$40 million in new taxes in the same time frame, we are spending \$23 million more than we are taking in. The minority further believes that whereas this bill would provide a benefit to only those receiving the top levels of compensation, the vast majority of New Hampshire's citizens currently enrolled in the unemployment program would receive no additional benefit at all. If we are going to provide an increase in a benefit, it should be for all unemployed citizens including the poorest, and not given just to those who probably don't need it to begin with. We, therefore, encourage the members of the House to oppose the majority recommendation of Ought to Pass.

Majority report adopted and ordered to third reading.

SB 436, allowing municipalities to adopt a lower interest rate charged on property tax payments made for property redemptions. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: Currently, property taxes delinquent after 30 days are charged 12% interest, subsequent to the issuance of a lien, the interest charge is 18%. This bill would have given municipalities the option to change the interest rates lower than 18%, but not lower than 7%. This bill was strongly opposed by selectmen and tax collectors throughout the state. Among their concerns were the possibility of multi school districts having different rates, the difficulty of keeping track of varying rates and potential court challenges from one town to another. Additionally the 18% charge barely covers the cost to the towns for processing the collection of the delinquent taxes. Finally, delinquent taxes increase the cost to the other taxpayers who paid on time. The committee agreed with these concerns. Vote 14-4.

Adopted.

senate messages

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1396, authorizing the state veterinarian to provide wildlife disease prevention and treatment. (Amendment printed SJ 04/11/02)

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

Adopted.

The Speaker appointed Reps. Babson, Melcher, McKinney and Carlson

HB 1210, relative to training to be a licensed esthetician, and relative to experience required for shop licensure of barbers, cosmetologists, or estheticians (Amendment printed SJ 04/11/02)

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

Adopted.

The Speaker appointed Reps. Peterson, Goulet, Dexter and Schulze.

HB 1314, requiring candidates for speaker of the house of representatives to file certain reports and register as political committees. (Amendment printed SJ 04/10/02)

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

Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1133, 1166, 1184, 1201, 1215, 1225, 1254, 1285, 1367, 1435, 1442 and 1443.

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

senate messages

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1167, permitting wine manufacturers to sell their products at farmers' markets. (Amendment printed SJ 04/11/02)

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

Adopted.

HB 1203, relative to retroactive health insurance denials. (Amendment printed SJ 04/11/02)

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

Adopted.

HB 1220, relative to assisted living residences and housing for older persons. (Amendment printed SJ 04/10/02)

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

Adopted.

HB 1180, establishing a task force to research revenue streams to fund intermodal transportation systems in New Hampshire. (Amendment printed SJ 04/11/02)

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

Adopted.

regular calendar (cont'd.)

SB 410, relative to large groundwater withdrawals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT**

Rep. Richard T. Cooney for the Majority of Resources, Recreation and Development: This bill, as amended, establishes a study commission to deal with many important water issues brought up by the bill as introduced and by the several additional amendments presented to the committee. Many of these issues deal with studies which deserve a comprehensive water study, not one addressing ground water withdrawals only. These issues deal with providing for adequate future supplies of water, how to deal with differing uses of water by various interests, and how to increase and define water efficiency. These issues involve all sources of water not only ground water rules. In addition, since the present groundwater rules which have been in effect for only 1-2 years appear to be working well, and since there are larger issues at stake, a study is strongly recommended. Vote 10-5.

Rep. Judith T. Spang for the Minority of Resources, Recreation and Development: The minority believes that SB 410 addresses major deficiencies in the large groundwater withdrawal statute enacted in 1998. First, under current law there is no distinction made between withdrawals for local public water supply and those for commercial purposes. Second, under current law the Department of Environmental Services (DES) cannot consider the impact of a proposed withdrawal on the water resources necessary for a municipalities future water needs. Third, it is not clear under current statute that a potential large withdrawer could not evade large groundwater regulation by putting in several smaller wells tapping the same water source. Finally, it has become apparent that the statute leaves DES with no clear directives on how to incorporate local input into the approval process. SB 410 does not give municipalities veto power, but does allow for formation of a local

review committee to provide the local perspective on the proposed withdrawal. The Spang-Rush amendment addresses concerns raised in hearings and committee work. It exempts agriculture from commercial withdrawal regulations, and grandfathers existing withdrawals. It also clarifies the role of local review committees so that the permit approval process cannot be delayed or made substantially more expensive by community involvement. Finally SB 410 as amended provides for a study committee to address the remaining issues raised by implementation of the large groundwater withdrawal statutes. Thus the Spang-Rush amendment provides for a study of larger issues, but also takes real steps in addressing the problems that DES and communities have been having with the current statute.

Majority Amendment (3415h)

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

AN ACT establishing a commission to study issues relative to large groundwater withdrawals.

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

1 Commission Established. The general court recognizes that the waters of New Hampshire are a precious and invaluable resource upon which there is an ever increasing demand for existing, new and competing uses. The general court further recognizes that an adequate supply of groundwater for domestic, agricultural, industrial, and recreational uses and for fish and wildlife is essential to the health, safety, and welfare of the people of New Hampshire. Therefore there is hereby established a commission to study ways to clarify the hierarchy of water uses while considering existing private property rights, to evaluate a balanced approach to water use among residential, public water supply, industrial, commercial, agricultural, recreational and other water users, and to review the current process by which all such new water users may reasonably and efficiently use state water resources, including consideration of potential regional impacts and local water management issues, in order to best protect and preserve an adequate supply of groundwater for the state.

2 Membership and Compensation.

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

- (a) Three members of the senate, appointed by the president of the senate.
- (b) Three members of the house of representatives, appointed by the speaker of the house.
- (c) A representative of public water supplier interests, nominated by the New Hampshire Water Works Association, and appointed by the governor.
- (d) The commissioner of the department of environmental services or designee.
- (e) A representative of the International Bottled Water Association, appointed by the governor.
- (f) Two members of the public, appointed by the governor.

(g) A representative of industrial/commercial interests, nominated by the Business and Industry Association of New Hampshire, and appointed by the governor.

(h) A representative of municipal interests, nominated by the New Hampshire Municipal Association, and appointed by the governor.

(i) A representative of agricultural interests, nominated by the New Hampshire Farm Bureau, and appointed by the governor.

(j) A representative of recreational interests, nominated by the New Hampshire Travel Council, and appointed by the governor.

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

3 Duties. The commission shall study ways to clarify the hierarchy of water uses, while considering existing private property rights, to evaluate a balanced approach to water use among residential, public water supply, industrial, commercial, agricultural, recreational and other water users, and to review the current process by which all such new water users may reasonably and efficiently use state water resources, including consideration of potential regional impacts and local water management issues, in order to best protect and preserve an adequate supply of groundwater for the state. This study shall include consideration of issues such as potential impacts on New Hampshire's environment, other water users, municipalities, and the state's economy. The commission shall also evaluate whether there is a need for additional regulation to address different uses of water.

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

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

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

AMENDED ANALYSIS

This bill establishes a commission to study issues relative to large water withdrawals.

Reps. Musler and Norelli spoke against.

Rep. Spang spoke against and yielded to questions.

Reps. Cooney, Gallus and Lawton spoke in favor.

Rep. Musler requested a roll call; sufficiently seconded.

The question being adoption of the majority amendment.

YEAS 189 NAYS 122

YEAS 189

BELKNAP

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

CARROLL

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

CHESHIRE

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

COOS

Gallus, John	Horton, Lynn	Tholl, John Jr	Woodward, David
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GRAFTON

Alger, John	Barker, Robert	Cobb, John	Dudley, Terri
Gilman, G Michael	Giuda, Robert	Ham, Bonnie	Marshall, Gene
Mirski, Paul	Scanlan, David	Sova, Charles	Ward, Brien
Williams, Burton			

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Batula, Peter	Bergeron, Jean-Guy	Bouchard, David	Bragdon, Peter
Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald

Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr	Dionne, Kimberley
Dokmo, Cynthia	Drisko, Richard	Dyer, Merton	Eaton, Richard
Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard
Ford, Nancy	Furman, Christine	Gargasz, Carolyn	Gleneck, David
Golding, William	Gonzalez, Carlos	Goulet, Maurice	Graham, John
Greenberg, Gary	Guinta, Frank	Hall, Charles	Herman, Keith
Hopper, Gary	Jean, Loren	Johnson, Lionel	Kurk, Neal
LaFlamme, Paul	LaRose, Richard	Leach, Edward	Martel, Andre
McHugh, Claire	McRae, Karen	Mercer, Robert	Milligan, Robert
Moran, Edward	O'Connell, Timothy	Pappas, Marc	Reeves, Sandra
Rowe, Robert	Salts, Greg	Sargent, Maxwell	Souza, Kathleen
Spiess, Paul	Tahir, Saghir	Thulander, O Alan	Vaillancourt, Steve
Wheeler, Robert			

MERRIMACK

Anderson, Eric	Brewster, Richard	Cummings, Raymond	Dunne, Christopher
Fraser, Leo Jr	Hess, David	Kennedy, Richard	L'Heureux, Stephen
Langer, Ray	Leber, William	Lockwood, Priscilla	MacKay, James
Soltani, Tony	Whalley, Michael	Winter, Steven	

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Camm, Kevin
Carson, Sharon	Chalbeck, Kevin	Clark, Vivian	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	Dumaine, Dudley
Fesh, Bob	Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald	Gleason, John
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hill, Jonathan
Introne, Robert	Itse, Daniel	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kelley, William	Langone, John	Letourneau, Robert
Major, Norman	McKinney, Betsy	Morse, Charles	Nowe, Ronald
Packard, Sherman	Palermo, Diane	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Rausch, James	Ruffner, Walter
Sloan, Stephen	Stone, Joseph	Stritch, C Donald	Varrell, Thomas
Welch, David	Weyler, Kenneth	Whittier, John	

STRAFFORD

Albert, Russell	Bickford, David	Brown, Julie	Cossette, Larry
Harrington, Michael	Reid, Christopher	Twombly, James	Woods, Phyllis

SULLIVAN

Jones, Constance	Leone, Richard	Odell, Bob	Rodeschin, Beverly
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NAYS 122

BELKNAP

Pilliod, James	Wood, Jane
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CARROLL

None

CHESHIRE

Allen, Peter	Batchelder, Robert	Emerson, Susan	Mitchell, McKim
Pratt, Irene	Richardson, Barbara	Zerba, Roger	

COOS

Bradley, Paula	Davis, Perley	Landers, Dana	Pratt, Leighton
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GRAFTON

Akins, Ralph	Almy, Susan	Benn, Bernard	Lovett, Sid
Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy	Sokol, Hilda

HILLSBOROUGH

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Buckley, Raymond
Cote, David	Cote, Peter	Drabinowicz, A Theresa	Foster, Linda
Ginsburg, Ruth	Haley, Robert	Hall, Betty	Holden, Randolph
Jean, Claudette	Kacavas, John	Keye, Harvey	Konys, Christine
L'Heureux, Robert	Lasky, Bette	Lynde, Harold	Melcher, Harold

Messier, Irene	Movsesian, Lori	Murphy, Robert	Palangas, Eric
Panagopoulos, Nicholas	Schulze, Joan	Shaw, Barbara	Sullivan, Peter
Sweeney, Cynthia	White, John	Williams, Carol	

MERRIMACK

Bouchard, Candace	Burney, Carol	Clarke, Claire	Daneault, Gabriel
Davis, Frank	Fraser, Marilyn	French, Barbara	Greco, Vincent
Jacobson, Alf	Moore, Carol	Owen, Derek	Perkins, Randy
Potter, Frances	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Swindlehurst, John	Wallner, Mary Jane	Yeaton, Charles	

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Boynnton, James	Case, Margaret
Clark, Martha Fuller	Coes, Betsy	DiFruscia, Anthony	Downing, Michael
Johnson, Robert	Langley, Jane	McGuire, Robert	Norelli, Terie
O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline	Power, Lucille
Reardon, Neil	Robertson, Carl	Shultis, Elizabeth	Splaine, James
Trueman, Raymond	Weatherspoon, Jacquelyne		

STRAFFORD

Berube, Roger	Brennan, William	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Goodwin, Earle	Hughes, Christopher
Kaen, Naida	Knowles, William	McCarthy, Gerald	Musler, George
Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Wall, Janet	Woodill, Rodney		

SULLIVAN

Burling, Peter	Cloutier, John	Ferland, Brenda	Franklin, Peter
Harris, Joseph	Harris, Sandra	Phinizy, James	

and the majority amendment was adopted.

Rep. Spang offered a floor amendment (3231h).

Floor Amendment (3231h)

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

1 New Paragraph; Protection of an Adequate Supply of Groundwater, Large Withdrawals Compatible. Amend RSA 485-C:1 by inserting after paragraph II the following new paragraph:

III. The purpose of this chapter is also to protect, conserve, and manage an adequate supply of groundwater to benefit all existing and future users of New Hampshire's water resources. In recognition that the waters of New Hampshire are a precious, finite, and invaluable resource upon which there is an ever increasing demand for existing, new, and competing uses; and in further recognition that an adequate supply of groundwater for domestic, agricultural, industrial, and recreational uses and for fish and wildlife is essential to the health, safety, and welfare of the people of New Hampshire, the legislature finds and declares that large groundwater withdrawals shall be compatible with long-range water resource planning and proper management and use of the water resources of New Hampshire, and consistent with New Hampshire's policy of protecting, conserving, and managing the water resources of the state in the interest of present and future generations.

2 Definitions; Agriculture, Agricultural Withdrawal, Ambient Groundwater Quality Standards. Amend RSA 485-C:2, I to read as follows:

I. ***"Agriculture" means agriculture as defined in RSA 21:34-a.***

I-a. "Agricultural withdrawal" means a new withdrawal of groundwater of 57,600 gallons or more in any 24-hour period from a withdrawal site that will be used for agriculture.

I-b. "Ambient groundwater quality standards" means maximum concentration levels for regulated contaminants in groundwater which result from human operations or activities, as delineated in RSA 485-C:6.

3 New Paragraph; Definition Added. Amend RSA 485-C:2 by inserting after paragraph II the following new paragraph:

II-a. "Commercial withdrawal" means a new withdrawal of groundwater of 57,600 gallons or more in any 24-hour period from a withdrawal site that will be used for purposes other than agriculture, community water supply, or to supply individual domestic water systems.

4 New Paragraphs; Definitions Added. Amend RSA 485-C:2 by inserting after paragraph III the following new paragraphs:

III-a. "Community water supply" means water withdrawn to supply a community water system.

III-b. "Community water system" means a community water system as defined in RSA 485:1-a, I.

5 New Paragraph; Definition Added. Amend RSA 485-C:2 by inserting after paragraph X the following new paragraph:

X-a. "New withdrawal" means the removal of 57,600 gallons or more of groundwater in any 24-hour period after the effective date of this paragraph from either an untapped spring or springs, or a new well or wells, or from a spring or well that has not been used for any water withdrawal on a consistent basis for the prior 2 or more years.

6 New Paragraph; Definition Added. Amend RSA 485-C:2 by inserting after paragraph XIV the following new paragraph:

XIV-a. "Study area" means the area that encompasses the maximum extent of the cone of depression created by the new withdrawal, the maximum extent of the recharge area for the new withdrawal, and the downgradient area of the new withdrawal. The downgradient area of the new withdrawal shall include: the area where water taken by the new withdrawal would flow if the new withdrawal did not operate; the area that will provide water to the downgradient area when the new withdrawal is operating; and the point where the amount of water to be withdrawn is negligible when compared to the amount of water crossing the boundary using one of the following methods:

(a) An existing or new delineation of a watershed large enough so that the size of the entire study area for the new withdrawal is at least 10 times the size of the recharged area for the withdrawal;

(b) An existing or new delineation of a watershed where the amount of water crossing the downgradient boundary, that is, leaving the study area under current conditions, is at least 10 times the amount of water to be withdrawn; or

(c) An alternative method of estimating a study area provided it:

(1) Relies on conservation assumptions;

(2) Is demonstrated as appropriate for the site by testing results; and

(3) Is clearly explained and justified in a written report developed in accordance with this chapter and rules adopted pursuant to this chapter.

7 New Paragraphs; Definitions Added. Amend RSA 485-C:2 by inserting after paragraph XVIII the following new paragraphs:

XVIII-a. "Withdrawal" means the removal of groundwater for any purpose.

XVIII-b. "Withdrawal site" means a parcel of land where one or more new withdrawals are established by a person to withdraw water for a community water supply, agriculture, or a commercial purpose. Multiple withdrawal sites shall be considered a single withdrawal site for purposes of determining the number of gallons withdrawn in a 24-hour period where one or more of such withdrawal sites are owned, operated, or controlled by the same person or an affiliate of that person and one or more of such withdrawal sites are connected hydrogeologically and are withdrawing water from the same source. For purposes of this paragraph, "affiliate" means a person who directly or indirectly through one or more intermediaries controls, or is controlled by, or is under common control with, a withdrawal site owner or operator, an officer, director, partner, shareholder, member, or any relative of the foregoing persons. For purposes of this paragraph "control" means possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether it is through the ownership of voting securities or by contract or otherwise.

8 Rulemaking; Large Groundwater Withdrawals. RSA 485-C:4, XII is repealed and reenacted to read as follows:

XII. All new groundwater withdrawals of 57,600 gallons or more in any 24-hour period. Such rules shall include:

(a) Criteria and procedures for requiring persons to identify and address impacts of new withdrawals on surface waters, subsurface waters, water-related natural resources, and public, private, residential, and farm wells within the anticipated study area.

(b) Requirements relative to water conservation management plans which demonstrate water use efficiency related to the proposed new withdrawals, to be submitted by the persons seeking approval for a new withdrawal.

(c) Requirements and procedure relative to demonstrating requirements for approval in accordance with RSA 485-C:21, II-IV.

(d) If hydrogeologic data indicate that any well, water resource, or water-related resources will be or are being adversely affected by the new withdrawal, procedures by which the department may deny, revoke, or suspend permission for a new withdrawal, or reduce the amount of water withdrawn.

(e) If hydrogeologic data indicate that any private well is being adversely affected by the new withdrawal, procedures by which the department may allow or require a mitigation program for provision of a substantially similar alternative water supply to the adversely affected well at no initial capital cost to persons whose wells are or will be adversely affected by the new withdrawal.

(f) Requirements and procedures for exempting replacement wells and temporary withdrawals such as new withdrawals needed on a periodic short-term basis or for groundwater remediation or construction dewatering from RSA 485-C:21, II and III.

9 Notification of Large Groundwater Withdrawal Required. Amend RSA 485-C:14-a to read as follows:

485-C:14-a Notwithstanding any provision of law to the contrary, before any person may establish a new withdrawal of 57,600 gallons or more of water in any 24-hour period from a ~~[well]~~ **withdrawal site**, such person shall provide written notice to the governing body of the municipality in which the ~~[well]~~ **new withdrawal site** is located and to the governing bodies of each municipality and each supplier of water within the anticipated ~~[zone of contribution to the well]~~ **study area**. This section shall apply only to ~~[wells]~~ **new withdrawals** established after the effective date of this section.

10 Municipal Authority. RSA 485-C:20 is repealed and reenacted to read as follows:

485-C:20 Municipal Authority.

I. Nothing in this chapter preempts the authority of municipalities, under other statutes, to enact as stringent or more stringent requirements affecting groundwater, except that the quantity of groundwater that may be withdrawn for any purpose shall be regulated solely by the state.

II. A municipality may require a person proposing to withdraw water to demonstrate compliance with local zoning restrictions and with all applicable local ordinances related to the siting of the withdrawal and associated site development and groundwater quality. If such demonstration of compliance is required, the project shall be considered a development of regional impact and shall be subject to the procedure required by RSA 36:57.

11 Approval for Large Groundwater Withdrawals. RSA 485-C:21 is repealed and reenacted to read as follows:

485-C:21 Approval for Large Groundwater Withdrawals.

I. No person may establish a new withdrawal to withdraw 57,600 gallons or more of water in any 24-hour period from a withdrawal site after the effective date of this section without the prior approval of the department.

II. The department shall not approve a new withdrawal for community water supply of 57,600 gallons or more of groundwater from a withdrawal site in any 24-hour period, except for new withdrawals meeting the criteria for replacement or temporary withdrawals, unless the person seeking approval successfully demonstrates the following :

(a) Water-related resources will not be adversely affected or, in the case of wells, will be mitigated if adversely affected; and

(b) Water use efficiency.

III. The department shall not approve a new groundwater withdrawal for commercial purposes of 57,600 gallons or more of water in any 24-hour period, except for new withdrawals meeting the criteria for replacement or temporary withdrawals from a withdrawal site, unless the person seeking approval successfully shows public benefit by demonstrating all of the following:

(a) Water-related resources will not be adversely affected or, in the case of wells, will be mitigated if adversely affected and provided that the mitigation is reasonably acceptable to adversely affected well owners.

(b) Water use efficiency.

(c) The new withdrawal is consistent with municipal ordinances pertaining to groundwater quality in effect at the time the application is submitted.

(d) The new withdrawal will not compromise the future supply of groundwater necessary to support reasonably expected land uses in the study area based on land use regulations of affected municipalities

(e) Proof of financial responsibility, such as liability insurance, for potential damages to the environment.

(f) Sufficient reliability, expertise, integrity, and competency to ensure compliance with the terms and conditions of the permit.

IV. The department shall not approve a new withdrawal for agriculture of 57,600 gallons or more of groundwater from a withdrawal site in any 24-hour period, except for new

withdrawals meeting the criteria for replacement or temporary withdrawals, unless the person seeking approval successfully demonstrates the following:

(a) Water related resources will not be adversely affected or, in the case of wells, will be mitigated if adversely affected; and

(b) Water use efficiency.

V. Preliminary applications for approval of new withdrawals of 57,600 gallons or more per day shall be filed with the department in a form approved by the department. The preliminary application shall contain information in a preliminary report for well siting pursuant to department rules, a conservation plan, and for commercial withdrawals, information required for approval in accordance with paragraph III. Copies of the preliminary application and all subsequent submittals to the department shall be forwarded by certified mail by the applicant to the governing bodies of each municipality and each supplier of municipal water within the anticipated study area.

VI. Final applications for approval of a new withdrawal of 57,600 gallons or more per day shall be filed with the department in a form approved by the department. The final application shall contain information in a final report for well siting pursuant to department rules, any revisions to the conservation plan, and for commercial withdrawals, revisions to information required for approval in accordance with paragraph III. Copies of the final application and all subsequent submittals to the department shall be forwarded by certified mail by the applicant to the governing bodies of each municipality and each supplier of municipal water within the anticipated study area.

VII. Following the submission of the preliminary application, when the aquifer testing program has been approved but before it has been conducted, and after the applicant has submitted a final report including aquifer testing analysis, the department shall hold at least one public hearing on the application in the municipality in which the proposed new withdrawal is to be made upon the request of the governing body of any municipality or supplier of water within the anticipated study area, provided that such a hearing is requested within 30 days of receipt of the application or of notice from the department offering the opportunity for a hearing.

VIII. The department shall hold at least one public hearing within 30 days after the request of the governing body of the municipality or the supplier of water made pursuant to paragraph VII. Notice of any hearing shall be made by the applicant and shall be published twice in 2 different weeks, the last publication to be 7 days before the hearing, in one newspaper of general circulation throughout the state and another newspaper of general circulation in the municipality. The notice shall also be posted in 2 public places in the municipality in which the new withdrawal is located, in 2 public places in the municipality or municipalities requesting the public hearing, and in 2 public places in the municipality which is the location of a public water supplier that requests a public hearing.

IX. The applicant, the public, and the governing body of each municipality and each supplier of water within the anticipated study area of the new withdrawal may submit comments to the department relative to the proposed new withdrawal within 45 days after the public hearing in the municipality or, if no hearing is requested, within 45 days after the receipt of the application. If the comments relative to the application make recommendations to the department, the department shall specifically consider such recommendations and shall issue written findings with respect to each issue raised that is contrary to the decision of the department.

X. Rehearings and appeals from a decision of the department under this section shall be in accordance with RSA 21-O:14.

XI. A municipality in which a person is proposing to locate a large commercial groundwater withdrawal may establish a large commercial groundwater withdrawal review committee to make recommendations to the department concerning the approval of the large groundwater withdrawal which shall have membership and duties as follows:

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

(1) Three members appointed by the governing body of the municipality where the new withdrawal shall be located, providing that one of the 3 members is on the planning board of that municipality.

(2) Two members from each of the municipalities in the study area, other than the municipality where the new withdrawal shall be located, who are appointed by their respective governing bodies, provided that one member from each municipality is a planning board member.

(3) In the event a member of the municipal planning board is not available to serve on the committee as set forth in subparagraphs (a) and (b), then the governing bodies shall be free to appoint other residents of their municipality.

(b) The committee shall be formed within 60 days of receipt of the preliminary application from the applicant by the municipalities in the study area.

(c) Upon formation, the committee shall notify the department and provide it with the chairperson's contact information.

(d) The department shall provide all information concerning the application for the large commercial groundwater withdrawal to the review committee chairperson and shall be available to meet with the committee within 15 days of receiving a request for a meeting.

(e) The committee may require the applicant to pay the reasonable costs of technical reviews performed by experts hired by the committee.

(f) The committee may hold one or more public hearings regarding the proposed new withdrawal. Notice of the public hearings shall be made by the committee to the department and the applicant 7 days before the hearing and shall be published as set forth in RSA 485-C:21, VII.

(g) The committee shall provide written recommendations to the department within the time frames specified in RSA 485-C:21, VIII.

(h) The department shall issue a written report of findings relative to the large commercial groundwater withdrawal review committee's recommendations on the approval of a large ground water withdrawal. The report of findings shall specify which recommendations were taken and provide an explanation of any decisions contrary to the recommendations.

12 Drinking Water Rules; Large Water Withdrawal. RSA 485:3, XIII is repealed and reenacted to read as follows:

XIII. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to new groundwater withdrawals of 57,600 gallons or more in any 24-hour period by public water systems. Such rules shall include:

(a) Criteria and procedures for requiring public water systems to identify and address impacts of new withdrawals on surface waters, subsurface waters, water-related natural resources, and public, private, residential, and farm wells within the study area.

(b) Requirements relative to water conservation management plans which demonstrate water use efficiency related to the proposed new withdrawals, to be submitted by the public water system seeking approval for a new withdrawal.

(c) Requirements and procedures relative to demonstrating requirements for approval in accordance with RSA 485-C:21, II.

(d) If hydrogeologic data indicate that any well, water resources or water-related resources will be or are being adversely affected by the new withdrawal, procedures by which the department may deny, revoke or suspend permission for a new withdrawal or reduce the amount of water withdrawn.

(e) If hydrogeologic data indicate that any private well is being adversely affected by the new withdrawal, procedures by which the department may allow or require a mitigation program for provision of a substantially similar alternative water supply to the adversely affected well at no initial capital cost to persons whose wells are or will be adversely affected by the new withdrawal.

(f) Requirements and procedures for exempting replacement wells and temporary withdrawals such as new withdrawals needed on a periodic short term basis or for groundwater remediation or construction dewatering from RSA 485-C:21, II.

13 Committee Established.

I. There is established a committee to study ways to clarify the hierarchy of water uses, to establish procedures to determine the most beneficial uses for a specific water resource, and to establish a process by which new water users would be required to develop the least impacting alternative including consideration of regional water resources and water management issues.

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

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

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

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

III. The committee shall study ways to clarify the hierarchy of water uses, to establish procedures to determine the most beneficial use for a specific water resource, and to establish a process by which new water users would be required to develop the least impacting

alternative including consideration of regional water resources and water management issues. This study shall include consideration of issues such as potential impacts on New Hampshire's environment, other water users, municipalities, and the state's economy. The committee shall also evaluate whether there is a need for additional regulation to address different uses of water. The committee shall be guided by and develop findings and recommendations that are consistent with and implement the purpose set forth in RSA 485-C:1, III.

IV. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 90 days of the effective date of this section. Four members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 30, 2003.

14 Applicability.

I. The sections of this act that pertain to commercial, agricultural, and community water supply withdrawal regulation shall not apply to withdrawals sited or established before the effective dates of such section.

II. New withdrawals for community water supplies shall meet the requirements for approval contained in RSA 485-C:21, II and shall not be subject to the additional requirements for new commercial withdrawals contained in RSA 485-C:21, III.

15 Effective Date.

I. Section 12 of this act shall take effect upon its passage.

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

Rep. Spang spoke in favor.

Rep. Royce spoke against.

Rep. Phinizy requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (3431h).

YEAS 123 NAYS 187

YEAS 123

BELKNAP

Pilliod, James

Rice, Thomas Jr

Wood, Jane

CARROLL

None

CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Emerson, Susan
Mitchell, McKim	Pratt, Irene	Richardson, Barbara	Zerba, Roger

COOS

Bradley, Paula	Davis, Perley	Landers, Dana
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GRAFTON

Akins, Ralph	Almy, Susan	Benn, Bernard	Lovett, Sid
Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy	Sokol, Hilda

HILLSBOROUGH

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Buckley, Raymond
Cote, David	Cote, Peter	Drabinowicz, A Theresa	Foster, Linda
Ginsburg, Ruth	Graham, John	Haley, Robert	Hall, Betty
Holden, Randolph	Jean, Claudette	Kacavas, John	Keye, Harvey
Konys, Christine	L'Heureux, Robert	Lasky, Bette	Lynde, Harold
McHugh, Claire	Melcher, Harold	Messier, Irene	Movsesian, Lori
Murphy, Robert	Palangas, Eric	Panagopoulos, Nicholas	Schulze, Joan
Shaw, Barbara	Sullivan, Peter	Sweeney, Cynthia	White, John
Williams, Carol			

MERRIMACK

Bouchard, Candace	Burney, Carol	Clarke, Claire	Cummings, Raymond
Daneault, Gabriel	Davis, Frank	Fraser, Marilyn	French, Barbara
Greco, Vincent	Jacobson, Alf	Moore, Carol	Owen, Derek
Perkins, Randy	Potter, Frances	Rodd, Beth	Rush, Deanna
Seldin, Gloria	Swindlehurst, John	Wallner, Mary Jane	Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Boynton, James	Case, Margaret
Clark, Martha Fuller	Coes, Betsy	DiFruscia, Anthony	Johnson, Robert
Langley, Jane	Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura
Pitts, Jacqueline	Power, Lucille	Robertson, Carl	Shultis, Elizabeth
Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne	

STRAFFORD

Berube, Roger	Brennan, William	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Goodwin, Earle	Hughes, Christopher
Kaen, Naida	Knowles, William	McCarthy, Gerald	Musler, George
Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Wall, Janet	Woodill, Rodney		

SULLIVAN

Burling, Peter	Cloutier, John	Ferland, Brenda	Franklin, Peter
Harris, Joseph	Harris, Sandra	Phinizy, James	

NAYS 187

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Lawton, David	Millham, Alida
Nedeau, Stephen	Rosen, Ralph	Russell, David	Thomas, John
Wendelboe, Fran			

CARROLL

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

CHESHIRE

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

COOS

Gallus, John	Horton, Lynn	Pratt, Leighton	Tholl, John Jr
Woodward, David			

GRAFTON

Alger, John	Barker, Robert	Cobb, John	Dudley, Terri
Gilman, G Michael	Giuda, Robert	Ham, Bonnie	Marshall, Gene
Mirski, Paul	Scanlan, David	Sova, Charles	Ward, Brien
Williams, Burton			

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Batula, Peter	Bergeron, Jean-Guy	Bouchard, David	Bragdon, Peter
Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald
Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr	Dionne, Kimberley
Dokmo, Cynthia	Drisko, Richard	Dyer, Merton	Eaton, Richard
Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard
Ford, Nancy	Furman, Christine	Gargasz, Carolyn	Gleneck, David
Golding, William	Gonzalez, Carlos	Goulet, Maurice	Greenberg, Gary
Guinta, Frank	Hall, Charles	Herman, Keith	Hopper, Gary
Jean, Loren	Johnson, Lionel	Kurk, Neal	LaFlamme, Paul
LaRose, Richard	Leach, Edward	Martel, Andre	McRae, Karen
Mercer, Robert	Milligan, Robert	Moran, Edward	O'Connell, Timothy
Pappas, Marc	Reeves, Sandra	Rowe, Robert	Salts, Greg
Sargent, Maxwell	Souza, Kathleen	Spiess, Paul	Tahir, Saghir
Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Brewster, Richard	Dunne, Christopher	Fraser, Leo Jr
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Hess, David	Kennedy, Richard	L'Heureux, Stephen	Langer, Ray
Leber, William	Lockwood, Priscilla	MacKay, James	Soltani, Tony
Whalley, Michael	Winter, Steven		

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Camm, Kevin
Carson, Sharon	Chalbeck, Kevin	Clark, Vivian	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	Downing, Michael
Dumaine, Dudley	Fesh, Bob	Flanagan, Natalie	Flanders, John Sr
Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hill, Jonathan	Introne, Robert	Itse, Daniel	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, William	Langone, John
Letourneau, Robert	Major, Norman	McGuire, Robert	McKinney, Betsy
Morse, Charles	Nowe, Ronald	Packard, Sherman	Palermo, Diane
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Rausch, James	Reardon, Neil	Sloan, Stephen	Stone, Joseph
Stritch, C Donald	Varrell, Thomas	Welch, David	Weyler, Kenneth
Whittier, John			

STRAFFORD

Albert, Russell	Bickford, David	Brown, Julie	Cossette, Larry
Harrington, Michael	Reid, Christopher	Twombly, James	Woods, Phyllis

SULLIVAN

Jones, Constance	Leone, Richard	Odell, Bob	Rodeschin, Beverly
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and the floor amendment failed.

Majority report adopted and ordered to third reading.

SB 452, relative to fines for violations of the shoreland protection act. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE**

Rep. David M. Lawton for the Majority of Resources, Recreation and Development: SB 452 establishes the definition of a "repeat violation" to help resolve chronic enforcement problems of the comprehensive shoreland protection act (CSPA). It also gives the Commissioner of the Department of Environmental Services (DES) the option to double the previous fine amount for subsequent violations of the CSPA. The amendment requires that the "repeat" violation must occur within 3 years of the initial violation notification. The amendment was crafted with the intention of limiting the "double penalty" to individuals or entities who actually committed the initial violation of the CSPA. Vote 13-2.

Rep. Pierre W. Bruno for the Minority of Resources, Recreation and Development: The minority of the committee has serious concerns about the proposed legislation contained in SB 452. Passage of SB 452 may lead to the imposition of excessive administrative penalties not proportional to the offenses; and therefore, not consistent with rights afforded by our constitution.

Majority Amendment (3394h)

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

1 New Paragraph; Definition; "Repeat Violation". Amend RSA 483-B:4 by inserting after paragraph XVIII the following new paragraph:

XVIII-a. "Repeat violation" means a violation that occurs within 3 years of notification by the department of a prior violation as defined in RSA 483-B:18, I, whether on the same site or by the same person or entity on a second site. Each day of continuing violation after notification of that violation shall be considered a repeat violation.

2 Comprehensive Shoreland Protection Act; Penalties. Amend RSA 483-B:18, III (c) to read as follows:

(c) The commissioner, after notice and hearing pursuant to RSA 541-A, ~~may~~ **shall** impose an administrative fine of up to \$5,000 for each offense upon any person who violates this chapter. Rehearings and appeals relating to such fines shall be governed by RSA 541. Imposition of an administrative fine under this section shall not preclude the imposition of further civil or criminal penalties under this chapter.

(d) Notwithstanding the \$5000 fine limit in subparagraph (c), the administrative fine for each repeat violation of this chapter may be multiplied by a factor of 2 for every previous violation committed by the person or entity.

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

Adopted.

Majority report adopted and ordered to third reading.

SB 453, relative to setbacks in the shoreland protection act. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE**

Rep. Sid Lovett for the Majority of Resources, Recreation and Development: This bill re-establishes the setback of 50 feet for primary structures adjacent to the Public Trust Lake Water of New Hampshire. This has been scientifically acknowledged as aiding water quality. It also grandfathers

those communities who established a lesser setback prior to January 1, 2002. Further, it includes the Connecticut River relative to the shoreland protection act. Vote 11-4.

Rep. Pierre W. Bruno for the Minority of Resources, Recreation and Development: The minority of the committee believes that SB 453, although well intentioned, does not satisfy the concern that it purportedly would solve. Passage of SB 453 will not create uniformity between setback requirements in different towns, and does not address the real issue of surface water protection.

Adopted and ordered to third reading.

SCR 4, relative to prescription drug patient assistance programs. **OUGHT TO PASS**

Rep. Peter M. Sullivan for State-Federal Relations and Veterans Affairs: SCR4 urges the federal government to require pharmaceutical companies to create a common application for prescription programs. Such a form would simplify the application process for seniors and low-income individuals and allow health care practitioners to concentrate on patient care, rather than on paperwork and bureaucratic wrangling. New Hampshire's Medication Bridge Project has already developed a common application for that would make a suitable template for a national form. Vote 10-2.

Adopted and ordered to third reading.

SB 366, relative to biennial reports of the public utilities commission. **OUGHT TO PASS**

Rep. Vivian R. Clark for Ways and Means: Ways and Means heard this bill because the policy committee added a provision relative to reinstating the Electricity Consumption tax. The committee also entertained an amendment which would have provided relief from the state Electricity Consumption Tax for the first 2.5 million kilowatt hours (kWh) of electricity that is self-generated. Because of concerns about the constitutionality of the exemption, and in recognition that the Science and Technology committee had already rejected this amendment, this committee elected to stay with the original bill. Vote 14-2.

Adopted and ordered to third reading.

SB 441-FN-A, establishing the position of hazardous materials response coordinator and making an appropriation therefor, and establishing a committee to study the interoperability of state agency communications. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael O'Neil for Executive Departments and Administration: SB 441-FN-A establishes the position of hazardous materials response coordinator at the department of safety and sets up a legislative study committee to study the interoperability of state agency communications. Both of these issues were recommendations of the Governor's Commission on Preparedness and Security. The hazardous materials response coordinator will assist local governments with hazmat planning and response. The position will be funded from the recent bio-terrorism grant that was made available to the department of health and human services. The committee made additional technical changes requested by the department of safety. The amendment repeals the division of enforcement, which is no longer necessary due to the division of motor vehicles absorbing these duties, as well as abolishing an unclassified director position. The commissioner of safety is also authorized to seek the approval of the fiscal committee in establishing a deputy director of the division of state police. The fiscal committee would also have to review and approve any future request from the department. The bill also repeals a requirement that the state police issue an annual report. This report is a duplication of other reports be issued by the department of safety. Vote 10-0.

Amendment (3322h)

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

AN ACT establishing the position of hazardous materials response coordinator and making an appropriation therefor, establishing a committee to study the interoperability of state agency communications, authorizing the position of deputy director of state police, and repealing the division of enforcement in the department of safety.

Amend subparagraph I(b) as inserted by section 5 of the bill by replacing it with the following:

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

Amend the bill by replacing all after section 8 with the following:

9 New Paragraph; Division of State Police; Duty Added. Amend RSA 21-P:7 by inserting after paragraph II the following new paragraph:

III. The division of state police shall be responsible for bingo and lucky 7 enforcement and any other duties performed by bingo and lucky 7 inspectors.

10 New Section; Deputy Director of State Police. Amend RSA 21-P by inserting after section 7 the following new section:

21-P:7-a Deputy Director of State Police.

I. The commissioner of safety is authorized to establish, subject to the approval of the fiscal committee, the unclassified position of deputy director of state police. Upon approval by the fiscal committee, the commissioner shall nominate a deputy director of state police for appointment by the governor, with the consent of the council. The deputy director of state police shall be an unclassified officer and shall serve at the pleasure of the governor and council. The deputy director of state police shall be qualified to hold that position by reason of education and experience.

II. The deputy director of state police shall perform such duties as are assigned by the director of state police. The deputy director of state police shall assume the duties of the director of state police in the event that the director of state police is unable for any reason to perform such duties.

11 New Paragraph; Division of Motor Vehicles; Duty Added. Amend RSA 21-P:8 by inserting after paragraph III the following new paragraph:

IV. Hazardous materials transportation and truck weight enforcement.

12 Deputy Director of State Police; Salary of Position. The unclassified position of deputy director of state police authorized in RSA 21-P:7-a as inserted by section 10 of this act, shall be submitted to the commissioner of administrative services for evaluation by the consulting group on compensation of state officers, contracted pursuant to RSA 21-I:13, XIII, for determination of the salary for the position of deputy director of state police, subject to the approval of the fiscal committee.

13 Reference Removed; Division of Enforcement. Amend RSA 21-P:5, II to read as follows:

II. The assistant commissioner shall perform such duties as are assigned by the commissioner. The assistant commissioner shall assume the duties of the commissioner in the event that the commissioner is unable for any reason to perform such duties. The assistant commissioner shall be responsible for the operations of the division of hearings[;] **and** the bureau of fire safety[; ~~and the division of enforcement~~].

14 Repeal. The following are repealed:

I. RSA 21-P:11, relative to the division of enforcement.

II. RSA 106-B:16, relative to reports by the director of state police.

15 Effective Date.

I. Sections 4-8 of this act shall take effect upon its passage.

II. Sections 9-14 of this act shall take effect July 1, 2002.

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

AMENDED ANALYSIS

This bill establishes the position of hazardous materials response coordinator within the department of safety, division of fire safety and establishes a committee to study the interoperability of state agency communications.

This bill establishes the authority for the unclassified position of deputy director of state police in the department of safety, and repeals the authority for the division of enforcement. The bill also removes a reporting requirement of the director of state police.

Adopted.

Rep. Kurk offered a floor amendment (3517h).

Floor Amendment (3517h)

Amend the bill by replacing section 3 with the following:

3 Position of Hazardous Materials Incident Response Coordinator; Source of Funding. The position of hazardous materials incident response coordinator shall be funded with available federal moneys. No state moneys shall be used to fund the position of hazardous materials incident response coordinator.

Rep. Kurk spoke in favor.

Adopted.

Report adopted and ordered to third reading.

SB 420-FN, making an appropriation for the purpose of hiring a recreational ride and lift investigator. **REFER FOR INTERIM STUDY**

Rep. Joseph E. Stone for Finance: The committee feels this bill should be put into interim study and referred back to the policy committee (Executive Departments & Administration) to come up with an administrative fee and inspection fee that would generate the dollars necessary to fund the position. Vote 14-2.

Rep. Letourneau spoke against.

Rep. Stone spoke in favor and yielded to questions.

Adopted.

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

SB 440, relative to rules for water conservation. **OUGHT TO PASS**

Rep. Deanna P. Rush for Resources, Recreation and Development: This bill defines "water conservation" for purposes of New Hampshire's Safe Drinking Water Act. It requires the Department of Environmental Services to develop rules for water use efficiency. These rules, which apply to certain new water withdrawals are to be consistent with current industry standards and practices. A survey of water systems serving 500 people or more indicates 83% implement no or very limited water conservation measures. A similar survey for large commercial water users in New Hampshire indicates that 70% follow no or very limited measures. Implementing the water conservation practices will result in environmental benefits such as reduced water use, and economic benefits, such as reduced costs associated with water treatment and infrastructure development. All the testimony heard was in support of this bill. Vote 10-5.

Rep. Bruno spoke against and yielded to questions.

Rep. Rush spoke in favor.

Rep. Burling requested a roll call; sufficiently seconded.

The question being adoption of the report.

YEAS 198 NAYS 93

YEAS 198

BELKNAP

Flanders, Donald

Holbrook, Robert

Millham, Alida

Nedeau, Stephen

Pilliod, James

Russell, David

Thomas, John

Wood, Jane

CARROLL

Bradley, Jeb
Stevens, Stanley

Patten, Betsey

Philbrick, Donald

Quimby, Lee

CHESHIRE

Allen, Peter

Avery, Stephen

Batchelder, Robert

Dexter, Judson

Edwards, Dana

Emerson, Susan

Fairbanks, Chandler

Manning, Joseph

Mitchell, McKim

Pratt, Irene

Richardson, Barbara

Roberts, William

Royce, H Charles

Smith, Edwin

Zerba, Roger

COOS

Bradley, Paula

Davis, Perley

Horton, Lynn

Landers, Dana

GRAFTON

Akins, Ralph

Almy, Susan

Benn, Bernard

Nordgren, Sharon

Scanlan, David

Scovner, Nancy

Sokol, Hilda

Ward, Brien

HILLSBOROUGH

Allan, Nelson

Andosca, Mary

Barody, Benjamin

Batula, Peter

Bellavance, Paul

Brundige, Robert

Buckley, Raymond

Christensen, D L Chris

Cote, David

Cote, Peter

Dionne, Kimberley

Dokmo, Cynthia

Drabinowicz, A Theresa

Drisko, Richard

Dyer, Merton

Eaton, Richard

Elliott, Larry

Fields, Dennis

Ford, Nancy

Foster, Linda

Gargasz, Carolyn

Ginsburg, Ruth

Gonzalez, Carlos

Goulet, Maurice

Graham, John

Greenberg, Gary

Guinta, Frank

Haley, Robert

Hall, Betty

Jean, Claudette

Johnson, Lionel

Kacavas, John

Konys, Christine

Kurk, Neal

L'Heureux, Robert

LaFlamme, Paul

LaRose, Richard

Lasky, Bette

Leach, Edward

Lynde, Harold

McHugh, Claire

Messier, Irene

Milligan, Robert

Movsesian, Lori

O'Connell, Timothy

Palangas, Eric

Panagopoulos, Nicholas

Reeves, Sandra

Sargent, Maxwell

Schulze, Joan

Shaw, Barbara

Spiess, Paul

Sullivan, Peter

Sweeney, Cynthia

Thulander, O Alan

Vaillancourt, Steve

Wheeler, Robert

White, John

Williams, Carol

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Burney, Carol
Clarke, Claire	Cummings, Raymond	Daneault, Gabriel	Davis, Frank
Fraser, Leo Jr	Fraser, Marilyn	French, Barbara	Greco, Vincent
Hess, David	Jacobson, Alf	Langer, Ray	Lockwood, Priscilla
MacKay, James	Moore, Carol	Perkins, Randy	Potter, Frances
Rodd, Beth	Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane
Yeaton, Charles			

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Bowles, Raimond	Boynton, James	Case, Margaret	Clark, Martha Fuller
Clark, Vivian	Coes, Betsy	Cooney, Richard	Cox, Russell
Dalrymple, Janeen	Downing, Michael	Dumaine, Dudley	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Giordano, Ronald
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Katsakiores, George	Katsakiores, Phyllis	Langley, Jane	Langone, John
Major, Norman	McGuire, Robert	Morse, Charles	Norelli, Terie
O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline	Power, Lucille
Priestley, Anne	Putnam, Ed II	Rausch, James	Shultis, Elizabeth
Sloan, Stephen	Splaine, James	Stone, Joseph	Stritch, C Donald
Trueman, Raymond	Weatherspoon, Jacquelyne	Whittier, John	

STRAFFORD

Brennan, William	Brown, Julie	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Hughes, Christopher	Kaen, Naida
Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond	Reid, Christopher
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Twombly, James	Wall, Janet	

SULLIVAN

Burling, Peter	Cloutier, John	Franklin, Peter	Harris, Joseph
Harris, Sandra	Jones, Constance	Leone, Richard	Odell, Bob

NAYS 93

BELKNAP

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

CARROLL

Babson, David Jr	Dickinson, Howard	Mock, Henry	Sullivan, P Judith
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CHESHIRE

Hunt, John	Liebl, George
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COOS

Gallus, John	Pratt, Leighton	Tholl, John Jr	Woodward, David
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GRAFTON

Alger, John	Barker, Robert	Cobb, John	Dudley, Terri
Gilman, G Michael	Giuda, Robert	Marshall, Gene	Mirski, Paul
Sova, Charles	Williams, Burton		

HILLSBOROUGH

Alukonis, David	Artz, Lawrence	Balboni, Michael	Bergeron, Jean-Guy
Bouchard, David	Bragdon, Peter	Bruno, Pierre	Calawa, Leon Jr
Carlson, Donald	Christiansen, Lars	Clegg, Robert Jr	Fletcher, Richard
Furman, Christine	Gleneck, David	Golding, William	Hall, Charles
Herman, Keith	Holden, Randolph	Hopper, Gary	Jean, Loren
Martel, Andre	McRae, Karen	Mercer, Robert	Moran, Edward
Murphy, Robert	Pappas, Marc	Rowe, Robert	Souza, Kathleen
Tahir, Saghir			

MERRIMACK

Dunne, Christopher	Kennedy, Richard	L'Heureux, Stephen	Leber, William
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Swindlehurst, John

Whalley, Michael

Winter, Steven

ROCKINGHAM

Camm, Kevin

Carson, Sharon

Chalbeck, Kevin

Dearborn, Bruce

DiFruscia, Anthony

Fesh, Bob

Gilbert, Karl

Hill, Jonathan

Introne, Robert

Itse, Daniel

Johnson, Robert

Johnson, Rogers

Kelley, William

Letourneau, Robert

Nowe, Ronald

Packard, Sherman

Palermo, Diane

Quandt, Marshall

Quandt, Matthew

Robertson, Carl

Varrell, Thomas

Welch, David

Weyler, Kenneth

STRAFFORD

Albert, Russell

Cossette, Larry

Harrington, Michael

Knowles, William

McCarthy, Gerald

Woods, Phyllis

SULLIVAN

Phinizy, James

and the report was adopted.

Ordered to third reading.

reconsideration

Having voted with the prevailing side, Rep. Holden moved that the House reconsider its action whereby it sent to third reading **SB 319**, relative to participation in international lotteries.

Rep. Alukonis spoke against.

Rep. DiFruscia spoke in favor.

On a division vote, 53 members having voted in the affirmative and 234 in the negative, the motion failed.

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, April 25, 2002 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 337, relative to consent orders in abuse and neglect cases.

SB 367, relative to the guardian ad litem board.

SB 408, governing records management of abuse or neglect reports.

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

SB 433, establishing a standardized protocol for the investigation and assessment of child abuse and neglect cases and relative to grant applications for the investigation and assessment of child abuse cases.

SB 445-FN, relative to a limited right to a jury trial for certain minors prior to commitment to an adult correctional facility.

SB 313, relative to penalties for misrepresenting age for the purpose of procuring liquor or beverage.

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

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

SB 392, establishing a committee to study certification of mortgage loan originators.

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

SB 443-FN, relative to the division of condominiums.

SB 360-FN, establishing criminal penalties for the introduction of computer contaminants.

SB 386, relative to automated external defibrillators.

SB 321-L, establishing a committee to study statutory and administrative requirements regarding the legal residency of homeless children in certain educational and institutional settings, and relative to the appeal of decisions made regarding change of school or assignment.

SB 354, authorizing foster parents to act as educational advocates for foster children with educational disabilities.

SB 358, relative to the authority to assess administrative fines to ophthalmic dispensers.

SB 381, relative to the employee benefits of employees of the Pease Development authority.

SB 412, relative to the licensure of dietitians

SB 439, relative to the membership of the information technology management advisory board.

SB 309-FN, relative to payment of medical benefits costs for disabled group II permanent firemen members of the retirement system.

SB 331-FN, relative to the purchase of certain prior service credit by members of the retirement system.

SB 435-FN, requiring the supreme court to establish a mental health court pilot program in the Keene District Court.

SB 300, relative to the calculation of majority votes under official ballot voting procedures.

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.

SB 316, establishing a committee to study the fiscal relationship between the Pease development authority and the state and its political subdivisions

SB 414, relative to the committee allowing the use of business logo signing on the mainline of limited access and divided highways

SB 437-FN-L, relative to the protection of public water supplies during emergency conditions and making certain changes to encourage the formation of regional water systems.

SB 451, relative to the shoreland protection act.

SB 442, establishing a committee to study revising the statutes relative to the state militia and the state guard.

SCR 3, expressing the fundamental importance of public health to the people of New Hampshire.

SB 301, relative to an innovation initiative within the division of economic development, the creation of the New Hampshire e-commerce advisory commission, and a moratorium on Internet taxation.

SB 415, relative to the severing of joint tenancies in property by divorce.

SB 426, relative to the use of force by persons entrusted with the care of minors in child care settings.

SB 34, relative to the process for nonrenewal of teacher contracts.

SB 395, making certain changes to the laws pertaining to special education.

SB 112, relative to election day registration.

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

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

SB 455-FN-A, relative to funding for district and probate court security.

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

SB 336, relative to disclosure of political contributions and expenditures.

SB 425-FN-L, revising the formula used to calculate the cost of an adequate education.

SB 326, establishing a committee to study the workers' compensation appeals process at the department of labor..

SB 418-FN, relative to unemployment compensation.

SB 410, establishing a commission to study issues relative to large groundwater withdrawals.

SB 452, relative to fines for violations of the shoreland protection act.

SB 453, relative to setbacks in the shoreland protection act.

SCR 4, relative to prescription drug patient assistance programs.

SB 366, relative to biennial reports of the public utilities commission.

SB 441-FN-A, establishing the position of hazardous materials response coordinator and making an appropriation therefor, and establishing a committee to study the interoperability of state agency communications.

SB 440, relative to rules for water conservation.

RECESS MOTION

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

Adopted.

The House recessed at 6:00p.m.

RECESS