

HOUSE RECORD

First Year of the 158th Session of the General Court Calendar and Journal of the 2003 Session

Vol. 25

Concord N.H.

Wednesday, March 12, 2003

No. 23

HOUSE JOURNAL No. 8 (cont.)

Thursday, March 6, 2003

Rep. Hess moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 9

Wednesday, March 12, 2003

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 Guest Chaplain, The Reverend Canon Marthe Dyner from the Episcopalian Diocese of New Hampshire.

Great and gracious God, You are the God of justice, of peace, of reconciliation and Your mercy endures forever. We gather today in Your presence, mindful that what we do in this place on this day will change lives. For some, the change may be a tremor barely recorded; for others the change may be cataclysmic. As the members of this body, the House of Representatives of the State of New Hampshire, consider and debate the issues before them, we ask Your blessing upon them; give them the wisdom of Your Holy Spirit, the ability to discern Your purpose and will in the changes they set in motion and the patience and tolerance to wait for agreement when each of them hears Your still small voice carrying a different message. Make this body, O God, Your very own, that it may be a powerful force and witness to Your will and that from this place, peace and justice will flow throughout New Hampshire. This we pray in Your most Holy Name. Amen.

Rep. Burton W. Williams led the Pledge of Allegiance.

The National Anthem was sung by Rachael Donnelly, a student from Litchfield Middle School.

LEAVES OF ABSENCE

Reps. Desmarais, Flanagan, Hagan, Holland, Hunter and Rice, the day, illness.

Reps. Nelson Allan, Buhlman, Cail, Corbin, Drisko, Hollinger, Hutchinson, Rogers Johnson, John Manning, Joseph Manning, Palangas, Schulze, Paul Smith, Jeffrey Sullivan and Wiley, the day, important business.

Reps. Julie Brown and Langer, the day, illness in the family.

Rep. Itse, the day, death in the family.

INTRODUCTION OF GUESTS

Michelle Donnelly, David and Lynne Donnelly and Frank Card, parents and grandfather of Rachael Donnelly, guests of the Merrimack Delegation. John Pelletier, son of Rep. Pelletier. David Swartley, guest of Rep. Elliott. Hon. Michael Rollo, son of Rep. Rollo.

COMMITTEE REPORTS

CONSENT CALENDAR

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

HB 277-FN, relative to an extended term of imprisonment for manslaughter and relative to jury findings which warrant an extended term of imprisonment, removed by Rep. Welch.

HB 564-FN, relative to access to information in proceedings of the judicial conduct commission, removed by Rep. Mock.

HB 51, apportioning state representative districts, rem by Rep. Leach.

HB 673-FN-L, relative to municipal water system connection fees, rem by Rep. Bickford.

HB 454, relative to property rights and large groundwater withdrawals, rem by Rep. Cady.

HB 330, relative to public utilities mergers and acquisitions, rem by Rep. McHugh.

HB 609-FN-A, relative to public interest payphones, rem by Rep. Gorman.

HB 611-FN-A, establishing a choose life number plate trust fund, and a special motor vehicle license plate and associated fees, to support and promote New Hampshire adoptions, rem by Rep. Souza.

HB 634-FN-L, establishing a limit on the applicable tax rate for local school district taxes, rem by Rep. Vachon.

Consent Calendar adopted.

HB 626-FN, relative to notification, custody rights, and right to counsel of parents in child abuse and neglect cases. **INEXPEDIENT TO LEGISLATE**

Rep. Margaret D. Hallyburton for Children and Family Law: The committee has three bills on counsel for indigent parents in child protection and guardianship of minors cases. This bill had an early reporting date, so the committee chose to find the bill inexpedient to legislate, carrying forward language onto HB 674-FN or HB 620-FN, which are in subcommittee. Vote 12-0.

HB 288-FN, imposing a criminal penalty for the dissemination of certain materials without consent. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation clarifies the statute on violation of privacy. It prohibits dissemination of any photograph or video recording of a person or persons voluntarily engaging in sexual activity without the express consent of the person or persons who appear in the photograph or videotape. Vote 11-1.

Amendment (0445h)

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

1 New Paragraph; Violation of Privacy; Dissemination of Certain Materials. Amend RSA 644:9 by inserting after paragraph II the following new paragraph:

III. A person is guilty of a class A misdemeanor if that person knowingly disseminates or causes the dissemination of any photograph or video recording of himself or

herself engaging in sexual activity with another person, or of another person voluntarily engaging in sexual activity while in his or her presence without the express consent of the other person or persons who appear in the photograph or videotape. In this paragraph, “disseminate” shall have the same meaning as in RSA 649-A:2.

2 Effective Date. This act shall take effect January 1, 2004.

AMENDED ANALYSIS

This bill establishes a class A misdemeanor offense for any person who knowingly disseminates or causes the dissemination of any photograph or video recording of himself or herself engaging in sexual activity with another person, or of another person voluntarily engaging in sexual activity while in his or her presence without the express consent of the other person or persons who appear in the photograph or videotape.

HB 396-FN, relative to penalties for tampering with or desecrating a burial site.

INEXPEDIENT TO LEGISLATE

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: The purpose of this bill was to make tampering or desecrating a burial site a more serious offense. RSA 635:6 derives its penalty from RSA 635:8, which makes desecration or tampering a Class B felony. Removing “Purposely or knowingly” from RSA 635:6 in essence takes away the “state of mind” necessary to show criminal intent. In essence the language proposed in this bill decriminalizes the acts it is attempting to curb. From testimony at the hearing it appears that police departments are unfamiliar with RSA 635:6 and attempt to charge perpetrators under the criminal mischief statute, a misdemeanor. The Police Standards and Training director was contacted and agreed to disseminate information to police departments suggesting they consider using RSA 635:6 when deemed appropriate. Vote 11-0.

HB 409, relative to the accountability of public officials. **INEXPEDIENT TO LEGISLATE**

Rep. James H. Oliver for Criminal Justice and Public Safety: This bill changes penalties for public officials who fail to respond to an affidavit, commit an unauthorized act, or refrains from performing an official duty. It is meant to add removal from public office and prohibition from seeking public office for 10 years. The committee feels punishment for stated violations are adequately provided for in the statutes which cover misfeasance and malfeasance and nonfeasance. This bill is in response to a single issue. Vote 11-0.

HB 777, allowing the commissioner of the department of corrections to enter into contracts with sheriffs’ departments to hold persons charged with crimes in state correctional facilities for temporary periods. **INEXPEDIENT TO LEGISLATE**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: The committee felt that a state prison should not be used to house people who have not yet been convicted of a crime. Since the town of Berlin has two holding cells this would not be a hardship for them. The sheriff made this agreement with the former warden. The new warden feels that this would jeopardize the security of the prison and he would also need more personnel to be trained to take care of these people. Vote 11-0.

HB 548, relative to the notice period for teachers who are not rehired. **INEXPEDIENT TO LEGISLATE**

Rep. Barbara J. Hagan for Education: The unanimous vote of the committee found no substantive testimony was entered into the record other than the introduction of the legislation by one of the Education Committee members for the sponsor. Vote 16-0.

HB 619-FN-A, expanding opportunities for dropout prevention and dropout recovery and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sharon M. Carson for Education: The committee supports the establishments of the

drop out prevention and drop out recovery program in response to the drop out rate experienced in New Hampshire's schools. Compelling testimony was presented that highlighted both the need for and the success of this program. The bill, as amended, will appropriate \$350,000.00 per year for a two year period targeted towards the first five public high schools that have the highest drop out rate according to the annual State report card. This bill, as amended also creates a council that oversees the program, reports on its success to the Department of Education, Legislature and Governor, and has the ability to seek outside funding either federal or private, to offset the cost of the program. Vote 16-0.

Amendment (0494h)

Amend RSA 189:60, II (d) as inserted by section 1 of the bill by replacing it with the following:

(d) Apply for, receive, and expend any funds from federal, state, or non-state sources, including grants and matching funds which may be available, and accept private donations and gifts from any source.

Amend RSA 189:62, I as inserted by section 1 of the bill by replacing it with the following:

I. All programs shall be eligible to apply for dropout prevention and dropout recovery program and funds under this subdivision, provided that such programs and funds shall be targeted, to the extent available, to those high schools with the highest dropout rate, as determined by the department of education.

Amend RSA 189:63 as inserted by section 1 of the bill by replacing it with the following:

189:63 Report. The dropout prevention and dropout recovery oversight council shall annually submit a report to the speaker of the house of representatives, the president of the senate, the commissioner of the department of education, and the governor on the status of the dropout prevention and dropout recovery program. The report shall include details regarding an overall assessment of the effectiveness of the program, the utilization of available funds in the program, dropout rates of participating high schools or other participating entities, graduation rates of participating high schools, the percent of participating students pursuing postsecondary education, and the percent of participating students securing employment in the year following graduation.

Amend the bill by replacing section 2 with the following:

2 Appropriation. There is hereby appropriated the sum of \$350,000 for the fiscal year ending June 30, 2004, and the sum of \$350,000 for the fiscal year ending June 30, 2005, to the department of education for the implementation of the dropout prevention and dropout recovery program set forth in this act. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

Referred to Finance.

HB 780, relative to the operation of school administrative units. **INEXPEDIENT TO LEGISLATE**

Rep. Claire D. Clarke for Education: The committee has retained an SAU bill and will include the good points of this bill into the retained SAU bill. Vote 18-0.

HB 120, relative to checklist corrections on election day. **OUGHT TO PASS WITH AMENDMENT**

Rep. Harriet E. Cady for Election Law: This bill with amendment was at the request of supervisors of the checklist and considered to be good legislation in allowing for a shorter meeting time. The law also allows the supervisors to set longer hours if needed. It further codifies that the ballot clerks shall make changes in red to denote voters address changes or name changes in order to keep checklist most accurate. Vote 16-0.

Amendment (0545h)

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

AN ACT relative to sessions for the correction of the checklist and sessions for changes of party registration.

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

1 Cities and Wards; Voters and Checklists; Reference Deleted. Amend RSA 44:5 to read as follows:

44:5 Voters and Checklists. Any person having his *or her* domicile within the city, qualified to vote as provided in RSA 654:1-654:2 and 654:4-654:6 and whose name is on the checklist shall be qualified to vote in city elections. The supervisors of the checklist shall prepare, post, and revise the checklist for city elections in the same manner as for a state election as provided in RSA 654:25-654:31 ~~[except that the session provided for in RSA 654:27 to be held on the Tuesday 3 weeks prior to the election shall not be required]~~.

2 Voters and Checklists; Session for Correction. Amend RSA 654:27 to read as follows:

654:27 Session for Correction. In cities and towns, the supervisors of the checklist shall be in session for the correction of the checklist at some suitable place in the city or town on the Saturday 10 days prior to the election and upon which all hearings shall be finally closed; provided that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and ~~[8:00]~~ **7:30** p.m. and at the discretion of the supervisors for extended hours. Notice of the day, hour, and place of each session of the board of supervisors shall be given upon the checklists first posted and shall be published in a newspaper of general circulation in the city or town at least 7 days prior to each such session. The reconvening of any session which has been adjourned shall not require the publication of notice.

3 Voters and Checklists; Procedure. Amend RSA 654:28 to read as follows:

654:28 Procedure. The supervisors of the checklist shall hear all applications for a correction of the checklist and the evidence submitted thereon and shall correct it according to their best knowledge so that it contains only the names of those persons qualified to vote at said election. The names of all persons not qualified to vote at the time of any session, but who shall clearly be qualified to vote on election day, may be added to the checklist at that session. The session which is held on the Saturday 10 days prior to election day shall be held as a minimum requirement between 11:00 a.m. and ~~[12:00 p.m.]~~ **11:30 a.m.** and at the discretion of the supervisors for additional hours. No additions or corrections shall be made after the Saturday session, except as provided in RSA 659:12 or RSA 654:27, provided, however, that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and ~~[8:00]~~ **7:30** p.m. and at the discretion of the supervisors for extended hours. The additions and corrections resulting from such session shall be made to the previously posted checklist on or before midnight on the succeeding Friday either by additions or corrections to said checklist or by posting a new corrected checklist. Notice of such additions or corrections to the checklist shall also be given to the town or city clerk.

4 Voters and Checklists; Hearings on Alterations to Party Registration. Amend RSA 654:32 to read as follows:

654:32 Hearings on Alterations to Party Registration. Before each state or presidential primary election, the supervisors of the checklist shall be in session before each primary for the change of registration of legal voters as provided in RSA 654:34 or 654:34-a or both. Before the presidential primary, the session shall be on the Friday preceding the first day of the filing period, between ~~[7]~~ **7:00** p.m. and ~~[9]~~ **7:30** p.m. **and at the discretion of the supervisors for extended hours.** Before the state primary election, the session shall be on Tuesday before the first Wednesday in June between ~~[7]~~ **7:00** p.m. and ~~[9]~~ **7:30** p.m. **and at the discretion of the supervisors for extended hours.**

5 Town Elections; Voters and Checklists. Amend RSA 669:5 to read as follows:

669:5 Voters and Checklists. An updated checklist shall be used at all town meetings and elections for the same purposes a checklist is used at a state election and to insure that only qualified voters participate in town meeting discussions and votes, by voice or

otherwise. The supervisors shall prepare, post, and revise the checklist for a town meeting or election in the same manner as for a state election as provided in RSA 654:25—654:31, provided, however, that the session for correction shall be held on Saturday 6 to 13 days prior to the election. The supervisors shall also hold one session for correction of the checklist on the day immediately prior to the first day of the filing period for candidates for town office, as provided in RSA 669:19 or 669:42, as applicable, from [7] 7:00 p.m. to [8] 7:30 p.m. and at the discretion of the supervisors for extended hours.

6 School District Elections; Checklist. Amend RSA 671:15 to read as follows:

671:15 Checklist. An updated checklist shall be used at all school district elections and meetings for the same purposes as checklists are used by towns as provided in RSA 669:5. Any school district which is coextensive with the town in which it is located may, at an annual meeting under an article in the warrant for such meeting, vote to adopt as the checklist for school meetings the checklist of the town. In case of such adoption, the supervisors of the town checklist, acting as supervisors of the school district checklist, shall correct, certify, and post the checklist for the district as provided in RSA 654:25-654:31. ~~[The session for correction of the checklist required by RSA 654:27 to be held 3 weeks prior to an election shall not be required for school district elections.]~~ The session required to be held 10 days before the school district meeting or election may coincide with the session for correction held for the town meeting or election provided that the school meeting or election coincides with the town meeting or election. If the school meeting or election is held at a time other than the town meeting or election, a separate session for correction of the checklist shall be required to be held 10 days prior to the school district meeting or election.

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

AMENDED ANALYSIS

This bill shortens to ½ hour the minimum required length for sessions for the correction of the checklist and sessions for changes of party registration. This bill also deletes certain obsolete references.

HB 140-FN-L, relative to voter checklist verification. **INEXPEDIENT TO LEGISLATE**
Rep. Harriet E. Cady for Election Law: This bill would have enacted mandates upon supervisors in town and cities thus causing a cost to the state. The Help America Vote Act will make most changes asked in this bill and will pay for the requirements of updates on checklists. Vote 12-0.

HB 188, relative to listing names on state election ballots. **INEXPEDIENT TO LEGISLATE**

Rep. Harriet E. Cady for Election Law: There is another bill to address the listing of candidates on the ballot. The new Help America Vote Act (HAVA) requires voting machines, which will be able to handle a ballot for the elections. The committee felt they should address this issue with the Help America Vote Act. Vote 17-0.

HB 275, establishing a committee to study ballot reform. **OUGHT TO PASS**

Rep. Charles F. Weed for Election Law: This study committee will serve as a vehicle for planning to meet ballot clarifications, which may be required by the Help America Vote Act (HAVA). It will also investigate the feasibility of instant runoff voting. Vote 14-2.

HB 319, relative to the deadline for implementing a statewide voter checklist. **INEXPEDIENT TO LEGISLATE**

Rep. Raymond Buckley for Election Law: The sponsor of this bill testified that the bill was unnecessary. The sponsor's intent was to statutorily support the implementation of the federal Help America Vote Act (HAVA). Following the introduction of HB 319, the sponsor and the full Election Law Committee have benefited from multiple detailed briefings from the Secretary of State's office regarding the state's efforts to implement HAVA. The sponsor

and the committee feel that the state is addressing the complex issue of implementing HAVA in a satisfactory manner. Vote 12-0.

HB 358-FN-L, relative to recount fees in local elections. **OUGHT TO PASS**

Rep. Mark S. Derby for Election Law: This bill changes the fee structure for recounts of local elections from a fixed fee to a sliding scale based upon the margin between the votes, as now exists for recounts of elections for state offices. Vote 11-0.

HB 456, relative to the supreme court's authority to appoint a member to the ballot law commission. **INEXPEDIENT TO LEGISLATE**

Rep. Harriet E. Cady for Election Law: The committee has another bill that addresses the ballot law commission and felt we could do what this bill asked as well as increase the membership of the ballot law commission. Vote 13-3.

HB 648-FN, relative to paid political phone calls. **INEXPEDIENT TO LEGISLATE**

Rep. Christine M. Konys for Election Law: The sponsor of this bill and the members of the Election Law Committee agreed that the changes to current law included in this bill have been accomplished through an amendment to a similar bill which addresses the issues of political phone calls. Another bill, comprehensive in nature, regarding these calls will soon be forthcoming. Vote 16-0.

HB 658-FN, relative to impersonation of candidates. **OUGHT TO PASS**

Rep. Richard B. Drisko for Election Law: The intent of this bill is to make impersonation of a candidate over the telephone for defamatory purposes a misdemeanor and punishable. Vote 11-0.

HB 790, relative to legislative voting procedures and apportioning state representative districts. **INEXPEDIENT TO LEGISLATE**

Rep. Steve Vaillancourt for Election Law: The committee congratulates the sponsor of this bill for devoting a tremendous amount of work to this novel plan for redistricting. However, there was no support for the concept of "weighted representation" which the sponsor acknowledged is not used anywhere in the United States. In effect, this plan would create a House in which each of the 400 representatives would not have one vote but rather would have the same number of votes as the number of people in his or her district. For example, a representative from Greenfield would cast 1657 votes for every issue on the House floor while a representative from Wakefield/Brookfield would cast 4856 votes, nearly a three to one difference. A representative from Portsmouth Ward 2 would cast 2210 votes while a representative from Portsmouth Ward 5 would cast 1405 votes. The one Hampton Falls representative would cast 1880 votes while the one North Hampton representative would cast 4259 votes. Not only would this prove to be an extraordinarily cumbersome process in tallying votes, but it would mean that all representatives are no longer equal in terms of voting. Fifty (50%) percent would no longer necessarily constitute a majority. Conceivably a minority of Representatives from larger districts could outvote a majority from smaller districts. While that might be great fun for "numbers crunchers", it could be disastrous for representative democracy. True, this plan increases the number of districts from the court-mandated 88 to 223 thus increasing the chances for smaller communities to be represented. It also presents a mathematically sound method for lowering deviation. Since the votes of representatives would be weighted, there would be no need to approach the ideal of 3089 people per representative. The theory is fascinating, but in the real world, this radical plan would be both unwieldy and unwise. The "first in the nation" state should not be first in pioneering "weighted representation". Vote 11-0.

HCR 18, relative to state senate and representative districts. **INEXPEDIENT TO**

LEGISLATE

Rep. Howard C. Dickinson for Election Law: The Election Law Committee unanimously supports the position that this resolution is unnecessary in light of the passage of HR 6 which establishes criteria for the redistricting of the House and the fact that the committee intends to retain a redistricting bill to work on between now and next November utilizing the expertise of the county delegations. Vote 16-0.

HB 73, establishing a committee to study imposing a recycling fee on new computer purchases. **INEXPEDIENT TO LEGISLATE**

Rep. Timothy J. Allen for Environment and Agriculture: This bill takes a narrowly focused slice of recycling; however, HB 799 also establishes a study committee, but addresses the larger area of solid waste, of which electronic waste is a part. The committee recommends including the handling of electronic waste in that study committee as part of a comprehensive solution to solid waste recycling. Vote 16-0.

HB 156, relative to weights and measures. **OUGHT TO PASS**

Rep. Peter H. Allen for Environment and Agriculture: This bill was requested by the Department of Agriculture, Markets, and Food to make technical improvements in RSA 438:8, I (h) and RSA 438:8, V. Direct references to the National Conference on Weights and Measures and the National Institute of Standards and Technology were added. There was no opposition to the bill. Vote 16-0.

HB 181, relative to horseback riding as a recreational use of land in current use taxation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald R. Philbrick for Environment and Agriculture: This bill would have allowed horseback riding on current use land that has been granted the 20% recreation adjustment. Permission of landowner was not required if they claimed the 20% recreation adjustment. This caused much concern among current use landowners with several people indicating they would no longer take the 20% recreation adjustment, therefore losing that land to the other recreational uses. The sponsors and those testifying on the bill indicated that liability protection for the landowners who grant permission was one of the main goals of this bill. The amendment removed the current use portion of this bill and retains the liability portion. S.P.A.C.E. has agreed to provide a survey of current use landowners regarding this issue and current use board will review the results at the fall meeting. This will provide us much better information regarding the impact on further legislation. Vote 16-0.

Amendment (0366h)

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

AN ACT relative to limiting landowner liability for giving permission for horseback riding.

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

1 Liability of Landowners; Duty of Care. Amend RSA 212:34 to read as follows:

212:34 Duty of Care.

I. An owner, lessee or occupant of premises owes no duty of care to keep such premises safe for entry or use by others for hunting, fishing, trapping, camping, **horseback riding**, water sports, winter sports or OHRVs as defined in RSA 215-A, hiking, sightseeing, or removal of fuelwood, or to give any warning of hazardous conditions, uses of, structures, or activities on such premises to persons entering for such purposes, except as provided in paragraph III hereof.

II. An owner, lessee or occupant of premises who gives permission to another to hunt, fish, trap, camp, **ride horseback**, hike, use OHRVs as defined in RSA 215-A, sightsee upon, or remove fuelwood from, such premises, or use said premises for water sports, or winter sports does not thereby:

(a) Extend any assurance that the premises are safe for such purpose, or

(b) Constitute the person to whom permission has been granted the legal status of an invitee to whom a duty of care is owed, or

(c) Assume responsibility for or incur liability for an injury to person or property caused by any act of such person to whom permission has been granted except as provided in paragraph III hereof.

III. This section does not limit the liability which otherwise exists:

(a) For willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity; or

(b) For injury suffered in any case where permission to hunt, fish, trap, camp, **ride horseback**, hike, use for water sports, winter sports or use of OHRVs as defined in RSA 215-A, sightsee, or remove fuelwood was granted for a consideration other than the consideration, if any, paid to said landowner by the state; or

(c) The injury caused by acts of persons to whom permission to hunt, fish, trap, camp, **ride horseback**, hike, use for water sports, winter sports or use of OHRVs as defined in RSA 215-A, sightsee, or remove fuelwood was granted, to third persons as to whom the person granting permission, or the owner, lessee or occupant of the premises, owed a duty to keep the premises safe or to warn of danger.

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

AMENDED ANALYSIS

This bill adds horseback riding to the recreational activities in which landowner liability for personal injury or property damage is limited.

HB 281-FN, relative to regulation of irrigation system electricians by the electrician's board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Francis Sullivan for Executive Departments and Administration: In reviewing RSA 319-C, the committee found that licensure is not required for installers of numerous electrical work "in mines, pipeline systems, ships" or "installation, operation, repair or maintenance of any industrial or manufacturing plant". Thus, the committee realized that the need to license automatic irrigation system electricians was unnecessary. However, to avoid any confusion as to whether this group was violating the law, the amendment specifically includes this group under "exceptions". Vote 16-3.

Amendment (0400h)

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

AN ACT exempting automatic irrigation system installers from licensure by the electrician's board.

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

1 New Paragraph; Exemptions. Amend RSA 319-C:3 by inserting after paragraph X the following new paragraph:

XI. A person who makes or, as a business, hires or employs another to make, electrical installations, repairs, alterations, or maintenance on automatic irrigation systems operating at 30 volts or less.

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

AMENDED ANALYSIS

This bill exempts persons who install, repair, maintain, or alter automatic irrigation systems from regulation as electricians.

HB 584-FN-A, establishing the position of citizens' advocate in the department of environmental services and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Anne Marie Irwin for Executive Departments and Administration: The purpose of this bill was to establish and fund a citizen's advocate within the department of environmental services. The committee found funding this position through agency fees was impractical as

well as not cost efficient. Vote 16-1.

HB 679-FN, relative to medical savings accounts. **INEXPEDIENT TO LEGISLATE**

Rep. John DeJoie for Executive Departments and Administration: This bill would amend RSA 21-I by requiring the commissioner of administrative services to establish medical savings accounts as an option to traditional state employees health insurance. The committee reviewed this bill and found that there were numerous technical concerns with the bill. The sponsor spoke eloquently of an alternative health plan that would offer employees an option over existing plans while insuring catastrophic coverage. However, the bill does not address any structural, programmatic or coverage aspects. Finally, health care is a permissible subject of collective bargaining. Since the SEA is currently negotiating, the committee believes this type of health coverage should be addressed through collective bargaining rather than statute. Vote 15-3.

HB 469, relative to areas of the state for hunting by crossbow. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. L'Heureux for Fish and Game: This bill as amended prohibits the possession of a cocked crossbow in a motor vehicle, OHRV, aircraft, boat or other craft while being propelled by mechanical power. This bill allows the Fish and Game Department, under administrative rules, to authorize the use of crossbows in communities that are currently restricted to shotguns. The bill, unopposed, was supported by the Fish and Game Department and the New Hampshire Wildlife Federation. Vote 14-0.

Amendment (0319h)

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

3 Hunting from Motor Vehicle, OHRV, Boat, or Aircraft; Crossbows Added. Amend RSA 207:7, II and III to read as follows:

II. No person shall have or carry, in or on a motor vehicle, OHRV, or aircraft, whether moving or stationary, *a cocked crossbow*, a loaded rifle or loaded shotgun, or a rifle or shotgun with a cartridge in a magazine or clip attached to the gun.

III. No person shall have in or on a boat or other craft while being propelled by mechanical power, or in a boat or other craft being towed by a boat or other craft propelled by mechanical power, *a cocked crossbow*, a loaded rifle or loaded shotgun, or a rifle or shotgun with a cartridge in a magazine or clip attached to the gun.

HB 533, relative to health carrier disclosure for medical child support enforcement.

OUGHT TO PASS WITH AMENDMENT

Rep. Pamela G. Price for Health, Human Services and Elderly Affairs: This bill was requested by the Department of Health and Human Services, for medical child support enforcement purposes. Medical coverage may be ordered by the courts and child custody cases, but be difficult to identify when parents change jobs, or change insurance carriers without notifying the Department. The state often provides coverage under medicaid in the absence of other known insurance. This bill would allow us to electronically cross-match the New Hampshire Division of Child Support Services caseload against private carrier files to identify insurance coverage that is not already known to Division of Child Support Services. The bill does not expand the information that the insurance company provides to the Department, it expands the uses of that information to facilitate the enforcement of laws we already have. The bill was amended to address the privacy concerns of the committee. The Department may identify individuals by name, but may only use the last four digits of their social security number. Also, the new law will require any health carrier, public agency, or contracted agent who performs the electronic cross-match to purge any information received from the Department immediately upon completion of the data match exchange. The bill has

the potential to save the Department of Health and Human Services millions of medicaid payments. This enforces the rights of the children to health coverage. We ask your support of the unanimous committee vote of ought to pass with amendment. Vote 14-0.

Amendment (0413h)

Amend RSA 161-C:3-b, VI as inserted by section 1 of the bill by replacing it with the following:

VI. The department may provide certain information to health carriers, as defined in RSA 420-G:2, public agencies or its contracted agents concerning individuals who are subject to an order to provide health insurance coverage for dependents administered by the office of child support enforcement services, and their dependent children covered by such medical support orders, as necessary to cross-match the individuals with policyholder and subscriber information pursuant to RSA 161-C:3-e and rules adopted by the commissioner pursuant to that section, for the purpose of enforcing orders for medical support. The department may identify such individuals by name, the last 4 digits of the individual's social security number or other taxpayer identification number, date of birth, last known address, employer, or any combination thereof.

Amend RSA 161-C:3-e, III as inserted by section 2 of the bill by replacing it with the following:

III. All information disclosed by the department for the purpose of the electronic cross-match shall remain property of the state of New Hampshire. Any health carrier, public agency, or contracted agent engaged by the department to perform the electronic cross-match shall purge any information received from the department pursuant to this section concerning individuals or dependents from its records and databases immediately upon the completion of the data match exchange.

IV. In any case where the department administers a medical child support order on behalf of a dependent child who does not receive temporary assistance to needy families or medical assistance, the transaction costs associated with the electronic cross-match shall be paid in advance by the custodial parent or guardian, and the non-custodial parent shall reimburse the custodial parent for such transaction costs.

V. Any health carrier who supplies information in accordance with this section and with rules adopted under RSA 161-C:28 shall have immunity from any civil or criminal liability that might otherwise be imposed or incurred.

HB 831, establishing a New Hampshire end-of-life care study commission. **OUGHT TO PASS**

Rep. Hilda W. Sokol for Health, Human Services and Elderly Affairs: This bill establishes a commission to study and develop approaches to prepare people, health providers, and other caregivers in offering access to quality end-of-life care. In addition to two Representatives and two Senators, the commission will include representatives from the following New Hampshire organizations: Foundation for Healthy Communities, Hospice, Hospital Association, Medical Society, Association of Home Care Facilities, Health Care Association, Council of Churches, Nurses Association, Bar Association, Minority Health Coalition, Association of Counties, Department of Health and Human Services, and Department of Safety. The issues to be addressed are ways to: 1) educate the public about advance care planning (e.g. living wills, durable power of attorney) and to ensure that advanced directives are honored by health providers, emergency medical providers, and family and other care givers; 2) increase understanding of and access to palliative care services (i.e. adequate pain management); 3) encourage people to discuss dying (the ultimate consequence of life) with family and/or friends and to express their wishes as to the actions to be taken, or not taken, in the event of their death. Vote 13-0.

HB 199-FN-A, establishing new special justice positions in the Manchester, Concord, and

Nashua district courts and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Rowe for Judiciary: Currently, the Nashua and Manchester District Courts are each staffed with a full-time judge, a full-time associate judge and a special justice. A special justice is a part-time judge who is assigned and paid on a per-diem basis. A special judge can be assigned to sit from one to five days a week, as is the case in the Manchester and Nashua district courts. It was the desire of the proponents of this bill that both of the sitting special justices could be made full-time judges without the need for approval by governor and council. The committee and the executive branch believe that changing a part-time judge to a full time judge is the creation of a new position and executive branch approval is necessary. Because of this requirement, the proponents and sponsor of this bill have requested that the bill not go forward so that the two part-time special judges may continue in their current capacity. Vote 14-0.

HB 290, relative to the burden of proof in medical injury cases. **INEXPEDIENT TO LEGISLATE**

Rep. John M. Pratt for Judiciary: The sponsor of this bill agreed with the overwhelming opinion of the committee that the “loss of opportunity” doctrine is best left to the courts, which created the doctrine in the case of Lord v. Lovett. The committee concluded that the issue does not need to be codified at this point. Vote 16-1.

HB 373, establishing a committee to study the intent of legislative language and the canons of statutory construction and their conformity with constitutional authority.

INEXPEDIENT TO LEGISLATE

Rep. Bette R. Lasky for Judiciary: This bill would have put into place a committee to study the intent of legislative language and the canons of statutory construction and their conformity with constitutional authority. In addition, the duties of this committee would have involved looking into the benefit of putting a preamble on all proposed legislation to unequivocally state precise legislative intent by being written in the “precise self-executing language of Latin.” The committee heard testimony that there is already a law that spells out various tenets of statutory construction and there is a large body of law on this issue. The committee felt that to study this would be extremely cumbersome and redundant because of the many volumes already written by scholars on the subject and the involvement of Latin would also be at cross purposes to the sponsor’s intent of making legislation easily understood by all. Vote 13-0.

HB 437, establishing a committee to study the feasibility of implementing common law grand juries in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Phyllis L. Woods for Judiciary: This bill would establish a committee to study the feasibility of implementing common law grand juries in New Hampshire. The sponsor testified that the purpose of having such grand juries would be to help people who encounter abuses with public servants but are unable to access the grand jury by reason of the failure of county attorneys- themselves public servants- to pursue their cases. The committee noted that the large number of bills before it seeking appointment of study committees would, if all were passed, keep a large percentage of the House in session all summer, and that those, such as this, which are premised totally on anecdotal evidence of abuse, should be eliminated from the total. Vote 12-0.

HB 441, establishing a committee to study adoption of the Uniform Probate Code.

INEXPEDIENT TO LEGISLATE

Rep. Robert H. Rowe for Judiciary: This bill is to establish a study committee to determine if NH should adopt the Uniform Probate Code. This code has been developed by a division of the American Bar Association. Sixteen states have adopted this uniform code. The Uniform

Probate Code is an unsupervised probate process. This means an executor or administrator of an estate can sell property or distribute the estate assets without supervision by the probate court. Unsupervised probate could and probably would result in the mismanagement of an estate. The NH probate system is a supervised system where approval of a judge is necessary for the distribution or sale of estate assets and to conclude the probate state. NH probate is thorough but a relatively simple system that protects the estate assets. Further, to adopt the Uniform Probate Code would require the change of a great number of other NH statutes. The committee feels that study of the Uniform Probate Code is unnecessary at this time. Vote 13-0.

HB 490, relative to the application of statutes, and rules or ordinances authorized by statutes. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: This bill would amend RSA 21:1 to require that no application of a statute, administrative rule, or local regulation shall prohibit or be contrary to constitutional rights. The committee determined that the redundancy of prohibiting by statute that which is already prohibited by the constitution would be unlikely to serve the sponsor's intended purpose of preventing or deterring the occasional inadvertently promulgated statute, rule or regulation from getting by. Vote 14-0.

HB 508, relative to participation of insured defendants in superior court mediations. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: This bill would prohibit the superior court from requiring an insured defendant represented by the insurer to attend mediation or other court-ordered alternate dispute resolution proceedings. The sponsor testified that the bill was filed for the purpose of countermanding an anticipated new superior court rule that would require such attendance, but that rule to date has not been and may never be issued. In deciding against either retaining or recommending passage of this bill, the committee determined that since, even were such a rule to be issued, the Court, pursuant to existing superior court rules, could upon motion grant relief from it in appropriate cases, there was no need to provoke a possible confrontation between the legislature and judicial branches over Part 2, Article 73-a rulemaking authority on this issue. Vote 12-1.

HB 523-FN, reducing the number of superior court justices. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: This bill would reduce the number of superior court judges from 28 to 25. The sponsor testified that this bill had been filed on the understanding that the workload of the superior courts was decreasing as the backlog has been reduced, but that recent review has shown that the current caseload per judge in fact remains within the national average and will soon be increased by the shift of the landlord/tenant appeals from the supreme to the superior court. For these reasons, the sponsor recommended that the bill should be voted inexpedient to legislate. The committee noted that should the situation change, the number of judges could still be reduced through attrition by retirement, resignation and the failure of the governor to appoint replacements. Vote 14-0.

HB 255-L, authorizing the creation of special purpose village districts within the Fall Mountain regional school district. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: This bill would have provided a procedure for the towns which now make up the Fall Mountain regional school district to breakup into five (5) different village districts for a special purpose; that being able to construct, own and maintain public school facilities within their town's geographic limits. The committee heard testimony from many individuals on both sides of the issue and considered all the information in their deliberations. The final unanimous decision was that due to the many legal issues that have yet to be answered in the courts, the committee felt

that this was not the forum for this issue at this time. Vote 12-0.

HB 432, relative to nonbinding municipal referendums. **INEXPEDIENT TO LEGISLATE**
Rep. Thomas J. Gillick for Municipal and County Government: After discussion by the committee regarding the legal requirements of referenda versus warrant articles, the sponsor suggested that the reason for his bill was no longer a matter of concern and requested that the bill be voted inexpedient to legislate. Vote 11-1.

HB 434-L, relative to junkyards and motor vehicle recycling yards. **OUGHT TO PASS WITH AMENDMENT**

Rep. Laurie J. Boyce for Municipal and County Government: This bill gives the governing body of a town/city/unincorporated place the ability to impose a civil penalty on the owner(s) of property that is not in compliance with local junkyard laws along with the procedure for enforcement. This bill does not relieve the owner of doing the corrections to the property nor does it relieve them of bringing the property into compliance. Vote 13-0.

Amendment (0442h)

Amend RSA 236:128, III as inserted by section 2 of the bill by replacing it with the following:

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

HB 453, relative to recommendations of certain municipal boards. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Theberge for Municipal and County Government: This bill prevents any local body other than the budget committee from recommending a municipal budget. Given a Town Government structure, this bill would exclude the governing body. The committee felt that a recommendation does not promote the views of a select group, nor does it pressure voters to vote a certain way. If passed, this bill would have made it illegal to post meetings. Vote 13-0.

HB 706-FN-L, relative to the definition of net indebtedness under the municipal finance act. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: This bill would change the definition of net indebtedness under the municipal finance act. However, the prime sponsor indicated the bill was no longer necessary. Vote 15-0.

HB 197-FN-A, making an appropriation to the harbor dredging and pier maintenance fund. **INEXPEDIENT TO LEGISLATE**

Rep. John R. Cloutier for Public Works and Highways: This bill would appropriate \$1,000,000 to the harbor dredging and pier maintenance fund for the dredging of Hampton and Seabrook Harbors. Information was later received by the committee that such dredging

would only cost \$500,000. But importantly, this bill is a separate capital appropriation which could be included in this year's Capital Budget. Finally, the Army Corps of Engineers using federal funds may soon do the dredging. Therefore, the committee believes this bill is unnecessary. Vote 16-0.

HB 631-FN-A, relative to emergency access to Interstate 95 in the towns of Hampton and Hampton Falls and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**
Rep. Sandra B. Keans for Public Works and Highways: It became apparent during testimony that the New Hampshire Department of Transportation is working on a series of improvements to the turnpike in this area. Also, there have been preliminary talks with the Hampton Fire and Rescue Service. It is the committee's expectation that the cooperation between the two parties can solve the access problems more quickly than through legislation. Vote 16-0.

HB 708-FN-L, permitting certain village districts to become eligible for state highway aid apportionment. **INEXPEDIENT TO LEGISLATE**
Rep. John A. Graham for Public Works and Highways: This bill would have permitted village districts organized for road maintenance to become eligible for state highway aid apportionment. The committee heard that three such districts exist in the state, although representatives from only one district testified in favor of the bill. Both the Department of Transportation and the New Hampshire Municipal Association testified against the bill. In the final analysis, the committee felt that this is a local issue. Vote 17-0.

HB 724-FN-L, extending the effective date of the Skyhaven airport transfer plan. **OUGHT TO PASS**

Rep. Sandra B. Keans for Public Works and Highways: Currently in state statutes there is a date of July 1, 2003 at which time the state would turn over ownership of Skyhaven Airport to a local political subdivision. Rochester, where the airport is located, is in the process of finding locations for wetlands mitigation and financing of a sewer installation. The airport can become financially viable and acceptable to the city if these issues can be realized. However, there is still more work to be done with the Federal Aviation Administration and the Army Corps of Engineers. This date extension should provide the time to work out the projects. Vote 16-0.
Referred to Finance.

HB 769, relative to the lighting of certain advertising devices along highways. **OUGHT TO PASS**

Rep. Sandra B. Keans for Public Works and Highways: This bill requires certain types of lighting on highway signs in the future. There are various reasons the committee supports this legislation. 1) State-of-the-art technology is moving in this direction. With this statute, advertisers will know they can't dump outdated fixtures in New Hampshire. 2) It has now become well documented that environmental sky pollution needs to be controlled. 3) There are safety concerns with glare on highways particularly on wet pavement. Top down lighting makes sense. Vote 16-1.

HB 289, relative to outdoor automatic sprinkler systems. **INEXPEDIENT TO LEGISLATE**

Rep. H. Charles Royce for Resources, Recreation and Development: After over one hour of public testimony on automatic sprinkler systems it was decided by the Resources, Recreation and Development Committee that this bill is not necessary. When new systems or old systems are upgraded automatic shut-offs are offered as part of the installation. The automatic shut-off works after a period of rain has fallen. This bill would only address inground systems. It was felt that this bill was not necessary for the entire state of New

Hampshire. Local communities can control the use of water on public systems. Vote 13-0.

HB 660-FN, relative to the fee for excavating and dredging permits. **INEXPEDIENT TO LEGISLATE**

Rep. David M. Lawton for Resources, Recreation and Development: This bill would increase the fee for an excavating and dredging permit from \$0.04 per square foot to \$0.05 per square foot. The committee, as well as the sponsor of this bill, believe that this issue is better addressed in another, more comprehensive bill which is already being considered this session. Vote 15-0.

HB 732-FN, relative to fines for forestry law violations, and deceptive forestry business practices. **OUGHT TO PASS WITH AMENDMENT**

Rep. H. Charles Royce for Resources, Recreation and Development: This bill as amended requires the Department of Resources and Economic Development (DRED) to establish a unified fine schedule for forestry law violations. The bill also allows pleas to be entered by mail in lieu of court appearances. One major concern addressed in this bill is informing the owner of timber to be harvested that they have a 10% yield tax to be paid to their town. Vote 19-0.

Amendment (0553h)

Amend RSA 227-J:15, I as inserted by section 2 of the bill by replacing it with the following:

I. A person is guilty of a class B felony if the loss is greater than \$1,000 or otherwise guilty of a misdemeanor who in the course of buying and selling of a forest product, as defined under RSA 227-G:4, VII, **recklessly**:

- (a) Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity as provided under RSA 438; or
- (b) Sells, offers, or exposes for sale or delivers less than the represented quantity of any [~~commodity~~] **forest product** or service; or
- (c) Takes or attempts to take more than the represented quantity of any [~~commodity~~] **forest product** or service when as buyer the person furnishes the weight or measure; or
- (d) Sells, offers, or exposes for sale adulterated or mislabeled commodities; or
- (e) Does not remunerate the owner of the timber for the value of the forest products pursuant to a written [~~or verbal~~] contract; or
- (f) Does not furnish the owner, upon **written** request, with all scale slips to verify the amount of the forest products removed from the owner's property.

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

7 New Section; Guidance on Yield Tax. Amend RSA 79 by inserting after section 30 the following new section:

79:31 Guidance on Yield Tax.

I. The department of revenue administration shall make available on its internet site the average stumpage value list provided pursuant to RSA 79:1, III(b).

II. The department shall prepare for persons responsible for payment of the normal yield tax an information guide on how local assessing officials determine the tax assessment. The guide shall include, among other matters, the internet address of the stumpage value list prepared by the department, and the process for appealing an assessment. The department shall make the guide available to the public on its internet site and by any other cost effective means.

III. The department shall include on the intent to cut form, prior to the signature line of the owner, language that makes reference to the internet address of the information guide and to a department phone number where information on the 10 percent normal yield tax can be obtained.

8 Interim Dissemination of Information. The department of revenue administration shall immediately attempt to gain voluntary assistance, as is practical, from municipalities, foresters, and loggers to inform owners of the information sources detailed in RSA 79:31 concerning the normal yield tax.

9 Effective Date.

- I. Section 2 of this act shall take effect 60 days after its passage.
- II. Sections 7-8 of this act shall take effect upon its passage.
- III. The remainder of this act shall take effect January 1, 2004.

AMENDED ANALYSIS

This bill requires the commissioner of the department of resources and economic development to establish a unified fine schedule and allows pleas to be entered by mail in lieu of court appearances.

This bill also clarifies deceptive forestry business practices, and provides for the dissemination of information on the normal yield tax.

HB 109-FN, establishing a New Hampshire do-not-call list for telephone solicitation. OUGHT TO PASS WITH AMENDMENT

Rep. Roy D. Maxfield for Science, Technology and Energy: The sponsors of HB 109 indicated that telemarketing calls were their most troubling constituent concern during the last election season. The subject of unwanted telemarketing calls was exacerbated this past year by an unusually high number of politically motivated surveys and infomercials. This bill was amended by the committee to mirror the Federal Trade Commission's new rules that established an inter-state do-not-call list for telephone solicitation. Their rules received federal funding earlier this year and will be implemented by August. We applied the same FTC rules to intra-state telemarketers and worked with the Attorney General's Office to establish oversight by their office to implement, monitor and collect fees and fines. Vote 16-0.

Amendment (0373h)

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

AN ACT relative to telemarketing practices.

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

1 Use of Automatic Telephone Dialing Systems; Chapter Heading Amended. Amend the chapter heading of RSA 359-E to read as follows:

CHAPTER 359-E

~~[USE OF AUTOMATIC TELEPHONE DIALING SYSTEMS AND CALLER IDENTIFICATION SERVICES]~~

TELEMARKETING

2 New Subdivision Heading; Use of Automatic Telephone Dialing Systems and Caller Identification Services. Amend RSA 359-E by inserting, preceding RSA 359-E:1, the following subdivision heading:

Use of Automatic Telephone Dialing Systems and Caller Identification Services

3 New Subdivision; Telemarketing Sales Calls. Amend RSA 359-E by inserting after section 6 the following new subdivision:

Telemarketing Sales Calls

359-E:7 Definitions. In this subdivision:

I. "Bureau" means the consumer protection and antitrust bureau of the office of the department of justice.

II. "Customer" means any natural person who:

- (a) Is a resident of this state.
- (b) Is or may be required to pay for or to exchange consideration for goods and services offered through telemarketing.
- (c) Is a residential, business, mobile, or telephonic paging device telephone subscriber.

III. "Do-not-call registry" means the Federal Trade Commission's do-not-call registry, established pursuant to the Federal Trade Commission Telemarketing Sales Rule, 68 Fed. Reg. 19,4672 (2003) (to be codified at 16 C.F.R. part 310, section 310.4(b)(1)(iii)(B)), as amended.

IV. "Goods and services" means any goods and services, and shall include any real property or any tangible personal property or services of any kind.

V. "Person" means any natural person, association, partnership, firm, corporation and its affiliates or subsidiaries, or other business entity.

VI. "Telemarketer" means any person who, for financial profit or commercial purposes in connection with telemarketing, makes telemarketing sales calls to a customer when the customer is in this state or any person who directly controls or supervises the conduct of a telemarketer. For the purposes of this subdivision, "commercial purposes" shall mean the sale or offer for sale of goods or services.

VII. "Telemarketing" means any plan, program, or campaign which is conducted to induce payment or the exchange of any other consideration for any goods or services by use of one or more telephones and which involves more than one telephone call by a telemarketer in which the customer is located within the state at the time of the call. Telemarketing shall not include the solicitation of sales through media other than by telephone calls.

VIII. "Telemarketing sales call" means a telephone call by a telemarketer originating in this state or outside of this state to a customer in this state for the purpose of inducing payment or the exchange of any other consideration for any goods or services. A telemarketing sales call shall not include a call made:

(a) In response to an express written or verbal request of the customer called.

(b) In connection with an existing business relationship, which has not been terminated by either party.

(c) On behalf of a nonprofit charity or political campaign.

359-E:8 Prohibited Telemarketing Sales Calls. Telemarketers are prohibited from conducting telemarketing sales calls to any customer who has registered his or her name or telephone number with the Federal Trade Commission's do-not-call registry.

359-E:9 Obligation to Obtain Do-Not-Call Registry. Telemarketers making telemarketing sales calls originating in the state shall obtain the do-not-call registry from the bureau. Telemarketers making telemarketing sales calls originating outside of the state shall obtain the do-not-call registry from the bureau or from the Federal Trade Commission. The bureau shall charge a fee for the registry in an amount sufficient to cover any costs incurred by the bureau in providing the registry.

359-E:10 Notice of Do-Not-Call Registry.

I. The bureau shall provide notice to customers of the do-not-call registry. Any customer who wishes to be included on the registry shall notify the Federal Trade Commission in such manner as the commission may prescribe or shall notify the bureau in writing or via the Internet. A customer may be removed from the registry upon the customer's written request to the bureau or in such manner as the commission may prescribe.

II. The bureau shall update and transmit to the Federal Trade Commission all new names and telephone numbers received for inclusion in the registry not less than quarterly.

359-E:11 Rulemaking. The department of justice shall adopt rules under RSA 541-A relative to the requirements of this subdivision.

359-E:12 Telemarketing; Disclosure Required.

I. If a telemarketer places a telemarketing sales call that is otherwise permitted by this subdivision, the telemarketer shall immediately disclose the caller's identity, the business on whose behalf he or she is soliciting, and the consumer goods or services being offered or sold.

II. If a sale or an agreement to purchase is completed, the telemarketer shall inform the customer of the customer's cancellation rights and give the telephone number and

complete address of the telemarketer and the total price or cost of the sale or agreement. In addition, the telemarketer shall provide a detailed written description of the goods or services purchased, unless the customer waives the right to receive such description.

359-E:13 Penalties.

I. A violation of RSA 359-E:8 or RSA 359-E:12 shall constitute an unfair or deceptive act or practice within the meaning of RSA 358-A:2. Any right, remedy or power set forth in RSA 358-A, including those set forth in RSA 358-A:4, may be used to enforce the provisions of this subdivision. Such remedies shall be in addition to any other remedies provided by law or equity and shall be in addition to any other penalty provided by this section.

II. A violation of RSA 359-E:8 or RSA 359-E:12 shall result in the loss of ability to conduct telemarketing in this state for a period of 2 years and shall result in a fine of \$11,000 per violation. Any funds so collected shall be used by the bureau to defray costs associated with the implementation and enforcement of this subdivision.

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

AMENDED ANALYSIS

This bill prohibits telemarketers from calling customers who have placed their names on the Federal Trade Commission's do-not-call registry.

The bill also requires telemarketers to make certain disclosures relative to the identity of the caller and the nature of any sale or agreement.
Referred to Finance.

HB 331-FN, relative to discovery in public utilities commission proceedings.

INEXPEDIENT TO LEGISLATE

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill would establish a penalty for delay by a utility in complying with a discovery action before the Public Utilities Commission until such time that any question by any intervenor be answered to the intervenor's satisfaction. The committee agreed that this would have an adverse affect on staff, increase delay, and result in additional costs which could impact utility rates for state, county and local governments. Vote 15-1.

HB 703-FN, permitting free admission to the state park system for disabled veterans.

OUGHT TO PASS WITH AMENDMENT

Rep. Peter M. Sullivan for State-Federal Relations and Veterans Affairs: The committee believes that providing free admission to the state park system is a modest yet appropriate manner of honoring those men and women who have made profound sacrifices for their country. This legislation was crafted with the input of park system officials, who reassured the committee that this bill is fiscally feasible. Vote 15-0.

Amendment (0407h)

Amend RSA 216-A:3-g, IV as inserted by section 1 of the bill by replacing it with the following:

IV. No disabled veteran of this state, upon providing satisfactory proof of a service-connected disability, shall be charged a fee for admission to the state park system. Special number plates issued to disabled veterans pursuant to RSA 261:86 or a letter issued by the United States Department of Veterans Affairs certifying that the veteran suffers from a service-connected disability shall constitute satisfactory proof under this section. Any fees for the use of enterprise activities as defined in paragraph II shall be charged.

HCR 6, urging the creation of a free and independent Palestinian state. **INEXPEDIENT TO LEGISLATE**

Rep. Peter M. Sullivan for State-Federal Relations and Veterans Affairs: The sponsor of HCR 6 wished to withdraw this resolution. Accordingly, the committee recommends that the resolution be reported as Inexpedient to Legislate. Vote 11-0.

HCR 9, urging the President and the Joint Chiefs of Staff to abandon the Total Information Awareness Initiative. **OUGHT TO PASS**

Rep. Richard F. Heon for State-Federal Relations and Veterans Affairs: This resolution urges the President and Joint Chiefs of Staff to abandon the Total Information Awareness Initiative (TIA). The federal government's TIA seeks to track and store information on all American in a central database. The committee felt that this degree of government knowledge of the lives of ordinary Americans could be devastating to our liberty and our republic. The committee feels that this resolution is important and necessary to protect the people of the State of New Hampshire. Vote 14-1.

HR 9, urging the federal government to extend the Internet Tax Freedom Act moratorium. **OUGHT TO PASS**

Rep. Lawrence J. Guay for State-Federal Relations and Veterans Affairs: This House Resolution urges the federal government to extend the Internet Tax Freedom Act. This act took effect on October 01, 1998 and provided a 3-year moratorium on new taxes on internet access. The committee agrees that it should be extended permanently. Vote 14-1.

HR 10, urging the department of defense to establish a military presence in the state of New Hampshire for purposes of domestic security. **INEXPEDIENT TO LEGISLATE**

Rep. Russell A. Albert for State-Federal Relations & Veterans Affairs: The committee felt that this bill will circumvent an established federal government procedure by urging the Department of Defense to establish a military presence at the Peace Development Authority. Vote 16-0.

HB 103-FN, relative to motor vehicle plates for firefighters and emergency medical care providers. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would establish special number plates to be affixed to the personal vehicles of licensed emergency medical care providers and firefighters who respond to calls. This bill establishes two separate special plates, one for emergency medical technician personnel and one for firefighters to use on their personal vehicles. During the public hearing the sponsors asked the committee to support this legislation so that firefighters would be recognized at emergency scenes. The committee was told that in the larger communities fire departments did not want confusion while managing an emergency scene. Call firefighters are allowed to have flashing red lights, sirens and plaques on their personal vehicles to identify them while on call. The bill also requires an application from the local fire chief with proof that the applicant is qualified to receive these special plates. It also requires the fire chief to be responsible for the plate upon the termination of the employee. Additionally, as written, this bill would allow private companies who provide medical services to authorize their EMTs to qualify. The fire chiefs are opposed to this bill, they are consumed with important responsibilities and don't want to chase down license plates. They are not sure that they would even have the authority to do so. The Department of Safety is also opposed to this bill; identification is an issue for law enforcement. The department estimates that the startup cost for these plates to be \$97,000.00. This would be taken from the Highway Fund. While the veteran's plates are considered a success, there are 135,000 veterans in New Hampshire as of February 2003, only 9,300 have been sold. This is considered average from looking at other states. There are considerably less firefighters and EMTs who are qualified to receive this plate as proposed. Testimony provided by the sponsors during the public hearing reported there were in the vicinity off 5,000. Vote 14-0.

HB 142, relative to motor vehicle registration expiration dates. **INEXPEDIENT TO LEGISLATE**

Rep. Lawrence A. Artz for Transportation: The original intent of this bill was that motor vehicle owners would have the ability to register and inspect their vehicles in a month other than their birth month in order to be of more convenience to the vehicle owner, as well as to better expedite the process of reactivating expired registrations of vehicles, as what is common with owners of seasonably-driven vehicles with birthdays that are in months during the winter. After discussing the issue with the Director of Motor Vehicles, it was determined that there would be problems in administering an alternate registration expiration cycle due to the way the department is currently set up. As more town clerks become connected to the Department of Safety's database, the issue of the vehicle owner having to take additional steps to reactivate an expired registration will correct itself over time. Vote 14-0.

HB 346, establishing a commission to study the impact of traffic law violations on public health and safety and state and municipal resources. **INEXPEDIENT TO LEGISLATE**
Rep. Robert J. Letourneau for Transportation: This bill would establish a commission to study the impact of traffic law violations on public health, safety and state and municipal resources. While the committee understands the sponsors' intent and motives, testimony revealed that they were not aware of the Governor's Task Force on Fatalities and Highway Safety. It became evident that resources were a factor in this legislation, however, the state currently shares fine money with municipalities, and highway funds are constitutionally dedicated (Article 6). This bill would be a redundant effort. Vote 15-0.

HB 379, relative to penalties for OHRV violations by underage operators. **OUGHT TO PASS**

Rep. Robert J. Letourneau for Transportation: This legislation would be helpful in solving the many problems homeowners and law enforcement face with underage operators of off highway recreational vehicles. There are many problems with personal property damage and trespassing by these youthful violators. This bill would put some teeth into the current law by providing ownership liability, increased penalties and fees. Vote 14-0.

HB 406, establishing a speed limit for powerboats on Lake Winnepesaukee. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would establish a speed limit on Lake Winnepesaukee during nighttime hours. The sponsors of this legislation did not appear before the committee to support this bill. Twenty-two members of the public testified in opposition while only three testified in favor. Many of these folks commute to and from work from the islands in the lake, often arriving later in the evening. This would impose severe restrictions on those folks who commute. This would also have a dramatic effect on the Mt. Washington Cruise Line and other social activities on the lake in the evening. No evidence was presented that showed this was a safety issue. Additionally, this would require additional marine patrol officers for nighttime coverage for enforcement. This would add many dollars to the marine patrol budget or cause other lakes to lose officers for the additional patrols. One last point, the implementation of the Boater Education Program (House Bill 499) in 2000 is the key to safer boating. According to the Department of Safety over 21,000 boaters have taken and passed the course to date. Vote 14-0.

HB 570-FN, relative to motor vehicle records of persons involved in accidents. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would permit the release of motor vehicle records of persons involved in a motor vehicle accident for the purpose of correcting or updating incorrect or out-of-date information provided by the person at the accident scene. Testimony revealed that this is already the case and current law provides for law enforcement, insurance companies, attorneys and appropriate persons to receive this information on a case-by-case basis as needed. Vote 14-0.

HB 819, relative to original and youth operators' licenses. **OUGHT TO PASS**

Rep. Sherman A. Packard for Transportation: This bill was a request of the Department of Safety to make technical corrections to the youth operators license provision that went into effect January 1, 2003. The bill will move a youth operator who completes the first year of driving conviction-free into a second phase of licensing. This second phase will give a vertical license to those under age of 21. Upon turning 21 the operator would move into the full original license. This hopefully will help alleviate underage drinking by having such a distinctive license. This policy is also being tried in numerous other states. Vote 15-0.

HB 632-FN-A-L, limiting the collection by the state of excess education property tax payments. **INEXPEDIENT TO LEGISLATE**

Rep. Jeff Gilbert for Ways and Means: This bill would have the effect of establishing different statewide property tax rates for each donor town. Accordingly, the committee believes that the bill is unconstitutional. In addition, neither the DRA or any witness at the public hearing was able to assess the fiscal impact of the bill. Vote 15-0.

HB 663-FN-A-L, relative to county and state funding of long-term care medicaid programs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: This important bill proposes the restructuring of the county-state Medicaid obligations, in face of the July 1, 2003 sunset of SB 409 (1999). It included a 10 cent tobacco tax increase to pay for the then- assumed cost. The prime sponsor also supported a nursing home bed tax as an alternative revenue source, and similar taxes on home health care and some intermediate care beds open to Medicaid clients were considered. Without knowing at what level the nursing home and other Medicaid provider payments will be funded by the Finance Committee, or how they will restructure the policy part of the bill, the Ways & Means Committee is incapable of evaluating whether these revenue options are appropriate. The Committee therefore stripped the revenue source from the bill and sends it forward without recommendation on the policy aspects to be dealt with by the Finance Committee, which has agreed to consult with Ways & Means when they return to the question of revenue. Vote 18-0.

Amendment (0504h)

Amend section 1 of the bill by replacing paragraph I with the following:

I. The purpose of this act is to reauthorize the county obligation to fund a portion of the non-federal share of medicaid expenses for long-term care programs. The goal of this increase in long-term care expenditure is to reduce the substantial county medicaid deficit. The act ensures that county long-term care spending that is not currently matched through the medicaid program will be included in this program.

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

8 Effective Date of Repeal Changed; Reimbursement of Funds for Persons Eligible to Receive Nursing Home Services; Limitation on County Payments. Amend 1998, 388:17, II to read as follows:

II. Paragraphs I and II of section 16 of this act shall take effect on July 1, [2003] **2008**.

9 Rulemaking by Health and Human Services; Contingency.

I. Administrative rules relative to the administration of this chapter proposed by the commissioner of the department of health and human services pursuant to RSA 167:3-c, XIII, as inserted by section of this act, shall be filed pursuant to RSA 541-A:10 and shall be adopted within 120 days of the effective date of this section.

II. Payments by counties pursuant to RSA 167:18-b, as amended by this act, after January 1, 2004, shall not be required if the rulemaking requirement under paragraph I is

not complied with and such rules are not adopted by the commissioner of health and human services.

10 Applicability. Nothing in this act shall be construed to create a new right on entitlement on behalf of any person to receive a service provided by the state.

11 Effective Date.

I. Section 8 of this act shall take effect June 30, 2003.

II. The remainder of this act shall take effect July 1, 2003.

AMENDED ANALYSIS

This bill:

I. Establishes a statutory county-state finance commission.

II. Extends and amends the payment provisions for counties relative to the nonfederal share of nursing home facility services.

III. Adds a county official to the health services planning and review board.

Referred to Finance.

HB 741-FN, relative to an education property tax cap for retired residents. INEXPEDIENT TO LEGISLATE

Rep. Daniel M. Hughes for Ways and Means: This bill would cap the education property tax for certain retirees to the amount they paid their first year of retirement. The committee supported the goal of enhancing property tax relief for our needy citizens but was concerned with the uncertain costs and administrative hurdles inherent in the bill's approach due to death, divorce, age differential of spouses, and other unforeseen circumstances. The committee concluded that the bill's goals could be achieved through other pending legislation. Vote 13-2.

HB 743-FN-A, establishing a disposal tax on disposable diapers. INEXPEDIENT TO LEGISLATE

Rep. Daniel M. Hughes for Ways and Means: The bill's sponsor sought a mechanism to reduce solid waste and simultaneously raise revenues by placing a \$.01 tax on each juvenile disposable diaper sold at retail in New Hampshire. Though this may be a laudable goal, the committee felt that it put an unfair burden on young parents and would be difficult to administer. Vote 17-0.

HB 828-FN-A-L, relative to alternative fuel vehicles. OUGHT TO PASS WITH AMENDMENT

Rep. Susan W. Almy for Ways and Means: The sponsor brought up the issue of alternative-fuel and hybrid vehicles, and how the state can encourage them to improve air quality and decrease reliance on imported oil. The committee felt that a greater problem was the declining revenues to be expected from the gas tax (road toll) as these vehicles increase, and how to fund the Highway Fund as this transition occurs. It therefore amended the bill into a study committee to look at both these issues, the changing source of Highway Fund revenues and whether and how to stimulate alternative-fuel vehicles. Vote 17-0.

Amendment (0483h)

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

AN ACT establishing a committee to study the effect of alternative transportation on state revenues.

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

1 Committee Established. There is established a committee to study the effect of alternative transportation on state revenues.

2 Membership and Compensation.

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

(a) Three members of the house, at least one of whom shall be a member of the ways and means committee, and at least one of whom shall be a member of the public works and highways committee, appointed by speaker of the house of representatives.

(b) Three members of the senate, appointed by 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. Examine future revenues for the highway fund to replace road tolls as alternative fuel vehicles and hybrid vehicles become more common.

II. Examine the possibility of encouraging alternative fuel vehicles and hybrid vehicles.

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 president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2003.

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

AMENDED ANALYSIS

This bill establishes a committee to study the effect of alternative transportation on state revenues.

REGULAR CALENDAR – PART I

HB 621-FN-A-L, establishing an early childhood literacy program. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Nancy Scovner for the Majority of Education: This bill implements an early childhood literacy program in the Department of Education, modeled after the National Parents as Teachers Program. It makes an appropriation of \$1,000,000.00 of federal and other funding for the purpose of this program, without state funds. This program has been a success as a pilot in Claremont and testimony was clear and overwhelming in favor of continuing and expanding. The majority of the committee believes this is an educational policy that confirms this is the best money that we can spend. Vote 14-4.

Rep. Barbara J. Hagan for the Minority of Education: The minority of the committee felt that the negative results of passage outweighed any merits, established a precedent in favor of the “It takes a village to raise a child” mentality and that, lacking evidence of long-term (High School graduates) results. Adopting this program by state statute is premature even though no state funds will be used at this time.

Rep. Newton spoke against.

Rep. Kurk spoke in favor.

Rep. Ingbreton spoke against.

Rep. Ingbreton moved Recommit to committee.

Rep. Stephen L’Heureux spoke against

On a division vote, 101 members having voted in the affirmative and 252 in the negative, the motion to Recommit failed.

Rep. Carson spoke in favor.

Rep. Nordgren requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 243 NAYS 118

YEAS 243

BELKNAP

Bartlett, Gordon
Nedeau, Stephen
Whalley, Michael

Dewhirst, Glenn
Pilliod, James

Fitzgerald, James
Russell, David

Flanders, Donald
Thomas, John

CARROLL

Derby, Mark
Olimpio, J Lisbeth

Dickinson, Howard
Patten, Betsey

Hatch, Paul
Stevens, Stanley

McConkey, Mark

CHESHIRE

Allen, Peter
Eaton, Daniel
Mitchell, McKim
Richardson, Barbara
Smith, Edwin

Batchelder, Robert
Espieffs, Peter
Parkhurst, Henry
Robertson, Timothy
Tilton, Anna

Dexter, Judson
Hunt, John
Pratt, Irene
Royce, H Charles
Webber, Amy

Dunn, James
Meador, David
Pratt, John
Slack, Pamela
Weed, Charles

COOS

Guay, Lawrence
Stohl, Eric

Mears, Edgar
Theberge, Robert

Poulin, Richard
Tholl, John Jr

Pratt, Leighton
Woodward, David

GRAFTON

Akins, Ralph
Bleyler, Ruth
Eaton, Stephanie
Nordgren, Sharon

Almy, Susan
Cooney, Mary
Gionet, Edmond
Scovner, Nancy

Barker, Robert
Densmore, Edward
Hammond, Lee
Sokol, Hilda

Benn, Bernard
Diamond, Estelle
Naro, Debra
Solomon, Peter

HILLSBOROUGH

Balcom, John
Brassard, Paul
Clemons, Jane
Craig, James

Baroody, Benjamin
Brundige, Robert
Cote, David
Crane, Elenore
Casey

Batula, Peter
Buckley, Raymond
Cote, Peter
Dokmo, Cynthia

Bergin, Peter
Carter, Mark
Coughlin, Pamela
Fields, Dennis

Gargas, Carolyn
Graham, John
Hansen, Ryan
Jean, Claudette
Kurk, Neal
Leach, Edward

Gonzalez, Carlos
Greenberg, Gary
Haytayan, Harry Jr
Konys, Christine
L'Heureux, Robert
Lessard, Rudy

Gorman, Mary
Haley, Robert
Infantine, William
Kopka, Angeline
Laflamme, Charles
Malloy, Chris

Goulet, Maurice
Hallyburton, Margaret
Irwin, Anne-Marie
Kudalis, Debra
Lasky, Bette
McDonough-Wallace,
Alice

McHugh, Claire
Milligan, Robert
Pappas, Christopher
Price, Pamela
Shaw, Barbara
Sullivan, Peter
Wheeler, Robert

McRae, Karen
Mooney, Maureen
Pappas, Marc
Reeves, Sandra
Spiess, Paul
Sweeney, Cynthia

Mercer, Robert
Moran, Edward
Pepino, Leo
Rowe, Robert
Stepanek, Stephen
Tahir, Saghir

Messier, Irene
Movsesian, Lori
Pilotte, Maurice
Scanlon, Michael
Sullivan, Francis
Tate, Joan

MERRIMACK

Anderson, Eric

Blanchard, Elizabeth

Bouchard, Candace

Brueggemann,
Donald

Clarke, Claire
Davis, Frank
Field, William
Hager, Elizabeth
L'Heureux, Stephen
Maxfield, Roy
Potter, Frances
Wallner, Mary Jane

Colcord, J D
DeJoie, John
Fraser, Leo Jr
Hamm, Christine
Leber, William
Osborne, Jessie
Reardon, Tara

Currier, David
DeStefano, Stephen
French, Barbara
Jacobson, Alf
Lockwood, Priscilla
Owen, Derek
Rush, Deanna

Daniels, Eric
Dunne, Christopher
Gile, Mary
Kenison, Leon
MacKay, James
Perkins, Randy
Seldin, Gloria

ROCKINGHAM

Belanger, Ronald
Casey, Kimberley
Davidson, Robert
Flanders, John Sr
Griffin, Mary
Introne, Robert
Kelley, Jane
Letourneau, Robert
Morris, Richard
Pitts, Jacqueline
Splaine, James
Vallone, Matthew
Winchell, George

Blanchard, MaryAnn
Coes, Betsy
Dearborn, Bruce
Gilbert, Jeffrey
Hamel, Albert
Johnson, Robert
Kobel, Rudolph
Major, Norman
Norelli, Terie
Roessner, Kurt
Stone, Joseph
Waterhouse, Kevin

Bridle, Russell
Cooney, Richard
DiFruscia, Anthony
Gillick, Thomas
Hughes, Daniel
Katsakiores, George
Langley, Jane
McKinney, Betsy
Packard, Sherman
Ruffner, Walter
Stritch, C Donald
Weare, E Albert

Carson, Sharon
Dalrymple, Janeen
Dodge, Robert
Gleason, John
Ingram, Russell
Katsakiores, Phyllis
Langone, John
Moore, Benjamin
Pantelakos, Laura
Shultis, Elizabeth
Tufts, J Arthur
Welch, David

STRAFFORD

Berube, Roger
Dunlap, Patricia
Johnson, Nancy
Miller, Joseph
Rous, Emma
Taylor, Kathleen

Bickford, David
Grassie, Anne
Kaen, Naida
Musler, George
Schmidt, Peter
Vachon, Dennis

Callaghan, Frank
Heon, Richard
Keans, Sandra
Pelletier, Arthur
Smith, Marjorie
Wall, Janet

Creteau, Irene
Hofemann, Roland
Knowles, William
Rollo, Deanna
Spang, Judith

SULLIVAN

Allison, David
Ferland, Brenda
Harris, Sandra
Rodeschin, Beverly

Burling, Peter
Flint, Gordon Sr
Jones, Constance

Cloutier, John
Franklin, Peter
Leone, Richard

Donovan, Thomas
Harris, Joseph
Phinizy, James

NAYS 118

BELKNAP

Allen, Janet
Laflam, Robert

Boyce, Laurie
Lawton, David

Clark, Charles

Holbrook, Robert

CARROLL

Babson, David Jr
Philbrick, Donald

Brown, Carolyn

Merrow, Harry

Mock, Henry

CHESHIRE

Fish, Douglas

Laurent, John

Liebl, George

COOS

Brady, Mark

King, Frederick

Richardson, Herbert

GRAFTON

Alger, John
Giuda, Robert
Williams, Burton

Dorsett, Andrew
Ingbretson, Paul

Dudley, Terri
Maybeck, Margie

Gilman, G Michael
Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis
Balboni, Michael
Bouchard, David
Cernota, Albert

Allen, Timothy
Barry, J Gail
Bruno, Pierre
Chabot, Robert

Arnold, Thomas Jr
Beaton, William
Carlson, Donald
Christensen, D L
Chris

Artz, Lawrence
Bergeron, Jean-Guy
Carter, Jeffrey
Christiansen, Lars

Dionne, Kimberley
Furman, Christine
Harrington, Paul
Hopper, Gary
Luebker, Bernard

Elliott, Larry
Gibson, John
Hawkins, Ken
Jasper, Shawn
McElroy, Henry Jr

Emerton, Larry
Goyette, Peter Jr
Hinkle, Peyton
Johnson, Lionel
Mosher, William

Fletcher, Richard
Hall, Charles
Holden, Randolph
Lawrence, James
O'Brien, Lori

Ober, Russell III
Vaillancourt, Steve

Ross, Lawrence
Wheeler, James

Slocum, Lee

Souza, Kathleen

MERRIMACK

Foley, Albert
McCormick, Tom
Reed, Dennis

Hess, David
Nutter, Edward
Soltani, Tony

Kennedy, Richard
Oliver, James

Marple, Richard
Ouellette, Robert

ROCKINGHAM

Allen, Mary
Clark, Vivian
Dupuis, Roland
Gilbert, Karl
McMahon, Charles
Putnam, Ed II
Scamman, Stella
Weyler, Kenneth

Bicknell, Elbert
Doyle, Christopher
Fesh, Bob
Gould, Kenneth
Noyes, Richard
Quandt, Matthew
Smith, Donald
Zolla, William

Cady, Harriet
Duffy, James
Flayhan, Mary Lou
Headd, James
O'Neil, Michael
Rausch, James
Varrell, Thomas

Camm, Kevin
Dumaine, Dudley
Francoeur, Sheila
McCann, Richard
Priestley, Anne
Robertson, Carl
Weldy, Norman Jr

STRAFFORD

Albert, Russell
Easson, Timothy
Twombly, James

Bemis, Alan
Harrington, Michael
Woods, Phyllis

Campbell, W Packy
Newton, Clifford

Cataldo, Sam
Scott, David

SULLIVAN

None

and the majority report was adopted.
Referred to Finance.

HB 751-FN-L, implementing an alternative school building aid grant formula, establishing size and cost standards for the construction of new school facilities, and permitting high school vocational technical education programs which lease space to be eligible for school building aid grants. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John R. M. Alger for the Majority of Education: This bill provides an alternative method of computing school building aid that benefits less wealthy communities, but leaves the existing building aid program in law. In addition, a lease provision is included with a ten year limit after which renewal requires further approval. In addition, the bill places school room size limitations (square feet per student) above which the state will not pay its cost without preventing school districts from building to their own designs. This size limit and land area limits are similar to those in our surrounding states and were recommended in a recent Legislative Budget Assistance audit of the facilities planning function of the Department of Education. As a result of the size limitations, in spite of the greater state support for less wealthy communities, analysis of projects during recent years shows the bill will be close to revenue neutral. Vote 10-7.

Rep. Claire D. Clarke for the Minority of Education: This bill creates a new and unrealistically low square foot size limitation for new school construction projects in New Hampshire. This limitation would have adversely affected reimbursements to sixty percent of the projects approved during the last three years according to certain testimony. In addition, this law size limit would adversely impact smaller school communities. This adverse and unintended consequence suggests that this policy change needs further study. Majority report adopted.
Referred to Finance.

HB 786-FN-L, relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John R. M. Alger for the Majority of Education: The bill simply requires the federal government to adhere to the same policy of no mandates without paying for them, as the State must honor. Furthermore, there is a federal law requiring payment for mandates and also such a statement in the “No Child Left Behind” law. However, testimony revealed uncertainty as to structures in the federal law on No Child Left Behind would, in fact, apply. Therefore, even though No Child Left Behind appears to be well funded for the next two years, the future demands on state and local revenues is uncertain and likely to be significant, judging from the testimony. Vote 12-5.

Rep. Mark S. Carter for the Minority of Education: The minority would like to point out that the architect and sponsor of the No Child Left Behind Act is US Senator Judd Gregg. The minority points out that the “coalition of opposites” that testified in favor of HB 786 are the same coalition that has delivered education mediocrity to New Hampshire. All the representatives who testified in favor of HB 786 said they support “the concept” of No Child Left Behind, which presumably means they believe it will help our students, but only so long as it does not cost New Hampshire one dime. The minority believes that New Hampshire should be testing children and holding schools and parents accountable. If you believe similarly, then the No Child Left Behind Act is a federal assistance grant that helps New Hampshire do what it should be doing already.

Majority report adopted.

Referred to Finance.

HB 577-FN-A-L, relative to implementing the Help America Vote Act of 2002. OUGHT TO PASS WITH AMENDMENT

Rep. C. Donald Stritch for Election Law: This bill known as the “Help American Vote Act” (HAVA) is the first step by our state in implementing the federal election law by the same name passed by Congress last October 2002. It mandates that states abide by specific federal election requirements: provide voters an opportunity to correct ballot errors, implement a voting system with manual audit capacity, provide at least one disability accessible voting machine per ward/precinct/town or voting district, provide state advocacy systems for the disabled, improve voting technology, test voting equipment, develop a centralized statewide voter registration base and to implement a statewide voter identification requirement for first time voters. It also provides for ongoing election education for all election officials statewide. Funding for these HAVA changes will be distributed over a three-year period upon submission of the state election reform plan. The state “election fund” would receive this year \$5,000,000 and a possible \$9,000,000 (the additional \$4,000,000 requires 5% contribution from the state). The committee voted unanimously to recommend passage of the first phase of the HAVA legislation. Vote 11-0.

Amendment (0449h)

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

AN ACT relative to implementing the Help America Vote Act of 2002 and relative to rulemaking by the secretary of state.

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

1 New Section; Election Fund. Amend RSA 5 by inserting after section 6-c the following new section:

5:6-d Election Fund.

I. There is established in the office of the state treasurer a nonlapsing fund to be known as the election fund which shall be kept distinct and separate from all other funds. The election fund is established to meet the requirements of section 254(b) of the Help America Vote Act, Public Law 107-252.

II. The treasurer shall deposit in the election fund all monies received by the state pursuant to the Help America Vote Act of 2002, Public Law 107-252 and all civil or administrative fines or penalties or filing fees collected by the secretary of state pursuant

RSA 655; RSA 659; and RSA 664. The treasurer shall also deposit in the election fund such other funds received under state or federal law, or donated to the state by private parties, for the purposes of conducting elections, voter and election official education, election law enforcement, and related information technology projects and improvements, and shall credit any interest or income earned on monies on deposit to the fund.

III. The secretary of state is authorized to accept, budget, and, subject to the limitations of this paragraph, expend monies in the election fund received from any party for the purposes of conducting elections, voter and election official education, the purchase or lease of voting equipment which complies with Help America Vote Act of 2002, Public Law 107-252, election law enforcement, and improvements to related information technology. The secretary of state shall not expend any monies in the election fund unless the balance in the fund following such expenditures shall be at least 20 times the estimated annual cost of maintaining the programs established to comply with the Help America Vote Act of 2002, Public Law 107-252.

IV. All monies in the election fund shall be continually appropriated to the department of state and shall not lapse.

V. The treasurer, upon approval of the secretary of state shall pay the expenses of planning, equipping, administering, staffing, maintaining, and improving the election services provided by the secretary of state and related services provided by the department of safety, the department of health and human services, and the department of justice out of any monies in the election fund, subject to the limitations established in paragraph III, notwithstanding any other provision of law.

2 New Subparagraph; General Revenue Exceptions; Election Fund. Amend RSA 6:12, I by inserting after subparagraph (lllllllll) the following new subparagraph:

(mmmmmmmm) Moneys deposited in the election fund under RSA 5:6-d.

3 New Paragraph; Administrative Procedure Act; Exceptions; Guidelines or Rules Issued by Secretary of State. Amend RSA 541-A:21 by inserting after paragraph VI the following new paragraph:

VI. Guidelines or rules issued by the secretary of state under title LXIII in furtherance of executing and enforcing the election laws shall be exempt from the rulemaking requirements of RSA 541-A.

4 New Subdivision; Centralized Voter Registration Database. Amend RSA 654 by inserting after section 44 the following new subdivision:

Centralized Voter Registration Database

654:45 Centralized Voter Registration Database.

I. The secretary of state is authorized to plan, develop, equip, establish, site, and maintain a statewide centralized voter registration database and communications system, hereinafter referred to as the voter database, connecting users throughout the state. The voter database shall include the information on the voter registration form and the voter checklists maintained by each city, ward, and town in the state.

II. Any election official in the state, including any local election official, may obtain immediate electronic access to the information contained in the voter database related to individuals registered or registering to vote in the election official's jurisdiction.

III. The voter database shall, upon certification by the secretary of state, be the official record of eligible voters for the conduct of all elections held in this state.

IV.(a) The voter database shall have the following minimum components:

(1) An electronic communications system that provides access for election officials from at least one point in each city and town within the state.

(2) An interactive computer program allowing local election officials access to records contained in the database with a process to add, delete, modify, or print a voter registration record related to the election official's jurisdiction. The system shall be designed so that there can be regular updates to the database, the records reflect the name of each registered voter with no duplication, and the names of ineligible voters are removed. The

system shall contain safeguards to ensure that the names of properly registered voters are not removed in error.

(b) Voter database record data shall be verified by matching the records with those of the department of safety and the federal social security administration as are required by law, and with the records of the state agency or division charged with maintaining vital records. For this purpose the voter registration record database may be linked to the state agency or division charged with maintaining vital records and the department of safety, provided that no linked agency or division may use or retain voter information for purposes other than verifying the accuracy of the information contained in the voter database. The system shall facilitate the identification and correction of voter registration records whenever a registered voter has died or has been disenfranchised pursuant to part I, article 11 of the New Hampshire constitution or RSA 654:5 through RSA 654:6, or when the domicile address does not match the address provided by the same individual to the department of safety.

V. The secretary of state shall:

(a) Specify the election officials and the employees of the department of state authorized to access records contained in the voter database, subject to the limitations of paragraph VI.

(b) Provide adequate technological security measures to deter unauthorized access to the records contained in the voter database.

(c) Issue guidelines to implement the voter database. The voter database guidelines and any other guidelines or rules issued by the secretary of state in furtherance of executing and enforcing the election laws shall be exempt from the rulemaking requirements of RSA 541-A.

VI. The voter database shall be private and confidential and shall not be subject to RSA 91-A and RSA 654:31. The voter checklist for a town or city shall be available pursuant to RSA 654:31. Any person who discloses information from the voter database in any manner not authorized by this section shall be guilty of a misdemeanor.

5 Filing Fees; Deposit of Fees. Amend RSA 655:19, II to read as follows:

II. The fees paid to a town or city clerk by candidates for state representative shall be forwarded to the treasurer of the town or city and shall be for the use of the town or city. The fees paid to the secretary of state shall be deposited by ~~him~~ **the secretary of state** in the ~~general~~ **election** fund **established pursuant to RSA 5:6-d**.

6 Administrative Assessment; Deposit of Assessment. Amend RSA 655:19-c, II to read as follows:

II. The administrative assessment paid to a town or city clerk by candidates for state representative shall be forwarded to the treasurer of the town or city and shall be for the use of the town or city. The administrative assessment paid to the secretary of state shall be deposited by ~~him~~ **the secretary of state** into the ~~general~~ **election** fund **established pursuant to RSA 5:6-d**.

7 Registration of Political Committees; Deposit of Fees. Amend RSA 664:3, I to read as follows:

I. Any political committee, except the political committee of a political party, shall register with the secretary of state as provided in this section. The committee shall register with the secretary of state not later than 24 hours after receiving any contribution in excess of \$500 or before making any expenditure in excess of \$500. The registration shall be accompanied by a fee of \$50, which shall be deposited by the secretary of state into the ~~general~~ **election** fund **established pursuant to RSA 5:6-d**; provided, however, that the political committee of a candidate which registers under this section shall not be required to pay the \$50 fee. Each political committee shall designate a treasurer or agent who is a citizen of this state and who is authorized to receive all process and other legal documents on behalf of the political committee, and through whom may be obtained access to all books and records of the political committee. The political committee shall file with the secretary of

state a statement of the purpose of the committee and shall indicate whether the committee will be making independent expenditures in support of or in opposition to any candidate including a statement of the name, address, occupation, and principal place of business of its chairperson, treasurer or agent, and other officers.

8 Political Expenditures and Contributions; Penalty; Fines. Amend RSA 664:21, II to read as follows:

II. Any fine assessed under the provision of this section shall be paid to the secretary of state for deposit into the ~~[general]~~ **election** fund **established pursuant to RSA 5:6-d.**

9 Ballot Law Commission; Additional Jurisdiction. Amend RSA 665:7 to read as follows:

665:7 Additional Jurisdiction. In addition to the jurisdiction of issues conveyed to the ballot law commission by other sections of this chapter, the commission shall hear and determine all disputes involving alleged violations of New Hampshire election laws of a non-criminal nature for which no specific statutory appeal procedure has already been provided. The commission shall also hear and determine petitions for review of cease and desist orders issued by the attorney general under RSA 664:18, II, if such petitions are filed within 3 days of the order, **and shall hear and resolve complaints of federal voting law violations, pursuant to the Help America Vote Act of 2002, Public Law 107-252, as provided in RSA 666:14.**

10 New Subdivision; Administrative Complaint Procedures. Amend RSA 666 by inserting after section 13 the following new subdivision:
Administrative Complaint Procedures

666:14 Administrative Complaint Procedures. The attorney general may establish an administrative complaint procedure for the resolution of complaints of federal voting law violations, pursuant to the Help America Vote Act of 2002, Public Law 107-252. The attorney general may adopt administrative rules under RSA 541-A to implement the complaint resolution procedures. The ballot law commission is hereby designated as the body providing alternative dispute resolution as required by section 402(a)(2)(I) of the Help America Vote Act of 2002, Public Law 107-252.

11 Appropriation. The sum of \$1 for the fiscal year ending June 30, 2004, and the sum of \$1 for the fiscal year ending June 30, 2005, are hereby appropriated to the election fund established in RSA 5:6-d. These sums shall be in addition to any other funds appropriated to the department of state. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

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

AMENDED ANALYSIS

This bill:

I. Establishes an election fund for moneys appropriated to the state pursuant to the Help America Vote Act of 2002 and requires that certain fees and fines be deposited in the fund.

II. Authorizes a statewide centralized voter registration database and communications network.

III. Exempts guidelines or rules issued by the secretary of state in furtherance of executing and enforcing the election laws from the rulemaking requirements of RSA 541-A.

Adopted.

Rep. Stritch spoke to the committee report.

Report adopted.

Referred to Finance.

HB 578-FN-A, establishing a program for self-certification by small quantity hazardous waste generators and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter H. Allen for Environment and Agriculture: This bill establishes a new approach

for self-certification by small quantity hazardous waste generators. The amendment clarifies that the appropriation comes from the Hazardous Waste cleanup fund, under RSA 147-B. Vote 16-0.

Amendment (0190h)

Amend RSA 147-A:5, IV(c)(1) as inserted by section 2 of the bill by replacing it with the following:

I. Small quantity hazardous waste generators in Rockingham and Strafford counties shall submit self-certification forms by January 1, 2004. A fee of \$180 for the period of 2004, 2005 and 2006 shall be paid to the department by January 1, 2004. Self-certification forms and a \$180 renewal fee shall be paid to the department by January 1, 2007, and every 3 years thereafter.

Amend the bill by replacing sections 8 and 9 with the following:

8 Appropriation. The sum of \$249,382 is hereby appropriated to the department of environmental services for the fiscal year ending June 30, 2004, and the sum of \$254,145 for the fiscal year ending June 30, 2005 for the purpose of funding the small quantity hazardous waste generator self-certification program, including the costs associated with the position salaries, benefits, and other program expenses. This appropriation shall be funded from the hazardous waste cleanup fund, under RSA 147-B.

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

AMENDED ANALYSIS

This bill establishes a program for self-certification by small quantity hazardous waste generators. The bill makes an appropriation from the hazardous waste cleanup fund for the purposes of the bill.

Adopted.

Report adopted.

Referred to Finance.

HB 728-FN-A, establishing a dedicated fund for organic certification inspections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Omer C. Ahern, Jr. for Environment and Agriculture: This revenue neutral bill is at the request of the New Hampshire Department of Agriculture, Markets and Food to meet the present and immediate need of organic food processors and handlers within the state of New Hampshire to obtain a New Hampshire "Certified Organic" designation. Since the implementation of recent federal rules and regulations on "organic foods, New Hampshire businesses that offer such organic products to the public would prefer to have a New Hampshire certification for New Hampshire agricultural products. This bill contains a "sunset" date of July 1, 2007. Vote 16-0.

Amendment (0576h)

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

1 Certification; Section Heading Amended. Amend the section heading of RSA 426:6-b to read as follows:

426:6-b Certification; ***Fund Established.***

2 New Paragraph; Certification Inspections; Funds Established. Amend RSA 426:6-b by inserting after paragraph III the following new paragraphs:

IV. There is hereby established in the office of the state treasurer a fund to be known as the organic processors and handlers certification inspection fund. All revenues generated from fees for the certification and inspection of organic processors and handlers adopted by rule pursuant to RSA 426:8 shall be deposited in the fund. The fund shall only be used to support the certification and inspection of organic processors and handlers by the commissioner. The state treasurer may invest moneys in the fund as provided by law and all

interest received on such investment shall be credited to the fund. The commissioner shall be authorized to accept grants, gifts, and donations from any public or private sources for deposit in the fund. Moneys in the fund shall be continually appropriated to the commissioner. Any moneys in the fund at the end of each biennium in excess of \$5,000 shall lapse to the general fund.

V. The commissioner shall prepare and submit to the pertinent house and senate policy and finance committees by October 1 of each year, beginning in 2004, a report detailing the generation and use of moneys in the organic processors and handlers certification inspection fund during the prior fiscal year.

3 Rulemaking. Amend RSA 426:8 to read as follows:

426:8 Rulemaking; Fees. The commissioner may adopt rules, pursuant to RSA 541-A, for carrying out the provisions of this chapter, including the fixing of fees for inspections and certifications authorized by RSA 426:6-b and RSA 426:7. Such fees shall be credited to the general funds of the state, ***except as provided in RSA 426:6-b, IV.***

4 New Subparagraph; Application of Funds. Amend RSA 6:12, I by inserting after subparagraph (IIIIIIII) the following new subparagraph:

(mmmmmmmm) Moneys received pursuant to RSA 426:6-b, which shall be credited to the organic certification inspection fund established in RSA 426:6-b, IV.

5 Certification; Section Heading Amended. Amend the section heading of RSA 426:6-b to read as follows:

426:6-b Certification[~~;- Fund Established~~].

6 Rulemaking. Amend RSA 426:8 to read as follows:

426:8 Rulemaking; Fees. The commissioner may adopt rules, pursuant to RSA 541-A, for carrying out the provisions of this chapter, including the fixing of fees for inspections and certifications authorized by RSA 426:6-b and RSA 426:7. Such fees shall be credited to the general fund of the state[~~;- except as provided in RSA 426:6-b, IV~~].

7 Repeal. The following are repealed:

- I. RSA 426:6-b, IV and V, relative to organic certification inspection fund.
- II. RSA 6:12, I(mmmmmmmmm), relative to organic certification inspection fund.

8 Effective Date.

- I. Sections 5-7 of this act shall take effect July 1, 2007.
- II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a dedicated fund for organic certification inspections, and prospectively repeals the fund on July 1, 2007.

Adopted.

Report adopted.

Referred to Finance.

HB 799-FN-A, assessing a surcharge on waste disposed at solid waste landfills and incinerators, and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**
Rep. Peter H. Allen for Environment and Agriculture: The committee decided that a new approach is needed to encourage recycling in New Hampshire and more time will be necessary to develop future legislation. Vote 15-0.
Adopted.

HB 591-FN, allowing a certain former state employee to apply for accidental disability benefits. **OUGHT TO PASS**

Rep. Carl G. Robertson for Executive Departments and Administration: This bill would allow a certain individual to apply for accidental disability retirement allowance. Because of the unusual circumstances, the committee felt that she should, at least, be allowed to enter the process for a fair hearing. Passage of this bill will allow this one individual to present her case to the board. Vote 14-6.

Adopted and ordered to third reading.

HB 669-FN, relative to dental care insurance for state employees and retired state employees. **OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Zolla for Executive Departments and Administration: The original bill required dental insurance for Group I and Group II state employees and retired state employees at state expense. The amendment authorizes this benefit but at the individual's personal expense. The amendment also provides for medical benefits to state employees hired after July 1, 2003 with 20 years service at age 60. This benefit was previously provided with 10 years service. This bill does not effect employees employed prior to July 1, 2003. Employees hired after July 1, 2003, shall then be on the same benefit level as all other Group I and Group II retirees. Vote 19-0.

Amendment (0519h)

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

AN ACT relative to dental insurance benefits and eligibility for medical benefits for retired state employees.

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

1 New Section; State Employees Group Insurance; Dental Group Insurance; Retired State Employees. Amend RSA 21-I by inserting after section 29 the following new section:

21-I:29-a Dental Group Insurance; Retired State Employees. Any retired state employee, as defined in RSA 21-I:30, and his or her spouse shall be eligible to participate at their own expense in the group dental insurance arrangement afforded full-time state employees.

2 Medical and Surgical Benefits; Definition of Qualifying Retired State Employee Changed. Amend RSA 21-I:30 to read as follows:

21-I:30 Medical and Surgical Benefits.

I. The state shall pay a premium for each state employee and permanent temporary or permanent seasonal employee as defined in RSA 98-A:3 including spouse and minor, fully dependent children, if any, and each retired employee, as defined in paragraph II of this section, and his or her spouse, or retired employee's beneficiary, only if an option was taken at the time of retirement and the employee is not now living, toward group hospitalization, hospital medical care, surgical care and other medical benefits plan or a self-funded alternative within the limits of the funds appropriated at each legislative session and providing any change in plan or vendor is approved by the fiscal committee of the general court prior to its adoption. Funds appropriated for this purpose shall not be transferred or used for any other purpose.

II. For the purposes of this section, "retired employee" means each group II state employee who retires. "Retired employee" also means each group I state employee who:

(a) Has at least 10 years of creditable service for the state ***if the employee's service began prior to July 1, 2003 or 20 years of creditable service if the employee's service began on or after July 1, 2003***, and who also is at least 60 years of age at the time of retirement; or

(b) Has at least 30 years of creditable service for the state at the time of retirement, regardless of the employee's age; or

(c) Is but for the provisions of 1989, 376:10, otherwise eligible to receive medical and surgical benefits under this section notwithstanding subparagraphs (a) and (b), and paragraph IV, on June 30, 1989, and who retires between July 1, 1989, and June 30, 1994; or

(d) Dies or retires and is eligible for accidental death or accidental disability retirement benefits, regardless of the state employee's age or number of years of creditable service; or

(e) Retires and is eligible for ordinary disability retirement benefits, regardless of the state employee's age; or

(f) Dies and is eligible for ordinary death retirement benefits, if the state employee was eligible for service retirement at the time of his death, if the state employee had at least 10 years of creditable service for the state ***if the employee's service began prior to July 1, 2003 or 20 years of creditable service if the employee's service began on or after July 1, 2003.***

III. Any vested deferred state retiree may receive medical and surgical benefits under this section if the vested deferred state retiree is eligible. To be eligible, a vested deferred state retiree shall have at least 10 years of creditable service with the state ***if the employee's service began prior to July 1, 2003 or 20 years of creditable service if the employee's service began on or after July 1, 2003.*** In addition, if the vested deferred state retiree is a member of group I, such retiree shall be at least 60 years of age to be eligible. If the vested deferred state retiree is a member of group II, such retiree shall not be eligible until 20 years from the date of becoming a member of group II and shall be at least 45 years of age.

IV. Each state employee who has at least 10 years of creditable service for the state ***if the employee's service began prior to July 1, 2003 or 20 years of creditable service if the employee's service began on or after July 1, 2003,*** and who elects to take a reduced service retirement allowance shall be defined as a "retired employee" for the purposes of being eligible to receive medical and surgical benefits under this section when the state employee reaches age 60.

V. No state employee who terminates his ***or her*** state service before he ***or she*** becomes eligible for retirement benefits as a "retired employee" as defined under paragraphs II-IV shall be eligible for medical and surgical benefits under this section.

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

AMENDED ANALYSIS

This bill allows retired state employees to participate at their own expense in the dental plan afforded state employees. The bill also changes the years of service required for retired state employees to be eligible for medical benefits.

Adopted.

Report adopted and ordered to third reading.

HB 737-FN-A, relative to the state conservation committee and making an appropriation therefore. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Anne Marie Irwin for the Majority of Executive Departments and Administration: This bill will create a committee of 12 members who will be responsible for screening applications for the \$12 million federal grant pool which was established under the Federal Farm bill. This is the first time this amount of money has been available to the state. The committee draws from an existing structure made up of agriculture, resources, and development, environmental services, fish and game and conservation. The executive departments & administration committee felt it is important to preserve the rural character of our state. In addition, this committee will help assure that the future generation will enjoy a clean environment and open spaces Vote 12-5.

Rep. Judson K. Dexter for the Minority of Executive Departments and Administration: We agree with the supporter of HB 737-FN-A that protecting the state's environment is one of our greatest responsibilities. And that the \$12 million of federal money available through the "Farm Bill" is important to help with that effort. However, it is also important to know that this money is currently available without creating this additional level of bureaucracy. The six agencies, departments and the university system are well aware of these dollars and are already actively applying for this money. Here within lies the problem. First, this is not an all or none situation. In fact, when we asked the sponsors directly what the difference in dollars this "conservation committee" would generate, they could not answer. Second, the "Farm Bill" expires in 2007. However, there is no sunset provision in this bill. If we pass

this bill, we may be creating an agency with a start up budget of \$621,000 with no way of measuring its effectiveness, and that may never go away. Are we truly building a better government or just a bigger government.

Majority report adopted.

Referred to Finance.

HB 791-FN-A, relative to the sale of state merchandise and gift items in state liquor stores and staffed rest areas. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nelson S. Allan for Executive Departments and Administration: This bill was amended to provide the following considerations: a study committee will address and consider the validity of establishing the sale of state merchandise and miscellaneous sundries at rest areas and state liquor stores. The bill, as amended, has the support of the New Hampshire Liquor Commission, New Hampshire Department of Transportation, New Hampshire Grocers Association and New Hampshire Stores, Inc. Vote 19-0.

Amendment (0569h)

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

AN ACT establishing a rest area and state liquor store retail opportunities commission.

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

1 Rest Area and State Liquor Store Retail Opportunities Commission Established.

There is established the rest area and state liquor store retail opportunities commission to examine and plan for the current and future sale of state and other merchandise and gift items at rest areas and state liquor stores. The commission shall focus on how selling merchandise at rest areas and state liquor stores may produce revenue for the state and effectively promote New Hampshire's products and services.

2 Membership and Compensation.

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

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

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

(c) A member of the governor's staff, appointed by the governor.

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

(e) The commissioner of the department of resources and economic development, or designee.

(f) A representative of the Retail Merchant's Association, appointed by such association.

(g) A representative of the Granite State Ambassadors, Inc., appointed by such organization.

(h) A representative of a local chamber of commerce, appointed by the governor.

(i) A representative of New Hampshire Stories, Inc., appointed by that organization.

(j) The chairperson of the liquor commission, or designee.

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:

I. Examine issues associated with the sale of merchandise at state rest areas and state liquor stores.

II. Determine the appropriate products to be sold and develop a list of products that are currently available at rest areas and state liquor stores.

III. Determine a method to evaluate the potential for retail sales at each rest area and state liquor store and the order in which sites shall be developed.

IV. Develop a plan for implementing merchandise sales at selected rest areas and state liquor stores.

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

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2004.

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

AMENDED ANALYSIS

This bill establishes a commission to study the sale of merchandise at rest areas and state liquor stores.

Adopted.

Report adopted and ordered to third reading.

HB 735-FN, relative to prescription drugs and medicaid best practices. OUGHT TO PASS WITH AMENDMENT

Rep. Janeen Dalrymple for Health, Human Services and Elderly Affairs: This bill requires the Department of Health Services to establish certain programs to increase access to prescription drugs for seniors and disabled persons. The bill grants rule-making authority to the Commissioner of Health and Human Services for the purposes of the bill. The committee heard compelling testimony that supports a prescription program targeted for the most needy seniors and medically disabled individuals that often fall through the cracks. Even though this population is small in numbers, it represents a group who are not only very low income, but have assets of less than \$2,500.00. In addition, this bill would establish a Prescription Drug Task Force that would explore cost and access to prescriptions for citizens of this state. The fiscal note is \$3.5 million dollars in the first year, half of which will be funded by the federal government. The bill as proposed establishes disease management, which will finance the cost of the program, averaged over three years. The department of Health and Human Services expressed they would like to use those funds for existing programs and not for adding a new coverage. While the committee is concerned about the fiscal impact the committee voted unanimously to support the policy of the bill and allow the Finance Committee to consider other revenue streams. Vote 17-0.

Amendment 0492(h)

Amend the bill by replacing section 1 with the following:

1 New Chapter; Access to Prescription Drugs. Amend RSA by inserting after chapter 161-J the following new chapter:

CHAPTER 161-K

ACCESS TO PRESCRIPTION DRUGS

161-K:1 Definitions: In this chapter:

I. "Commissioner" means the commissioner of the department of health and human services.

II. "Department" means the department of health and human services.

III. "Division" means the division of elderly and adult services, department of health and human services.

161-K:2 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, necessary for the implementation of this chapter.

Medicaid Rx Senior Eligibility

Expansion Program

161-K:3 Definitions: In this subdivision:

I. "Qualified medicare beneficiaries" means medicare beneficiaries with incomes equal to or below 100 percent of the federal poverty level who are eligible for medicaid assistance for the part A and part B medicare premiums and for medicare deductibles and co-insurance requirements as set forth in section 1905(p)(1) of Title XIX of the Social Security Act.

II. "Specified low-income medicare beneficiaries" means medicare beneficiaries who have incomes greater than 100 percent of the federal poverty level and less than and equal to 120 percent of the federal poverty level and meet the requirements set forth in section 1902(a)(10)(E)(iii) of Title 19 of the Social Security Act.

161-K:4 Medicaid Rx Senior Eligibility Expansion Program Established.

I. There is hereby established the medicaid Rx senior eligibility expansion program. To be eligible for the program, an individual shall:

(a) Be a U.S. citizen or a lawfully admitted alien;
(b) Be a state resident;
(c) Be at least 65 years of age or an individual between the ages of 19 and 64 who is otherwise eligible for benefits under Title II of the Social Security Act (Federal Old Age, Survivors, and Disability Insurance);

(d) Meet the definition of a qualified medicare beneficiary or a specified low-income medicare beneficiary as set forth in subparagraph (c); and

(e) Be ineligible for and/or not receiving a prescription drug benefit through a medicare supplemental policy or any other third party payer prescription benefit.

II. Individuals eligible for the medicaid Rx senior eligibility expansion program shall be entitled to the medicaid prescription drug coverage as provided to medicaid recipients as set forth in Title XIX of the Social Security Act.

III. Individuals eligible for the program established under this subdivision shall be provided a benefit of not more than \$2,000 per year and shall be subject to a \$5 copayment per prescription.

161-K:5 Administration.

I. The medicaid Rx senior eligibility expansion program shall be administered by the division. The department shall apply for a federal medicare 1115 demonstration waiver from the Secretary of Health and Human Services to expand medicaid eligibility for the purposes of prescription drug coverage to qualified medicare beneficiaries and specified low-income medicare beneficiaries under the medicaid Rx senior eligibility expansion program.

II. The commissioner shall make an annual report beginning one year after the effective date of this chapter to the general court relative to the effectiveness of the medicaid Rx senior disability eligibility program.

Amend the bill by replacing section 3 with the following:

3 Task Force Established. There is established a task force to study the feasibility of establishing a New Hampshire Rx patient assistance program.

Amend the bill by replacing section 5 with the following:

5 Duties. The task force shall study the feasibility of establishing a New Hampshire Rx patient assistance program. The committee shall consider eligibility guidelines and enrollment fees.

Amend the bill by replacing section 8 with the following:

8 Prospective Repeal. RSA 161-K:1 through RSA 161-K:5, relative to prescription drug access, is repealed.

AMENDED ANALYSIS

This bill requires the department of health and human services to establish certain programs to increase access to prescription drugs for seniors. The bill grants rulemaking authority to the commissioner of health and human services for the purposes of the bill.

This bill requires the department of health and human services to encourage health plans and health care systems participating in the medicaid program to use case management incorporating evidence-based practice guidelines.

The bill also establishes a 3-year task force to study increasing access to prescription drug medicines.

Adopted.

Report adopted.

Referred to Executive Departments and Administration.

HB 643-FN, relative to establishing the family division of the courts statewide.

MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. John M. Pratt for the Majority of Judiciary: This bill will make the family court, now a pilot project, into a permanent division of the courts. The bill will also expand the family court from the two counties (Grafton and Rockingham) where it now operates to two additional counties (Belknap and Carroll) during the next biennium. The majority concluded that the pilot project has more than proven itself, that the use of case managers in each family court has made those courts exceptionally user friendly, and that the appointment, whenever possible, of a single judge to oversee all the judicial matters which a family might have before the court, has been of great benefit to both the family and the judicial system. Vote 10-7.

Rep. Tony F. Soltani for the Minority of Judiciary: The minority is seriously concerned with the constitutional and statutory implication of this bill. The family court will remain a "nearly-constituted" court. New Hampshire Constitution delegates the authority to select judicial officers for specific duly-constituted courts to the governor and council. The legislature is charged with establishing individual courts other than the constitutionally-established courts. This bill stops short of creating an independent court and allocating personnel and judicial officers. The bill delegates the selection of many judicial officers and placement of courts to the judicial branch. The legislature either ought to constitute a statewide family court where the governor and council will select the necessary judicial officers and all litigants will be treated equally, or abolish the existing pilot program.

Rep. Soltani spoke against and yielded to questions.

Rep. Weyler spoke in favor and yielded to questions.

Rep. Hager spoke in favor.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

YEAS 263 NAYS 98

YEAS 263

BELKNAP

Bartlett, Gordon
Fitzgerald, James
Pilliod, James

Boyce, Laurie
Flanders, Donald
Thomas, John

Clark, Charles
Holbrook, Robert

Dewhirst, Glenn
Laflam, Robert

CARROLL

Brown, Carolyn
McConkey, Mark
Stevens, Stanley

Derby, Mark
Morrow, Harry

Dickinson, Howard
Patten, Betsey

Hatch, Paul
Philbrick, Donald

CHESHIRE

Allen, Peter
Eaton, Daniel
Parkhurst, Henry
Robertson, Timothy
Tilton, Anna

Batchelder, Robert
Espieffs, Peter
Pratt, Irene
Royce, H Charles
Webber, Amy

Dexter, Judson
Meador, David
Pratt, John
Slack, Pamela
Weed, Charles

Dunn, James
Mitchell, McKim
Richardson, Barbara
Smith, Edwin

COOS

Guay, Lawrence
Richardson, Herbert

Mears, Edgar
Theberge, Robert

Poulin, Richard
Woodward, David

Pratt, Leighton

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Densmore, Edward	Diamond, Estelle
Dorsett, Andrew	Eaton, Stephanie	Gionet, Edmond	Hammond, Lee
Naro, Debra	Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda
Solomon, Peter	Sorg, Gregory		

HILLSBOROUGH

Arnold, Thomas Jr	Balcom, John	Baroody, Benjamin	Barry, J Gail
Batula, Peter	Bergin, Peter	Bouchard, David	Brassard, Paul
Brundige, Robert	Buckley, Raymond	Carter, Jeffrey	Carter, Mark
Chabot, Robert	Christensen, D L	Clemons, Jane	Cote, David
	Chris		
Cote, Peter	Coughlin, Pamela	Craig, James	Dokmo, Cynthia
Fields, Dennis	Ford, Nancy	Gargasz, Carolyn	Gonzalez, Carlos
Gorman, Mary	Goulet, Maurice	Graham, John	Greenberg, Gary
Haley, Robert	Hall, Charles	Hallyburton, Margaret	Hansen, Ryan
		Infantine, William	Irwin, Anne-Marie
Hawkins, Ken	Haytayan, Harry Jr	Konys, Christine	Kopka, Angeline
Jean, Claudette	Johnson, Lionel	L'Heureux, Robert	Laflamme, Charles
Kudalis, Debra	Kurk, Neal	Lefebvre, Roland	Lessard, Rudy
Lasky, Bette	Leach, Edward	Mercer, Robert	Messier, Irene
Malloy, Chris	McDonough-Wallace, Alice		
	Moran, Edward	Movsesian, Lori	Pappas, Christopher
Milligan, Robert	Pilotte, Maurice	Price, Pamela	Reeves, Sandra
Pappas, Marc	Scanlon, Michael	Shaw, Barbara	Spiess, Paul
Rowe, Robert	Sullivan, Peter	Sweeney, Cynthia	Vaillancourt, Steve
Sullivan, Francis			
Wheeler, Robert			

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
			Davis, Frank
Clarke, Claire	Colcord, J D	Daniels, Eric	Fraser, Leo Jr
DeJoie, John	DeStefano, Stephen	Dunne, Christopher	Hamm, Christine
French, Barbara	Gile, Mary	Hager, Elizabeth	Lockwood, Priscilla
Jacobson, Alf	Kenison, Leon	Leber, William	Nutter, Edward
MacKay, James	Maxfield, Roy	McCormick, Tom	Potter, Frances
Osborne, Jessie	Owen, Derek	Perkins, Randy	Wallner, Mary Jane
Reardon, Tara	Rush, Deanna	Seldin, Gloria	

ROCKINGHAM

Belanger, Ronald	Blanchard, MaryAnn	Casey, Kimberley	Clark, Vivian
Coes, Betsy	Cooney, Richard	Dalrymple, Janeen	Davidson, Robert
Dearborn, Bruce	DiFruscia, Anthony	Doyle, Christopher	Duffy, James
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Gilbert, Jeffrey
Gilbert, Karl	Gillick, Thomas	Gleason, John	Gould, Kenneth
Griffin, Mary	Hamel, Albert	Headd, James	Hughes, Daniel
Introne, Robert	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Langley, Jane	Langone, John
Major, Norman	McKinney, Betsy	McMahon, Charles	Moore, Benjamin
Morris, Richard	Norelli, Terie	Noyes, Richard	O'Neil, Michael
Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne
Robertson, Carl	Roessner, Kurt	Ruffner, Walter	Scamman, Stella
Shultis, Elizabeth	Splaine, James	Stritch, C Donald	Vallone, Matthew
Waterhouse, Kevin	Weare, E Albert	Weldy, Norman Jr	Weyler, Kenneth
Winchell, George	Zolla, William		

STRAFFORD

Bemis, Alan	Berube, Roger	Bickford, David	Callaghan, Frank
Campbell, W Packy	Creteau, Irene	Dunlap, Patricia	Grassie, Anne
Harrington, Michael	Heon, Richard	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Miller, Joseph
Musler, George	Newton, Clifford	Pelletier, Arthur	Rollo, Deanna
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Kathleen	Twombly, James	Vachon, Dennis	Wall, Janet

SULLIVAN

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

NAYS 98

BELKNAP

Allen, Janet	Lawton, David	Nedeau, Stephen	Russell, David
Whalley, Michael			

CARROLL

Babson, David Jr	Kenney, Bettie	Mock, Henry
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CHESHIRE

Fish, Douglas	Hunt, John	Laurent, John	Liebl, George
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COOS

Brady, Mark	King, Frederick	Stohl, Eric	Tholl, John Jr
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GRAFTON

Barker, Robert	Dudley, Terri	Gilman, G Michael	Giuda, Robert
Ingretson, Paul	Maybeck, Margie	Williams, Burton	

HILLSBOROUGH

Adams, Jarvis	Allen, Timothy	Artz, Lawrence	Balboni, Michael
Beaton, William	Bergeron, Jean-Guy	Bruno, Pierre	Carlson, Donald
Cernota, Albert	Christiansen, Lars	Crane, Elenore	Dionne, Kimberley
		Casey	
Elliott, Larry	Fletcher, Richard	Furman, Christine	Gibson, John
Goyette, Peter Jr	Harrington, Paul	Hinkle, Peyton	Holden, Randolph
Hopper, Gary	Jasper, Shawn	LaFlamme, Paul	Lawrence, James
Luebker, Bernard	McElroy, Henry Jr	McRae, Karen	Mooney, Maureen
Mosher, William	O'Brien, Lori	Ober, Russell III	Pepino, Leo
Ross, Lawrence	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Tahir, Saghir	Tate, Joan	Wheeler, James	

MERRIMACK

Currier, David	Field, William	Hess, David	Kennedy, Richard
L'Heureux, Stephen	Marple, Richard	Oliver, James	Ouellette, Robert
Reed, Dennis	Soltani, Tony		

ROCKINGHAM

Allen, Mary	Bicknell, Elbert	Bridle, Russell	Cady, Harriet
Camm, Kevin	Carson, Sharon	Dodge, Robert	Dupuis, Roland
Flayhan, Mary Lou	Francoeur, Sheila	Ingram, Russell	Letourneau, Robert
McCann, Richard	Putnam, Ed II	Quandt, Matthew	Rausch, James
Smith, Donald	Stone, Joseph	Tufts, J Arthur	Varrell, Thomas
Welch, David			

STRAFFORD

Albert, Russell
Woods, Phyllis

Cataldo, Sam

Easson, Timothy

Scott, David

SULLIVAN

None

and the majority report was adopted.
Referred to Finance.

HB 649-FN-A, creating certain positions within the office of state planning and the university system of New Hampshire and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth H. Gould for Municipal and County Government: The Office of State Planning created a detailed best-practices guide for communities known as "Smart Growth NH" to assist in the implementation of smart growth policies over the last few years. Since 1984, the University of New Hampshire (UNH) has been mapping comprehensive geographically reference data by using the GRANIT (Geographically Reference Analysis and Information Transfer) System. In order to enable municipalities to implement these policies and have access to the GRANIT database, a coordinated program is needed. HB 649 establishes a regional planning initiatives fund which is a non-lapsing, revolving special fund continually appropriated to the office of State Planning and UNH to provide technical planning assistance to municipalities and to develop a web-based mapping tool designed to assist municipalities to impose an increase on any building permit issued by the municipalities in the sums of 1) \$40 for a commercial or multi-residential building; 2) \$15 for a residential building; and 3) \$5 for any outbuilding or similar structure to raise the money needed for the Smart Growth NH program. Vote 10-4.

Amendment (0289h)

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

AN ACT establishing a building permit surcharge to fund regional planning initiatives.

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

2 Appropriation; Office of State Planning; University System of New Hampshire. The sum of \$610,000 is appropriated from the regional planning initiatives fund established in section 3 of this act, for the biennium ending June 30, 2005, and allocated to the office of state planning and the university system of New Hampshire for the purposes and in the amounts provided in paragraphs I and II:

I. To the office of state planning:

(a) For the establishment of a statewide Grow Smart NH outreach, education and training program, the sum of \$60,000 is appropriated in each fiscal year 2004 and 2005 to support one position in the office of state planning and for associated training publications, material, and supplies.

(b) For the implementation of smart growth policies through master plan updates and locally developed and approved implementing ordinances, as well as other non regulatory means, \$135,000 is appropriated in each fiscal year 2004 and 2005 to support staff planners at regional planning commissions in providing technical planning assistance to member communities.

II. To the university system of New Hampshire:

(a) For the continued development and maintenance of data required for community master plans, \$50,000 is appropriated in each fiscal year 2004 and 2005 for partial support of a database development specialist and associated expenses. The priority data sets to be developed and maintained with the appropriation include the conservation/public lands data layer and the soils data layer.

(b) For the development of a web-based mapping tool, \$60,000 is appropriated in each fiscal year 2004 and 2005 for partial support of a staff programmer and associated

hardware and software expenses, to design and implement a web-based tool to assist communities in master planning activities.

3 New Section; Building Permit Surcharge; Regional Planning Initiatives Fund. Amend RSA 676 by inserting after section 13 the following new section:

676:13-a Building Permit Surcharge; Regional Planning Initiatives Fund.

I. The municipality shall impose the following surcharge on any building permit issued by the municipality:

(a) \$40 for a commercial building or a residential building encompassing more than 2 dwelling units.

(b) \$15 for a residential building encompassing no more than 2 dwelling units.

(c) \$5 for an outbuilding or similar structure.

II. The municipality may retain \$.50 from each building permit surcharge to defray administrative processing costs and shall forward the remainder to the state treasurer for deposit in the regional planning initiatives fund, under paragraph III.

III. There is hereby established the regional planning initiatives fund, a non-lapsing, revolving special fund continually appropriated to the office of state planning and to the university system of New Hampshire in accordance with this section. The fund shall be used by the office of state planning for the establishment of statewide Grow Smart NH outreach, education, and training programs relative to regional planning initiatives. The fund shall be used by the university system of New Hampshire for the continued development and maintenance of a statewide database to assist communities with master planning activities. The balance of the fund shall not exceed \$305,000 on June 30 of each year, and any amounts in excess of \$305,000 shall be deposited in the general fund as unrestricted revenue.

4 New Subparagraph; Application of Receipts; Regional Planning Initiative Fund. Amend RSA 6:12, I by inserting after subparagraph (IIIIIIII) the following new subparagraph:

(mmmmmmmm) Moneys deposited in the regional planning initiatives fund under RSA 676:13-a.

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

AMENDED ANALYSIS

This bill establishes a surcharge on building permits. Money collected shall be deposited the regional planning initiatives fund, a dedicated fund appropriated to the office of state planning and the university system of New Hampshire to support regional planning activities.

Adopted.

Report adopted.

Referred to Finance.

HB 326, relative to establishing a 6-year capital budget. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. William E. Leber for the Majority of Public Works and Highways: This bill provides for enabling procedures to approve a six-year capital budget and appropriations for extended projects that cover multiple biennium. The amendment changes several limitations that cap the amount that can be appropriated in any one biennium and provides more explicit instructions for review and update of the extended projects by the legislature in the next biennium. This bill provides procedures for more extended planning in the capital improvement program and will improve efficiency of the bonding and debt service for the state. Vote 13-3.

Rep. Bernard L. Benn for the Minority of Public Works and Highways: The bipartisan minority fully supports the concepts of the six year capital budget, however, has concern regarding unknown consequences of the percentages included in Article 2. The intent of the legislation is to provide for long range capital planning in a manner that does not negatively impact the state's bond rating and that provides adequate flexibility for future capital budgets. The minority believes that the legislation may be improved by eliminating or

revising the restrictions of Article 2. New Hampshire has a long history of responsible and conservative management of the debt to revenue ratios by the Legislature and by the state Treasurer. The minority wants to be sure that the proposed legislation will improve planning but not impede the traditional management practices that have served the citizens of NH well for many years.

Amendment (0482h)

Amend RSA 9:3-a, III as inserted by section 1 of the bill by replacing it with the following:

III. The governor shall hold public hearings on the requests no later than June 30. ~~[He]~~ **The governor** may require officials of those departments submitting requests to attend and testify.

Amend RSA 9:3-a, VII as inserted by section 1 of the bill by replacing it with the following:

VII. The governor shall submit the capital budget to the general court no later than February 15 of each odd numbered year. ***The capital budget submitted shall identify all projects which are expected or planned to require funding in the first biennium and in subsequent bienniums of the 6-year capital budget in order to be completed.***

Amend the bill by replacing section 2 with the following:

2 New Sections; Capital Budget; Limitations on Appropriations; Review. Amend RSA 9 by inserting after section 3-a the following new sections:

9:3-b Capital Budget; Limitations on Appropriations.

I. For the 6-year capital budget requested under RSA 9:3-a or as adopted for state capital improvements projects, total appropriations of general fund revenues for the first biennium to which the 6-year capital budget applies shall not exceed an amount up to 8 percent of the state general fund unrestricted revenues for the most recently completed fiscal year.

II. For approved projects requiring appropriations in multiple bienniums to be completed, the maximum appropriation for the second biennium of the 6-year capital budget shall not exceed 4 percent of state general fund unrestricted revenues for the most recently completed fiscal year, and for approved projects extending into the third biennium, the maximum appropriation for the third biennium shall not exceed 2 percent of state general fund unrestricted revenues for the most recently completed fiscal year.

9:3-c Review and Update of Capital Budget. In the first year of each biennium the legislature shall review the 6-year capital budget and update the extended projects, and may approve new projects over the next 6 years under the same limitations outlined in RSA 9:3-b. The general court intends that once a capital budget project has been approved it shall be funded through each phase of the project unless some extreme and significant event makes further funding inappropriate.

Amend the bill by replacing section 5 with the following:

5 Department of Transportation; Major Capital Projects. Amend RSA 228:4, IV to read as follows:

IV. Any repair project authorized in the **6-year** capital budget which requires consultant services shall be ~~[put into effect]~~ **initiated** within 90 days after the **date that the** general court ~~[passes]~~ **authorizes the project in** the capital budget.

Adopted.

Majority report adopted and ordered to third reading.

HB 667-FN-A, relative to exit tolls and increasing the gasoline tax. **INEXPEDIENT TO LEGISLATE**

Rep. Leon S. Kenison for Public Works and Highways: The bill proposes elimination of turnpike tolls while increasing the fuel tax by \$0.02 per gallon on July 1, 2003, and by another \$0.02 on July 1, 2004. The Turnpike Fund revenue would be reduced by about \$12 million per year while the Highway Fund revenue will net an increase of about \$27 million per year after July 1, 2004. The new gas tax revenue will not be used by the Turnpike

System which has outstanding debt obligations of over \$300 million. The committee felt the Turnpike Fund could ill afford any revenue reductions at this time. An amendment to modify the proposal did not gain committee support. Vote 16-0.

On a division vote, 324 members having voted in the affirmative and 37 in the negative, the committee report was adopted.

HB 274-A, making an appropriation for the restoration of the White Island Light Station.
OUGHT TO PASS WITH AMENDMENT

Rep. Ralph L. Akins for Resources, Recreation and Development: This bill makes an appropriation of \$125,000 for the purpose of repairing the White Island Light House located off the coast of Rye, New Hampshire. There were two things the committee recognized as unique about this effort that make it worthy of support. First, this is the only lighthouse owned by the state (and still operating) and, it is an historical treasure and tourist attraction in dire need of repairs. Secondly, and even more impressive is the non-profit group called "The Light House Kids" that requested this legislation. This is a middle school class of North Hampton committed to raising an additional matching \$125,000 for the continued upkeep and maintenance. The committee recognized these "kids" as exemplary examples of volunteers. Vote 13-2.

Amendment (0404h)

Amend the bill by replacing sections 2-3 with the following:

2 Appropriation. The sum of \$125,000 for the fiscal year ending June 30, 2004 is hereby appropriated to the division of parks and recreation, department of resources and economic development for the purposes set forth in this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Acceptance of Funds Authorized. The state is authorized to accept a sum not to exceed \$125,000 raised by the "Lighthouse Kids" of North Hampton for the upkeep and future maintenance of the White Island Lighthouse.

AMENDED ANALYSIS

This bill makes an appropriation of \$125,000 to the division of parks and recreation, department of resources and economic development for the purposes of repairing the White Island Light Station located off the coast of Rye, New Hampshire. The bill authorizes the department of resources and economic development to accept certain funds for the upkeep and future maintenance of the White Island Light Station.

Adopted.

Report adopted.

Referred to Finance.

HB 353-FN-A, making an appropriation for the pilot program to study and establish protected instream flows and water management plans on the Lamprey River and the Souhegan River. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard T. Cooney for Resources, Recreation and Development: The intent of this bill is to provide funding for the pilot program for the instream flow rules passed by the legislature last year via HB 1449. The pilot program consists of two rivers, the Lamprey and the Souhegan, and would last for about 2 years. A limited amount of federal money is available to administer this program, but up to \$600K is necessary to implement the pilot program. The Resources, Recreation and Development Committee hopes the House reaffirms the policy passed last year and sends this bill to Finance with strong support for necessary funding. The instream flow rules and the pilot program is the result of many interests interested in our rivers, including business, industry, recreation, environmentalists, and agriculture interests. This diverse group has come together after years of discussion and a lot of give and take to reach consensus. This is an extremely important initiative for New Hampshire. Vote 16-1.

Amendment (0568h)

Amend the bill by replacing section 1 with the following:

1 Appropriation; Pilot Program to Study and Establish Protected Instream Flows and Water Management Plans on the Lamprey River and the Souhegan River. The sum of \$1 is hereby appropriated to the department of environmental services for the biennium ending June 30, 2005, for the purpose of establishing a pilot program to study and establish protected instream flows and water management plans on the Lamprey River and the Souhegan River in accordance with 2002, 278. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Adopted.

Report adopted.

Referred to Finance.

HB 738-FN-A-L, permitting aid to public water systems to be used for forming or improving regional water systems and making an appropriation therefor. **OUGHT TO PASS**
Rep. Richard T. Cooney for Resources, Recreation and Development: This bill is the result of a study committee form by SB 437 which was passed last year. That initiative encouraged regionalization of our public water systems. But provided no financial incentives. HB 738 provides access to some block grant money presently available to other initiatives, including surface water treatment plants. Access to these funds is also provided to funding the means to locate groundwater contamination, which would require the polluter, when found, to repay these costs. Vote 15-0.

Adopted.

Referred to Finance.

HB 810-FN-A, relative to processing excavating and dredging and terrain alteration permits, changing the fees for permits, establishing 2 new positions, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**
Rep. Harry C. Merrow for Resources, Recreation and Development: This bill would raise application fees for excavating, dredging and terrain alteration permits, and establish time frames for the completion of the Department of Environmental Services (DES) review. It also establishes two new positions and makes appropriations for them. After the initial appropriation the permit fees would make these positions self-funding. Applicants for these permits want predicable time frames for return of applications from the state. In order to achieve this DES has requested fee increases and additional funding to support adequate personnel to achieve these standards. Testimony from industry indicated that they supported the necessary fee increases. HB 810-FN as amended provides the above as well as a sunset provision to take affect in 2006 which will reduce them without further legislation. Vote 15-2.

Amendment (0560h)

Amend the bill by replacing sections 1 and 2 with the following:

1 New Paragraph; Excavating and Dredging; Certain Exemptions. Amend RSA 482-A:3 by inserting after paragraph XIII the following new paragraph:

XIV. In processing an application for permits under this chapter, except for a permit by notification, the department shall:

(a) Within 14 days of receipt by the department, issue a notice of administrative completeness or send notice to the applicant, the address provided on the application, identifying any additional information required to make the application administratively complete and providing the applicant with the name and telephone number of the department employee who may be contacted regarding the application. Each receipt of

additional information in response to any notice shall re-commence the 14-day period until the department issues a notice of administrative completeness.

(b) Within 75 days of the issuance of a notice of administrative completeness for projects where the applicant proposes under one acre of jurisdictional impact and 105 days for all other projects, request any additional information that the department is permitted by law to require to complete its evaluation of the application, together with any written technical comments the department deems necessary. Any request for additional information shall specify that the applicant submit such information as soon as practicable and shall notify the applicant that if the requested information is not received within 120 days of the request, the department shall deny the application.

(c) Where the department requests additional information pursuant to subparagraph (b), the department shall, within 30 days of the department's receipt of the information:

- (1) Approve or deny the application, in whole or in part; or
- (2) Commence a non-adjudicative proceeding in accordance with this chapter and rules adopted by the commissioner; or
- (3) Extend the time for response for good cause and with the written agreement of the applicant.

(d) Where no request for additional information is made pursuant to subparagraph (b), the department shall, within 75 days from the issuance of the notice of administrative completeness, or 105 days if the application proposes more than one acre of jurisdictional impact:

- (1) Approve or deny the application, in whole or in part; or
- (2) Commence a non-adjudicative proceeding in accordance with this chapter and rules adopted by the commissioner.

(e) Where the department has commenced a non-adjudicative hearing on an application filed under this chapter, the department shall, within 60 days following the closure of the hearing record, approve or deny the application either in whole or in part.

(f) The time limits prescribed by this paragraph shall supersede any time limits provided in any other provision of law. If the department fails to issue a notice of administrative completeness or render any other decision within the time limits provided in this paragraph, the application shall be deemed to be approved.

(g) The time limits prescribed by this paragraph shall not apply to an application where the applicant has been adjudicated after final appeal, or otherwise does not contest, the department's designation as a chronic non-complier in accordance with rules adopted pursuant to this chapter.

2 Excavating and Dredging Permits; Fee Changes. RSA 482-A:3, I is repealed and reenacted to read as follows:

I. No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department. The permit application together with a detailed plan and a map showing the exact location of the proposed project, along with 4 copies of the permit application, plan and map, shall be submitted to the town or city clerk, accompanied by a filing fee in the form of a check made out by the applicant to the state of New Hampshire. The permit application fee shall be \$100 for minimum impact projects under this chapter. The permit application fee for minor and major shoreline structure projects shall be \$100 plus an impact fee, based on the area of dredge, fill, or dock surface area proposed, or a combination. The shoreline structure impact fee shall be \$1 per square foot for permanent dock surface area; \$.50 per square foot for seasonal dock surface area; and \$.10 per square foot for dredge or fill surface area or both. The permit application fees for minor or major projects shall be \$.10 per square foot of proposed impact for all other projects under this chapter. For projects involving the repair, reconstruction, or reconfiguration of an existing docking structure, the application fee shall be \$100. At the time the permit application is

submitted to the city or town clerk, the applicant shall provide postal receipts or copies, verifying that abutters, as defined in the rules of the department, and except as further provided in said rules, have been notified by certified mail. The postal receipts or copies shall be retained by the municipality. The town or city clerk shall immediately sign the application and forward by certified mail, the application, plan, map and filing fee to the department. The town or city clerk shall then immediately send a copy of the permit application, plan and map to the local governing body, the municipal planning board, if any, and the municipal conservation commission, if any, and may require an administrative fee not to exceed \$10 plus the cost of postage by certified mail. One copy shall remain with the city or town clerk, and shall be made reasonably accessible to the public. The foregoing procedure notwithstanding, applications and fees for projects by agencies of the state may be filed directly with the department, with 4 copies of the application, plan and map filed at the same time with the town or city clerk to be distributed as set forth above. Amend the bill by inserting after section 2 the following and renumbering the original sections 3-7 to read as 4-8, respectively:

3 Excavating and Dredging Permits; Fee Changes. Amend RSA 482-A:3, I to read as follows:

I. No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department. The permit application together with a detailed plan and a map showing the exact location of the proposed project, along with 4 copies of the permit application, plan and map, shall be submitted to the town or city clerk, accompanied by a filing fee in the form of a check made out by the applicant to the state of New Hampshire. The permit application fee shall be \$100 for minimum impact projects under this chapter. The permit application fee for minor and major shoreline structure projects shall be \$100 plus an impact fee, based on the area of dredge, fill, or dock surface area proposed, or a combination. The shoreline structure impact fee shall be \$1 per square foot for permanent dock surface area; \$.50 per square foot for seasonal dock surface area; and \$.10 per square foot for dredge or fill surface area or both. The permit application fees for minor or major projects shall be ~~[\$.10]~~ **\$.06** per square foot of proposed impact for all other projects under this chapter. For projects involving the repair, reconstruction, or reconfiguration of an existing docking structure, the application fee shall be \$100. At the time the permit application is submitted to the city or town clerk, the applicant shall provide postal receipts or copies, verifying that abutters, as defined in the rules of the department, and except as further provided in said rules, have been notified by certified mail. The postal receipts or copies shall be retained by the municipality. The town or city clerk shall immediately sign the application and forward by certified mail, the application, plan, map and filing fee to the department. The town or city clerk shall then immediately send a copy of the permit application, plan and map to the local governing body, the municipal planning board, if any, and the municipal conservation commission, if any, and may require an administrative fee not to exceed \$10 plus the cost of postage by certified mail. One copy shall remain with the city or town clerk, and shall be made reasonably accessible to the public. The foregoing procedure notwithstanding, applications and fees for projects by agencies of the state may be filed directly with the department, with 4 copies of the application, plan and map filed at the same time with the town or city clerk to be distributed as set forth above.

Amend the bill by replacing section 8 with the following:

8 Effective Date.

I. Section 3 of this act shall take effect July 1, 2006.

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

AMENDED ANALYSIS

This bill:

I. Establishes time limits for the department of environmental services to process excavating and dredging permits.

II. Increases fees for certain permits.

III. Requires a report to the wetlands council.

IV. Establishes 2 new civil engineer positions.

V. Makes an appropriation for the new positions.

Adopted.

Report adopted.

Referred to Ways and Means.

HB 387-FN, allowing free admission to the state park system for active duty members of the armed services and certain members of the national guard and reserves. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James F. Headd for the Majority of State-Federal Relations and Veterans Affairs: This bill is recommended by the majority of the committee as it addresses an additional benefit to the members of the New Hampshire Air/Army National Guard. It is anticipated that this benefit will enhance retention in the lower grades and will serve as a “thank you for your service” to the men and women of New Hampshire who give their time and effort in the service of their country and state. Vote 14-2.

Rep. Ken Hawkins for the Minority of State-Federal Relations and Veterans Affairs: The minority while agreeing with the intent of this bill is concerned that only New Hampshire National Guard, Army and Air Force Reserves are covered. We feel that all reservists, Army, Navy, Marine Corps, Coast Guard, and Air Force should be included.

Amendment (0475h)

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

AN ACT allowing free admission to the state park system for certain members of the New Hampshire national guard.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Fees for Park System; Free Admission for Certain Active Members of the New Hampshire National Guard. Amend RSA 216-A:3-g by inserting after paragraph III the following new paragraph:

IV.(a) Any active member of a federally recognized unit of the New Hampshire national guard who is a legal resident of this state, and who meets the minimum requirements for satisfactory membership, as defined in the United States Department of the Army and the United States Department of the Air Force regulations, and is serving in pay grades E1 through E6 shall not be charged a fee for admission to the state park system. This section shall apply to members of the Active Guard and Reserve program in the New Hampshire national guard.

(b) Any fees for the use of enterprise activities as described in paragraph II of this section shall be charged.

AMENDED ANALYSIS

This bill provides that certain active members of the New Hampshire national guard, including members of the Active Guard and Reserve program, who are legal residents of this state, shall not be charged a fee for admission to the state park system.

Adopted.

Rep. Peter Sullivan spoke in favor.

Majority report adopted and ordered to third reading.

The House recessed at 11:45 a.m.

RECESS

Speaker Chandler in the Chair

The Speaker reconvened the House at 1:00 p.m.

REGULAR CALENDAR (CONT'D.)

HB 608-FN-L, reducing the education property tax rate and relative to the base cost for calculating adequate education grants. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jeff Gilbert for the Majority of Ways and Means: HB 608 as amended reduces the statewide property tax by 83 cents to \$4.97 for fiscal years 2004 and 2005. This rate reduction is necessary to offset the recent rise in property values. Without this change most of our property owners would be required to pay a significant increase in their state tax obligations. The second key feature of the bill is that it indexes future increases in the state's per pupil education funding obligation to the Northeast Consumer Price Index. This feature was enacted by large margins in the House and Senate last year and vetoed by the Governor, notwithstanding her proposal of just such a provision in 2001. Finally, HB 608 revises the base cost formula by reimbursing 100% of the transportation costs for students in Grades K through 8 to and from school and removes home schooled students who do not use public schools from the census. This bill is essential to re-align our education funding formula and to bring under control the runaway cost increases the present law encourages. Without these charges we will all face unmanageable budget deficits resulting in either massive service cuts or tax increases. Vote 11-10.

Rep. Christine C. Hamm for the Minority of Ways and Means: This bill shifts the tax burden from the state level to local communities. It increases grants to the wealthiest towns in the state and decreases them to the neediest towns, including plaintiff towns. Despite lowering the statewide property tax, the tax burden remains, now to be borne by local taxpayers as school budgets necessarily continue to rise and must be paid for. The existing formula for calculating school aid is based on the third of districts with average educational results that spend the least. It tracks the cost of fiscally-disciplined school districts very well, with any reductions in the statewide property tax reverting to the local school tax.

Amendment (0139h)

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

AN ACT reducing the education property tax rate and relative to the calculation of adequate education grants.

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

1 Statement of Purpose; Legislative Findings. The general court recognizes the inherent imprecision and subjectivity involved in determining the cost of providing the opportunity for an adequate education. In the exercise of its constitutional authority and discretion, to provide the opportunity for pupils to obtain an adequate education, the general court has adopted an average costing methodology. The general court recognizes that this costing methodology may produce spending pressures and results that may not accurately reflect the cost of continuing to provide adequate educational opportunity over time. As a result, the general court finds that changing the base cost per pupil by reference to the consumer price index is the most appropriate way to calculate changes in the cost of an adequate education.

2 School Money; Determination of Statewide Adequate Education Cost. Amend the introductory paragraph of RSA 198:40, I to read as follows:

I. For the biennium beginning July 1, [1999] **2005**, and every biennium thereafter, the cost per pupil shall be established using the following formula:

3 Education Property Tax; Rate Reduced. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~\$5.80~~] **\$4.92** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

4 New Subparagraph; School Money; Determination of Statewide Adequate Education Cost. Amend RSA 198:40, I(b) by inserting after subparagraph (3) the following new subparagraph:

(4) No later than October 1 of each biennium, the department shall calculate the base cost per pupil by adding to the base cost per pupil of the immediately preceding biennium a percentage increase for inflation. The percentage shall be twice the average annual rate of inflation for the 4 calendar years immediately preceding the calendar year in which the new base cost is determined. Inflation shall be measured by the most recent available northeast region consumer price index for all urban consumers as published by the Bureau of Labor Statistics, United States Department of Labor.

5 Consumer Price Index Adjustments to the Base Cost Per Pupil Calculation for the Fiscal Years 2003-2004. The base cost per pupil shall be adjusted as follows:

I. For the fiscal year beginning July 1, 2003, the base cost per pupil shall be adjusted by the average annual percentage rate of inflation for the 4 immediately preceding calendar years.

II. For the fiscal year beginning July 1, 2004, the base cost per pupil shall be adjusted by the average annual percentage rate of inflation for the 4 immediately preceding calendar years.

6 School Boards, Transportation, and Instruction of Pupils; Definitions. RSA 189:1-d, IV is repealed and reenacted to read as follows:

IV. "Average daily membership in residence" means the average daily membership of pupils who are legal residents of a school district pursuant to RSA 193:12 or RSA 193:27, IV, and are attending, at the expense of a school district, a public school, a charter school, or a private school approved by the department of education.

7 School Money; Determination of Per Pupil Adequate Education Cost and Adequate Education Grant. 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 per pupil cost of an adequate education by the statewide weighted average daily membership in residence of pupils and then adding [70] **100** percent of [~~total statewide~~] transportation costs **as defined in RSA 198:38, XI**.

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

XI. "Transportation costs" means the [~~costs~~] **cost** of transporting pupils **in kindergarten through grade 8** to and from school [~~and other school activities~~] **as** reported by school districts on the [MS-25] **DOE-25** form.

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

(b) Add to the product of subparagraph (a), [70] **100** percent of the municipality's apportioned transportation [~~cost~~] **costs as defined in RSA 198:38, XI**;

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

AMENDED ANALYSIS

This bill:

I. Provides that for fiscal years 2003 and 2004, the calculation of the statewide cost of an adequate education shall be indexed to the northeast regional consumer price index for all urban consumers for the 4 immediately preceding calendar years.

II. Reduces the education property tax rate from \$5.80 to \$4.92.

III. Changes the payment for transportation costs to include 100 percent of the total cost of transporting pupils in kindergarten through grade 8 to and from school.

IV. Changes the definition of average daily membership in residence for the purpose of calculating state aid for educational adequacy.

Adopted.

Rep. Almy offered floor amendment (0633h).

Floor Amendment (0633h)

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

AN ACT reducing the education property tax rate.

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

1 Education Property Tax; Rate Reduced. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~\$5.80~~] **\$4.92** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

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

AMENDED ANALYSIS

This bill reduces the education property tax rate from \$5.80 to \$4.92.

Rep. Almy spoke in favor and yielded to questions.

Rep. Major spoke against and yielded to questions.

Rep. Hamm spoke in favor.

Rep. Kurk spoke against.

Rep. Vaillancourt moved to Postpone Definitely until 10:00 a.m., Thursday, March 13, 2003 and spoke in favor.

Rep. Hess requested a roll call, sufficiently seconded.

The question being adoption of the motion to Postpone Definitely.

YEAS 141 NAYS 213

YEAS 141

BELKNAP

Fitzgerald, James

CARROLL

Babson, David Jr

Kenney, Bettie

CHESHIRE

Allen, Peter

Batchelder, Robert

Dexter, Judson

Dunn, James

Eaton, Daniel

Espieffs, Peter

Meador, David

Mitchell, McKim

Parkhurst, Henry

Pratt, Irene

Richardson, Barbara

Robertson, Timothy

Slack, Pamela

Tilton, Anna

Weed, Charles

COOS

Mears, Edgar

Pratt, Leighton

Theberge, Robert

GRAFTON

Akins, Ralph

Almy, Susan

Benn, Bernard

Bleyler, Ruth

Cooney, Mary

Densmore, Edward

Diamond, Estelle

Hammond, Lee

Nordgren, Sharon

Scovner, Nancy

Sokol, Hilda

Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin

Barry, J Gail

Batula, Peter

Bergeron, Jean-Guy

Bergin, Peter

Brassard, Paul

Buckley, Raymond

Clemons, Jane

Cote, David

Cote, Peter

Craig, James

Crane, Elenore

Dionne, Kimberley

Dokmo, Cynthia

Ford, Nancy

Gorman, Mary

Haley, Robert

Holden, Randolph

Irwin, Anne-Marie

Jean, Claudette

Konys, Christine

Kopka, Angeline

Kudalis, Debra

L'Heureux, Robert

LaFlamme, Paul

Lasky, Bette

Leach, Edward

McDonough-Wallace,
Alice

McHugh, Claire

Messier, Irene

Movsesian, Lori

Pappas, Marc

Shaw, Barbara

Spiess, Paul

Sullivan, Francis

Sullivan, Peter

Sweeney, Cynthia

Vaillancourt, Steve

MERRIMACK

Blanchard, Elizabeth
DeStefano, Stephen
Lockwood, Priscilla
Perkins, Randy
Wallner, Mary Jane

Clarke, Claire
French, Barbara
Nutter, Edward
Potter, Frances

Davis, Frank
Gile, Mary
Osborne, Jessie
Rush, Deanna

DeJoie, John
Hamm, Christine
Owen, Derek
Soltani, Tony

ROCKINGHAM

Blanchard, MaryAnn
DiFruscia, Anthony
Langone, John
Noyes, Richard
Quandt, Matthew
Weyler, Kenneth

Casey, Kimberley
Gould, Kenneth
McEachern, Paul
Pantelakos, Laura
Shultis, Elizabeth

Coes, Betsy
Kelley, Jane
Moore, Benjamin
Pitts, Jacqueline
Splaine, James

Cooney, Richard
Langley, Jane
Norelli, Terie
Putnam, Ed II
Vallone, Matthew

STRAFFORD

Berube, Roger
Grassie, Anne
Kaen, Naida
Pelletier, Arthur
Smith, Marjorie

Callaghan, Frank
Heon, Richard
Keans, Sandra
Rollo, Deanna
Spang, Judith

Creteau, Irene
Hofemann, Roland
Knowles, William
Rous, Emma
Vachon, Dennis

Dunlap, Patricia
Johnson, Nancy
Miller, Joseph
Schmidt, Peter
Wall, Janet

SULLIVAN

Allison, David
Ferland, Brenda
Harris, Sandra

Burling, Peter
Flint, Gordon Sr
Jones, Constance

Cloutier, John
Franklin, Peter
Leone, Richard

Donovan, Thomas
Harris, Joseph
Phinizy, James

NAYS 213

BELKNAP

Allen, Janet
Dewhirst, Glenn
Lawton, David
Thomas, John

Bartlett, Gordon
Flanders, Donald
Nedeau, Stephen
Whalley, Michael

Boyce, Laurie
Holbrook, Robert
Pilliod, James

Clark, Charles
Laflam, Robert
Russell, David

CARROLL

Brown, Carolyn
McConkey, Mark
Patten, Betsey

Derby, Mark
Morrow, Harry
Philbrick, Donald

Dickinson, Howard
Mock, Henry
Stevens, Stanley

Hatch, Paul
Olimpio, J Lisbeth

CHESHIRE

Fish, Douglas
Royce, H Charles

Hunt, John
Smith, Edwin

Laurent, John
Webber, Amy

Pratt, John

COOS

Brady, Mark
Richardson, Herbert

Guay, Lawrence
Stohl, Eric

King, Frederick
Tholl, John Jr

Poulin, Richard
Woodward, David

GRAFTON

Alger, John
Eaton, Stephanie
Ingretson, Paul
Williams, Burton

Barker, Robert
Gilman, G Michael
Maybeck, Margie

Dorsett, Andrew
Gionet, Edmond
Naro, Debra

Dudley, Terri
Giuda, Robert
Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis
Balboni, Michael
Brundige, Robert
Carter, Mark

Allen, Timothy
Balcom, John
Bruno, Pierre
Cernota, Albert

Arnold, Thomas Jr
Beaton, William
Carlson, Donald
Christensen, D L
Chris

Artz, Lawrence
Bouchard, David
Carter, Jeffrey
Christiansen, Lars

Coughlin, Pamela
 Furman, Christine
 Goulet, Maurice
 Hall, Charles
 Haytayan, Harry Jr
 Jasper, Shawn
 Lawrence, James
 Malloy, Chris
 Milligan, Robert
 Ober, Russell III
 Price, Pamela
 Scanlon, Michael
 Tate, Joan

Elliott, Larry
 Gargas, Carolyn
 Goyette, Peter Jr
 Hallyburton, Margaret
 Hinkle, Peyton
 Johnson, Lionel
 Lefebvre, Roland
 McElroy, Henry Jr
 Moran, Edward
 Pappas, Christopher
 Reeves, Sandra
 Slocum, Lee
 Wheeler, James

Fields, Dennis
 Gibson, John
 Graham, John
 Harrington, Paul
 Hopper, Gary
 Kurk, Neal
 Lessard, Rudy
 McRae, Karen
 Mosher, William
 Pepino, Leo
 Ross, Lawrence
 Souza, Kathleen
 Wheeler, Robert

Fletcher, Richard
 Gonzalez, Carlos
 Greenberg, Gary
 Hawkins, Ken
 Infantine, William
 Laflamme, Charles
 Luebker, Bernard
 Mercer, Robert
 O'Brien, Lori
 Pilotte, Maurice
 Rowe, Robert
 Stepanek, Stephen

MERRIMACK

Anderson, Eric

Brueggemann,
 Donald

Colcord, J D

Currier, David

Daniels, Eric
 Hager, Elizabeth
 Kennedy, Richard
 Marple, Richard
 Ouellette, Robert

Field, William
 Hess, David
 L'Heureux, Stephen
 Maxfield, Roy
 Reed, Dennis

Foley, Albert
 Jacobson, Alf
 Leber, William
 McCormick, Tom

Fraser, Leo Jr
 Kenison, Leon
 MacKay, James
 Oliver, James

ROCKINGHAM

Allen, Mary
 Cady, Harriet
 Dalrymple, Janeen
 Duffy, James
 Flanders, John Sr
 Gilbert, Karl
 Hamel, Albert
 Johnson, Robert
 Letourneau, Robert
 McMahon, Charles
 Priestley, Anne
 Ruffner, Walter
 Stritch, C Donald
 Weare, E Albert
 Zolla, William

Belanger, Ronald
 Camm, Kevin
 Davidson, Robert
 Dumaine, Dudley
 Flayhan, Mary Lou
 Gillick, Thomas
 Hughes, Daniel
 Katsakiores, George
 Major, Norman
 Morris, Richard
 Rausch, James
 Scamman, Stella
 Tufts, J Arthur
 Welch, David

Bicknell, Elbert
 Carson, Sharon
 Dearborn, Bruce
 Dupuis, Roland
 Francoeur, Sheila
 Gleason, John
 Ingram, Russell
 Katsakiores, Phyllis
 McCann, Richard
 O'Neil, Michael
 Robertson, Carl
 Smith, Donald
 Varrell, Thomas
 Weldy, Norman Jr

Bridle, Russell
 Clark, Vivian
 Dodge, Robert
 Fesh, Bob
 Gilbert, Jeffrey
 Griffin, Mary
 Introne, Robert
 Kobel, Rudolph
 McKinney, Betsy
 Packard, Sherman
 Roessner, Kurt
 Stone, Joseph
 Waterhouse, Kevin
 Winchell, George

STRAFFORD

Albert, Russell
 Cataldo, Sam
 Scott, David
 Woods, Phyllis

Bemis, Alan
 Easson, Timothy
 Taylor, Katherine

Bickford, David
 Harrington, Michael
 Taylor, Kathleen

Campbell, W Packy
 Newton, Clifford
 Twombly, James

SULLIVAN

Rodeschin, Beverly
 and the motion to Postpone Definitely failed.
 The question being adoption of floor amendment (0633h).
 Rep. Hess spoke against.
 Rep. Almy requested a roll call; sufficiently seconded.
 The question now being adoption of floor amendment (0633h).

YEAS 128 NAYS 228

YEAS 128

BELKNAP

Allen, Peter
Espieffs, Peter
Pratt, Irene
Slack, Pamela

Batchelder, Robert
Meader, David
Pratt, John
Tilton, Anna

Dunn, James
Mitchell, McKim
Richardson, Barbara
Webber, Amy

Eaton, Daniel
Parkhurst, Henry
Robertson, Timothy
Weed, Charles

CARROLL

None

CHESHIRE

None

COOS

Mears, Edgar

Poulin, Richard

Theberge, Robert

GRAFTON

Akins, Ralph
Cooney, Mary
Nordgren, Sharon
Williams, Burton

Almy, Susan
Densmore, Edward
Scovner, Nancy

Benn, Bernard
Diamond, Estelle
Sokol, Hilda

Bleyler, Ruth
Hammond, Lee
Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin
Clemons, Jane
Dokmo, Cynthia
Jean, Claudette
Lasky, Bette

Bergin, Peter
Cote, David
Gorman, Mary
Konys, Christine
Lefebvre, Roland

Brassard, Paul
Cote, Peter
Haley, Robert
Kopka, Angeline
Malloy, Chris

Buckley, Raymond
Craig, James
Irwin, Anne-Marie
Kudalis, Debra
McDonough-Wallace,
Alice
Ross, Lawrence
Sullivan, Peter

Movsesian, Lori
Shaw, Barbara
Sweeney, Cynthia

Pappas, Christopher
Spiess, Paul
Vaillancourt, Steve

Pilotte, Maurice
Sullivan, Francis

MERRIMACK

Brueggemann,
Donald
DeStefano, Stephen
Hamm, Christine
Owen, Derek
Rush, Deanna

Clarke, Claire
French, Barbara
Jacobson, Alf
Perkins, Randy
Wallner, Mary Jane

Davis, Frank
Gile, Mary
Lockwood, Priscilla
Potter, Frances

DeJoie, John
Hager, Elizabeth
Osborne, Jessie
Reed, Dennis

ROCKINGHAM

Blanchard, MaryAnn
Davidson, Robert
McEachern, Paul
Robertson, Carl

Casey, Kimberley
Gould, Kenneth
Norelli, Terie
Shultis, Elizabeth

Coes, Betsy
Kelley, Jane
Pantelakos, Laura
Splaine, James

Cooney, Richard
Langone, John
Pitts, Jacqueline
Vallone, Matthew

STRAFFORD

Berube, Roger
Grassie, Anne
Kaen, Naida
Pelletier, Arthur
Smith, Marjorie
Vachon, Dennis

Bickford, David
Heon, Richard
Keans, Sandra
Rollo, Deanna
Spang, Judith
Wall, Janet

Callaghan, Frank
Hofemann, Roland
Knowles, William
Rous, Emma
Taylor, Katherine

Creteau, Irene
Johnson, Nancy
Miller, Joseph
Schmidt, Peter
Taylor, Kathleen

SULLIVAN

Allison, David
Ferland, Brenda
Harris, Sandra

Burling, Peter
Flint, Gordon Sr
Phinizy, James

Cloutier, John
Franklin, Peter

Donovan, Thomas
Harris, Joseph

NAYS 228

BELKNAP

Allen, Janet
Dewhirst, Glenn
Laflam, Robert
Russell, David

Bartlett, Gordon
Fitzgerald, James
Lawton, David
Thomas, John

Boyce, Laurie
Flanders, Donald
Nedeau, Stephen
Whalley, Michael

Clark, Charles
Holbrook, Robert
Pilliod, James

CARROLL

Babson, David Jr
Hatch, Paul
Mock, Henry
Stevens, Stanley

Brown, Carolyn
Kenney, Bettie
Olimpio, J Lisbeth

Derby, Mark
McConkey, Mark
Patten, Betsey

Dickinson, Howard
Merrow, Harry
Philbrick, Donald

CHESHIRE

Dexter, Judson
Royce, H Charles

Fish, Douglas
Smith, Edwin

Hunt, John

Laurent, John

COOS

Brady, Mark
Stohl, Eric

Guay, Lawrence
Tholl, John Jr

King, Frederick
Woodward, David

Richardson, Herbert

GRAFTON

Alger, John
Eaton, Stephanie
Ingbretson, Paul

Barker, Robert
Gilman, G Michael
Maybeck, Margie

Dorsett, Andrew
Gionet, Edmond
Naro, Debra

Dudley, Terri
Giuda, Robert
Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis
Balboni, Michael
Beaton, William
Bruno, Pierre
Cernota, Albert

Allen, Timothy
Balcom, John
Bergeron, Jean-Guy
Carlson, Donald
Chabot, Robert

Arnold, Thomas Jr
Barry, J Gail
Bouchard, David
Carter, Jeffrey
Christensen, D L
Chris

Artz, Lawrence
Batula, Peter
Brundige, Robert
Carter, Mark
Christiansen, Lars

Coughlin, Pamela

Crane, Elenore
Casey

Dionne, Kimberley

Elliott, Larry

Emerton, Larry
Furman, Christine
Goulet, Maurice
Hall, Charles

Fields, Dennis
Gargas, Carolyn
Goyette, Peter Jr
Hallyburton,
Margaret

Fletcher, Richard
Gibson, John
Graham, John
Harrington, Paul

Ford, Nancy
Gonzalez, Carlos
Greenberg, Gary
Hawkins, Ken

Haytayan, Harry Jr
Infantine, William
L'Heureux, Robert
Leach, Edward
McHugh, Claire
Milligan, Robert
Ober, Russell III
Reeves, Sandra
Souza, Kathleen
Wheeler, Robert

Hinkle, Peyton
Jasper, Shawn
Laflamme, Charles
Lessard, Rudy
McRae, Karen
Moran, Edward
Pappas, Marc
Rowe, Robert
Stepanek, Stephen

Holden, Randolph
Johnson, Lionel
LaFlamme, Paul
Luebker, Bernard
Mercer, Robert
Mosher, William
Pepino, Leo
Scanlon, Michael
Tate, Joan

Hopper, Gary
Kurk, Neal
Lawrence, James
McElroy, Henry Jr
Messier, Irene
O'Brien, Lori
Price, Pamela
Slocum, Lee
Wheeler, James

MERRIMACK

Anderson, Eric
Daniels, Eric
Hess, David
Leber, William
McCormick, Tom
Soltani, Tony

Blanchard, Elizabeth
Field, William
Kenison, Leon
MacKay, James
Nutter, Edward

Colcord, J D
Foley, Albert
Kennedy, Richard
Marple, Richard
Oliver, James

Currier, David
Fraser, Leo Jr
L'Heureux, Stephen
Maxfield, Roy
Ouellette, Robert

ROCKINGHAM

Allen, Mary

Belanger, Ronald

Bicknell, Elbert

Bishop, Franklin

Bridle, Russell
Clark, Vivian
Dodge, Robert
Fesh, Bob
Gilbert, Jeffrey
Griffin, Mary
Introne, Robert
Kobel, Rudolph
McCann, Richard
Morris, Richard
Priestley, Anne
Roessner, Kurt
Stone, Joseph
Waterhouse, Kevin
Weyler, Kenneth

Cady, Harriet
Dalrymple, Janeen
Duffy, James
Flanders, John Sr
Gilbert, Karl
Hamel, Albert
Johnson, Robert
Langley, Jane
McKinney, Betsy
Noyes, Richard
Putnam, Ed II
Ruffner, Walter
Stritch, C Donald
Weare, E Albert
Winchell, George

Camm, Kevin
Dearborn, Bruce
Dumaine, Dudley
Flayhan, Mary Lou
Gillick, Thomas
Hughes, Daniel
Katsakiores, George
Letourneau, Robert
McMahon, Charles
O'Neil, Michael
Quandt, Matthew
Scamman, Stella
Tufts, J Arthur
Welch, David
Zolla, William

Carson, Sharon
DiFruscia, Anthony
Dupuis, Roland
Francoeur, Sheila
Gleason, John
Ingram, Russell
Katsakiores, Phyllis
Major, Norman
Moore, Benjamin
Packard, Sherman
Rausch, James
Smith, Donald
Varrell, Thomas
Weldy, Norman Jr

STRAFFORD

Albert, Russell
Dunlap, Patricia
Scott, David

Bemis, Alan
Easson, Timothy
Twombly, James

Campbell, W Packy
Harrington, Michael
Woods, Phyllis

Cataldo, Sam
Newton, Clifford

SULLIVAN

Jones, Constance Leone, Richard Rodeschin, Beverly
and floor amendment (0633h) failed.
Reps. Jacobson and Burling spoke against and yielded to questions.
Reps. Kurk and Hess spoke in favor.
Rep. Nordgren requested a roll call; sufficiently seconded.
The question being adoption of the majority committee report.

YEAS 205 NAYS 151

YEAS 205

BELKNAP

Allen, Janet
Flanders, Donald
Nedeau, Stephen
Wendelboe, Fran

Bartlett, Gordon
Holbrook, Robert
Pilliod, James
Whalley, Michael

Boyce, Laurie
Laflam, Robert
Russell, David

Clark, Charles
Lawton, David
Thomas, John

CARROLL

Babson, David Jr
Hatch, Paul
Patten, Betsey

Brown, Carolyn
McConkey, Mark
Philbrick, Donald

Derby, Mark
Merrow, Harry
Stevens, Stanley

Dickinson, Howard
Mock, Henry

CHESHIRE

Dexter, Judson
Royce, H Charles

Fish, Douglas
Smith, Edwin

Hunt, John

Laurent, John

COOS

Brady, Mark
Stohl, Eric

Guay, Lawrence
Tholl, John Jr

King, Frederick
Woodward, David

Richardson, Herbert

GRAFTON

Alger, John
Eaton, Stephanie
Ingbretson, Paul

Barker, Robert
Gilman, G Michael
Maybeck, Margie

Dorsett, Andrew
Gionet, Edmond
Naro, Debra

Dudley, Terri
Giuda, Robert
Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis
Balboni, Michael

Allen, Timothy
Balcom, John

Arnold, Thomas Jr
Barry, J Gail

Artz, Lawrence
Batula, Peter

Beaton, William
Bruno, Pierre
Chabot, Robert

Crane, Elenore
Casey
Fields, Dennis
Gargas, Carolyn
Goyette, Peter Jr
Harrington, Paul
Infantine, William
Laflamme, Charles
Luebker, Bernard

Mercer, Robert
O'Brien, Lori
Reeves, Sandra
Souza, Kathleen
Wheeler, Robert

Bergeron, Jean-Guy
Carter, Jeffrey
Christensen, D L
Chris
Dionne, Kimberley

Fletcher, Richard
Gibson, John
Graham, John
Hawkins, Ken
Jasper, Shawn
LaFlamme, Paul
McDonough-Wallace,
Alice
Milligan, Robert
Ober, Russell III
Rowe, Robert
Stepanek, Stephen

Bouchard, David
Carter, Mark
Christiansen, Lars

Elliott, Larry

Ford, Nancy
Gonzalez, Carlos
Greenberg, Gary
Haytayan, Harry Jr
Kurk, Neal
Lawrence, James
McElroy, Henry Jr

Moran, Edward
Pepino, Leo
Scanlon, Michael
Tate, Joan

Brundige, Robert
Cernota, Albert
Coughlin, Pamela

Emerton, Larry

Furman, Christine
Goulet, Maurice
Hallyburton, Margaret
Hopper, Gary
L'Heureux, Robert
Lessard, Rudy
McRae, Karen

Mosher, William
Price, Pamela
Slocum, Lee
Wheeler, James

MERRIMACK

Anderson, Eric
Field, William
Kenison, Leon
MacKay, James
Nutter, Edward

Colcord, J D
Foley, Albert
Kennedy, Richard
Marple, Richard
Oliver, James

Currier, David
Fraser, Leo Jr
L'Heureux, Stephen
Maxfield, Roy
Ouellette, Robert

Daniels, Eric
Hess, David
Leber, William
McCormick, Tom
Soltani, Tony

ROCKINGHAM

Belanger, Ronald
Camm, Kevin
Dearborn, Bruce
Fesh, Bob
Gilbert, Jeffrey
Griffin, Mary
Introne, Robert
Kobel, Rudolph
McMahon, Charles
Priestley, Anne
Roessner, Kurt
Stone, Joseph
Waterhouse, Kevin
Weyler, Kenneth

Bicknell, Elbert
Carson, Sharon
Dodge, Robert
Flanders, John Sr
Gilbert, Karl
Hamel, Albert
Johnson, Robert
Letourneau, Robert
Morris, Richard
Putnam, Ed II
Ruffner, Walter
Stritch, C Donald
Weare, E Albert
Winchell, George

Bridle, Russell
Clark, Vivian
Duffy, James
Flayhan, Mary Lou
Gillick, Thomas
Headd, James
Katsakiores, George
Major, Norman
O'Neil, Michael
Quandt, Matthew
Scamman, Stella
Tufts, J Arthur
Welch, David

Cady, Harriet
Dalrymple, Janeen
Dumaine, Dudley
Francoeur, Sheila
Gleason, John
Ingram, Russell
Katsakiores, Phyllis
McCann, Richard
Packard, Sherman
Rausch, James
Smith, Donald
Varrell, Thomas
Weldy, Norman Jr

STRAFFORD

Albert, Russell
Harrington, Michael
Woods, Phyllis

Campbell, W Packy
Newton, Clifford

Cataldo, Sam
Scott, David

Easson, Timothy
Twombly, James

SULLIVAN

Jones, Constance

Leone, Richard

Rodeschin, Beverly

NAYS 151

BELKNAP

Dewhirst, Glenn

Fitzgerald, James

CARROLL

Kenney, Bettie
CHESHIRE

Olimpio, J Lisbeth

Allen, Peter
Espieffs, Peter
Pratt, Irene
Tilton, Anna

Batchelder, Robert
Meader, David
Pratt, John
Webber, Amy

Dunn, James
Mitchell, McKim
Richardson, Barbara
Weed, Charles

Eaton, Daniel
Parkhurst, Henry
Robertson, Timothy

COOS

Mears, Edgar

Poulin, Richard

Theberge, Robert

GRAFTON

Akins, Ralph
Cooney, Mary
Nordgren, Sharon
Williams, Burton

Almy, Susan
Densmore, Edward
Scovner, Nancy

Benn, Bernard
Diamond, Estelle
Sokol, Hilda

Bleyler, Ruth
Hammond, Lee
Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin
Carlson, Donald
Craig, Mary
Hall, Charles
Johnson, Lionel
Lasky, Bette
McHugh, Claire
Pappas, Marc
Spiess, Paul
Vaillancourt, Steve

Bergin, Peter
Clemons, Jane
Dokmo, Cynthia
Holden, Randolph
Konys, Christine
Leach, Edward
Messier, Irene
Pilotte, Maurice
Sullivan, Francis

Brassard, Paul
Cote, David
Gorman, Mary
Irwin, Anne-Marie
Kopka, Angeline
Lefebvre, Roland
Movsesian, Lori
Ross, Lawrence
Sullivan, Peter

Buckley, Raymond
Cote, Peter
Haley, Robert
Jean, Claudette
Kudalis, Debra
Malloy, Chris
Pappas, Christopher
Shaw, Barbara
Sweeney, Cynthia

MERRIMACK

Blanchard, Elizabeth

Bouchard, Candace

Brueggemann,
Donald

Clarke, Claire

Davis, Frank
Gile, Mary
Osborne, Jessie
Reed, Dennis

DeJoie, John
Hamm, Christine
Owen, Derek
Rush, Deanna

DeStefano, Stephen
Jacobson, Alf
Perkins, Randy
Wallner, Mary Jane

French, Barbara
Lockwood, Priscilla
Potter, Frances

ROCKINGHAM

Allen, Mary
Coes, Betsy
Dupuis, Roland
Langley, Jane
Moore, Benjamin
Pitts, Jacqueline
Vallone, Matthew

Bishop, Franklin
Cooney, Richard
Gould, Kenneth
Langone, John
Norelli, Terie
Robertson, Carl
Zolla, William

Blanchard, MaryAnn
Davidson, Robert
Hughes, Daniel
McEachern, Paul
Noyes, Richard
Shultis, Elizabeth

Casey, Kimberley
DiFruscia, Anthony
Kelley, Jane
McKinney, Betsy
Pantelakos, Laura
Splaine, James

STRAFFORD

Bemis, Alan
Creteau, Irene
Hofemann, Roland
Knowles, William
Rous, Emma
Taylor, Katherine

Berube, Roger
Dunlap, Patricia
Johnson, Nancy
Miller, Joseph
Schmidt, Peter
Taylor, Kathleen

Bickford, David
Grassie, Anne
Kaen, Naida
Pelletier, Arthur
Smith, Marjorie
Vachon, Dennis

Callaghan, Frank
Heon, Richard
Keans, Sandra
Rollo, Deanna
Spang, Judith
Wall, Janet

SULLIVAN

Allison, David
Ferland, Brenda
Harris, Sandra

Burling, Peter
Flint, Gordon Sr
Phinizy, James

Cloutier, John
Franklin, Peter

Donovan, Thomas
Harris, Joseph

and the majority report was adopted.
Referred to Finance.

Rep. Norelli moved that the entire debate on HB 608 be printed in the Permanent Journal.

Rep. Buckley requested a roll call; sufficiently seconded.

YEAS 140 NAYS 216

YEAS 140

BELKNAP

Kenney, Bettie

CARROLL

None

CHESHIRE

Allen, Peter
Espieffs, Peter
Pratt, Irene
Tilton, Anna

Batchelder, Robert
Meader, David
Pratt, John
Webber, Amy

Dunn, James
Mitchell, McKim
Richardson, Barbara
Weed, Charles

Eaton, Daniel
Parkhurst, Henry
Robertson, Timothy

COOS

Brady, Mark

Mears, Edgar

Poulin, Richard

Theberge, Robert

GRAFTON

Akins, Ralph
Cooney, Mary
Naro, Debra
Solomon, Peter

Almy, Susan
Densmore, Edward
Nordgren, Sharon

Benn, Bernard
Diamond, Estelle
Scovner, Nancy

Bleyler, Ruth
Hammond, Lee
Sokol, Hilda

HILLSBOROUGH

Baroody, Benjamin
Buckley, Raymond
Craig, James
Gorman, Mary
Holden, Randolph
Kopka, Angeline
Malloy, Chris

Beaton, William
Clemons, Jane
Dokmo, Cynthia
Graham, John
Irwin, Anne-Marie
Kudalis, Debra
McDonough-Wallace,
Alice

Bergin, Peter
Cote, David
Ford, Nancy
Haley, Robert
Jean, Claudette
Lasky, Bette
McHugh, Claire

Brassard, Paul
Cote, Peter
Gargasz, Carolyn
Haytayan, Harry Jr
Konys, Christine
Lefebvre, Roland
Messier, Irene

Movsesian, Lori
Shaw, Barbara
Sweeney, Cynthia

Pappas, Christopher
Spiess, Paul
Wheeler, James

Pilotte, Maurice
Sullivan, Francis

Ross, Lawrence
Sullivan, Peter

MERRIMACK

Blanchard, Elizabeth

Bouchard, Candace

Brueggemann,
Donald

Clarke, Claire

Davis, Frank
Gile, Mary
Osborne, Jessie
Potter, Frances

DeJoie, John
Hamm, Christine
Ouellette, Robert
Reed, Dennis

DeStefano, Stephen
Jacobson, Alf
Owen, Derek
Rush, Deanna

French, Barbara
Nutter, Edward
Perkins, Randy
Wallner, Mary Jane

ROCKINGHAM

Bishop, Franklin
Cooney, Richard
Kelley, Jane
Pitts, Jacqueline
Splaine, James

Blanchard, MaryAnn
Davidson, Robert
McEachern, Paul
Quandt, Matthew
Vallone, Matthew

Casey, Kimberley
Gillick, Thomas
Norelli, Terie
Robertson, Carl

Coes, Betsy
Johnson, Robert
Pantelakos, Laura
Shultis, Elizabeth

STRAFFORD

Berube, Roger
Grassie, Anne
Kaen, Naida
Pelletier, Arthur
Smith, Marjorie

Bickford, David
Heon, Richard
Keans, Sandra
Rollo, Deanna
Spang, Judith

Callaghan, Frank
Hofemann, Roland
Knowles, William
Rous, Emma
Taylor, Katherine

Creteau, Irene
Johnson, Nancy
Miller, Joseph
Schmidt, Peter
Taylor, Kathleen

Vachon, Dennis

Wall, Janet

SULLIVAN

Allison, David
Ferland, Brenda
Phinizy, James

Burling, Peter
Franklin, Peter

Cloutier, John
Harris, Joseph

Donovan, Thomas
Harris, Sandra

NAYS 216

BELKNAP

Allen, Janet
Dewhirst, Glenn
Laflam, Robert
Russell, David

Bartlett, Gordon
Fitzgerald, James
Lawton, David
Thomas, John

Boyce, Laurie
Flanders, Donald
Nedeau, Stephen
Wendelboe, Fran

Clark, Charles
Holbrook, Robert
Pilliod, James
Whalley, Michael

CARROLL

Babson, David Jr
Hatch, Paul
Olimpio, J Lisbeth

Brown, Carolyn
McConkey, Mark
Patten, Betsey

Derby, Mark
Merrow, Harry
Philbrick, Donald

Dickinson, Howard
Mock, Henry
Stevens, Stanley

CHESHIRE

Dexter, Judson
Royce, H Charles

Fish, Douglas
Smith, Edwin

Hunt, John

Laurent, John

COOS

Guay, Lawrence
Tholl, John Jr

King, Frederick
Woodward, David

Richardson, Herbert

Stohl, Eric

GRAFTON

Alger, John
Eaton, Stephanie
Ingretson, Paul

Barker, Robert
Gilman, G Michael
Maybeck, Margie

Dorsett, Andrew
Gionet, Edmond
Sorg, Gregory

Dudley, Terri
Giuda, Robert
Williams, Burton

HILLSBOROUGH

Adams, Jarvis
Balboni, Michael
Bergeron, Jean-Guy
Carlson, Donald
Chabot, Robert

Allen, Timothy
Balcom, John
Bouchard, David
Carter, Jeffrey
Christensen, D L
Chris

Arnold, Thomas Jr
Barry, J Gail
Brundige, Robert
Carter, Mark
Christiansen, Lars

Artz, Lawrence
Batula, Peter
Bruno, Pierre
Cernota, Albert
Coughlin, Pamela

Crane, Elenore
Casey
Fields, Dennis
Gonzalez, Carlos
Hall, Charles
Hopper, Gary
Kurk, Neal
Lawrence, James
McElroy, Henry Jr
Moran, Edward
Pappas, Marc
Rowe, Robert
Stepanek, Stephen

Dionne, Kimberley
Fletcher, Richard
Goulet, Maurice
Hallyburton, Margaret
Infantine, William
L'Heureux, Robert
Leach, Edward
McRae, Karen
Mosher, William
Pepino, Leo
Scanlon, Michael
Tate, Joan

Elliott, Larry
Furman, Christine
Goyette, Peter Jr
Harrington, Paul
Jasper, Shawn
Laflamme, Charles
Lessard, Rudy
Mercer, Robert
O'Brien, Lori
Price, Pamela
Slocum, Lee
Vaillancourt, Steve

Emerton, Larry
Gibson, John
Greenberg, Gary
Hawkins, Ken
Johnson, Lionel
LaFlamme, Paul
Luebkert, Bernard
Milligan, Robert
Ober, Russell III
Reeves, Sandra
Souza, Kathleen
Wheeler, Robert

MERRIMACK

Anderson, Eric
Field, William
Kenison, Leon
Lockwood, Priscilla
McCormick, Tom

Colcord, J D
Foley, Albert
Kennedy, Richard
MacKay, James
Oliver, James

Currier, David
Fraser, Leo Jr
L'Heureux, Stephen
Marple, Richard
Soltani, Tony

Daniels, Eric
Hess, David
Leber, William
Maxfield, Roy

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bicknell, Elbert	Bridle, Russell
Cady, Harriet	Camm, Kevin	Carson, Sharon	Clark, Vivian
Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony	Dodge, Robert
Duffy, James	Dumaine, Dudley	Dupuis, Roland	Fesh, Bob
Flanders, John Sr	Flayhan, Mary Lou	Francoeur, Sheila	Gilbert, Jeffrey
Gilbert, Karl	Gleason, John	Gould, Kenneth	Griffin, Mary
Hamel, Albert	Headd, James	Hughes, Daniel	Ingram, Russell
Introne, Robert	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Major, Norman
McCann, Richard	McKinney, Betsy	McMahon, Charles	Moore, Benjamin
Morris, Richard	Noyes, Richard	O'Neil, Michael	Packard, Sherman
Priestley, Anne	Putnam, Ed II	Rausch, James	Roessner, Kurt
Ruffner, Walter	Scamman, Stella	Smith, Donald	Stone, Joseph
Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weldy, Norman Jr	Weyler, Kenneth
Winchell, George	Zolla, William		

STRAFFORD

Albert, Russell	Bemis, Alan	Campbell, W Packy	Cataldo, Sam
Dunlap, Patricia	Easson, Timothy	Harrington, Michael	Newton, Clifford
Scott, David	Twombly, James	Woods, Phyllis	

SULLIVAN

Flint, Gordon Sr	Jones, Constance	Leone, Richard	Rodeschin, Beverly
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and the motion failed.

HB 629-FN-A-L, relative to adequate education grants to cities and towns and relative to adjusting the education property tax rate based on the statewide cost of an adequate education. **INEXPEDIENT TO LEGISLATE**

Rep. Russell F. Ingram for Ways and Means: The committee supported the sponsor's intent to lower the statewide property tax over time. However, the methodology in the bill would be very difficult to administer and create unknown costs. Accordingly, the committee believes that other bills before it will more certainly achieve the sponsor's goal. Vote 15-0. Adopted.

HB 692-FN-A-L, revising the property tax relief program in order to cap education property tax payments at 5 percent of adjusted gross income. **INEXPEDIENT TO LEGISLATE**

Rep. Tom F. McCormick for Ways and Means: The committee supported the goal of this bill to expand our property tax relief. The approach of the bill was incorporated in the legislative study committee's report of November 2002 on this subject. The committee felt the items contained in this bill could best be considered within the context of the bill under consideration that resulted from this study. Vote 13-2.

Rep. Burling spoke against.

Rep. McCormick spoke in favor.

Adopted.

HB 714-FN-A, excluding cable Internet services from the communications services tax. **INEXPEDIENT TO LEGISLATE**

Rep. Shawn N. Jasper for Ways and Means: The intent of this bill is to exempt cable broadband Internet services from the Communication Services Tax (CST). This tax became effective in 1997 when the Dept. of Revenue Administration assessed the CST tax against AT&T's high speed Internet access product, delivered over cable television fiber optic lines, as a two-way communications service. In 1998 the United States Congress passed the Internet Moratorium Act (Internet Tax Freedom Act). The New Hampshire CST tax was

grandfathered since it was instituted prior to the Moratorium. This tax has not adversely effected the expansion of Internet services. Passage of this bill would result in up to a \$5 million dollar revenue loss that the state cannot afford at this time Vote 17-0.

Rep. Ouellette spoke against.

Rep. Roessner spoke in favor.

Adopted.

HB 717-FN-L, relative to targeted aid to education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert J. Giuda for the Majority of Ways and Means: This bill, as amended, repeals the statewide property tax and provides targeted aid to districts based upon a weighted formula that takes into account both a community's median income and the assessed valuation of its real property. It also assists with transportation costs, and includes in the formula factors for grade level, special education needs, the number of students receiving free and reduced lunches, and the number of students with limited proficiency in English. A county-specific cost of living factor is included. This bill as amended also repeals the existing underused property tax relief program, which becomes unnecessary with repeal of the statewide property tax. Vote 15-6.

Rep. Vivian R. Clark for the Minority of Ways and Means: Some information needed for analysis of this bill was outdated and some was simply not provided. One effect which was evident, however, was that some towns which currently enjoy relatively low tax rates would see them go even lower, while others with high tax rates would see a further increase. There are also strong doubts about the constitutionality of the bill. The minority would like to retain this bill and develop a targeted aid program that goes to the most needy communities.

Amendment (0539h)

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

1 Findings and Purpose. The general court finds that the present system of providing adequate education grants to support public elementary and secondary education does not sufficiently serve the objective of equalizing educational opportunity in the state, does not efficiently direct state resources to school districts based on fiscal need, and requires levy and collection of a statewide property tax that is divisive and unnecessary, if state resources are more efficiently directed. The purpose of this act is to direct state school aid more efficiently and effectively based on the relative fiscal need of local communities, and so better serve the objective of equalizing educational opportunity for pupils in the state's public elementary and secondary schools.

2 New Sections; Targeted Aid Grants; Transition Education Grants. Amend RSA 198 by inserting after section 41 the following new sections:

198:41-a Determination of Targeted Aid Grants.

I. For the biennium beginning July 1, 2003 and every biennium thereafter, except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the amount of the targeted aid grant for a municipality as follows:

(a) A municipality's targeted aid grant shall be the difference between its education need less its fiscal capacity, as determined in accordance with this paragraph.

(b) Education need shall mean the sum of a municipality's education operating need plus education transportation need.

(c) Education operating need shall be \$4,870 multiplied by the municipality's total weighted pupils. This product shall be multiplied by the county relative cost of living factor applicable to the municipality. As used in this paragraph:

(1) A municipality's total weighted pupils shall mean the number of its elementary school pupils, including kindergarten pupils, plus 1.1 times the number of its high school pupils, plus the number of its special education pupils, plus the number of its

pupils eligible to receive free or reduced price lunch, plus the number of its pupils with limited proficiency in the English language, plus the number of its scale pupils.

(2) The number of a municipality's scale pupils shall be determined by multiplying the number of its elementary pupils, including kindergarten pupils, by a scale factor as follows:

(A) 0.3, if the municipality's 2000 United States census population is less than 1,000 persons.

(B) 0.15, if the municipality's 2000 United States census population is at least 1,000 but less than 2,000 persons.

(C) 0.1, if the municipality's 2000 United States census population is at least 2,000 but less than 3,000 persons.

(D) zero, if the municipality's 2,000 United States census population is 3,000 or more persons.

(3) The county relative cost of living factor is:

(A) Belknap county municipalities: 0.99.

(B) Carroll county municipalities: 0.99.

(C) Cheshire county municipalities: 1.01.

(D) Coos county municipalities: 0.90

(E) Grafton county municipalities: 0.96.

(F) Hillsborough county municipalities: 1.07.

(G) Merrimack county municipalities: 1.03.

(H) Rockingham county municipalities: 1.07.

(I) Strafford county municipalities: 1.00.

(J) Sullivan county municipalities: 0.98.

(d) Education transportation need shall mean the sum of the municipality's number of pupils plus the number of its scale pupils, multiplied by \$322. This product shall be multiplied by the county relative cost of living factor applicable to the municipality.

(e) Fiscal capacity shall mean the sum of the municipality's equalized property valuation as determined by the department of revenue administration as of April 1, 2001, excluding property subject to taxation under RSA 83-F, plus the municipality's total household income, divided by 2. The result shall then be multiplied by 0.019267. Total household income shall mean the municipality's median household income multiplied by the number of its households, as determined by the 2000 United States census.

(f) The calculation required under this paragraph shall be performed and distributed to school districts no later than November 1 of the year before the beginning of the biennium for which it is made.

II.(a) For the biennium beginning July 1, 2005, and every biennium thereafter, the department of education shall perform the calculations required under this section based on the most recent available data representing the number of elementary and high school pupils, special education pupils, pupils eligible for free or reduced price lunch, pupils with limited proficiency in the English language in each municipality, and the equalized property valuation, excluding property subject to taxation under RSA 83-F.

(b) For the biennium beginning July 1, 2005, and every biennium thereafter the amount of \$4870 in the calculation of operating need and the amount of \$322 in the calculation of transportation need shall each be adjusted according to the change in the consumer price index as calculated by the United States Department of Labor. Furthermore, the department shall recalculate a municipality's population, median household income, and number of households by reference to the most recently available data from the United States decennial census.

III. For municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the amount of the targeted aid grant for each municipality shall be the lesser of the following:

(a) The amount calculated in accordance with paragraph I or paragraph II of this section, as applicable; or

(b) The total amount paid for education expense as determined by the department of education.

198:41-b Transition Education Grants.

I. Notwithstanding the provisions of RSA 198:41-a, for the fiscal years 2004 through 2008, each municipality shall receive a transition education grant determined as follows:

(a) For fiscal year 2004, if a municipality's targeted aid grant calculated under RSA 198:41-a is greater than the adequate education grant it would be entitled to receive under the version RSA 198:41 in effect one day prior to the effective date of this section, the municipality shall be entitled to receive an amount equal to the amount of its adequate education grant. However, if a municipality's targeted aid grant is less than its adequate education grant, the municipality shall be entitled to receive 84.4 percent of the adequate education grant.

(b) For fiscal year 2005, if a municipality's targeted aid grant calculated for the fiscal year ending June 30, 2004 under RSA 198:41-a is greater than the adequate education grant it would have been entitled to receive for the same fiscal year under the version of RSA 198:41 in effect one day prior to the effective date of this section, the municipality shall be entitled to receive an amount equal to such adequate education grant, plus 15 percent of the difference, if any, between the amount of the fiscal year 2004 targeted aid grant and the fiscal year 2004 adequate education grant. However, if the municipality's fiscal year 2004 targeted aid grant is less than the fiscal year 2004 adequate education grant, the municipality shall be entitled to receive 84.4 percent of such adequate education grant.

(c) For fiscal year 2006, a municipality shall be entitled to receive a transition education grant in an amount equal to the amount it was entitled to receive for fiscal year 2005 under this paragraph, plus 25 percent of the difference, if any, between the amount of the targeted aid grant it would be entitled to receive in fiscal year 2006 under RSA 198:41-a and the amount it was entitled to receive in fiscal year 2005.

(d) For fiscal year 2007, a municipality shall be entitled to receive a transition education grant in an amount equal to the amount it was entitled to receive for fiscal year 2005 under this paragraph, plus 50 percent of the difference, if any, between the amount of the targeted aid grant it would be entitled to receive in fiscal year 2006 under RSA 198:41-a and the amount it was entitled to receive in fiscal year 2005.

(e) For fiscal year 2008, a municipality shall be entitled to receive a transition education grant in an amount equal to the amount it was entitled to receive for fiscal year 2007 under this paragraph, plus 50 percent of the difference, if any, between the amount of the targeted aid grant it would be entitled to receive in fiscal year 2008 under RSA 198:41-a and the amount it was entitled to receive in fiscal year 2005.

II. For fiscal years following 2008, a municipality shall be entitled to receive an amount determined in accordance with RSA 198:41-a.

3 Distribution Schedule and Appropriation. RSA 198:42 is repealed and reenacted to read as follows:

198:42 Distribution Schedule of Adequate Education Transition Education and Targeted Aid Grants; Appropriation.

I. The transition education grant determined in RSA 198:41-b, and beginning in fiscal year 2009, the targeted aid grant determined in RSA 198:41-a, shall be distributed to each municipality's school district or districts legally responsible for the education of the pupils who attend approved public schools within the district or in other districts or who attend approved programs for educationally disabled children, as the case may be, from the education trust fund in 4 payments of 20 percent on August 1, 20 percent on September 1, 30 percent on January 1, and 30 percent on April 1 of each school year; provided that for a dependent school district, the grant determined in RSA 198:41-a or RSA 198:41-b shall be

distributed to the municipality, which shall appropriate and transfer the grant funds to its dependent school department.

II. For the fiscal year beginning July 1, 1999, and every fiscal year thereafter the amount necessary to fund the grants under RSA 198:41 is hereby appropriated from the education trust fund created under RSA 198:39 to the department of education. The governor is authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this section. Such warrant for payment shall be issued regardless of the balance of funds available in the education trust fund. If the balance in the education trust fund, after the issuance of any such warrant, is less than zero, the commissioner of the department of administrative services shall inform the fiscal committee and the governor and council of such balance. This reporting shall not in any way prohibit or delay the distribution of adequate education grants.

III. The department of education shall certify the amount of each grant to the state treasurer and direct the payment thereof to the school district. When a payment of a grant is made to a school district, the municipality on whose behalf the payment is made, shall receive notification from the state treasurer of the amount of the payment made to its school district or districts.

4 Maintenance of Local Control. RSA 198:48 is repealed and reenacted to read as follows:

198:48 Maintenance of Local Control. Distributions under RSA 198:42 depend only on the provisions of RSA 198:41-a and RSA 198:41-b, and are independent of how the municipalities decide to spend the distributions or other funds they may raise for education. Notwithstanding any other provision of law, nothing in this subdivision is intended in any way to limit or control how school districts operate or spend their budgets except that adequate education grants must be expended for educational purposes. Transition education grants and targeted aid grants shall not be considered unanticipated funds under RSA 198:20-b.

5 Repeals. The following are repealed:

I. RSA 21-I:18, I(1), relative to the purchase of services by the department of administrative services for the administration of low and moderate income homeowners property tax relief.

II. RSA 76:3, relative to the education property tax.

III. RSA 83-F:9, relative to exemption from the education property tax

IV. RSA 198:38, I, V-X, and XII, relative to certain definitions regarding state aid for educational adequacy.

V. RSA 198:39, I(g), relative to deposit of excess property tax payments

VI. RSA 198:40-41, relative to determination of per pupil adequate education cost and adequate education grant.

VII. RSA 198:44, relative to duties of the department of education and the board of education.

VIII. RSA 198:46-47, relative to excess education property tax payment and forms.

IX. RSA 198:49, relative to the adequate education and education financing commission.

X. RSA 198:56-61, relative to low and moderate income homeowners property tax relief.

6 Effective Date.

I. RSA 198:41-a, I(f) as inserted by section 2 of this act shall take effect January 1, 2004.

II. Paragraph II of section 5 of this act shall take effect March 31, 2003.

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

AMENDED ANALYSIS

This bill:

- I. Provides for targeted aid grants to municipalities based on a revised cost calculation formula.
- II. Provides for transition education grants to municipalities for fiscal years 2004-2008.
- III. Repeals the education property tax.
- IV. Repeals excess education property tax payments.
- V. Repeals the low and moderate income homeowners property tax relief program.

Adopted

Reps. Vivian Clark spoke against and yielded to questions.

Rep. Hughes spoke in favor and yielded to questions.

Reps. Almy and Jasper spoke against.

Reps. Gionet, Kurk and Giuda spoke in favor.

Rep. Francoeur requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 209 NAYS 135

YEAS 209

BELKNAP

Allen, Janet
Flanders, Donald
Nedeau, Stephen
Wendelboe, Fran

Bartlett, Gordon
Holbrook, Robert
Pilliod, James
Whalley, Michael

Boyce, Laurie
Laflam, Robert
Russell, David

Clark, Charles
Lawton, David
Thomas, John

CARROLL

Babson, David Jr
Hatch, Paul
Olimpio, J Lisbeth

Brown, Carolyn
Kenney, Bettie
Patten, Betsey

Derby, Mark
McConkey, Mark
Stevens, Stanley

Dickinson, Howard
Mock, Henry

CHESHIRE

Dexter, Judson
Royce, H Charles

Fish, Douglas
Smith, Edwin

Hunt, John

Laurent, John

COOS

Brady, Mark
Pratt, Leighton
Woodward, David

Guay, Lawrence
Richardson, Herbert

King, Frederick
Stohl, Eric

Mears, Edgar
Tholl, John Jr

GRAFTON

Alger, John
Dudley, Terri
Giuda, Robert
Sorg, Gregory

Barker, Robert
Eaton, Stephanie
Ham, Bonnie
Williams, Burton

Benn, Bernard
Gilman, G Michael
Ingbertson, Paul

Dorsett, Andrew
Gionet, Edmond
Maybeck, Margie

HILLSBOROUGH

Adams, Jarvis
Balboni, Michael
Beaton, William
Cernota, Albert

Allen, Timothy
Balcom, John
Brundige, Robert
Chabot, Robert

Arnold, Thomas Jr
Barry, J Gail
Bruno, Pierre
Christensen, D L
Chris

Artz, Lawrence
Batula, Peter
Carter, Mark
Christiansen, Lars

Crane, Elenore Casey
Fields, Dennis
Goulet, Maurice
Haytayan, Harry Jr
Kurk, Neal
Leach, Edward
Mercer, Robert
Mosher, William

Dionne, Kimberley
Fletcher, Richard
Graham, John
Holden, Randolph
Laflamme, Charles
McElroy, Henry Jr
Messier, Irene
O'Brien, Lori

Elliott, Larry
Furman, Christine
Greenberg, Gary
Hopper, Gary
LaFlamme, Paul
McHugh, Claire
Milligan, Robert
Ober, Russell III

Emerton, Larry
Gonzalez, Carlos
Hawkins, Ken
Johnson, Lionel
Lawrence, James
McRae, Karen
Moran, Edward
Pappas, Marc

Price, Pamela
Slocum, Lee
Wheeler, Robert

Reeves, Sandra
Spiess, Paul

Ross, Lawrence
Stepanek, Stephen

Scanlon, Michael
Wheeler, James

MERRIMACK

Anderson, Eric
Fraser, Leo Jr
Kennedy, Richard
Marple, Richard
Oliver, James
ROCKINGHAM

Currier, David
Hess, David
L'Heureux, Stephen
Maxfield, Roy
Ouellette, Robert

Field, William
Jacobson, Alf
Leber, William
McCormick, Tom

Foley, Albert
Kenison, Leon
MacKay, James
Nutter, Edward

Belanger, Ronald
Cady, Harriet
Dearborn, Bruce
Flanders, John Sr
Gilbert, Karl
Hamel, Albert
Johnson, Robert
Kobel, Rudolph
McCann, Richard
Norelli, Terie
Pitts, Jacqueline
Rausch, James
Scamman, Stella
Stone, Joseph
Waterhouse, Kevin
Weyler, Kenneth

Bicknell, Elbert
Camm, Kevin
Dodge, Robert
Flayhan, Mary Lou
Gillick, Thomas
Headd, James
Katsakiores, George
Langley, Jane
McEachern, Paul
O'Neil, Michael
Priestley, Anne
Robertson, Carl
Shultis, Elizabeth
Stritch, C Donald
Weare, E Albert
Winchell, George

Blanchard, MaryAnn
Carson, Sharon
Duffy, James
Francoeur, Sheila
Gleason, John
Hughes, Daniel
Katsakiores, Phyllis
Langone, John
McMahon, Charles
Packard, Sherman
Putnam, Ed II
Roessner, Kurt
Smith, Donald
Tufts, J Arthur
Welch, David

Bridle, Russell
Dalrymple, Janeen
Fesh, Bob
Gilbert, Jeffrey
Griffin, Mary
Ingram, Russell
Kelley, Jane
Major, Norman
Morris, Richard
Pantelakos, Laura
Quandt, Matthew
Ruffner, Walter
Splaine, James
Varrell, Thomas
Weldy, Norman Jr

STRAFFORD

Albert, Russell
Easson, Timothy
Spang, Judith

Bemis, Alan
Harrington, Michael
Twombly, James

Campbell, W Packy
Newton, Clifford
Woods, Phyllis

Cataldo, Sam
Scott, David

SULLIVAN

Allison, David
Jones, Constance

Burling, Peter
Leone, Richard

Donovan, Thomas
Rodeschin, Beverly

Flint, Gordon Sr

NAYS 135

BELKNAP

Dewhirst, Glenn

Fitzgerald, James

CARROLL

None

CHESHIRE

Allen, Peter
Espieffs, Peter
Pratt, Irene
Webber, Amy

Batchelder, Robert
Meader, David
Richardson, Barbara

Dunn, James
Mitchell, McKim
Robertson, Timothy

Eaton, Daniel
Parkhurst, Henry
Tilton, Anna

COOS

Poulin, Richard

Theberge, Robert

GRAFTON

Akins, Ralph
Densmore, Edward
Scovner, Nancy

Almy, Susan
Diamond, Estelle
Sokol, Hilda

Bleyler, Ruth
Hammond, Lee
Solomon, Peter

Cooney, Mary
Nordgren, Sharon

HILLSBOROUGH

Baroody, Benjamin	Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David
Brassard, Paul	Buckley, Raymond	Carlson, Donald	Carter, Jeffrey
Clemons, Jane	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Dokmo, Cynthia	Ford, Nancy	Gargasz, Carolyn
Gibson, John	Gorman, Mary	Goyette, Peter Jr	Hall, Charles
Hallyburton, Margaret	Harrington, Paul	Irwin, Anne-Marie	Jasper, Shawn
Jean, Claudette	Konys, Christine	Kopka, Angeline	L'Heureux, Robert
Lasky, Bette	Lefebvre, Roland	Lessard, Rudy	Luebker, Bernard
Malloy, Chris	McDonough-Wallace, Alice	Movsesian, Lori	Pappas, Christopher
Pilotte, Maurice	Rowe, Robert	Shaw, Barbara	Souza, Kathleen
Sullivan, Francis	Sullivan, Peter	Sweeney, Cynthia	Tate, Joan
Vaillancourt, Steve			

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Colcord, J D	Davis, Frank	DeJoie, John	DeStefano, Stephen
French, Barbara	Gile, Mary	Hamm, Christine	Lockwood, Priscilla
Osborne, Jessie	Owen, Derek	Perkins, Randy	Potter, Frances
Reed, Dennis	Rush, Deanna	Soltani, Tony	Wallner, Mary Jane

ROCKINGHAM

Allen, Mary	Casey, Kimberley	Clark, Vivian	Coes, Betsy
Cooney, Richard	Davidson, Robert	DiFruscia, Anthony	Dumaine, Dudley
Dupuis, Roland	Gould, Kenneth	Introne, Robert	Letourneau, Robert
McKinney, Betsy	Vallone, Matthew	Zolla, William	

STRAFFORD

Berube, Roger	Bickford, David	Callaghan, Frank	Creteau, Irene
Dunlap, Patricia	Grassie, Anne	Heon, Richard	Hofemann, Roland
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Miller, Joseph	Pelletier, Arthur	Rollo, Deanna	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Taylor, Katherine	Taylor, Kathleen
Wall, Janet			

SULLIVAN

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

and the majority committee report was adopted.
Referred to Finance.

HB 746, revising the property tax relief program OUGHT TO PASS WITH AMENDMENT

Rep. Christine C. Hamm for Ways and Means: This year a number of bills to provide expanded property tax relief for low and moderate income homeowners have come before the Ways and Means Committee. While these have received support for their intent, the majority of the committee found that HB 746 was the best vehicle to achieve the goals we seek, including: 1) an attempt at meaningful relief for those most in need, i.e. resident homeowners whose total net property taxes exceed 10 percent of household income for married couples or 8 percent of household income for individuals; 2) simplicity both of administration and access; 3) flexibility to allow for future modification; and 4) fiscal responsibility based on findings. By providing a "rebate from education property taxes paid in the amount of the difference between total net property tax paid and 8 percent or 10 percent of household income, or \$1,500, whichever is less", the majority of the members of the Ways and Means Committee expect the total cost to the State will be between \$4 million to \$6 million dollars. HB 746 is based upon the findings of the study committee established

by HB 213. Vote 15-3.

Amendment (0538h)

Amend the introductory paragraph of RSA 198:56, III(a) as inserted by section 2 of the bill by replacing it with the following:

III.(a) "Household income" means the sum of [~~the adjusted gross income for federal income tax purposes~~] **net income from all sources** of the claimant and any adult member of the claimant's household who resides in the homestead for which a claim is made. **The net income shall be determined by deducting from all moneys received from any source, including social security and pension payments, the amount of any of the following or the sum thereof:**

Amend RSA 198:57, VI(a)(2) as inserted by section 6 of the bill by replacing it with the following:

(2) \$1,500.

Amend the bill by replacing section 7 with the following:

7 Reference Change; Public Contractors Added. Amend RSA 21-I:18, I(l) to read as follows:

(l) Purchases of services from private **and public** contractors by the department of revenue administration with respect to the administration of [~~low and moderate income homeowners~~] **state education** property tax **homeowners** relief claims.

AMENDED ANALYSIS

This bill revises the current "low and moderate income homeowners property tax relief" program as the "state education property tax homeowners relief" program. This relief program will be available to any resident homeowner whose total net property taxes exceed 10 percent of household income or 8 percent of household income if such resident homeowner filed a federal income tax return as head of household. This bill allows a rebate from education property taxes paid in the amount of the difference between total net property tax paid and 8 percent or 10 percent of household income depending on federal income tax filing status, or \$1,500, whichever is less.

Adopted.

Report adopted and referred to Finance.

SPECIAL ORDER

Without objection, the Speaker ordered that all bills removed from today's Consent Calendar be made a Special Order for March 13, 2003 as the first order of business.

RESOLUTION

Rep. Hess offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 13, 2003 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 288-FN, imposing a criminal penalty for the dissemination of certain materials without consent.

HB 120, relative to sessions for the correction of the checklist and sessions for changes of party registration.

HB 275, establishing a committee to study ballot reform.
HB 358-FN-L, relative to recount fees in local elections
HB 658-FN, relative to impersonation of candidates.
HB 156, relative to weights and measures..
HB 181, relative to limiting landowner liability for giving permission for horseback riding.
HB 281-FN, exempting automatic irrigation system installers from licensure by the electrician's board.
HB 469, relative to areas of the state for hunting by crossbow..
HB 533, relative to health carrier disclosure for medical child support enforcement.
HB 831, establishing a New Hampshire end-of-life care study commission.
HB 434-L, relative to junkyards and motor vehicle recycling yards.
HB 769, relative to the lighting of certain advertising devices along highways.
HB 732-FN, relative to fines for forestry law violations, and deceptive forestry business practices.
HB 703-FN, permitting free admission to the state park system for disabled veterans.
HCR 9, urging the President and the Joint Chiefs of Staff to abandon the Total Information Awareness Initiative.
HR 9, urging the federal government to extend the Internet Tax Freedom Act moratorium.
HB 379, relative to penalties for OHRV violations by underage operators
HB 819, relative to original and youth operators' licenses.
HB 828-FN-A-L, establishing a committee to study the effect of alternative transportation on state revenues.
HB 591-FN, allowing a certain former state employee to apply for accidental disability benefits.
HB 669-FN, relative to dental insurance benefits and eligibility for medical benefits for retired state employees.
HB 791-FN-A, establishing a rest area and state liquor store retail opportunities commission.
HB 326, relative to establishing a 6-year capital budget.
HB 387-FN, allowing free admission to the state park system for active duty members of the armed services and certain members of the national guard and reserves.

RECESS MOTION

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

The House recessed at 4:10 p.m.

RECESS