

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 26, 2003

No. 30

HOUSE JOURNAL No. 12 (cont.)

Tuesday, March 25, 2003

Rep. Hess moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 13

Wednesday, March 26, 2003

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

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

Ever Compassionate Creator, we stand today in thanksgiving for the blessings we have inherited to share the authority of democratic government, to worship freely, to voice differing opinions, to assemble and to speak openly in a free press among our many other freedoms. We are mindful that these freedoms were won and are now protected by the bravery of men and women serving in our armed forces at home and in distant lands, and by our police and fire services who serve in our

communities. May our gratitude for their many sacrifices never wane. May the work of this honorable House reflect the gratitude we share as free citizens of our beloved New Hampshire.

We especially lift up to You those who have been wounded, killed or captured in the cause of bringing freedom to the people of Iraq.

Bring peace quickly, O Lord. Amen.

Rep. Stanley Stevens led the Pledge of Allegiance.

The National Anthem was sung by Katie Kramer and Julie Wagner, students at Concord High School.

LEAVES OF ABSENCE

Reps. Janet Allen, Cady, Flanagan, Guay, Rice, Seldin, Slack and Weare, the day, illness.

Reps. Nelson Allan, Balcom, Burling, Corbin, Dewhirst, Donovan, Stephanie Eaton, Hager, Kaen, Moran, Oliver, Ross, Paul Smith, Jeffrey Sullivan and Tilton, the day, important business.

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

INTRODUCTION OF GUESTS

Christine O'Brien, student at ConVal High School and Baron Eddings, student at Conant High School, Pages for the Day. Margaret Goldberge, daughter of Rep.Diamond. Rich and Pam Wagner, parents of Julia Wagner, and Christina Provencher, guests of the Speaker. The 4th grade class from Seabrook Elementary School, guests of the Seabrook delegation.

SPECIAL GUESTS

The Pembroke Academy Robotics Team, the 2003 Champions of the Chesapeake Regional First Robotics Competition held at the United States Naval Academy, guests of the Pembroke delegation.

REGULAR CALENDAR

COMMITTEE REPORTS

HB 411, allowing municipalities to adopt a property tax exemption for owners who permit snowmobile use. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Roland L. Dupuis for the Majority of Municipal and County Government: It was the majority opinion that the bill was flawed in that there were no restrictions as to the size of land, no definition of "use and reasonable access," and a great discrepancy in the amount of exemptions proportional to the size of land in question. This reduction of property assessment would also be in addition to any

other exemption or credit the landowner is entitled to, such as current use. RSA 79-A:4 already allows a 20% reduction in current use value if a landowner's property is open to the public 12 months a year for recreation. This type of additional exemption for winter recreational use could be extended to horseback riding, snowshoeing, hiking, dirt biking or any other type of recreational use and in the end, the cost of the exemption is shifted to other members of the community. The committee feels that the existing program of current use, and availability of an additional 20% reduction for recreational use is adequate compensation for the use of one's land. Vote 14-1.

Rep. Laurie J. Boyce for the Minority of Municipal and County Government: This bill enables a town or city to give an extra exemption/credit for a small percentage (10%) of the property taxes on residential real estate which is used as the principle place of abode, and which would allow snowmobiling activity on the property for a five year period, renewable every five years.

Majority report adopted.

HB 439, allowing municipalities the option to tax land values at a different rate than buildings and improvements. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: Testimony was received that this concept has some merit. However, implementation of this concept could cause a serious reduction of vacant land throughout the state due to the higher tax rate on non productive vacant land, causing the owners to sell prematurely and may contribute to an expansion of "sprawl" that this legislature is trying to shift to "smart growth." The committee agreed this bill is unworkable at this time. Vote 12-3.

Rep. Noyes spoke against.

Rep. Brundige spoke in favor.

Adopted.

HB 552, establishing a committee to study the Hillsborough County Nursing Home employment practices. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David L. Buhlman for the Majority of Municipal and County Government: The committee was impressed with the testimony from several employees from Hillsborough County. However, this is an issue that is more appropriately handled outside the legislature through established procedures. A performance audit by the county delegation could be worth considering. Vote 10-4.

Rep. Peter B. Schmidt for the Minority of Municipal and County Government: The minority feels that serious questions have been raised regarding employment practices at the Hillsborough County Nursing Home. Efforts to address these issues at the county level have not resolved the matter. While the minority agrees with the majority that Hillsborough County should deal with this question, the minority strongly feels that the New Hampshire House should maintain oversight, so that it can be sure that justice ultimately prevails.

On a division vote, 236 members having voted in the affirmative and 109 in the negative, the majority report was adopted.

HB 774-L, enabling municipalities to expend funds to plow private roads. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth H. Gould for Municipal and County Government: The case of "Clapp vs. Jaffrey" would suggest that a town cannot spend tax monies on private property. It appears to be a constitutional issue. Towns would be exposed to unnecessary liability. However, present statutes allow plowing of "emergency ways." Vote 9-7.

Adopted.

HB 778-L, relative to the city of Manchester school district. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marc P. Pappas for Municipal and County Government: This bill is simply enabling legislation that would allow the City of Manchester to put a referendum question on the ballot allowing the citizens of Manchester to decide whether or not to return the school district to a city department. The referendum question would need to be passed by a two-thirds super majority, which will clearly state the will of the people of Manchester. In a previous referendum on this issue, 61% of the citizens of Manchester voted to return the school district to a department of city government. However, because the city did not first obtain permission from the legislature, the initiative was deemed invalid. This bill is not unlike similar legislation that was passed three years ago, in which the City of Nashua sought to return control of its school district to a city department. It should be noted that in addition to the majority of Manchester's legislative delegation, twelve of the fourteen city aldermen wholeheartedly support the goal of this legislation. Vote 11-3.

Amendment (0752h)

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

1 Manchester School Department. The city of Manchester, New Hampshire may incorporate the school district as a department of the city and the mayor shall have control over the form and procedures for preparation and adoption of the school department budget, subject to a referendum provided for in section 2.

2 Referendum. The provisions of section 1 of this act shall take effect upon ratification by a 2/3 vote of the voters present and voting by ballot at the regular annual election in the city of Manchester, and the mayor shall certify within 10 days to the secretary of state the results of said referendum.

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

AMENDED ANALYSIS

This bill enables the city of Manchester to incorporate the Manchester School District as a department of the city, subject to voter approval.

Rep. Patten spoke against.

Committee amendment failed.

Rep. Patten offered a floor amendment (0969h).

Floor Amendment (0969h)

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

1 Manchester School Department. The city of Manchester, New Hampshire may incorporate the school district as a department of the city and the mayor shall have control over the form and procedures for preparation and adoption of the school department budget.

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

AMENDED ANALYSIS

This bill enables the city of Manchester to incorporate the Manchester School District as a department of the city, subject to voter

Rep. Patten spoke in favor and yielded to questions.

Floor amendment (0696h) adopted.

Report adopted and ordered to third reading.

HB 25-FN-A, making appropriations for capital improvements. **WITHOUT RECOMMENDATION**

Rep. Edwin Smith moved Ought to Pass with Amendment and offered a floor amendment (0961h).

Floor Amendment (0961h)

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

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

I. Adjutant General.

A. Armory Renovations \$ 300,000

B. STARC Armory - Concord 9,033,100

Less Federal -6,774,825

Net state appropriation subparagraph B 2,258,275

C. Armory Kitchen Expansions 975,000

Less Federal -731,250

Net state appropriation subparagraph C 243,750

D. Joint Service Training Facility Design 3,388,700

Less Federal - 3,388,700

Net state appropriation subparagraph D 0

Total state appropriation paragraph I \$ 2,802,025

II. Department of Administrative Services.

A. Bureau of Court Facilities.

165,000 1. Architectural and Engineering - Hampton District Court. \$

250,000 2. Architectural and Engineering – Laconia District Court

Total state appropriation subparagraph A 415,000

B. Bureau of General Services.

806,000 1. 4 and 6 Hazen Drive - Upgrade Security 106,000

2. Renovate State Laboratory - Final Phase 5,447,000

3 State Library - Install Fire Suppression System 208,000

806,000 4. 4 and 6 Hazen Drive - Install Fire Suppression System

5. Storrs Street Warehouse - Replace Leaky Roof 92,000

6. Londergan Hall - Replace Elevator 283,000

7. Londergan Hall - Replace Defective Flooring 101,000

8. State House Annex - Replace Defective Flooring 531,000

381,000 9. State House and State House Annex - Install Emergency Generator

10. State House Annex - Replace Freight Elevator 286,000

152,000 11. 18 State Owned Buildings - Asbestos and Hazardous Material

12. Monadnock Mill - Repair Building Foundation 140,000

13. State House - Rehabilitate Representatives Hall 486,000

217,000 14. Department of Safety Building - Energy Save and Lights Replace

200,000	15. Site and Design Parking Garage - Executive/Legislative	
<u>100,000</u>	16. New Hampshire Hospital Campus – Redevelopment Plan	
	Total state appropriation subparagraph B	9,536,000
	C. Division of Information Technology Management.	
	1. Campus Wiring	1,525,000
	2. Enterprise Resource Planning	<u>15,000,000</u>
	Total state appropriation subparagraph C	<u>16,525,000</u>
	Total state appropriation paragraph II	\$26,476,000
	III. Community-Technical College System.	
2,373,000	A. Library Expansion - Academic Program Support - Stratham	\$
	B. Library Addition - Design and Build - Claremont	1,993,000
	C. Ventilation - Berlin	307,000
	D. Student Residence Hall Rehabilitation -NHTI	270,000
	E. Police Standards and Training – Storage Building Expansion	95,000
	F. MacRury Hall Addition – Dental Facility	1,500,000
	G. Critical Repairs	1,637,000
6,200,000	H. Christa McAuliffe Planetarium – Alan B. Shepard Memorial Wing	
	Less Federal	<u>-4,900,000</u>
	New state appropriation subparagraph H	<u>1,300,000</u>
	Total state appropriation paragraph III	\$ 9,475,000
	IV. Department of Education.	
\$ 4,500,000	A. Regional Career and Technical Education Center Match - Portsmouth	

1,875,000

B. Regional Career and Technical Education Center Match – Berlin

Total state appropriation paragraph IV \$ 6,375,000

V. Department Of Environmental Services.

A. Laboratory Equipment \$ 104,000

B. Hazardous Waste Superfund Match 1,805,000

C. Drinking Water SRF Matching Funds 4,968,320

D. Wastewater SRF Matching Funds 8,044,208

E. Bedrock Aquifer Well Project 196,000

Total state appropriation paragraph V \$15,117,528

VI. Department of Health and Human Services.

A. YDC - Facility Renovation and New Construction \$ 7,700,000

B. Update Sprinkler System - Glencliff 88,000

Total state appropriation paragraph VI \$ 7,788,000

The sum appropriated in subparagraph A shall be expended as provided in section 13 of this act.

VII. Liquor Commission.

A. Administration Building Life Safety / Warehouse Renovation \$

168,000

B. Parking Lot – Store #15 Keene 300,000

Total state appropriation paragraph VII \$ 468,000

VIII. Department Of Resources and Economic Development.

A. Replace Upgrade Septic Systems - Franconia \$ 250,000

B. Mount Washington Electrification 2,000,000

Less Park Fund - 2,000,000

Net state appropriation subparagraph B 0

C. Monadnock Campground Renovation 980,000

D. Statewide Radio System 575,200

Total state appropriation paragraph VIII \$ 1,805,200

IX. Department of Safety.

A. Lab Expansion \$ 358,000

Total state appropriation paragraph IX \$ 358,000

X. Department Of Transportation.

A. 5 – 10 Percent Match for FAA Projects \$ 3,515,000

B. Public Transit Bus Replacement Match 200,000

Total state appropriation paragraph X \$ 3,715,000

XI. Veterans Home.

A. Upgrade Existing Sprinkler System at 2 Units \$ 515,000

Less Federal - 334,750

Net state appropriation subparagraph A 180,250

B. Erect Prefabricated Refrigerator/Freezer with Shelving 107,000

C. Recreation Area 855,000

Less Federal -500,000

Net state appropriation subparagraph C 355,000

D. New Maintenance Building 736,000

Less Federal - 478,400

Net state appropriation subparagraph D 257,600

Total state appropriation paragraph XI \$ 899,850

Total state appropriation section 1 \$75,279,603

2 Appropriation; University System of New Hampshire. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Infrastructure- Plymouth State College \$3,400,000

B. Infrastructure- Keene State College 3,400,000

Total state appropriation section 2 \$6,800,000

3 Appropriation; Fish and Game Department. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Hatchery System Modernization \$ 2,000,000

B. Dam Reconstruction and Repair 100,000

Total state appropriation section 3 \$ 2,100,000

4 Appropriation; Department of Safety and Department of Transportation. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Department Of Safety.

A. Finish Second Floor of DMV Building - Hazen Drive \$ 370,000

B. Addition to DMV Building on Hazen Drive 3,260,000

C. Finish Troop D First Floor 589,000

Less Other - 111,910

Net state appropriation subparagraph C 477,090

Total state appropriation paragraph I \$ 4,107,090

The sum appropriated in subparagraph B for the DMV Building addition shall not be spent, obligated, or encumbered until the department has received approval of the plan from the capital budget overview committee.

II. Department Of Transportation.

1. Patrol and Salt Sheds - Statewide \$ 4,132,000

2. Garage and Material Lab Equipment 500,000

3. Antrim Rest Area Replacement - Design and Right-of-Way
100,000

Total state appropriation paragraph II \$ 4,732,000

Total state appropriation section 4 \$ 8,839,090

5 Expenditures; General. The appropriation made for the purpose mentioned in sections 1, 3, and 4 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided

that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

6 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said buildings or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees, in its discretion, may wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

V. Notwithstanding paragraphs I, III, and IV, the sums appropriated by section 2 may be expended and awarded by the trustees of the university system; provided that all contracts for all or any part of the building or facilities shall follow construction management procurement procedures and guidelines. If the trustees select construction management pursuant to this paragraph, paragraphs I, III, and IV shall not apply and the trustees shall retain the right to reject or negotiate following accepted construction management practices.

7 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3 and 4 of this act, if any, as may be acquired under the appropriation except such land if any as may be acquired for the water resources board, shall be purchased by the commissioner of the department of transportation with the approval of governor and council.

8 Bond Authorized.

I. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$93,018,693 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

II. To provide funds for the appropriation made in section 13 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$17,700,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided the cumulative bonds or notes shall not be issued in excess of:

(a) \$7,700,000 in the biennium ending June 30, 2005, as included in paragraph I.

(b) \$17,700,000 through the biennium ending June 30, 2007.

9 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds in the state.

II. The payment of principal and interest on bonds issued for the projects in:

(a) Section 3 of this act shall be made from the fish and game fund.

(b) Section 4 of this act shall be made from the highway fund.

10 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1, 3, and 4 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 8 shall be reduced by the same amount.

11 Transfers. The individual project appropriations provided in sections 1, 3, and 4 of this act shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project is completed and accepted, said balance or any part thereof may be transferred by governor and council, to any other individual project or projects within the same section and from the same funding source, provided that prior approval of the capital budget overview committee is obtained.

12 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 3, and 4 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such projects and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by

which federal, local, or other funds are reduced. The amount of bonding authorized by section 8 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

13 Appropriation; Department of Health and Human Services; New Architecturally Secure Facility for Committed and Detained Juveniles.

I. Pursuant to the final report of the commission to study the need for and the location of architecturally secure facilities and community shelter care facilities to serve juveniles established by 2001, 97, and in order to address health and safety concerns for staff and residents, operating inefficiencies in the campus model of the youth development center campus in Manchester and the inability of the current facilities to support state-of-the-art rehabilitative programming, the sum of \$17,700,000 is hereby committed to the design and construction of a new architecturally secure facility for committed and detained juveniles on the grounds of the youth development center.

II. The total project cost of approximately \$33,000,000 shall be funded using:

(a) \$13,400,000 in federal funds from the Violent Offender Incarceration/ Truth-in-Sentencing grant program;

(b) \$1,900,000 in previous state capital appropriations designated for new facility construction in youth development services;

(c) \$7,700,00 in a state capital appropriation for the biennium ending June 30, 2005 as made in section 1, paragraph VI, A of this act; and

(d) \$10,000,000 in a state capital appropriation for the biennium ending June 30, 2007 hereby appropriated upon approval of the capital budget overview committee and in a manner consistent with the project schedule.

III. The department shall submit the programs and design development drawings which include cost estimates, design criteria, and square footage requirements for the project to the capital budget overview committee as soon as possible upon passage of this act.

IV. The appropriations in this section shall be non-lapsing and shall be in addition to any other appropriation to the department of health and human services, provided that the department shall not receive actual cumulative payments for purposes of the project greater than:

(a) \$7,700,000 in the biennium ending June 30, 2005.

(b) \$17,700,000 in the biennium ending June 30, 2007.

14 Purpose Amended; YDC New Facility Construction. Amend 1997, 349:1, XVI, D as amended by 1998, 372:3 and as extended by 1999, 226:32, XXXVIII and 2001, 202:28, LXII, to read as follows:

D. Construction and Renovations – YDC, *New Facility Construction* \$1,000,000

15 Purpose Amended; YDC New Facility Construction. Amend 1999, 226:1, XV, D, as extended by 2001, 202:28, LXI to read as follows:

D. Phase I – preparation for agency networking, ***New Facility Construction*** *
225,000

16 Purposes Amended; YDC New Facility Construction. Amend 2001, 202:1, XV, A and B to read as follows:

A. King Cottage Renovations - Const. YDS, ***New Facility Construction***
\$415,000

B. ADA Compliance and Sprinkler/Fire Detection - Const.,

New Facility Construction 500,000

17 Walker Building; Payment of Bonds and Notes. Amend 2000, 283:2, II to read as follows:

II. To provide funds for the appropriation made in paragraph I, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$12,600,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. ~~[Payments of principal and interest on the bonds and notes shall be made from rents to be paid by non-general fund agencies occupying the Walker building. The bonds shall be 20-year bonds.]~~ ***The payment of principal and interest on the bonds and notes under this paragraph shall be a direct charge against the rents paid by state agencies occupying the Walker building to the extent available. To the extent that rents are insufficient for the payment of principal and interest, the remaining payment shall be a charge against general funds of the state.***

18 Appropriation for Walker Building Operation. The sum of \$165,000 is hereby appropriated to the department of administrative services for the fiscal year ending June 30, 2004 for the purpose of the operation of the Walker building facilities while state agencies are relocating to the Walker building from leased space. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

19 Capital Appropriation Increased. Amend 2001, 202:16 to read as follows:

202:16 Appropriation; Payment of Bonds and Notes; Department of Regional Community-Technical Colleges; Addition to Student Center; Concord.

I. The sum of ~~[\$1,500,000]~~ ***\$2,300,000*** is appropriated to the department of regional community-technical colleges for the purpose of the construction of an addition to the Dr. Goldie Crocker Wellness Center on the Concord campus.

II. To provide funds for the appropriation made in paragraph I the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of ~~[\$1,500,000]~~ ***\$2,300,000*** and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the technical institute private fund.

20 Appropriation; Payment of Bonds and Notes; Department of Regional Community-Technical Colleges; Student Residence Hall; Berlin.

I. The sum of \$1,600,000 is appropriated to the department of regional community-technical colleges for the purpose of the construction of a student residence hall on the Berlin campus.

II. To provide funds for the appropriation made in paragraph I the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,600,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the student residence fees.

21 Purpose Amended; Adjutant General. Amend 2001, 202:1, I, B to read as follows:

B. Reroofing Plymouth and Franklin Armories, *and*

<i>Armory Renovations Statewide</i>	410,000
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22 Purpose Amended; State Rail Lines; Department of Transportation. Amend 2001, 202:1, XIII, B as amended by 2002, 26:9 to read as follows:

B. Repair State Rail Lines *and Design Lowell to Nashua*

<i>Commuter Rail</i>	~~[600,000]~~ 1,500,000
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Less Federal	~~[-300,000]~~ -1,200,000
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Net state appropriation subparagraph B	300,000
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23 Purpose Amended; 1991 Appropriation; Port Authority. Amend 1991, 351:5, as amended by 1992, 260:20, 1994, 204:1, 2000, 15:1 and 2000, 292:10 to read as follows:

351:5 Appropriation; Port Authority. The expansion of the Port of Portsmouth funded in this section shall include an 11-acre expansion of the north yard of the port, the construction of a 750-foot pier, dredging projects including associated mitigation to maintain channels and harbor, a hydrodynamic study of Hampton and Seabrook, renovation of any commercial fish piers that may be transferred to the port authority, and the rip-rap project on River Street in Seabrook. The sums hereinafter detailed are hereby appropriated for the project specified:

A. Port of Portsmouth Expansion	\$18,300,000
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Total state appropriation section 5	\$18,300,000
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(The funds appropriated in subparagraph A for the Port of Portsmouth expansion shall not be expended, encumbered, or obligated in any way unless an action plan, which shall include construction documents, prepared by the New Hampshire Port Authority shall be approved by the capital budget overview committee, the fiscal committee, and the governor and council. \$1,500,000 of the total amount appropriated herein is hereby released for the purpose of final design and bid documents. \$1,800,000 of the total amount appropriated is designated for wetland mitigation. \$400,000 of the total amount appropriated is designated for the Hampton-Seabrook hydrodynamic study. The remaining \$14,600,000 is designated for construction, renovation, and dredging projects including associated mitigation. This appropriation shall be nonlapsing until the project is completed. The New Hampshire Port Authority shall not encumber, obligate, or expend any funds

from this appropriation for renovation or dredging projects without the prior approval of the capital budget overview committee. The total amount that may be expended for renovation and dredging projects including associated mitigation shall not exceed a total of \$1,000,000. ***In addition, for the biennium beginning July 1, 2003, the sum of \$1,000,000 shall be expended for the dredging of Hampton – Seabrook harbor, provided that the Army Corps of Engineers takes responsibility for completion and funding of future harbor dredging projects.***)

24 Lapse Dates Extended to June 30, 2005. The following appropriations are hereby extended to June 30, 2005:

I. The appropriation made to the adjutant general in 1999, 226:1, I, C, as extended by 2001, 202:28, XLVII, for renovation of state armories.

II. The appropriation made to the adjutant general in 2001, 202:1, I, A, as amended by 2002, 239:5, for armory renovations - statewide.

III. The appropriation made to the adjutant general in 2001, 202:1, I, B, as amended by section 21 of this act, for reroofing Plymouth and Franklin armories and armory renovations - statewide.

IV. The appropriation made to the adjutant general in 2001, 202:1, I, C, for army aviation support facility construction – Concord.

V. The appropriation made to the department of administrative services in 2000, 283:2, as extended by 2001, 202:28, X, for renovation to the Walker building.

VI. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 12, as extended by 1999, 226:32, XXII and 2001, 202:28, XII for emergency repairs, contingency fund.

VII. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 13, as extended by 1999, 226:32, XXIII and 2001, 202:28, XIII for the life safety, renovations – health and human services building.

VIII. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 1, for state laboratory – complete HVAC repairs.

IX. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 2, for E-911 install ventilation unit.

X. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 6, for state house annex – upgrade elevators.

XI. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 7, for 6 Hazen drive – replace state laboratory roof.

XII. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 8, for state house – upgrade elevators.

XIII. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 9, for state house – repoint exterior granite and caulk windows.

XIV. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 11, for state house annex – mailroom lift.

XV. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 13 for Storrs street garage – parking garage repairs.

XVI. The appropriation made to the department of administrative services, in 2001, 202:1, II, B, 1, for Carroll county courthouse construction.

II, A, 11, for state house annex – mailroom lift.

XV. The appropriation made to the department of administrative services, in 2001, 202:1, II, A, 13 for Storrs street garage – parking garage repairs.

XVI. The appropriation made to the department of administrative services, in 2001, 202:1, II, B, 1, for Carroll county courthouse construction.

XVII. The appropriation made to the department of administrative services, in 2001, 202:1, II, B, 2, for roof – Nashua district court.

XVIII. The appropriation made to the department of administrative services, in 2001, 130:14, I, for information technology projects.

XIX. The appropriation made to the department of administrative services, in 1999, 226:1, II, A, 2, as extended by 2001, 202:28, VIII, for state lab electrical wiring/panel replacement.

XX. The appropriation made to the department of administrative services, in 1999, 226:1, II, A, 8, as extended by 2001, 202:28, XIV, for executive/legislative budget system.

XXI. The appropriation made to the community-technical college system in 1999, 226:1, IV, C, as extended by 2001, 202:28, XLVIII, for maintenance/critical repairs.

XXII. The appropriation made to the community-technical college system in 2001, 202:1, IV, A, for system maintenance – statewide.

XXIII. The appropriation made to the community technical college system in 2001, 202:1, IV, C, for new academic building design – Laconia.

XXIV. The appropriation made to the community-technical college system in 2001, 202:1, IV, D, mezzanine instruction renovation – Manchester.

XXV. The appropriation made to the community-technical college system in 2001, 202:1, IV, E, for computer system upgrades.

XXVI. The appropriation made to the community-technical college system in 2001, 202:1, IV, F, for mobile equipment center design/child care – Berlin.

XXVII. The appropriation made to the community-technical college system in 2001, 202:1, IV G, for student residence – Berlin design.

XXVIII. The appropriation made to the community-technical college system in 2001, 202:16, I, as amended by section 19 of this act, for addition to student center – Concord.

XXIX. The appropriation made to the community-technical college system in 2001, 202:1, IV, H, Christa McAuliffe Planetarium-Alan B. Shepard memorial wing.

XXX. The appropriation made to the community-technical college system in 2001, 130:14, VI, for information technology project.

XXXI. The appropriation made to the community-technical college system in 2001, 158:73, for Claremont computer system upgrades.

XXXII. The appropriation made to the department of environmental services in 1989, 367:1, IV, A, 1, as extended by 1991, 351:27, II (g), 1992, 149:2, I, 1993, 359:20, I, 1995, 309:33, I, and 2001, 202:28, LI, for upgrading state-owned flood retardation structures at small watershed program sites.

XXXIII. The appropriation made to the department of environmental services in 1995, 309:1, VI, C, as extended by 1997, 349:34, XXI and 2001, 202:28, LII, for the superfund program.

XXXIV. The appropriation made to the department of environmental services in 1997, 349:1, VI, A, as extended by 1999, 226:32, XXIX, and 2001, 202:28, LIV, for the wastewater state revolving fund match.

XXXV. The appropriation made to the department of environmental services in 1997, 349:1, VI, B, as extended by 1999, 226:32, XXX, and 2001, 202:28, LV, for the drinking water state revolving fund match.

XXXVI. The appropriation made to the department of environmental services in 1999, 226:1, VII, A, as extended by 2001, 202:28, LVII, for the drinking water state revolving match.

XXXVII. The appropriation made to the department of environmental services in 1999, 226:1, VII, B, as extended by 2001, 202:28, LVIII, for the wastewater state revolving fund match.

XXXVIII. The appropriation made to the department of environmental services in 1999, 226:1, VII, C, as extended by 2001, 202:28, LIX, for the hazardous waste superfund match.

XXXIX. The appropriation made to the department of environmental services in 1999, 226:1, VII, D, as extended by 2001, 202:28, L, for the storage building for emergency response equipment.

XL. The appropriation made to the department of environmental services in 2001, 202:1, VIII, A, for the drinking water state revolving fund matching funds.

XLI. The appropriation made to the department of environmental services in 2001, 202:1, VIII, B, for the wastewater state revolving fund matching funds.

XLII. The appropriation made to the department of environmental services in 2001, 130:14, III for information technology projects.

XLIII. The appropriation made to the fish and game department in 2001, 202:3, A, for statewide fish hatchery capital improvement study.

XLIV. The appropriation made to the fish and game department in 1999, 226:3, A, as extended by 2001, 202:28, LXIII, for broodfish facility – Milford.

XLV. The appropriation made to the fish and game department in 1999, 226:3, B, as extended by 2001, 202:28, LXIV, for repair and replace fish rearing containers.

XLVI. The appropriation made to the fish and game department in 1999, 226:3, C, as extended by 2001, 202:28, LXV for water line repair/replacement.

XLVII. The appropriation made to the fish and game department in 1999, 226:3, E, as extended by 2001, 202:28, LXVI, and as amended by 2002, 133:2, for Barry conservation camp building replacement.

XLVIII. The appropriation made to the fish and game department in 1995, 309:3, A and B, as extended by 1997, 349:34, XXXV, 1999, 226:32, XLIV, and 2001, 202:28, LXVIII, for roof repairs and concrete repair/replacement – hatcheries.

XLIX. The appropriation made to the department of health and human services in 1995, 309:1, VII, B, I, as extended by 1997, 349:34, XXIII, 1999, 226:32 XI, and 2001, 202:28, XL, for RSA 171-B, for mentally retarded criminal offenders.

L. The appropriation made to the department of health and human services in 1999, 226:1, VIII, A, as extended by 2001, 202:28, XLII, for laboratory safety improvements.

LI. The appropriation made to the department of health and human services in 1999, 226:1, VIII, F, as extended by 2001, 202:28, XLIII, for Laconia developmental services campus-designated receiving facility renovations-developmental services.

LII. The appropriation made to the department of health and human services in 1999, 226:1, VIII, H, as extended by 2001, 202:28, XLIV, for information technology.

LIII. The appropriation made to the department of health and human services in 2001, 202:1, IX, B, for asbestos abatement – state office park south.

LIV. The appropriation made to the department of health and human services in 2001, 202:1, IX, E, as amended by 2002, 244:2, for Laconia MR offenders new building.

LV. The appropriation made to the department of health and human services in 2001, 202:1, IX, F, patient care network.

LVI. The appropriation made to the department of health and human services in 2001, 202:1, IX, G, for laboratory information tracking system.

LVII. The appropriation made to the department of health and human services in 2001, 202:1, IX, H, for bridges enhancement.

LVIII. The appropriation made to the department of health and human services in 2001, 202:1, IX, I, for DFA new heights enhancements.

LIX. The appropriation made to the department of health and human services in 2001, 202:1, IX, J, for public health laboratories replacement equipment.

LX. The appropriation made to the department of health and human services in 2001, 130:14, IV, for information technology projects.

LXI. The appropriation made to the department of youth development services in 1997, 349:1, XVI, D, as amended by 1997, 351:68, 1998, 372:2, 3, 1999, 226:15, and section 14 of this act, as extended by 1999, 226:32, XXXVIII and 2001, 202:28, LXII, for construction and renovations – YDC and new facility construction.

LXII. The appropriation made to the department of youth development services in 1999, 226:1, XV, D, as amended by section 15 of this act, and as extended by 2001, 202:28, LXI, for phase I preparation for agency networking and new facility construction.

LXIII. The appropriation made to the youth development services in 2001, 202:1, XV, A, as amended by section 16 of this act, for King cottage renovations – construction – YDS and new facility construction.

LXIV. The appropriation made to the youth development services in 2001, 202:1, XV, B, as amended by section 16 of this act, for ADA compliance and sprinkler/fire detection – construction and new facility construction.

LXV. The appropriation made to the judicial branch in 2001, 130:14, VII, for information technology projects.

LXVI. The appropriation made to the supreme court in 2001, 202:1, XII, A, for computer system upgrade.

LXVII. The appropriation made to the liquor commission in 2001, 202:1, X, A, for renovation store #38 and parking lot – Portsmouth.

LXVIII. The appropriation made to the liquor commission in 2001, 201:1, X, B, for renovation store #34 – Salem and new HVAC.

LXIX. The appropriation made to the department of resources and economic development in 1999, 226:1, XII, A, C, D, E, as extended by 2001, 202:28, V, for ADA compliance for parks facilities, new toilet facilities–Hampton, septic gray water system-Mount Washington, and install power-Crawford Notch.

LXX. The appropriation made to the department of resources and economic development in 2001, 202:1, XI, B, for exterior repairs, roofing – statewide.

LXXI. The appropriation made to the department of resources and economic development in 2001, 202:1, XI, C, for road repairs/parking lot maintenance - statewide.

LXXII. The appropriation made to department of safety in 1999, 226:4, II, B, as extended by 2001, 202:28, XXVII, for paving and roofing at troop/stations.

LXXIII. The appropriation made to the department of safety in 2001, 202:4, I, B, for radio system – county tie-in.

LXXIV. The appropriation made to the department of transportation in 1993, 359:1, XII, A, 1, as extended by 1994, 171:1, 1996, 215:3, III, 1997, 349:34, X, 1999, 226:32, IV, and 2001, 202:28, XXIX, for land acquisition for navigation beacons.

LXXV. The appropriation made to the department of transportation in 1999, 226:1, XIII, C, as extended by 2001, 202:28, XXXIII, for acquisition for railroad and airport properties.

LXXVI. The appropriation made to the department of transportation in 1999, 226:4, I, F, as extended by 2001, 202:28, XXXVI, for Conway rest area.

LXXVII. The appropriation made to the department of transportation in 2001, 202:1, XIII, B, as amended by 2002, 26:9 and section 22 of this act, for repair state rail lines and design Lowell to Nashua commuter rail.

LXXVIII. The appropriation made to the department of transportation in 2001, 202:1, XIII, C, ADA compliance projects – state parks, Hayes building restrooms, New Hampshire hospital.

LXXIX. The appropriation made to the department of transportation in 2001, 202:1, XIII, D, for public transit bus replacement.

LXXX. The appropriation made to the department of transportation in 2001, 202:4, II, C, for replacement of shop cranes – mechanical services - statewide.

LXXXI. The appropriation made to the department of transportation in 2001, 202:4, II, D, as amended by 2002, 106:1, for new garage and testing lab facility.

LXXXII. The appropriation made to the New Hampshire veterans home in 2001, 202:1, XIV, B, for parker tubs.

LXXXIII. The appropriation made to the department of education in 2001, 202:1, VII, A for education statistics system.

LXXXIV. The appropriation made to the department of education in 2001, 202:1, VII, B for grants management.

LXXXV. The appropriation made to the department of education in 2001, 202:1, VII, C for vocational rehabilitation case management system.

LXXXVI. The appropriation made to the department of education in 2001, 202:1, VII, D for career development system.

LXXXVII. The appropriation made to the department of education in 2001, 202:1, VII, E for regional vocational center instruction – Keene.

LXXXVIII. The appropriation made to the department of education in 2001, 202:1, VII, F for regional vocational center – Nashua.

LXXXIX. The appropriation made to the department of education in 2001, 130:14, II for information technology projects.

XC. The appropriation made to the department of education in 1999, 226:1, VI, A for computer applications expansion replacement.

XCI. The appropriation made to the department of education in former RSA 188-E:10 as inserted by 1973, 567, for regional vocational education centers.

25 Effective Date.

I. Section 23 of this act shall take effect June 30, 2003.

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

Rep. Edwin Smith spoke in favor and yielded to questions.

On a division vote, 289 members having voted in the affirmative and 69 in the negative, the floor amendment (0961h) was adopted.

Motion of Ought to Pass with Amendment adopted.

Referred to Finance.

HB 401, relative to approvals under the groundwater protection act. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Judith T. Spang for the Majority of Resources, Recreation and Development: This bill will streamline the process of approving large groundwater withdrawals by providing more structure to community input procedures. The change in statute will move the public hearing so it occurs after, rather than before the technical feasibility studies have been completed, ending time-consuming speculative discussions between the Department of Environment Services (DES) and the public. In addition, a review committee consisting of representatives of potentially impacted communities may be formed to provide a single vehicle for municipalities to discuss applications and make recommendations to DES. Appeals will go to the water council rather than directly to court. Vote 10-8.

Rep. Pierre W. Bruno for the Minority of Resources, Recreation and Development: This bill, even as amended, uses scientific words in a loose manner, creating far-reaching unintended consequences. The "zone of contribution" of groundwater is dependent upon geologic assumptions and may be limited to a local watershed or expanded to a regional watershed—larger even than the whole State. The criteria for selecting the size of the watershed is not defined in this bill. This language will essentially enable any municipality to join action committees for large groundwater withdrawal applications. Passage of this bill encourages public stonewalling of any large groundwater withdrawal application. The minority feels this issue merits study and oversight of the current process.

Majority Amendment (0779h)

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

1 Approval for Large Groundwater Withdrawals; Large Groundwater Withdrawal Review Committee. RSA 485-C:21, III - VI are repealed and reenacted to read as follows:

III. The applicant shall submit a final report to the department which shall include aquifer testing analysis. Copies of the final report shall be forwarded by certified mail by the applicant to the chair of the large groundwater withdrawal review committee, governing bodies of each municipality and each supplier of water within the anticipated zone of contribution to the well.

IV. Following the submission of the final report, accepted by the department as complete, the department shall hold a public hearing on the application in the municipality in which the proposed withdrawal is to be made upon the request of the governing body of any municipality, supplier of water within the anticipated zone of contribution, or the chair of a large groundwater withdrawal review committee, provided that such a hearing is requested within 15 days of their receipt of the final report.

V. The department shall hold the public hearing within 30 days after the request of the governing body of any municipality, supplier of water within the anticipated zone of contribution, or the chair of a large groundwater withdrawal review committee. Notice of the hearing shall be made by the applicant and shall be published twice in 2 different weeks, the last publication to be 7 days before the hearing, in one newspaper of general circulation throughout the state and another newspaper of general circulation in the municipalities within the anticipated zone of contribution. The notice shall also be posted in 2 public places in the municipalities.

VI. The applicant, the governing body of each municipality, the large groundwater review committee, and each supplier of water within the anticipated zone of contribution to the well may submit comments to the department relative to the proposed withdrawal within 45 days after the public hearing in the municipality or, if no hearing is requested, within 45 days after the receipt of the final report by the municipality, large groundwater review committee, and water suppliers. If the comments relative to the application make recommendations to the department, the department shall specifically consider such recommendations and shall issue written findings with respect to each issue raised that is contrary to the decision of the department.

VII. Rehearings and appeals from a decision of the department under this section shall be in accordance with RSA 21-O:14.

VIII. A municipality in which a large commercial withdrawal of groundwater is proposed may establish a large groundwater withdrawal review committee to make recommendations to the department concerning the approval of the large groundwater withdrawal.

(a) The members of the committee shall be as follows:

(1) Three members appointed by the governing body of the municipality where the withdrawal is proposed, one of whom shall be a member of the municipality's planning board.

(2) Two members from each of the other municipalities in the zone of contribution, appointed by the governing body of their municipalities, one of whom shall be a member of the municipality's planning board.

(b) The committee shall be formed within 60 days after the municipalities within the anticipated zone of contribution receive the preliminary application from the applicant.

(c) Upon formation, the committee shall notify the department and provide it with the chairperson's contact information.

(d) The department shall provide all information concerning the application for the large commercial groundwater withdrawal to the review committee chairperson and shall meet with the committee one time within 15 days of receiving a request for a meeting.

(e) The committee may hold one or more public information session regarding the proposed withdrawal.

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

Majority amendment adopted.

Rep. Bruno spoke against and yielded to questions.

Rep. Richard Cooney spoke against.

Reps. Spang and McEachern spoke in favor.

On a division vote, 169 members having voted in the affirmative and 191 in the negative, the majority report failed.

Rep. Bruno moved Inexpedient to Legislate.

Rep. Spang requested a roll call; sufficiently seconded.

The question being adoption of the minority report of Inexpedient to Legislate.

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YEAS 212

BELKNAP

Ahern, Omer Jr	Bartlett, Gordon	Boyce, Laurie	Clark, Charles
Fitzgerald, James	Flanders, Donald	Holbrook, Robert	Laflam, Robert
Lawton, David	Nedeau, Stephen	Pilliod, James	Russell, David
Thomas, John	Wendelboe, Fran	Whalley, Michael	

CARROLL

Babson, David Jr	Brown, Carolyn	Hatch, Paul	Kenney, Bettie
McConkey, Mark	Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley

CHESHIRE

Dexter, Judson	Fish, Douglas	Hunt, John	Laurent, John
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Liebl, George

Royce, H Charles

Smith, Edwin

COOS

Brady, Mark

Richardson, Herbert

Stohl, Eric

Tholl, John Jr

Woodward, David

GRAFTON

Alger, John

Barker, Robert

Dorsett, Andrew

Dudley, Terri

Gilman, G Michael

Gionet, Edmond

Giuda, Robert

Ham, Bonnie

Ingbretson, Paul

Maybeck, Margie

Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis

Allen, Timothy

Arnold, Thomas Jr

Artz, Lawrence

Batula, Peter

Beaton, William

Bergeron, Jean-Guy

Bergin, Peter

Bouchard, David

Brundige, Robert

Bruno, Pierre

Buhlman, David

Cail, Kenneth

Carlson, Donald

Carter, Jeffrey

Cernota, Albert

Christensen, D L Chris

Christiansen, Lars

Coughlin, Pamela

Crane, Elenore Casey

Desmarais, Vivian

Dionne, Kimberley

Dokmo, Cynthia

Drisko, Richard

Elliott, Larry

Emerton, Larry

Fields, Dennis

Gargas, Carolyn

Gonzalez, Carlos

Goulet, Maurice

Goyette, Peter Jr

Greenberg, Gary

Hagan, Barbara

Hall, Charles

Hallyburton, Margaret

Hansen, Ryan

Harrington, Paul

Hawkins, Ken

Haytayan, Harry Jr

Holden, Randolph

Hopper, Gary

Jasper, Shawn

Kurk, Neal

L'Heureux, Robert

Laflamme, Charles

LaFlamme, Paul

Lawrence, James

Lefebvre, Roland

Lessard, Rudy

McElroy, Henry Jr

McHugh, Claire

McRae, Karen

Mercer, Robert

Milligan, Robert

Mooney, Maureen

Mosher, William

O'Brien, Lori

Ober, Russell III

Pappas, Marc

Pepino, Leo

Price, Pamela

Reeves, Sandra

Rowe, Robert

Scanlon, Michael

Slocum, Lee

Stepanek, Stephen

Tahir, Saghir

Tate, Joan

Vaillancourt, Steve

Wheeler, James

Wheeler, Robert

MERRIMACK

Anderson, Eric

Blanchard, Elizabeth

Colcord, J D

Currier, David

Dunne, Christopher	Field, William	Foley, Albert	Fraser, Leo Jr
Hess, David	Kenison, Leon	Kennedy, Richard	L'Heureux, Stephen
Langer, Ray	Leber, William	MacKay, James	Marple, Richard
Maxfield, Roy	McCormick, Tom	Nutter, Edward	Ouellette, Robert
Reed, Dennis			

ROCKINGHAM

Belanger, Ronald	Bicknell, Elbert	Bridle, Russell	Camm, Kevin
Carson, Sharon	Clark, Vivian	Cooney, Richard	Dalrymple, Janeen
Dearborn, Bruce	DiFruscia, Anthony	Dodge, Robert	Doyle, Christopher
Duffy, James	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Flayhan, Mary Lou	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Gleason, John	Griffin, Mary	Hamel, Albert	Headd, James
Holland, James Jr	Hughes, Daniel	Ingram, Russell	Introne, Robert
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Letourneau, Robert	Major, Norman
Manning, John	McCann, Richard	McKinney, Betsy	Moore, Benjamin
Morris, Richard	Noyes, Richard	O'Neil, Michael	Packard, Sherman
Priestley, Anne	Putnam, Ed II	Quandt, Matthew	Rausch, James
Roessner, Kurt	Smith, Donald	Stritch, C Donald	Varrell, Thomas
Waterhouse, Kevin	Welch, David	Weldy, Norman Jr	Weyler, Kenneth
Wiley, Robert	Zolla, William		

STRAFFORD

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

SULLIVAN

Flint, Gordon Sr	Jones, Constance	Leone, Richard	Rodeschin, Beverly
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BELKNAP

None

CARROLL

Dickinson, Howard	Merrow, Harry	Mock, Henry	Philbrick, Donald
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CHESHIRE

Allen, Peter	Batchelder, Robert	Dunn, James	Eaton, Daniel
Espieffs, Peter	Manning, Joseph	Meador, David	Mitchell, McKim
Parkhurst, Henry	Pratt, Irene	Pratt, John	Richardson, Barbara
Robertson, Timothy	Weed, Charles		

COOS

Mears, Edgar	Poulin, Richard	Pratt, Leighton	Theberge, Robert
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GRAFTON

Akins, Ralph	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Densmore, Edward	Diamond, Estelle	Hammond, Lee
Naro, Debra	Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda
Solomon, Peter	Williams, Burton		

HILLSBOROUGH

Balboni, Michael	Baroody, Benjamin	Barry, J Gail	Brassard, Paul
Buckley, Raymond	Carter, Mark	Chabot, Robert	Clayton, William
Clemons, Jane	Cote, David	Cote, Peter	Fletcher, Richard
Ford, Nancy	Gibson, John	Gorman, Mary	Graham, John
Haley, Robert	Hinkle, Peyton	Infantine, William	Irwin, Anne-Marie
Jean, Claudette	Johnson, Lionel	Katsiantonis, Thomas	Konys, Christine
Kopka, Angeline	Kudalis, Debra	Lasky, Bette	Luebkert, Bernard
Malloy, Chris	McDonough-Wallace, Alice	Messier, Irene	Movsesian, Lori
Palangas, Eric	Pappas, Christopher	Pilotte, Maurice	Schulze, Joan
Shaw, Barbara	Souza, Kathleen	Spiess, Paul	Sullivan, Francis
Sullivan, Peter	Sweeney, Cynthia		

MERRIMACK

Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	Daniels, Eric
Davis, Frank	DeJoie, John	DeStefano, Stephen	French, Barbara
Hamm, Christine	Jacobson, Alf	Lockwood, Priscilla	Osborne, Jessie
Owen, Derek	Perkins, Randy	Potter, Frances	Rush, Deanna
Wallner, Mary Jane			

ROCKINGHAM

Allen, Mary	Bishop, Franklin	Blanchard, MaryAnn	Coes, Betsy
Davidson, Robert	Dupuis, Roland	Gillick, Thomas	Gould, Kenneth
Kobel, Rudolph	Langley, Jane	McEachern, Paul	Norelli, Terie
Pantelakos, Laura	Pitts, Jacqueline	Robertson, Carl	Ruffner, Walter
Scamman, Stella	Shultis, Elizabeth	Splaine, James	Stone, Joseph
Tufts, J Arthur	Vallone, Matthew	Winchell, George	

STRAFFORD

Berube, Roger	Brown, Julie	Callaghan, Frank	Creteau, Irene
Easson, Timothy	Heon, Richard	Hofemann, Roland	Johnson, Nancy
Keans, Sandra	Knowles, William	Miller, Joseph	Musler, George
Pelletier, Arthur	Rollo, Deanna	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Katherine
Taylor, Kathleen	Vachon, Dennis	Wall, Janet	

SULLIVAN

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

and the minority report of Inexpedient to Legislate was adopted.

HB 748, making changes to the laws governing off highway recreational vehicles. OUGHT TO PASS WITH AMENDMENT

Rep. David M. Lawton for Resources, Recreation and Development: This bill is a recommendation of a legislative study committee and makes various changes to laws governing OHRV's and the statewide trail system. It reduces the allowable noise level for trail bikes and includes that same restriction on all terrain vehicles. The bill, as amended, requires adult supervision for the operation of OHRV's by minors under age 14. This bill, as amended, will also restrict the operation of OHRV's

by minors under age 14 by requiring them to be accompanied by an adult when operating off of their own families lands. The bill will make it easier to conduct commercial OHRV events or contests by exempting certain OHRV requirements. Further, the committee amendment restricts expenditures on wheeled OHRV trails to those which are developed using the Department of Resources and Economic Developments best management practices for trail development. And the amendment also references the existing municipal authority to regulate nuisance noise and encourages cities and towns to use this tool to address noise complaints relating to wheeled OHRV operation. Vote 18-0.

Amendment (0924h)

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

AN ACT making changes to the laws governing off highway recreational vehicles and the multi-use statewide trail system.

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

1 Definition Clarified. Amend RSA 215-A:1, I to read as follows:

I. "Accompanied by", **or "accompany"** means when a person is within sight and when actual physical direction and control can be effected.

2 Sound Level Lowered; ATVs included. Amend RSA 215-A:12, IV to read as follows:

IV. No person shall operate in this state a trail bike **or all terrain vehicle** which produces a sound level in excess of ~~[99]~~ **96** decibels on the A scale, when measured in accordance with the provisions of the Society of Automotive Engineers Recommended Practice ANSI/SAE, J-1287, Mar 82, "Measurement of Exhaust Sound Levels of Stationary Motorcycles".

3 Registration Fees; Department of Resources and Economic Development Funds. Amend RSA 215-A:23, VI(b) to read as follows:

(b) Grants-in-aid shall be granted to OHRV clubs and political subdivisions for the construction and maintenance of **public use** OHRV trails and facilities. The bureau shall make grants on such terms as it deems necessary and shall determine what trails and facilities shall be eligible. Notwithstanding the provisions of this subparagraph, a landowner who grants permission for a grant-in-aid trail to be located on his or her property shall retain the right to establish the inclusive dates during which OHRV operation shall be permitted. Use of trails on private land shall extend only to the specific type of OHRV permitted by the landowner.

4 Registration Fees; Department of Resources and Economic Development Funds; Land Purchase Account Amend RSA 215-A:23, VII(c) to read as follows:

(c) Land purchases, easements, ~~[and]~~ rights-of-way, **and new construction**. A separate account shall be established into which \$2 of each resident trail bike and other OHRV registration fee appropriated for administration of the bureau under RSA 215-A:23, I(b) and \$2 of each nonresident trail bike and other OHRV registration fee appropriated for administration of the bureau under RSA 215-A:23, III(b) shall be deposited to be used only for land purchases, easements, ~~[and]~~ rights-of-way, **and new construction** for ATV or trail bike trail and facility development.

5 Accident Reports; Bureau of Trails. Amend RSA 215-A:28, IV to read as follows:

IV. Any person who is knowingly involved in any accident involving personal injury with an OHRV shall report said accident to the nearest police officer or police station. A report of said accident shall be filed forthwith by said police officer or police station with the department of safety, *the bureau of trails*, and the fish and game department in such form as the executive director may prescribe.

6 OHRV Operation. RSA 215-A:29, I-III are repealed and reenacted to read as follows:

I. No person shall operate an OHRV on land not owned or leased by such person or such person's parent, grandparent, or guardian unless such person:

(a) If under 14 years of age, is accompanied at all times by a person at least 18 years of age who has met the conditions of subparagraph (b); and

(b) If 12 years of age or older, has either:

(1) Successfully completed an OHRV training program, the recognition of which has not been suspended or otherwise disallowed by law; or

(2) Is licensed to drive a vehicle in accordance with RSA 263, or in accordance with the law of another state or a province of Canada, provided the person would be eligible for a driver's license in this state.

II.(a) Except as further specified in subparagraph (b), it shall be prima facie evidence that any person at least 18 years of age who travels with a person under 14 years of age shall be legally responsible for the OHRV operation of such person and shall be liable according to law for personal injury or property damage to others which may result from such person's operation.

(b) When more than one person at least 18 years of age is traveling with a person under 14 years of age, and if any of the following persons over 18 years of age are present, then only such persons shall be legally responsible and liable under this paragraph:

(1) Parents or guardians, or

(2) Any person who has otherwise been given or assumed the responsibility for supervising the person under 14 years of age at the time of OHRV operation.

(c) Any person legally responsible and liable under this paragraph shall accompany the person under 14 years of age at all times of OHRV operation.

(d) Except as provided in RSA 215-A:30, IV, an organizer of an event or contest shall be responsible for ensuring that each participant under 14 years of age is accompanied at all times.

III. A person 12 years of age or older operating an OHRV shall carry evidence of compliance with subparagraph I(b) in the form of a valid driver's license or evidence of successfully completing an OHRV training program. The person shall present such evidence to any law enforcement officer who is empowered to enforce this chapter, upon demand of such law enforcement officer.

III-a. The provisions of paragraphs I and III shall not apply to any person participating in an OHRV training program. The provisions of paragraph II shall not apply to any person teaching an OHRV training program.

7 Events; Exceptions. RSA 215-A:30, II is repealed and reenacted to read as follows:

II. Unregistered OHRVs may be operated as part of an organized, commercial OHRV event or contest that takes place on property owned by the organizer of such event or contest, without a permit being obtained under paragraph I.

III. The OHRV training and driver's license requirements of RSA 215-A:29, I(b) and III shall not apply to any person participating in an organized event or contest permitted under this section or in an event not requiring a permit as provided for in paragraph II.

IV. The provisions of RSA 215-A:29, I(a) and II shall not apply relative to any person under 14 years of age participating in an organized event or contest, where the organizer of the event or contest has obtained landowner permission and procured a permit from the executive director for such type of activity in the same manner and under the same terms as provided in paragraph I. The organizer of the permitted event or contest shall be responsible for maintaining conditions that have the effect of ensuring actual physical direction and control over participants under 14 years of age.

8 Closing or Zoning of Trail. Amend RSA 215-A:42, III to read as follows:

III. The bureau may not permanently close a trail under paragraph II to ATV or trail bike use *except upon a request made to the commissioner of resources and economic development to act under RSA 216-F:2, III, and not* without first holding a public hearing in the local area in which the trail is located. Such hearing shall be *noticed to the requesting party and the governing body of the affected municipalities and* advertised at least 14 days prior to the hearing in a newspaper of statewide circulation and also in any local newspapers to the cities and towns in which the state property is located.

9 New Trail Screening Process. Amend RSA 215-A:43, II, (d) – (f) to read as follows:

(d) The ~~[proposal is compatible with]~~ **bureau has given due consideration** to local planning and zoning ordinances.

(e) The proposed trail does not pass through a parcel with deed restrictions.

(f) The ~~[proposal is compatible with]~~ **bureau has given due consideration** to local noise and obnoxious use ordinances.

10 Bureau of Trails; Internet Reference. Amend RSA 215-A:43, III to read as follows:

III. The bureau shall hold at least one meeting to inform the public and local cities and towns of the plan and layout for a proposed ATV or trail bike trail, consistent with the fine filter criteria in paragraph II, and to provide an opportunity for the public to comment. Information on the plan and layout shall be made available to the public at a place in the local area in which the proposed trail is to be located, at the bureau's office in Concord, and on ~~[the]~~ **a public accessible** Internet **site maintained by the bureau**. The meeting and the places to obtain the information on the plan and layout shall be advertised at least 14 days prior to the meeting in a newspaper of

statewide circulation and also in any local newspapers to the cities and towns in which the state property is located.

11 New Paragraph; State Rail Trails Use Exempted. Amend RSA 215-A:43 by inserting after paragraph IV the following new paragraph:

V. This section shall not apply to the change in use designation of rail trails to include ATV and trail bike use.

12 Statewide Trail System; Advisory Committee; Membership Changed. Amend RSA 216-F:5, I to read as follows:

I. The commissioner shall appoint a New Hampshire statewide trail system advisory committee, for the purposes of advising the director of parks and recreation on matters related to the New Hampshire statewide trail system. The members shall equally represent the different trail interests involved and the general public. This committee shall include, but not be limited to, representation from the following: the bureau of trails; department of fish and game; office of state planning; department of transportation; governor's commission on disability; New Hampshire Snowmobile Association; a representative of ~~[wheel vehicle users]~~ **Granite State ATV Association**; Appalachian Mountain Club; New Hampshire Municipal Association; Society for the Protection of New Hampshire Forests; the New Hampshire Heritage Trail; **the New Hampshire Farm Bureau Federation; the New Hampshire Horse Council, Inc.**; a representative of landowners; and the bicycle trail coordinator from the department of transportation.

13 New Section; Statewide Trail System; Best Management Practices; Limit on Expenditures. Amend RSA 216-F by inserting after section 5 the following new section:

216-F:6 Best Management Practices; Limit on Expenditures. The commissioner of the department of resources and economic development shall identify and publish best management practices for erosion control during trail maintenance and construction. The practices shall be based on the type of activity that is occurring or may occur on a trail, site conditions such as terrain, soil type, and water presence and flow. State funds shall only be expended for work on wheeled OHRV trails that are constructed and maintained in accordance with the best management practices.

14 Municipal Noise Ordinances Encouraged. In recognition of the fact that a large portion of the complaints that are raised against wheeled OHRVs operating in the state is associated with unacceptable noise levels experienced by persons on lands abutting the area of operation, the general court hereby encourages municipalities to enact noise ordinances under existing statutory authority of RSA 31:39 and RSA 47:17.

15 Repeal. RSA 215-A:19, VIII, relative to the refund of OHRV fines after completing a training program, is repealed.

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

AMENDED ANALYSIS

This bill makes various changes to the laws governing off highway recreational vehicles and the statewide trail system.

Adopted.

Rep. Lars Christiansen spoke against and yielded to questions.

Rep. Lawton spoke in favor.

Report adopted and ordered to third reading.

HB 613-FN-L, relative to incineration and air quality. **INEXPEDIENT TO LEGISLATE**

Rep. Lawrence C. Ross for Science, Technology and Energy: This bill, as introduced, restricted the operation of the municipal waste combustor facility in Claremont. It would have required the shut down of the facility on those days declared as "air quality action days" by the Department of Environmental Services (DES), and for a period of 24 hours after the air quality action day had been lifted. Testimony by DES indicated that such action would have no appreciable effect due to the fact that most air quality alerts are triggered by circumstances outside the state and motor vehicle emissions. The committee made its decision after discovery and discussion that such closures would be costly in terms of economic impact while achieving no significant environmental impact. Vote 10-4.

Adopted.

HB 261, relative to lucky 7 licenses. **OUGHT TO PASS WITH AMENDMENT**

Rep. John S. Langone for Ways and Means: The committee agreed to increase the Lucky 7 license application period to 12 consecutive months and amended the bill to allow financial reports to the commission relative to Lucky 7 within 105 days from the date of issue and every 90 days thereafter. Vote 12-4.

Amendment (0112h)

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

3 Financial Reports. Amend RSA 287-E:24, I to read as follows:

I. A charitable organization shall submit a complete financial report for each license issued under RSA 287-E:20 to the commission ***within 105 days from the date of issue and every 90 days thereafter, or*** within 15 days after the expiration date of the license, ***whichever occurs first.***

Adopted.

Report adopted and ordered to third reading.

HB 370-FN, relative to the dispensing of lucky 7 tickets. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Daniel M. Hughes for the Majority of Ways and Means: This bill would allow the playing of electronic Lucky 7 games through mechanical video display means utilizing cartridge-based, computerized gaming systems. All player stations would be linked to a central computer network that distributes the electronic Lucky 7 tickets for each cartridge to all player stations within a site network. The Sweepstakes Commission is unable to estimate the fiscal impact of this bill although

many current Lucky 7 outlets did testify that this system would greatly enhance their sales. Testimony from the office of the Attorney General stated that this bill effectively legalizes a form of video gambling and would lead to many social and criminal problems associated with gambling. Vote 10-8.

Rep. Christopher C. Pappas for the Minority of Ways and Means: The minority of Ways and Means disagrees with the majority's assertion that this bill expands gambling. To the contrary, HB 370 only allows for Lucky 7 tickets to be played in video form at charitable gaming halls. This bill permits charities to have up to five touch screen machines on which players can open Lucky 7 pull tab tickets. The minority strongly believes that this is not, and could never be, a slot machine. The internal mechanism draws electronic tickets out of a cartridge, which is analogous to the boxes of Lucky 7 tickets.

Reps. Christopher Pappas and Gibson spoke against.

Rep. Heon spoke against and yielded to questions.

Reps. Hughes, Major and Hess spoke in favor and yielded to questions.

Rep. Boyce requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 272 NAYS 93

YEAS 272

BELKNAP

Ahern, Omer Jr	Bartlett, Gordon	Boyce, Laurie	Clark, Charles
Fitzgerald, James	Flanders, Donald	Holbrook, Robert	Laflam, Robert
Nedeau, Stephen	Pilliod, James	Russell, David	Thomas, John
Wendelboe, Fran	Whalley, Michael		

CARROLL

Babson, David Jr	Brown, Carolyn	Hatch, Paul	Kenney, Bettie
McConkey, Mark	Merrow, Harry	Mock, Henry	Olimpio, J Lisbeth
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	

CHESHIRE

Allen, Peter	Batchelder, Robert	Dexter, Judson	Espieffs, Peter
Fish, Douglas	Hunt, John	Laurent, John	Liebl, George

Manning, Joseph
Richardson, Barbara
Weed, Charles

Meador, David
Robertson, Timothy

Pratt, Irene
Royce, H Charles

Pratt, John
Smith, Edwin

COOS

Brady, Mark
Stohl, Eric

King, Frederick
Tholl, John Jr

Pratt, Leighton

Richardson, Herbert

GRAFTON

Akins, Ralph
Benn, Bernard
Dorsett, Andrew
Ham, Bonnie
Naro, Debra
Solomon, Peter

Alger, John
Bleyler, Ruth
Dudley, Terri
Hammond, Lee
Nordgren, Sharon
Sorg, Gregory

Almy, Susan
Cooney, Mary
Gilman, G Michael
Ingbretson, Paul
Scovner, Nancy
Williams, Burton

Barker, Robert
Diamond, Estelle
Giuda, Robert
Maybeck, Margie
Sokol, Hilda

HILLSBOROUGH

Adams, Jarvis
Barry, J Gail
Bergin, Peter
Bruno, Pierre
Cernota, Albert
Coughlin, Pamela
Drisko, Richard
Ford, Nancy
Greenberg, Gary
Hansen, Ryan
Holden, Randolph
Jasper, Shawn
Leach, Edward
McRae, Karen
Mooney, Maureen
Pappas, Marc
Reeves, Sandra

Allen, Timothy
Batula, Peter
Bouchard, David
Carlson, Donald
Chabot, Robert
Desmarais, Vivian
Elliott, Larry
Gargasz, Carolyn
Hagan, Barbara
Harrington, Paul
Hopper, Gary
Kurk, Neal
Luebker, Bernard
Mercer, Robert
Mosher, William
Pepino, Leo
Rowe, Robert

Arnold, Thomas Jr
Beaton, William
Brassard, Paul
Carter, Jeffrey
Christensen, D L Chris
Dionne, Kimberley
Emerton, Larry
Gonzalez, Carlos
Hall, Charles
Haytayan, Harry Jr
Infantine, William
L'Heureux, Robert
McElroy, Henry Jr
Messier, Irene
Movsesian, Lori
Pilotte, Maurice
Scanlon, Michael

Balboni, Michael
Bergeron, Jean-Guy
Brundige, Robert
Carter, Mark
Christiansen, Lars
Dokmo, Cynthia
Fletcher, Richard
Goulet, Maurice
Hallyburton, Margaret
Hinkle, Peyton
Irwin, Anne-Marie
Lawrence, James
McHugh, Claire
Milligan, Robert
O'Brien, Lori
Price, Pamela
Slocum, Lee

Souza, Kathleen
Tate, Joan

Spiess, Paul
Wheeler, James

Stepanek, Stephen
Wheeler, Robert

Tahir, Saghir

MERRIMACK

Anderson, Eric
Clarke, Claire
DeJoie, John
French, Barbara
Kenison, Leon
Lockwood, Priscilla
McCormick, Tom
Reed, Dennis

Blanchard, Elizabeth
Colcord, J D
DeStefano, Stephen
Gile, Mary
L'Heureux, Stephen
MacKay, James
Nutter, Edward
Soltani, Tony

Bouchard, Candace
Currier, David
Dunne, Christopher
Hess, David
Langer, Ray
Marple, Richard
Owen, Derek
Wallner, Mary Jane

Brueggemann, Donald
Daniels, Eric
Field, William
Jacobson, Alf
Leber, William
Maxfield, Roy
Potter, Frances

ROCKINGHAM

Belanger, Ronald
Carson, Sharon
Dalrymple, Janeen
Dumaine, Dudley
Gilbert, Karl
Griffin, Mary
Hughes, Daniel
Johnson, Rogers
Langley, Jane
McEachern, Paul
Norelli, Terie
Pitts, Jacqueline
Roessner, Kurt
Stone, Joseph
Waterhouse, Kevin
Wiley, Robert

Bicknell, Elbert
Clark, Vivian
Dearborn, Bruce
Fesh, Bob
Gillick, Thomas
Hamel, Albert
Introne, Robert
Katsakiores, George
Letourneau, Robert
McKinney, Betsy
Noyes, Richard
Priestley, Anne
Ruffner, Walter
Stritch, C Donald
Welch, David
Winchell, George

Blanchard, MaryAnn
Coes, Betsy
Dodge, Robert
Francoeur, Sheila
Gleason, John
Headd, James
Itse, Daniel
Katsakiores, Phyllis
Major, Norman
Moore, Benjamin
O'Neil, Michael
Putnam, Ed II
Scamman, Stella
Tufts, J Arthur
Weldy, Norman Jr
Zolla, William

Camm, Kevin
Cooney, Richard
Doyle, Christopher
Gilbert, Jeffrey
Gould, Kenneth
Holland, James Jr
Johnson, Robert
Kobel, Rudolph
Manning, John
Morris, Richard
Packard, Sherman
Rausch, James
Shultis, Elizabeth
Varrell, Thomas
Weyler, Kenneth

STRAFFORD

Albert, Russell
Easson, Timothy

Campbell, W Packy
Grassie, Anne

Creteau, Irene
Hollinger, Jeffrey

Dunlap, Patricia
Johnson, Nancy

Keans, Sandra	Knowles, William	Miller, Joseph	Musler, George
Newton, Clifford	Pelletier, Arthur	Rous, Emma	Schmidt, Peter
Scott, David	Smith, Marjorie	Snyder, Clair	Twombly, James
Vachon, Dennis	Wall, Janet	Woods, Phyllis	

SULLIVAN

Allison, David	Flint, Gordon Sr	Franklin, Peter	Harris, Joseph
Harris, Sandra	Jones, Constance	Leone, Richard	Phinizy, James
Rodeschin, Beverly			

NAYS 93

BELKNAP

Lawton, David

CARROLL

Dickinson, Howard

CHESHIRE

Dunn, James	Eaton, Daniel	Mitchell, McKim	Parkhurst, Henry
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COOS

Mears, Edgar	Poulin, Richard	Theberge, Robert	Woodward, David
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GRAFTON

Densmore, Edward	Gionet, Edmond
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HILLSBOROUGH

Artz, Lawrence	Baroody, Benjamin	Buckley, Raymond	Buhlman, David
Cail, Kenneth	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Crane, Elenore Casey	Fields, Dennis
Gibson, John	Gorman, Mary	Goyette, Peter Jr	Graham, John
Haley, Robert	Hawkins, Ken	Jean, Claudette	Johnson, Lionel

Katsiantonis, Thomas	Konys, Christine	Kopka, Angeline	Kudalis, Debra
Laflamme, Charles	LaFlamme, Paul	Lasky, Bette	Lefebvre, Roland
Lessard, Rudy	Malloy, Chris	McDonough-Wallace, Alice	Ober, Russell III
Palangas, Eric	Pappas, Christopher	Shaw, Barbara	Sullivan, Francis
Sullivan, Peter	Sweeney, Cynthia	Vaillancourt, Steve	

MERRIMACK

Davis, Frank	Foley, Albert	Fraser, Leo Jr	Hamm, Christine
Kennedy, Richard	Osborne, Jessie	Ouellette, Robert	Perkins, Randy
Rush, Deanna			

ROCKINGHAM

Allen, Mary	Bishop, Franklin	Bridle, Russell	Davidson, Robert
DiFruscia, Anthony	Duffy, James	Dupuis, Roland	Flanders, John Sr
Flayhan, Mary Lou	Ingram, Russell	Kelley, Jane	Langone, John
McCann, Richard	Pantelakos, Laura	Quandt, Matthew	Robertson, Carl
Smith, Donald	Splaine, James	Vallone, Matthew	

STRAFFORD

Bemis, Alan	Berube, Roger	Bickford, David	Brown, Julie
Callaghan, Frank	Cataldo, Sam	Harrington, Michael	Heon, Richard
Hofemann, Roland	Rollo, Deanna	Taylor, Katherine	Taylor, Kathleen

SULLIVAN

Cloutier, John	Ferland, Brenda
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and the majority report was adopted.

The House recessed at 12:20 p.m.

RECESS

(Speaker Chandler in the Chair)

The House reconvened at 1:20 p.m.

HCR 14, declaring it to be wrongful for the judiciary, either directly or indirectly, to define an adequate education or the cost of an adequate education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE**

Rep. Shawn N. Jasper for the Majority of Ways and Means: HCR 14 is a rejection of judicial activism. In its Claremont decision the court set out guidelines defining and for funding an adequate education. The Legislature should find that the court has set such standards not found within the Constitution. This resolution is not a rejection of the judicial responsibility to measure the constitutionality of legislation relating to education or tax policy. It, in fact, makes clear that the Legislature understands and respects the separation of powers. This resolution takes the pulse of the Legislature. The minority questions the purpose of the resolution. That purpose is to make it clear that we find the lines of responsibility between the judicial and legislative branches have been crossed in the Claremont decisions. HCR 14 can be seen as a measure of our resolve to defend our constitutional responsibilities in the future. Justice Horton said it best when in his dissent he stated: "My problem is that I was not appointed to establish educational policy, nor to determine the proper way to finance the implementation of this policy...Those duties, in my opinion, reside with the representatives of the people... My job is to determine whether the structures for providing and financing education.....meet the mandates of the Constitution. Vote 11-7.

Rep. Christine C. Hamm for the Minority of Ways and Means: In declaring that the directives of the judicial branch are not binding upon the legislative and executive branches, this resolution defies the concept of a tripartite, co-equal division of governmental authority, the system of checks and balances established by the framers of the United States Constitution and reaffirmed in The Federalist Papers and by more than two centuries of court decisions. The resolution questions the judicial branch's most basic responsibility, the right to interpret the state's constitution. Members of the committee believe that, carried to its logical conclusion, such an assertion threatens the basic rights of all members of society to seek judicial redress. Passage of the resolution, while non-binding in law, is an impediment to effective governance and an unworthy use of legislative power.

Majority Amendment (0434h)

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

A RESOLUTION declaring the directives of the judicial branch in the Claremont cases that the legislative and executive branches define an "adequate education," adopt "standards of accountability," and "guarantee adequate funding" of a public education are not binding on the legislative and executive branches.

Amend the resolution by replacing all after the title with the following:

Whereas, under part 1, article 37 of the constitution of the state of New Hampshire, the 3 essential powers of the government of this state, the legislative, the executive and the judicial, are to be kept as separate from and independent of each other as the nature of a free government will admit; and

Whereas, only by a consistent and strict adherence to a separation of the powers of the 3 branches of the government can the rights of the people set forth in part 2 of the constitution be preserved, and the form of government set forth in part 2 be maintained; and

Whereas, the language of part 1, article 37 applies with equal force to the judicial as to the legislative and executive branches; and

Whereas, were part 1, article 37 to apply with less force to the judicial than to the legislative and executive branches, the legislative and executive branches would be inferior to, subordinate to, and dependent upon the judicial branch, and our system of government would be oligarchical and not republican; and

Whereas, it is the duty of the executive and legislative branches, pursuant to the oaths taken by their members under part 2, article 84, no less than it is of the judicial branch, pursuant to the oaths taken by its members, not to contravene any portion of the constitution, and to be vigilant for and to oppose any contravention by another branch; and

Whereas, upon the occurrence of a palpable attempt on the part of the judicial branch to exercise any authority inconsistent with the judicial function, it is the right and duty of the legislative and executive branches to intervene to the extent deemed by them necessary, within the scope of their enumerated powers, to oppose and defeat such exercise, thereby to safeguard the fundamental principle of our form of government that each of its 3 branches should be confined to its constitutional limits; and

Whereas, in its decisions in the Claremont school funding cases, the judicial branch unambiguously directed the legislative and executive branches to pass laws "implementing" an "adequate education" based upon "seven criteria articulated by the Supreme Court of Kentucky," and to pass laws establishing "standards of accountability," and unambiguously stated that it reserved for itself the ultimate authority to determine the sufficiency of these laws; and

Whereas, for the judiciary to rule that the constitution of New Hampshire requires the legislature and executive branches to enact into law a certain definition of an "adequate education" or a definition of an "adequate education" based upon or incorporating certain criteria or parameters, or to enact into law any definition of an "adequate education" at all, adds legislative and executive powers to those of the judicial and unconstitutionally involves the judicial branch in the core policy-making functions of the legislative and executive branches; and

Whereas, for the judiciary to rule that the constitution of New Hampshire requires the legislature and executive branches to enact into law "standards of accountability," adds legislative and executive powers to those of the judicial and unconstitutionally involves the judicial branch in the core policy-making functions of the legislative and executive branches; and

Whereas, in its decisions in the Claremont school funding cases, the judicial branch unambiguously directed the legislative and executive branches to fund public education and unambiguously directed the legislative and executive branches how to do so; and

Whereas, for the judiciary to rule that the constitution of New Hampshire requires the legislature and executive branches to enact into law a certain system for funding public education or a system for funding public education based upon or incorporating certain criteria or parameters, or that the legislative and executive branches are required to enact into law any system at all for funding public education, adds legislative and executive powers to those of the judicial and unconstitutionally involves the judicial branch in the core policy-making functions of the legislative and executive branches; and

Whereas, at no time over the course of the 2 centuries of New Hampshire's statehood prior to the Claremont decisions did the judicial branch ever assert any authority to control, direct, or shape the educational policies to be pursued by the legislative and executive branches in terms of "adequacy" or any other qualitative measure; and

Whereas, at all times over the course of the 2 centuries of New Hampshire's statehood prior to the Claremont decisions, the judicial branch confined its review of statutory enactments and administrative actions respecting education to the constitutionality of the challenged statute or action and never considered the "adequacy" or any other qualitative measure of the statute or action.

Whereas, for the legislative and executive branches to treat as binding upon them any ruling by the judicial branch directing them to enact definitions agreeable to the judicial branch of "adequate education," or "systems of accountability" or to enact a particular system for funding public education, would attenuate the republican form of government established by part 2 of the New Hampshire constitution, and be subversive of representative government; and

Whereas, the scope of part 2, article 83 is not limited to cherishing the interest of public schools alone, but expressly encompasses as well cherishing the interest of literature, the sciences, and all seminaries; and further expressly states there to be a duty to "encourage," "countenance" and "inculcate" many other pursuits and virtues as well; and

Whereas, by its very terms, and in accordance with its original understanding, part 2, article 83 applies equally to the many matters therein enumerated, and the historical record is clear that it was left to the legislative branch to decide which of these matters, if any, would be funded from the public purse and, consistent with the fundamental principle of the separation of powers, these legislative decisions were not subjected to judicial review; and

Whereas, acceptance by the legislative and executive branches of the judiciary's directives in the Claremont decisions would not merely be to surrender to the judiciary a portion of the legislative and executive power to set educational policy, but to set a precedent by which the judiciary may justify the exercise of legislative and executive policy-making powers over any number of other matters; and

Whereas, the Claremont directives that the legislative and executive branches must enact a certain definition of an "adequate education," and "systems of accountability" and a certain system of funding public education constitute a palpable exercise by the judicial branch of powers not granted to it by the constitution of New Hampshire, and the legislative and executive branches have the right and are duty bound to prevent the exercise of such powers in order to maintain within their respective limits the three branches of the government of this state; and

Whereas, the judicial branch is not constitutionally empowered to direct the legislative and executive branches to define an "adequate education;" and

Whereas, the judicial branch is not constitutionally empowered to direct the legislative and executive branches to adopt "standards of accountability;" and

Whereas, the judicial branch is not constitutionally empowered to direct the legislative and executive branches to "guarantee adequate funding" of public education; now therefor, be it

Resolved by the House of Representatives, the Senate concurring:

That the legislature, having fully considered the foregoing enumeration of constitutional principles and having fully considered the foregoing enumeration of deficiencies inherent to the Claremont rulings, finds that the directives of the judicial branch in the Claremont cases that the legislative and executive branches define an "adequate education," adopt "standards of accountability," and "guarantee adequate funding" of a public education are not binding on the legislative and executive branches.

AMENDED ANALYSIS

This house concurrent resolution declares the directives of the judicial branch in the Claremont cases that the legislative and executive branches define an "adequate education," adopt "standards of accountability," and "guarantee adequate funding" of a public education are not binding on the legislative and executive branches.

Majority amendment adopted.

Reps. John Pratt, Espieffs and Marjorie Smith spoke against.

Reps. Jasper and Sorg spoke in favor.

Rep. Giuda spoke in favor and yielded to questions.

Rep. Almy requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

YEAS 213 NAYS 142

YEAS 213

BELKNAP

Ahern, Omer Jr	Bartlett, Gordon	Boyce, Laurie	Clark, Charles
Fitzgerald, James	Flanders, Donald	Holbrook, Robert	Laflam, Robert
Lawton, David	Nedeau, Stephen	Russell, David	Thomas, John
Wendelboe, Fran	Whalley, Michael		

CARROLL

Babson, David Jr	Brown, Carolyn	Dickinson, Howard	Hatch, Paul
Kenney, Bettie	McConkey, Mark	Merrow, Harry	Mock, Henry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

CHESHIRE

Fish, Douglas	Hunt, John	Laurent, John	Liebl, George
Royce, H Charles	Smith, Edwin		

COOS

Brady, Mark	King, Frederick	Pratt, Leighton	Richardson, Herbert
Stohl, Eric	Woodward, David		

GRAFTON

Alger, John	Dorsett, Andrew	Dudley, Terri	Gilman, G Michael
Gionet, Edmond	Giuda, Robert	Ham, Bonnie	Ingbretson, Paul
Maybeck, Margie	Sorg, Gregory		

HILLSBOROUGH

Adams, Jarvis	Allen, Timothy	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Barry, J Gail	Batula, Peter	Beaton, William
Bergeron, Jean-Guy	Bouchard, David	Brundige, Robert	Bruno, Pierre
Buhlman, David	Cail, Kenneth	Carter, Jeffrey	Carter, Mark
Cernota, Albert	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian	Dionne, Kimberley
Emerton, Larry	Fields, Dennis	Fletcher, Richard	Gargasz, Carolyn
Gibson, John	Gonzalez, Carlos	Goyette, Peter Jr	Graham, John
Greenberg, Gary	Hagan, Barbara	Hall, Charles	Hansen, Ryan
Harrington, Paul	Hawkins, Ken	Hinkle, Peyton	Holden, Randolph
Jasper, Shawn	Kurk, Neal	L'Heureux, Robert	Laflamme, Charles
LaFlamme, Paul	Lawrence, James	Lessard, Rudy	Luebker, Bernard
McElroy, Henry Jr	McHugh, Claire	McRae, Karen	Mercer, Robert
Milligan, Robert	Mosher, William	O'Brien, Lori	Ober, Russell III
Pappas, Marc	Pepino, Leo	Price, Pamela	Reeves, Sandra
Rowe, Robert	Scanlon, Michael	Slocum, Lee	Souza, Kathleen
Stepanek, Stephen	Tate, Joan	Wheeler, James	Wheeler, Robert

MERRIMACK

Anderson, Eric	Currier, David	Daniels, Eric	Dunne, Christopher
Field, William	Foley, Albert	Fraser, Leo Jr	Hess, David
Kenison, Leon	Kennedy, Richard	L'Heureux, Stephen	Langer, Ray
Leber, William	MacKay, James	Marple, Richard	Maxfield, Roy
McCormick, Tom	Nutter, Edward	Ouellette, Robert	Soltani, Tony

ROCKINGHAM

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

STRAFFORD

Albert, Russell	Bemis, Alan	Campbell, W Packy	Cataldo, Sam
Easson, Timothy	Harrington, Michael	Hollinger, Jeffrey	Musler, George
Newton, Clifford	Scott, David	Twombly, James	Woods, Phyllis

SULLIVAN

Jones, Constance	Leone, Richard	Rodeschin, Beverly
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NAYS 142

BELKNAP

Pilliod, James

CARROLL

Derby, Mark

CHESHIRE

Allen, Peter	Batchelder, Robert	Dexter, Judson	Dunn, James
Eaton, Daniel	Espiefs, Peter	Manning, Joseph	Meadar, David
Mitchell, McKim	Parkhurst, Henry	Pratt, Irene	Pratt, John
Richardson, Barbara	Robertson, Timothy	Weed, Charles	

COOS

Mears, Edgar	Poulin, Richard	Theberge, Robert	
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GRAFTON

Akins, Ralph	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Densmore, Edward	Diamond, Estelle	Hammond, Lee
Naro, Debra	Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda
Solomon, Peter	Williams, Burton		

HILLSBOROUGH

Baroody, Benjamin	Bergin, Peter	Brassard, Paul	Buckley, Raymond
Carlson, Donald	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Dokmo, Cynthia	Drisko, Richard
Elliott, Larry	Ford, Nancy	Gorman, Mary	Haley, Robert
Hallyburton, Margaret	Haytayan, Harry Jr	Irwin, Anne-Marie	Jean, Claudette
Johnson, Lionel	Katsiantonis, Thomas	Konys, Christine	Kopka, Angeline
Lasky, Bette	Leach, Edward	Lefebvre, Roland	Malloy, Chris
McDonough-Wallace, Alice	Messier, Irene	Movsesian, Lori	Palangas, Eric
Pappas, Christopher	Pilotte, Maurice	Shaw, Barbara	Spiess, Paul
Sullivan, Francis	Sullivan, Peter	Sweeney, Cynthia	

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Colcord, J D	Davis, Frank	DeJoie, John	DeStefano, Stephen
French, Barbara	Gile, Mary	Hamm, Christine	Jacobson, Alf
Lockwood, Priscilla	Osborne, Jessie	Owen, Derek	Perkins, Randy

Potter, Frances

Reed, Dennis

Rush, Deanna

Wallner, Mary Jane

ROCKINGHAM

Blanchard, MaryAnn

Coes, Betsy

Cooney, Richard

DiFruscia, Anthony

Gleason, John

Gould, Kenneth

Johnson, Robert

Kelley, Jane

Langone, John

McEachern, Paul

Norelli, Terie

Pantelakos, Laura

Pitts, Jacqueline

Robertson, Carl

Shultis, Elizabeth

Splaine, James

Vallone, Matthew

Zolla, William

STRAFFORD

Berube, Roger

Bickford, David

Callaghan, Frank

Creteau, Irene

Dunlap, Patricia

Grassie, Anne

Heon, Richard

Hofemann, Roland

Johnson, Nancy

Keans, Sandra

Knowles, William

Miller, Joseph

Pelletier, Arthur

Rollo, Deanna

Rous, Emma

Schmidt, Peter

Smith, Marjorie

Snyder, Clair

Spang, Judith

Taylor, Katherine

Taylor, Kathleen

Vachon, Dennis

Wall, Janet

SULLIVAN

Allison, David

Cloutier, John

Ferland, Brenda

Flint, Gordon Sr

Franklin, Peter

Harris, Joseph

Harris, Sandra

Phinizy, James

and the majority report was adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR

HB 504, relative to refinancing home mortgages. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: The intent of this legislation would be to amend the terms of a mortgage without affording the lender to do all that it normally does in financing a new mortgage. The committee was unanimous in believing that if the provisions of the bill and/or the proposed amendment were adopted, lenders would be very reluctant to continue to make loan modifications that save the consumer from a full blown refinancing with its corresponding closing costs. Vote 18-0.

Rep. Jacobson spoke against.

Reps. Fraser and Hunt spoke in favor.

Adopted.

HB 573-FN, relative to motor vehicle insurance. **INEXPEDIENT TO LEGISLATE**

Rep. George J. Liebl for Commerce: This proposed legislation would have further restricted the use of parts that were not manufactured by the original automobile manufacturer for automobiles that are older than two years. The committee felt that the insurance department has addressed this with a pro-active consumer brochure that informs the policyholder of their rights under RSA 417:4 and Regulations Ins. 1001.02, 1001.03 and 1001.05. Any further restrictions would only increase the costs and be passed to the policyholder in higher premiums. Vote 12-2.

Rep. Lars Christiansen spoke against.

Rep. Liebl spoke in favor.

Adopted.

HB 636-FN, relative to mandatory automobile insurance. **INEXPEDIENT TO LEGISLATE**

Rep. Kathleen N. Taylor for Commerce: This bill would require mandatory automobile insurance and require the Department of Safety to collect the number plates of those who cancel or non-renew their insurance. The committee feels that New Hampshire has an excellent rate of insured drivers under the laws as they now exist. Vote 12-2.

Rep. Arnold spoke against.

Rep. Hunt spoke in favor and yielded to questions.

Adopted.

HB 680-FN, relative to services contracts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Randolph N. Holden for Commerce: The majority felt that the bill in its original form raised numerous complex questions. In an effort to effectively address these questions the committee adopted an amendment, which would establish a study committee. This amendment would also repeal the law regarding legal service insurance in order to start from a clean slate. Vote 12-2.

Amendment (0865h)

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

AN ACT establishing a committee to study service contracts and repealing the law regarding legal services insurance.

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

1 Committee Established. There is established a committee to study service contracts, including prepaid legal services contracts.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study service contracts, including prepaid legal services contracts.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2003.

6 Reference Deletion. Amend RSA 404-D: 3, I to read as follows:

I. This chapter shall apply to direct life insurance policies, health insurance policies, ~~[legal services insurance policies,]~~ annuity contracts, and contracts supplemental to life and health insurance policies and annuity contracts issued by persons authorized to transact insurance in this state at any time. The term health insurance is intended to include "accident and health" insurance, "sickness and accident" insurance, *and* "disability" insurance ~~[and for the purposes of this chapter shall also include "legal services insurance" as defined by RSA 415-C].~~

7 Repeal. RSA 415-C, relative to legal services insurance, is repealed.

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

AMENDED ANALYSIS

This bill establishes a committee to study service contracts, including prepaid legal services contracts.

This bill also repeals the law regarding legal services insurance.

Adopted.

Report adopted and ordered to third reading.

HB 524-FN, relative to the annulment of certain domestic violence offenses and offenses committed with a firearm. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill amends RSA 651:5, annulment of criminal records. Any person convicted of an offense may petition for an annulment of such record of arrest, conviction and sentence when the petitioner has completed all the terms and conditions of the sentence and in the instance of a class A misdemeanor for violation of a protective

order the time limit to qualify for an annulment shall be six years and a domestic violence misdemeanor shall not be eligible for an annulment. Vote 14-1.

Amendment (0854h)

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

AN ACT relative to the annulment of certain domestic violence offenses.

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

1 Sentences; Annulment of Criminal Records. Amend RSA 651:5, III to read as follows:

III. Except as provided in RSA 265:82-c or in paragraphs V and VI, any person convicted of an offense may petition for annulment of the record of arrest, conviction and sentence when the petitioner has completed all the terms and conditions of the sentence and has thereafter been convicted of no other crime, except a motor vehicle offense classified as a violation other than driving while intoxicated under RSA 265:82, for a period of time as follows:

(a) For a violation, one year, unless the underlying conviction was for an offense specified under RSA 259:39.

(b) For a class B misdemeanor except as provided in subparagraph ~~(f)~~ **(g)**, 3 years.

(c) For a class A misdemeanor except as provided in subparagraph ~~(f)~~ **(g)**, 3 years.

(d) For a class A misdemeanor under RSA 173-B:9, III, 6 years.

~~(d)~~ **(e)** For a class B felony except as provided in subparagraph (g), 5 years.

~~(e)~~ **(f)** For a class A felony, 10 years.

~~(f)~~ **(g)** For sexual assault under RSA 632-A:4, 10 years.

~~(g)~~ **(h)** For felony indecent exposure or lewdness under RSA 645:1, II, 10 years.

2 Annulment of Criminal Records; Firearms-related Offenses. Amend RSA 651:5, V to read as follows:

V. No petition shall be brought and no annulment granted in the case of any violent crime, of any crime of obstruction of justice, ***or any crime that constitutes a domestic violence misdemeanor as defined in 18 U.S.C. section 921(a)(33)(A)(ii)***, or of any offense for which the petitioner was sentenced to an extended term of imprisonment under RSA 651:6.

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

AMENDED ANALYSIS

This bill provides that class A misdemeanor convictions for domestic violence offenses shall not qualify for annulment for at least 6 years after completion of the terms of the sentence and that a domestic violence misdemeanor shall not be eligible for annulment.

Rep. Welch spoke against the committee amendment.

Amendment failed.

Rep. Knowles offered a floor amendment (0977h).

Floor Amendment (0977h)

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

AN ACT relative to the annulment of certain domestic violence offenses.

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

1 Sentences; Annulment of Criminal Records. Amend RSA 651:5, III to read as follows:

III. Except as provided in RSA 265:82-c or in paragraphs V and VI, any person convicted of an offense may petition for annulment of the record of arrest, conviction and sentence when the petitioner has completed all the terms and conditions of the sentence and has thereafter been convicted of no other crime, except a motor vehicle offense classified as a violation other than driving while intoxicated under RSA 265:82, for a period of time as follows:

(a) For a violation, one year, unless the underlying conviction was for an offense specified under RSA 259:39.

(b) For a class B misdemeanor except as provided in subparagraph ~~[(f)]~~ **(g)**, 3 years.

(c) For a class A misdemeanor except as provided in subparagraph ~~[(f)]~~ **(g)**, 3 years.

(d) For a class A misdemeanor under RSA 173-B:9, III, 6 years.

~~[(d)]~~ **(e)** For a class B felony except as provided in subparagraph (g), 5 years.

~~[(e)]~~ **(f)** For a class A felony, 10 years.

~~[(f)]~~ **(g)** For sexual assault under RSA 632-A:4, 10 years.

~~[(g)]~~ **(h)** For felony indecent exposure or lewdness under RSA 645:1, II, 10 years.

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

AMENDED ANALYSIS

This bill provides that class A misdemeanor convictions for domestic violence offenses shall not qualify for annulment for at least 6 years after completion of the terms of the sentence.

Rep. Knowles spoke in favor.

Floor amendment (0977h) adopted.

Report adopted and ordered to third reading.

HB 133-L, relative to amending certain articles of agreement in the Fall Mountain regional cooperative school district. **INEXPEDIENT TO LEGISLATE**

Rep. Barbara J. Hagan for Education: The overwhelming majority of the committee felt strongly that this was a local issue pending court action and not within the committee's ability or purview to resolve at this time. Vote 15-3.

Rep. Stephen L'Heureux moved Recommit to committee and spoke in favor.

Adopted.

Recommitted to Education.

HB 119, relative to removing names from the checklist. **OUGHT TO PASS WITH AMENDMENT**

Rep. Howard C. Dickinson for Election Law: This bill, as amended, will enable the supervisors of the checklist to remove names from the checklist when reliable evidence is provided that a person has changed their place of domicile. A copy of this evidence shall be retained for a 5-year period. The passage of HB 119 as amended will provide a uniform means of maintaining an accurate up-to-date checklist. Vote 18-1.

Amendment (0720h)

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

1 New Section; Periodic Maintenance and Verification of Checklists; Evidence of Change of Domicile. Amend RSA 654 by inserting after section 37 the following new section:

654:37-a Evidence of Change of Domicile. If the supervisors of the checklist have received reliable documentary evidence that a voter whose name is on the checklist has left the town or city, they shall strike that name from the checklist at the next session for the correction of the checklist. They shall retain for 5 years the evidence, or copies of the evidence, as proof of their reasoning in striking the name from the checklist.

2 Removing Names from Checklist, Notice Required; Exception Added. Amend RSA 654:44, II to read as follows:

II. The provisions of this section do not apply to the removal of the names of persons for whom the supervisors have received a report of transfer or death as provided in RSA 654:36 or 654:37, ***nor to the removal of names of persons for whom the supervisors have received evidence of change of domicile as provided in RSA 654:37-a***, nor to the removal of names during the period for verification of the checklist as provided in RSA 654:38 or 654:39, nor to the

removal of names of persons for whom they have received a notice from a duly authorized board of registration from a community outside New Hampshire stating that a person whose name is on the checklist of the town or ward in New Hampshire has registered to vote outside New Hampshire.

AMENDED ANALYSIS

This bill requires the supervisors of the checklist to remove the name of a voter from the checklist upon receiving reliable documentary evidence that the voter has left the town or city.

Rep. Stritch moved Recommit to committee and spoke in favor.

Adopted.

Recommitted to Election Law.

HB 795, establishing a committee to study deaths and injuries caused by OHRV use by minors. **INEXPEDIENT TO LEGISLATE**

Rep. David M. Lawton for Resources, Recreation and Development: This bill would establish a six-member legislative study committee to research information on deaths and injuries caused by OHRV use by minors. The committee does not recommend a study committee at this time for two reasons. First, a legislative study committee recently recommended legislation which the Resource Committee has endorsed which includes restrictions on the operation of OHRV's by minors. That legislation should be given time to work before further study is undertaken. Secondly, the committee believes that data regarding the deaths and injuries caused by OHRV use by minors is already being compiled by the New Hampshire Fish and Game Department and they are actively developing education programs to address these problems. Vote 11-4.

Rep. Nordgren spoke against.

Rep. Royce spoke in favor.

On a division vote, 224 members having voted in the affirmative and 125 in the negative, the report was adopted.

HB 787-FN-A, relative to renewable energy promotion. **OUGHT TO PASS WITH AMENDMENT**

Rep. Edward R. Leach for Science, Technology and Energy: Recognizing that the New Hampshire forest product industry is a key component of the state's economy, the committee held numerous work sessions crafting this piece of legislation to help assure a market for low-grade timber in the State. The roots for this bill go back many years. But the current conjoining began at the end of last session when the House authorized a study committee to investigate methods of supporting the continued operation of wood-fired electrical generating facilities whose output is no longer sold through power sales rate orders. The linkage between wood fired plants and the timber industry is that more than fifty percent of the fuel utilized in these plants comes from low-grade timber. This timber, when removed from the forest, encourages a much faster and stronger regeneration of the forest and also contributes substantially to the economic vitality of the timber and sawmill industries. According to the Department of Resources and Economic Development, the wood plants themselves represent a total annual economic impact to the state's economy of about \$96 million. While recognizing the difficulty for these plants to acutely compete with other, larger, electrical generators, the committee concurrently weighed that against the impact that removal of these plants

would have on the timber industry specifically and the state as a whole. Aggressive actions are already underway to identify new and heretofore unexplored possible markets for this low-grade timber. The bill itself underscores the necessity and importance of this by establishing a Task Force to Promote the Low-Grade Forest Products Market. While these new markets are being pursued, the bill provides a funding mechanism to keep eligible wood-fired generation facilities in operation during the term of the program that is approximately five years. Using a carefully calibrated formula that includes numerous measurements such as capacity rating, average rate, and other variables, the bill creates the Forest Product Utilization Program. This program will be primarily funded from the Energy Efficiency component of the Systems Benefits Charges that are already in place for most utilities throughout the state. Utilities and municipal systems not having a systems benefit charge shall collect \$0.0001 per kilowatt-hour distributed to its customers. This small, but widespread revenue stream, will flow into a newly created Forest Products Utilization Fund that will provide the necessary funding to keep the plants viable. The total amount in the fund may not grow in excess of \$1.1 million. Eligibility to participate in the fund will require review by the Public Utilities Commission that has the same requirements that a public utility is subject to in a rate proceeding or an adjudicative proceeding before the Commission. The Commission is also charged with the task of making a public interest determination that will demonstrate that payment under the program will preserve NH jobs related to the low-grade forest products industry. Vote 13-2.

Amendment (0825h)

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

AN ACT relative to forest products promotion, establishing a forest products utilization charge, and requiring the department of resources and economic development to convene a task force.

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

1 Findings. The general court finds that the New Hampshire forest products industry is a significant component of the state's economy. As such, an economically healthy forest products industry is important to the economic well-being of the state. The low-grade forest products market is a key part of the forest products industry, therefore every effort should be made to promote viable uses of low-grade forest products.

2 Intent. It is the intent of the general court that the program established under sections 4-10 of this act, and funded from system benefits charges and other electric charge revenues, shall serve as a temporary means to assist in maintaining the low-grade forest products market by providing payments, within a restricted amount of funding, to make it economically feasible for eligible wood-fired generation facilities to operate during the term of the program. It is also the intent of the general court that a more permanent solution to sustaining the low-grade forest products market be developed by all concerned parties in the near future.

3 Forestry; Policy, Definitions, and Administration; Forest Products Promotion. Amend RSA 227-G by inserting after section 3 the following new section:

227-G:3-a Forest Products Promotion. The department shall develop a program to promote the New Hampshire forest products industry. The department's program shall support the operation of viable existing or new industries and companies in New Hampshire that use low-grade forest products.

4 Definitions. In sections 4-10 of this act:

I. "Average rate" means the sum of all revenues received or to be received by an eligible facility for eligible kilowatt-hours produced and sold during a production period, whether from sales to the New England Independent System Operator, sales under any contract, or sales pursuant to statutory mandates other than this act, divided by the eligible kilowatt-hours produced and sold during that production period.

II. "Billing cycle" means the regular period for which the eligible facility was paid for its electrical output for sales under its rate order.

III. "Capacity rating" means the output potential of a wood-fired, qualifying small power production facility as set forth in the commission Docket DR 89-148 settlement agreement of August 5, 1992 by and among Public Service Company of New Hampshire, the commission, and 6 therein listed New Hampshire wood-fired power facilities which, among other matters, settled the amount of capacity and energy output which could be produced under their respective rate orders.

IV. "Commission" means the New Hampshire public utilities commission.

V. "Department" means the department of resources and economic development.

VI. "Eligible facility" means any wood-fired, qualifying small power production facility for which the commission issued an order between November 1, 2001 and November 30, 2001 releasing the facility from all or part of its obligation under a rate order to sell energy or energy and capacity from the facility at specified long-term rates.

VII. "Eligible kilowatt-hours" means the number of kilowatt-hours produced by an eligible facility in a production period, up to the facility's kilowatt-hour limit, reduced by those kilowatt-hours required to be produced under a privately-negotiated legal obligation existing on December 31, 2001, or then existing and later amended, and produced during the production period.

VIII. "Forest products utilization rate" means \$0.06 per kilowatt-hour, unless adjusted by the commission under section 8 of this act.

IX. "Fund" means the forest products utilization fund established under section 10 of this act.

X. "Kilowatt-hour limit" means the number of kilowatt-hours that an eligible facility could produce during a production period if operated at 100 percent of its capacity rating.

XI. "Participant" means the owner of an eligible facility that has been enrolled in the forest products utilization program in accordance with the provisions of this act.

XII. "Production costs" means the sum of:

(a) The participant's reasonable and prudent fuel, maintenance, operation, and administration costs incurred by or properly chargeable to the participant, without duplication, for the operation and maintenance of the eligible facility, including, without limitation, payments for fuel, additives or chemicals and transportation costs related thereto, salaries, benefits to employees, taxes other than those based upon the participant's income, insurance, consumables, payments under any lease, payments pursuant to agreements for the management, operation, and maintenance of the eligible facility, legal fees and expenses paid by the participant in connection with the management, operation, and maintenance of the eligible facility, fees paid in connection

with obtaining, transferring, maintaining, or amending any permits or otherwise complying with any requirements or any local, state, or federal governmental authority with jurisdiction over the eligible facility, and general and administrative expenses, depreciation, utilities, transmission costs, ash handling and disposal, expenditures or reserves for repairs, capital replacement, and major maintenance, and all other costs properly allocable to the eligible facility.

(b) A return on investment, at the rate determined by the commission pursuant to paragraph V of section 8 of this act, on the eligible facility's depreciated net book value of plant in service.

(c) The cost to the participant of participating in any proceedings before the commission, including the reasonable and prudent fees and expenses of its counsel and experts.

XIII. "Production period" means a period corresponding to a billing cycle during which the electrical output is produced.

XIV. "Rate order" means a commission-approved long-term power sales order respecting a particular eligible facility and issued as part of the state's implementation of the Public Utility Regulatory Policies Act of 1978.

5 Forest Products Utilization Program. There is hereby established a forest products utilization program in which eligible facilities may be voluntarily enrolled. The term of enrollment shall be through midnight, December 31, 2006, unless earlier terminated pursuant to paragraph IV of section 8 of this act. Eligibility verification by the department and acceptance by signature under section 6 of this act shall be a legally enforceable obligation upon both the department and the participant for the foregoing term to abide by the provisions of sections 4-10 of this act and the terms of the enrollment approval document, to the extent the enrollment approval document is in conformance with sections 4-10 of this act.

6 Enrollment.

I. An owner of an eligible facility may apply to the department to become enrolled in the forest products utilization program by providing, to the satisfaction of the department, the following information:

(a) A statement of the eligibility of the facility, as determined solely by the definition of eligible facility under paragraph VI of section 4 of this act;

(b) The billing cycle and associated production periods of the eligible facility;

(c) The capacity rating, kilowatt-hour limit, and the kilowatt-hour production requirements of any privately-negotiated legal obligation existing on December 31, 2001, or then existing and later amended, including a copy of such, to be used to compute the eligible kilowatt-hours for the eligible facility;

(d) A statement of the fuel required to be combusted at the eligible facility under any agreements associated with the termination of its rate order and copies of all such agreements; and

(e) Adequate credit security to ensure payment of any payments required pursuant to paragraph II of section 7 of this act and section 9 of this act.

II. The department shall expeditiously verify the eligibility of the facility based on the definition of eligible facility under paragraph VI of section 4 of this act. If eligibility cannot be verified, the department shall expeditiously notify the applicant in writing and provide a reasonable opportunity for the facility to respond to the department's determination or remedy the basis of any such determination. If eligibility is verified, the department shall expeditiously issue an enrollment approval document for signature on behalf of the eligible facility that details the following:

(a) The enrollment period is through midnight, December 31, 2006, unless earlier terminated pursuant to paragraph IV of section 8 of this act;

(b) The billing cycle and the associated production periods to be used;

(c) The composition of the fuel to be burned based on any agreements the applicant was required to submit under subparagraph I(d);

(d) The method by which eligible kilowatt-hours and the average rate shall be calculated in accordance with this act;

(e) Documentation requirements for payment submittals; and

(f) Any required credit security measures.

III. Enrollment in the program shall commence upon receipt by the department of the document signed on behalf of the eligible facility. The document shall become void if not returned to the department within 30 days of issuance, unless an extension is granted by the department. The department shall forward a copy of the signed document to the commission within 3 days of receipt.

7 Payment Process.

I. The participant shall submit to the department, on a billing cycle basis, a statement containing:

(a) The calculation, in accordance with the method required by the enrollment approval document, of the number of eligible kilowatt-hours produced during the production period as taken from the eligible facility's meter reading and invoices to purchasers;

(b) The calculation of the average rate for the production period;

(c) The calculation of any payments due in accordance with paragraph II; and

(d) A statement that the fuel burned during the production period complies with all agreements the eligible facility may have on such fuel composition and a quantification of such fuel amounts. With each statement submitted, the eligible facility shall submit a certification documenting that at least 85 percent of the wood combusted and attributable to eligible kilowatt-hours during the period was obtained from suppliers, procurers, or sources located in this state.

II. The department shall review and verify the calculations submitted. If the average rate is less than the forest products utilization rate, then the department shall make payment to the participant from the fund, to the extent moneys are available, in an amount equal to the positive difference between the average rate and the forest products utilization rate multiplied by the eligible kilowatt-hours. If the average rate is greater than the forest products utilization rate, then an

amount equal to 50 percent of the positive difference between the average rate and the forest products utilization rate multiplied by the eligible kilowatt-hours shall be paid by the participant to the department. Any payment due under this paragraph shall be timely made using the same time for payment used under the eligible facility's terminated rate order.

8 Adjustment of Forest Products Utilization Rate.

I. Within 30 days of a participant's enrollment in the forest products utilization program, the commission shall commence a proceeding, that shall include an adjudicative proceeding, to adjust, if needed, the forest products utilization rate that shall apply to the participant's eligible facility, as provided for in paragraph II. The participant shall be subject to the same requirements that a public utility is subject to in a rate proceeding or an adjudicative proceeding before the commission, including, but not limited to, the provisions of RSA 365:6, RSA 365:10, RSA 365:12, RSA 365:14, RSA 365:15, RSA 365:16, RSA 365:17, RSA 365:18, RSA 365:21, RSA 365:29, RSA 365:38, 365:41-44, and RSA 366. Within 30 days of a participant's enrollment in the forest products utilization program, the participant shall file with the commission such information as necessary to comply with the commission's rules applicable to a public utility regarding rate case filing requirements, in the form and detail as specified therein, or as modified by the commission. Such filing shall include written testimony and all documentation in support of the participant's calculations of its average rate and production costs, along with such written attestation as required by commission rule.

II. The commission shall, as it can best determine and if needed, adjust the forest products utilization rate that shall apply to the participant's eligible facility to provide revenues that will be equivalent to the production costs for eligible kilowatt-hours during the term of enrollment, provided such adjustment does not increase the rate above the initial rate established in paragraph VIII of section 4 of this act. The commission may include an automatic adjustment mechanism to apply to the rate to account for future changes in productions costs, based on a generally recognized economic indicator that measures inflationary pressures in the region. Such automatic adjustment mechanism may increase the rate above the initial rate established in paragraph VIII of section 4 of this act. The commission shall conclude its responsibilities under this paragraph within 6 months of the participant's completed filing required by paragraph I.

III. As part of the proceeding, the commission shall make a public interest determination based solely on whether the following conditions are likely to occur:

(a) Payments received by the participant under the program will preserve New Hampshire jobs related to the low-grade forest products industry, not including those within the eligible facility; and

(b) The price of the fuel used by the eligible facility will be comparable to the market price as a whole for such type of fuel.

IV. If the public interest conditions in paragraph III are not likely to occur, then the commission shall notify the department of its determination and the department shall terminate the participant's enrollment in the program.

V. The commission shall, by order, establish a return on investment rate of up to 10 percent to be used for determining the participant's production costs.

9 Review of Sales Revenue. The eligible facility shall provide written notice to its suppliers and procurers to seek to obtain such supply from in-state locations, where it can be done so in a

commercially reasonable manner. A participant shall, within reasonable and prudent business practices, maximize sales revenue for eligible kilowatt-hours produced during the term of enrollment. The commission may from time to time, up until 4 months after a participant's enrollment in the program ends, review the participant's sales revenue to determine compliance with this requirement. If the commission determines that a participant has not complied, the commission shall notify the department and shall require the participant to repay to the department any amount received in excess of the amount that would have been received had sales revenue been appropriately maximized. The participant shall make such repayment to the department in equal monthly installments over a period of 12 months, beginning on the date 15 days after the commission's determination. In any review before the commission under this paragraph, the participant shall be subject to the same requirements that a public utility is subject to in a similar review before the commission.

10 Forest Products Utilization Fund Established.

I. There is hereby established in the office of the treasurer the forest products utilization fund. This nonlapsing, revolving special fund shall be continually appropriated to the department only for the purposes specified in this act. The state treasurer shall invest the moneys in the fund as provided by law. Interest received on investments made by the state treasurer shall be credited to the fund.

II. Any payments made by the department to an eligible facility under this act shall be drawn from the fund. Any payments made by an eligible facility to the department under this act shall be deposited in the fund. The treasurer may accept deposits into the fund from other sources not specifically referred to in this act. This paragraph shall not apply to any transactions that occur under paragraph VII after closure of the fund under paragraph VIII.

III. Each public utility having a system benefits charge, including any public utility where authorization for such charges arises at any time during the existence of the program created under section 5 of this act shall pay to the department, by the 15th of each month for deposit in the fund, \$0.0001 per kilowatt-hour distributed to its customers in the prior month; payments shall be made for all electricity distributed by the utility for the period that any eligible facility is enrolled in the program. Notwithstanding any other provision of law, the commission shall allow any such public utility to be reimbursed through that portion of revenues collected from its existing system benefits charge and allocated to energy efficiency programs by the commission.

IV. Each public utility not having a system benefits charge and each municipal electric system furnishing electric utility service shall assess a charge on the utility bill of their customers in the amount of \$0.0001 per kilowatt-hour distributed to its customers during the period that any eligible facility is enrolled in the program created under section 5 of this act or until such time as a system benefits charge is authorized for the public utility. The public utility or municipal electric system shall collect such charge and forward the revenue to the department for deposit in the fund.

V. The provisions of paragraphs III and IV shall be suspended if the balance in the fund reaches or exceeds \$1,100,000. The requirements shall be reinstated if the balance declines to \$750,000 or less.

VI. The department shall not be obligated to make payments to any participant in excess of moneys available in the fund. In the event of insufficient funds, the department shall make partial payments, if possible, and shall make full payments for past due amounts, as expeditiously as possible, when sufficient funds are available.

VII. If, after all required payments have been made into the fund, there are insufficient funds available at the conclusion of the program created under section 5 of this act to pay all claims submitted by eligible facilities, the department shall prorate such claims on an equitable basis and make payment from the available funds. Any unpaid claims surviving the conclusion of the program will not be paid unless funds, which should have been paid into the fund prior to the program conclusion, are later paid to the department.

VIII. Moneys remaining in the fund after all payments due under sections 7 and 9 of this act have been made shall be returned pro rata to the public utilities and municipal electric systems. The public utilities and the municipal electric systems that assessed a charge under paragraph IV shall credit the returned amounts to the benefit of their ratepayers. Public utilities and municipal electric systems who made payments from the system benefits charge shall use the returned funds for any purposes for which a system benefits charge may be used under RSA 374-F:3, VI, as determined by the commission. The department shall disburse such remaining moneys as directed by the commission, at which time the state treasurer shall close the fund account.

11 Eligibility Under Nox Budget Trading Program. Notwithstanding the definition of "renewable energy projects" under administrative rule Env-A 3203.49, any multi-purpose set-aside account established under the NOx Budget Trading Program by the department for renewable energy sources shall include any eligible facility as defined in paragraph VI of section 4 of this act that is enrolled in the forest products utilization program. Any owner of such a facility shall file a request under the trading program for the allocation of NOx allowances. Any allowances received shall be sold by the owner with the intent of maximizing sales revenues. Such revenues shall be deposited in the forest products utilization fund established under section 10.

12 Task Force to Promote the Low-Grade Forest Products Market. The department of resources and economic development shall convene a task force to identify and develop means of promoting a sustainable low-grade forest products market in the state. The department shall work with all interested parties, including the New Hampshire business finance authority, the New Hampshire industrial research center, the community development finance authority, the office of state planning, county and municipal economic development agencies, and the governor's office. The department shall submit an interim report by November 1, 2003 and a final report by November 1, 2004, detailing its efforts, along with any recommendations for legislation, to the speaker of the house of representatives, the senate president, the house science, technology and energy committee, the senate energy and economic development committee, and the state library.

13 Repeal. Sections 4-11 of this act, relative to the forest products utilization program, are repealed.

14 Effective Date.

I. Section 13 of this act shall take effect July 1, 2008.

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

AMENDED ANALYSIS

This bill:

I. Establishes a forest products utilization program to make payments to certain wood-fired power production facilities.

II. Establishes per-kilowatt-hour charges on electric distribution to fund the forest products utilization program.

Adopted.

Rep. Michael Harrington spoke against and yielded to questions.

Rep. Thomas spoke in favor.

On a division vote, 270 members having voted in the affirmative and 73 in the negative, the committee report was adopted.

Ordered to third reading.

Rep. Peter Allen declared a conflict of interest and did not participate.

SUSPENSION OF RULES

Reps. Hess and Nordgren moved that the House Rules be so far suspended as to permit introduction and consideration of House Resolution 12 at the present time.

Adopted by the necessary two-thirds.

RESOLUTION

Reps. Hess and Nordgren offered the following: RESOLVED, that the late drafting having been approved by the Rules committee, in accordance with the list in the possession of the Clerk, House Resolution numbered 12 shall be by this resolution read a first and second time by its therein listed title.

Adopted.

INTRODUCTION OF HOUSE RESOLUTION 12

First and second reading

HR 12, affirming revenue estimates for fiscal years 2003, 2004 and 2005. (Major, Rock 79)

HOUSE RESOLUTION 12

affirming revenue estimates for fiscal years 2003, 2004 and 2005

Whereas, the House Ways and Means Committee has considered what the unrestricted revenue estimates should be for fiscal years 2003, 2004 and 2005 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 2003, 2004 and 2005.

Committee estimates are based on current rates.

Committee estimates are based on current rates.

	(A)	(B)	(C)	(D)	
					FY 2003 FY 2004 FY 2005
					GEN'L & ED TRUST FUNDS Official Committee Committee Committee
					(Dollars in Millions) Estimate Estimate Estimate Estimate
Business Profits Tax	\$267.600	\$242.500	\$226.100	\$232.900	
Business Enterprise Tax	162.000	149.000	174.200	178.500	
Subtotal	429.600	391.500	400.300	411.400	
Meals & Rooms Tax	193.400	176.500	183.600	191.800	
Liquor Sales	96.500 102.000	107.100	112.500		
Interest & Dividends Tax	79.000 70.300	71.700	73.900		
Insurance Tax	63.000 79.200	84.600	89.000		
Tobacco Tax	85.000 90.600	90.600	90.600		
Other	46.000 49.500	51.200	53.700		
Communications Tax	70.900 63.400	65.600	67.900		
Estate & Legacy Tax	54.800 55.000	19.400	11.400		
Real Estate Transfer Tax	102.500	122.500	122.600	127.500	
Court Fines & Fees	24.400 23.200	23.300	23.300		
Utility Tax	5.500 5.900	6.000	6.100		
Securities Revenue	28.500 26.000	26.700	28.000		
Board & Care Revenue	10.800 10.400	10.700	11.400		
Beer Tax	12.212 12.600	12.600	12.600		
Horse Racing	2.700 2.600	1.600	1.500		

Dog Racing 1.200 1.600 1.700 1.800

Tobacco Settlement Funds 44.400 44.500 36.600 36.600

SUBTOTAL \$1,350.412 \$1,327.300 \$1,315.900 \$1,351.000

(A) (B) (C) (D)

FY 2003

FY 2004

FY 2005

Other Medicaid Enhancement 13.400 16.300 16.300 16.800

Net Medicaid Enhance. Revenue 94.000 123.900 125.100 137.800

Utility Property Tax 20.500 17.800 19.000 19.500

Statewide Property Tax 485.725 485.700 558.000 603.000

Transfers from Sweepstakes 66.000 66.000 68.500 70.500

TOTAL \$2,030.037 \$2,037.000 \$2,102.800 \$2,198.600

(A) (B) (C) (D)

FY 2003

FY 2004

FY 2005

HIGHWAY FUNDS: Official Committee Committee Committee

(Dollars in Millions) Estimate Estimate Estimate Estimate

Road Toll - Gross Total \$149.220 \$144.500 \$146.600 \$148.850

Less Betterment (\$21.220) (\$21.500) (\$21.500) (\$21.850)

Road Toll - Net Total \$128.000 \$123.000 \$125.100 \$127.000

Motor Vehicle Fees 86.626 88.500 91.300 93.700

Miscellaneous 8.900 5.000 5.600 6.100

TOTAL HIGHWAY FUNDS \$223.526 \$216.500 \$222.000 \$226.800

FISH & GAME FUNDS:

(Dollars in Millions)

Fish & Game Licenses \$9.094 \$7.900 \$8.300 \$8.300

Miscellaneous 1.591 1.200 1.300 1.300

TOTAL FISH & GAME FUND \$10.685 \$9.100 \$9.600 \$9.600

Rep. Major moved Ought to Pass on HR 12.

Rep. Major spoke in favor and yielded to questions.

Adopted.

laid on the table

Rep. Major moved that **HR 12**, affirming revenue estimates for fiscal years 2003, 2004 and 2005, be laid on the table.

Adopted.

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, April 10, 2003 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 778-L, relative to the city of Manchester school district.

HB 748, making changes to the laws governing off highway recreational vehicles and the multi-use statewide trail system.

HB 261, relative to lucky 7 licenses.

HCR 14, declaring the directives of the judicial branch in the Claremont cases that the legislative and executive branches define an "adequate education," adopt "standards of accountability," and "guarantee adequate funding" of a public education are not binding on the legislative and executive branches.

HB 680-FN, establishing a committee to study service contracts and repealing the law regarding legal services insurance.

HB 524-FN, relative to the annulment of certain domestic violence offenses relative to the

HB 787-FN-A, relative to forest products promotion, establishing a forest products utilization charge, and requiring the department of resources and economic development to convene a task force.

UNANIMOUS CONSENT

Rep. Joseph Stone addressed the House.

Without objection, the Speaker indicated that the remarks of Rep. Stone be printed in the Permanent Journal.

REMARKS

Rep. Joseph Stone: Thank you, Mr. Speaker. Today, our young men and women are engaged in harm's way half way around the world in Iraq. This morning, our chaplain prayed that the good Lord would stand watch over them and guide them as they proceeded toward their objective -- freedom for the people of Iraq and the suppression of their dictator. Over the past twelve years that I have been in the House, each February the Honorable gentleman from New London, Representative (Alf) Jacobson, has asked us to remember the exploits of his fellow Marines as they fought the bloody battle for Iwo Jima.

Fifty-seven years ago this coming Tuesday, April 1st, on April Fool's Day, I, as an 18-year old Marine of the First Marine Division, along with the members of the Navy, the Army, the Air Force, the Coast Guard and other Marines, participated in the invasion and the battle of Okinawa on the island known as Okinawa in the Ryukyu Islands located 300 miles south of Tokyo, Japan. This island, which is 29 miles long, 5 miles wide, became what historians have called "the bloodiest battle of the entire Pacific campaign" during World War II. For over five months, Marine and Army soldiers and personnel advanced over very rugged terrain, often hill to hill, cave to cave, hand to hand fighting, until the island was declared secured in September.

On the sea, over 300 American vessels were either sunk or damaged and 5,000 sailors gave their lives because of the attacks of the kamikaze pilots. On the land, over 24,000 Marines and soldiers were either killed, wounded or missed in action. Over 90,000 Japanese soldiers were killed, and 150,00 Okinawans lost their lives on their mainland.

This afternoon, we have with us several representatives who were there and stood in harm's way on that April 1st morning and who also participated in the Battle of Okinawa. Mr. Speaker, with your permission, I would like to have all those gentlemen or ladies who participated in the battle, please stand. Representative (Robert) Milligan was a Navy man who piloted a Higgins boat. For those of you who do not know what a Higgins boat is, that's the little, small craft that launched off from the transports and brought the Marines and the soldiers onto land during the initial invasion. Representative John Flanders was a sonar technician on a destroyer escort who was keeping sincere watch to see about submarines by his pinging machine. Representative (Leighton) Pratt was a Navy man, also on a Higgins boat, bringing soldiers and Marines in. Representative (Leo) Fraser was a member of a Marine air wing which was supporting our troops as they battled their way on the island.

As you can see, we all seem to be a little long in the teeth, but our love for our great country and flag still remains firmly entrenched in each and every one of us. We all are proud that we played a small part in the history of our great nation. We fought for liberty and the right to remain a free country. We remember all of our fallen brothers who gave their lives in the battle for Okinawa and to all those other veterans who have gone on to their eternal rests.

This next Tuesday, as I've done so for the last 56 years, I will say a prayer for all those who have gone beyond me and also to say a thanks of prayer that I was one of the survivors. Ladies and gentlemen, thank you very much. God Bless America. "Semper Fi" to my fellow Marines. And thank you, Mr. Speaker.

RECESS MOTION

Rep. Hess moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendment, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 3:45 p.m.

RECESS