

HOUSE RECORD

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

Vol. 25

Concord N.H.

Thursday, April 10, 2003

No. 34

HOUSE JOURNAL No. 13 (cont.)

Wednesday, March 26, 2003

RECESS

(Rep. Francoeur in the Chair)

RESOLUTION

Rep. Hess offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 33, 34, 45, 66, 71, 73, 79, 87, 94, 97, 122, 130, 134, 170, 178, 179, 180, 181, 197 and 227 and Senate Concurrent Resolution numbered 3 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 33-FN, establishing a putative fathers' registry in the department of health and human services. (Children and Family Law)

SB 34, relative to independent living retirement communities. (Health, Human Services and Elderly Affairs)

SB 45, relative to property tax exemptions and credits for the elderly, veterans, and the disabled, and allowing municipalities to adopt an optional date for filing exemptions. (Municipal and County Government)

SB 66-FN-L, limiting the exemption from the meals and rooms tax for sales of alcoholic beverages by voluntary nonprofit organizations operating under one-day licenses from the liquor commission. (Ways and Means)

SB 71-FN-A, establishing a committee to study improving access, affordability, and alternatives in health insurance for New Hampshire consumers. (Commerce)

SB 73, establishing a committee to study establishing enterprise zones in economically deprived or challenged communities, and relative to the Black Brook Park Tax Increment Finance District. (Municipal and County Government)

SB 79-FN-L, relative to penalties for the exhibition of fighting animals. (Criminal Justice and Public Safety)

SB 87, establishing a committee to study setback requirements for septage, biosolids, and short paper fibers, and extending the temporary use of septage, biosolids, and short paper fiber by certain persons. (Environment and Agriculture)

SB 94-FN, requiring criminal conviction record checks for employees working in long-term care facilities and in home health care and for applicants for a license from the board of

nursing. (Health, Human Services and Elderly Affairs)

SB 97, limiting the liability of firefighters working for certain private firefighting units. (Judiciary)

SB 122, relative to the regulation of first mortgage brokers. (Commerce)

SB 130-FN-L, relative to county departments of corrections. (Municipal and County Government)

SB 134, relative to the regulation of real estate brokers by the real estate commission. (Executive Departments and Administration)

SB 170, relative to Public Service of New Hampshire. (Science, Technology and Energy)

SB 178, relative to guaranty funds. (Commerce)

SB 179-FN-A, relative to positions in the banking department. (Executive Departments and Administration)

SB 180, making certain changes in the banking laws. (Commerce)

SB 181, relative to investigations by and license revocation appeals to the board of trust company incorporation. (Commerce)

SB 197-FN, relative to extended unemployment benefits and making an appropriation therefor. (Finance)

SB 227, relative to the board of occupational therapy, the board of respiratory care practice, the board of speech-language therapists, the board of athletic trainers practice, the board of physical therapy practice, and the board of directors of the office of licensed allied health professionals, and relative to the board of podiatry. (Executive Departments and Administration)

SCR 3, a resolution urging maintenance of funding for the Low Income Home Energy Assistance Program. (Science, Technology and Energy)

SENATE MESSAGE CONCURRENCE

HB 128, relative to the treatment of horses.

HCR 1, a resolution endorsing the Canine Good Citizen Programs.

RECESS

(Rep. Stritch in the Chair)

RESOLUTION

Rep. Bruno offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 15, 16, 18, 19, 21, 29, 46, 60, 64, 69, 72, 83, 85, 86, 90, 91, 99, 110, 115, 120, 128, 129, 133, 140, 142, 145, 149, 161, 163, 169, 174, 177, 199, 201, 226 and 229 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 15, relative to election day registration. (Election Law)

SB 16-FN, establishing the governor's incentive and reward program. (Executive Departments and Administration)

SB 18-FN, relative to vehicle stops at railroad grade crossings. (Transportation)

SB 19-FN, relative to notification of groundwater contamination and requiring a certain report from the department of environmental services. (Resources, Recreation and Development)

SB 21, relative to health insurance riders. (Commerce)

SB 29-FN-A-L, refunding certain meals and rooms taxes paid by the city of Manchester. (Finance)

SB 46-FN, repealing the meat inspection account and the poultry inspection account. (Finance)

SB 60-FN, relative to voluntary certification of persons installing or servicing propane gas or heating oil equipment. (Executive Departments and Administration)

SB 64-FN, relative to updating the drought management plan. (Resources, Recreation and Development)

SB 69-FN-A, combining the career incentive program and the nursing leveraged scholarship loan program within the department of postsecondary education, and establishing a workforce incentive program within the department of postsecondary education, and making an appropriation therefor. (Education)

SB 72, relative to the regulation of small loans, title loans, and payday loans. (Commerce)

SB 83, relative to paralegals and legal assistants. (Judiciary)

SB 85-FN, making certain revisions to the special education laws. (Education)

SB 86-FN, relative to disclosure of certain information about child fatalities and near fatalities resulting from abuse and neglect, and relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services. (Children and Family Law)

SB 90-FN, increasing the cap for relocation assistance for businesses in eminent domain proceedings. (Public Works and Highways)

SB 91, extending the committee to study eminent domain proceedings and adding certain duties. (Public Works and Highways)

SB 99, relative to high cost mortgage loans. (Commerce)

SB 110, relative to small group health insurance coverage. (Commerce)

SB 115, increasing the fees for review of subdivisions and waste disposal systems by the department of environmental services and making an appropriation for implementing information technology and regulatory process improvements. (Ways and Means)

SB 120, relative to testimony by video teleconference in criminal cases. (Criminal Justice and Public Safety)

SB 128-FN, transferring the bureau of vital records and health statistics from the department of health and human services to the department of state. (Executive Departments and Administration)

SB 129, relative to the board of tax and land appeals and eminent domain cases. (Public Works and Highways)

SB 133, relative to amending the charter of Dartmouth college. (Education)

SB 140, establishing an optional renewal period for licenses to carry a pistol or revolver. (Education)

SB 142-FN, relative to advertisements on utility poles and highway signs. (Public Works and Highways)

SB 145-FN-A, relative to the duties of the board of trustees of the department of regional community-technical colleges. (Education)

SB 149-FN, establishing criminal penalties for the use of a credit card scanning device or reencoder to defraud. (Criminal Justice and Public Safety)

SB 161, relative to procedures in eminent domain proceedings. (Public Works and Highways)

SB 163-FN, relative to the procedures of the health services planning and review board. (Health, Human Services and Elderly Affairs)

SB 169, relative to frivolous actions against the state concerning state construction projects. (Public Works and Highways)

SB 174, relative to scheduled permanent impairment awards and remedial care under workers' compensation. (Labor, Industrial and Rehabilitative Services)

SB 177, relative to credit unions. (Commerce)

SB 199, revising the nurse practice act. (Executive Departments and Administration)

SB 201, establishing a committee to study insurance practices relative to homeowner's insurance. (Commerce)

SB 226-L, increasing the homestead exemption. (Judiciary)

SB 229, making reference changes to the school building aid statutes. (Education)

SENATE MESSAGE CONCURRENCES

HB 69, relative to the reinstatement of expired licenses for architects.

HB 76, relative to neighborhood electric vehicles.

HB 91, relative to the telecommunications planning and development initiative and advisory committee.

HB 99, relative to absentee ballot requests.

HB 233, relative to the nuclear planning and response program.

HB 246, relative to availability of absentee voting applicant lists.

HB 260, relative to checklists used on election day.

HB 270, relative to issuing drivers' licenses to aliens temporarily residing in the state.

HB 271, relative to walking disability plates and placards.

HCR 8, a resolution urging the United States Congress to improve the prescription drug program provided to veterans.

ENROLLED BILL AMENDMENTS

HB 128, relative to the treatment of horses.

Amendment (1169 # -EBA)

Amend RSA 435:12 as inserted by section 1 of the bill by replacing line 4 with the following:

maim or abandon any horse, or aid in such abuse, or permit any horse in his *or her* care to be subject to

Adopted.

RECESS

Rep. Hess moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 14

Thursday, April 10, 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.

Eternal God, strong to save, look with compassion upon the world You have made. Empower all humankind to overcome the bitter divisions caused by self-interest, misunderstanding or greed. By Your grace may the light of true freedom lift each human heart; that a renewed world, with liberty and justice for all, may rise from the sadness of war and from the supreme sacrifice of those who have given their lives in the defense of liberty's cause. We especially lift up to You the members of our armed forces, and our allies, now serving in Iraq and ask for their protection and for their swift return home. Receive and embrace those who have lost their lives, comfort those who are wounded, defend those who are held as prisoners.

Bless the work of this honorable House today, and may all that is done here be worthy of the sacrifice of those who defend the United States and all citizens of our beloved New Hampshire.

As always we ask for Your protective hand to be upon those who serve in law enforcement, emergency medical services and in the fire service as they protect and defend our homes, our lives and our communities. Amen.

Rep. Norman Major led the Pledge of Allegiance.

The National Anthem was sung by Candace Glickman, a student at University of New Hampshire-Manchester.

LEAVES OF ABSENCE

Reps. Flanagan, Heon, Kerns, Miller, Naro, Owen, Palangas, Seldin and Jeffrey Sullivan, the day, illness.

Reps. Janet Allan, Barker, Bicknell, Bishop, Christopher Christensen, Donald Flanders, Infantine, Ingram, Osborne, Reardon and Scanlon, the day, important business.

INTRODUCTION OF GUESTS

Derek Colbath and Graham Dowie, students at Gilford Middle-High School, Pages for the day. Seminary Hill School 4th grade class, guests of the Lebanon delegation. James Peabody and David Oliver, father-in-law and guest of Rep. Dorsett. Mac and Sue Hendrickson, guests of Rep. McRae. George Campbell, grandfather of Rep. Campbell. The Honorable Cecilia Kane, guest of Rep. Shultis.

INTRODUCTION OF SPECIAL GUESTS

Oyster River High School Girls' Basketball Team, 2003 Class I State Champions and Coach Dave Nichols, guests of the Durham delegation. The Red Raiders of Spaulding High School Ice Hockey Team, 2003 Division II State Champions and Coach Paul George, guests of the Rochester delegation.

In honor of National Library Week, Michael York, New Hampshire State Librarian, Robert Sargent and Andrea Thorpe, President and Vice President of the New Hampshire Library Association joined the Speaker on the rostrum. They presented the Speaker with a copy of *G is for Granite*, by Marie Harris, New Hampshire Poet Laureate.

Major-General Halimov Mahmadullo, Chief of Staff, Deputy Minister of the Ministry of Emergency Situations and Civil Defense and Termurov Abdumuslim, First Deputy Minister of Health-Care from Tadjikistan joined the Speaker on the rostrum. In the gallery were additional members of the Tadjikistan delegation participating in the Democracy Engaged Program sponsored by the University of New Hampshire and United States Department of Defense. All were guests of the House.

TARTAN DAY RECOGNITION PROGRAM

To begin the Tartan Day Program, Rep. John Hunt recognized special guests, David Gooch, President of the New Hampshire Gathering of the Scottish Clans, and Ellen Avery, widow of The Honorable Stephen Brody Avery, his daughter, Wickie and his grandson, Woody.

Without objection, the Speaker indicated that Rep. Hunt's remarks be printed in the Permanent Journal.

Rep. Hunt: Thank you , Mr. Speaker. Today, my fellow representatives, as we have done for

the past six years, we are celebrating New Hampshire Tartan Day. It is the day we recognize those achievements that Scots and Scottish American have made on behalf of the State of New Hampshire and the United States. The date of April 6th – declared by Congress as National Tartan Day – as has been mentioned before, marks the anniversary of the Declaration of Arbroath, the document that was signed on April 6 in the year 1320 declaring Scottish Independence, and a document many credit as being a model for our own United States Declaration of Independence. It is also the third anniversary of the new Scottish Parliament, which was dormant for over 250 years and we were honored with the visit of the Prime Minister last week. I want to thank the Speaker for his gift of New Hampshire's finest liquid maple syrup, of course for which the Prime Minister was very appreciative and very concerned that it made it to his car for the ride back to Boston.

Mr. Speaker, the most important phrase of the 1320 Scottish Declaration of Arbroath is especially important today. "It is in truth, not for glory nor riches that we are fighting, but for freedom. For that alone which no honest man gives up but with life itself."

We take special note of the men and women of the American and allied armed forces who are fighting in Iraq, and especially those who have made the ultimate sacrifice with their lives fighting for these same principles of freedom from terrorism and freedom for all people. They have our prayers and best wishes and our fervent hope that someday all peoples on this earth shall be free.

Mr. Speaker, on behalf of the St. Andrew's Society of New Hampshire and the over 50,000 people of New Hampshire who claim some Scottish ancestry, it is my pleasure to introduce Pipe Major Gordon Webster, formerly Pipe major of the Scots Guards and piper to Her Majesty, Queen Elizabeth, as well as dancers from the New Hampshire School of Scottish Arts.

[Pipe Major Webster accompanied the students as they danced the Highland Fling.]

Mr. Speaker, it gives me great pleasure to introduce two young men who are piping students at the New Hampshire School of Scottish Arts and over the past year have competed in Highland Games from Georgia to Maine and have finished as the top two rankings for grade four pipers in the Eastern United States Pipe Band Association. They are John Bassett and Brian Morgan.

[The two young pipers, after playing for the members, joined the Speaker on the rostrum. The Speaker presented each with a declaration from the House.]

Thank you, Mr. Speaker. One of the primary goals of the St. Andrew's Society is to keep the Scottish traditions alive through our young people.

I would also like to thank all of the members who remembered to wear the tartan today.

Would all of the members and visitors who wore tartan today please rise and be acknowledged.

Now I would like to ask all the members to please rise and let us have a final moment of silence for our four former members of the House who have passed away since we last recognized our fallen brothers and sisters one year ago.

Rep. Martin Feurstein of Franklin; Rep. Raymond Proulx of Dover; Rep. Lynn Horton of Lancaster and Rep. Steve Avery of Dublin.

I would like to make a special recognition of my friend, Steve Avery, whose untimely death three days before election day last November will always rest heavy in my heart. If it were not for Steve's love for anything and everything Scottish, I would not be standing here today. This event is something that he took very special pride in creating and making happen. We will miss him but we will always have this day to remember him by.

[Pipe Major Webster played "Flowers of the Forest" and "Amazing Grace" in memory of those members.]

The Speaker called the House to order.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 64, establishing a commission to study the creation of an integrated criminal justice information system and any issues related to the privacy, security, and dissemination of such criminal justice information. (Amendment printed SJ 4/03/03)

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

Adopted.

HB 104-FN, implementing procedures for a hospital or safe haven to assume temporary care and control of an abandoned child and creating an exception to the crime of endangering the welfare of a child. (Amendment printed SJ 3/27/03)

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

Adopted.

HB 502, establishing a committee to study options for reducing the impact of exhaust emissions from diesel engines in New Hampshire. (Amendment printed SJ 4/03/03)

Rep. Thomas moved that the House concur spoke in favor.

Adopted.

COMMITTEE REPORTS

CONSENT CALENDAR

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

HB 786-FN-L, relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001, removed by Rep. Alger.

SB 14, relative to vacancies in county offices, removed by Rep. Pitts.

Consent Calendar adopted.

HB 109-FN, relative to telemarketing practices. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: This bill prohibits telemarketers from calling customers who have listed their names on the "Do Not Call" list of the Federal Trade Commission. The amendment removed the allocation of fines to defray costs associated with the implementation and enforcement of this subdivision. Vote 23-0.

Amendment (1054h)

Amend RSA 359-E:9 as inserted by section 3 of the bill by replacing it with the following:

359-E:9 Obligation to Obtain Do-Not-Call Registry. Telemarketers making telemarketing sales calls to customers in the state shall obtain the do-not-call registry from the Federal Trade Commission.

Amend RSA 359-E:13, II as inserted by section 3 of the bill by replacing it with the following:

II. A violation of RSA 359-E:8 or RSA 359-E:12 shall result in the loss of ability to conduct telemarketing in this state for a period of 2 years and shall result in a fine of \$11,000 per violation.

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

Rep. MaryAnn N. Blanchard for Finance: The Department of Environmental Services, due to budgetary constraints this biennium, has reorganized its funding for its water programs. This will allow support for the Instream Flow pilot project in the regular budget process this year without additional general fund money. Hence, this bill is unnecessary. Vote 18-2.

HB 565-FN-A, establishing a commission to implement the Hampton Beach Master Plan.

OUGHT TO PASS

Rep. Marjorie Smith for Finance: The State of New Hampshire and the Town of Hampton have been working together to develop a master plan for Hampton Beach. The plan was completed last year. This bill establishes a commission that will work on the implementation of the plan and a master plan fund that will be a depository for gifts, grants and donations that will be used to implement the master plan. There is no fiscal impact on state revenues or expenditures, although both the state and the town will benefit from the implementation. The Town of Hampton has just approved \$12 million for infrastructure improvements, demonstrating the towns' commitment to this effort. Vote 23-0.

HB 577-FN-A-L, relative to implementing the Help America Vote Act of 2002 and relative to rulemaking by the secretary of state. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: This bill implements the Help America Vote Act of 2002 through the Secretary of State's Office. The committee felt that conforming to federal law and establishing a statewide centralized voter registration database in accordance with the Secretary of State's office was a sound fiscal approach to compliance. Vote 23-0.

Amendment (0970h)

Amend RSA 5:6-d as inserted by section 1 of the bill by inserting after paragraph V the following new paragraph:

VI. The secretary of state shall include appropriations from the election fund in the department budget submitted pursuant to RSA 9:4.

Amend RSA 654:45, IV(b) as inserted by section 4 of the bill by replacing it with the following:

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

Amend the bill by replacing section 11 with the following:

11 Initial Funding; Appropriation.

I. The secretary of state shall develop a budget for the biennium ending June 30, 2005 for the purposes of funding costs associated with the Help America Vote Act of 2002, Public Law 107-252, and shall submit the budget to the fiscal committee of the general court for final approval.

II. The secretary of state is hereby authorized to accept money allocated to the state by the federal government pursuant to the Help America Vote Act of 2002, Public Law 107-252. Said sum shall be deposited into the election fund established in RSA 5:6-d for funding costs associated with the Help America Vote Act, including costs associated with positions and other program expenses.

III. Notwithstanding any other provision of law, the secretary of state is authorized to establish positions necessary to implement the Help America Vote Act of 2002, Public Law 107-252.

HB 590-FN, relative to highway fund budget reporting requirements. **OUGHT TO PASS**

Rep. Elizabeth S. Hager for Finance: The committee agrees with the Public Works and

Highways Committee that this bill allocates unrestricted revenue from the highway fund and requires any department that receives such funds to submit a biennial report of expenditures to the State Treasurer. The amendment sets parameters for this allocation. The committee felt that establishing such parameters would result in a greater percentage of highway funds going to actual road work, and not being eroded by use of other agencies. The bill retains the Highway Block Grant Aid Program intact. Vote 23-0.

HB 619-FN-A, expanding opportunities for dropout prevention and dropout recovery and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**
Rep. Elizabeth S. Hager for Finance: The amendment removes the appropriation from this bill but the Finance Committee understands the bill is important policy even without dollars attached. The committee is trying to find money for dropout prevention to put in the budget. Vote 22-0.

Amendment (1025h)

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

AN ACT expanding opportunities for dropout prevention and dropout recovery.

Amend the bill by deleting section 2 and renumbering the original sections 3-4 to read as 2-3, respectively.

AMENDED ANALYSIS

This bill establishes a dropout prevention and dropout recovery program in the department of education to provide a variety of services to high school students.

HB 677-FN, increasing the number of reserved student slots in medical programs, and establishing a loan forgiveness program for physicians who practice in underserved areas, and making an appropriation therefor. **OUGHT TO PASS**

Rep. Elizabeth S. Hager for Finance: This bill is an important expansion of our preferred access seats in medical schools. There are enough dollars currently in the budget to fund this program in the current biennium. Vote 22-1.

HB 702-FN, relative to payment of medical benefits costs for disabled group II members of the retirement system. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: The committee accepted the policy of extending to July 1, 2004 coverage of medical benefits costs for disabled group II members. This results in a one-year extension of terminally funded benefits which are paid from the special account. This bill also received an 18-0 vote in Executive Departments and Administration Committee. Vote 20-0.

SB 104, relative to state administration of medicaid benefits and services for individuals who are deaf or hard of hearing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: This bill requires the Department of Health and Human Services to analyze rates for audiological and hearing aid services to determine whether they are sufficient to cover the appropriate services. With today's technology, infant deafness can be identified with more accuracy and this bill encourages utilization by also examining the reimbursement rates. The amendment made minor language changes, agreed to by the prime sponsor. Vote 14-0.

Amendment (0794h)

Amend the bill by replacing section 2 with the following:

2 Infant Deafness Program; Payment Schedule; Approval Process; Report. The department of health and human services shall analyze rates for audiological and hearing aid services to determine whether they are sufficient to cover any appropriate services. The department shall also review the prior approval process to improve the timeliness in regards

to requests. The commissioner of health and human services shall make a report to the chairs of the house health, human services and elderly affairs committee and the public institutions, health and human services committee with any recommendations on or before November 1, 2003.

AMENDED ANALYSIS

This bill requires the department of health and human services to analyze rates for audiological and hearing aid services to determine whether they are sufficient to cover appropriate services. The bill requires the commissioner of health and human services to make a report to the chairs of the house health, human services and elderly affairs committee and the senate public institutions, health and human services committee on or before November 1, 2003.

REGULAR CALENDAR

HB 25-FN-A, making appropriations for capital improvements. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth L. Weyler for Finance: This is the capital budget plan for the next biennium. It funds the long-term projects with money for planning, new construction, and long life maintenance such as roofs. The majority of the money is bonded. The debt service is provided by the general fund, highway fund, fish and game fund, or other sources that have a reliable cash flow. The committee made some minor changes to the bill as it came from the Public Works and Highways Committee. The total general fund bonding remains the same at \$82 million. Department of Administrative Services found another source of funds to help with the enterprise resource planning project, and the Department of Transportation agreed to bond \$5 million with highway funds. The instream flow pilot program was funded by rearranging other Department of Environmental Service projects. Lapses from earlier authorized Youth Development Center projects allowed \$1.6 million to be added to that large project, and the additions to the USNH KEEP program were rewritten so as to have the same quarterly scrutiny as the base project. Finally, amendments to the state hospital projects allow replacement of a residence cottage rather than a more expensive rebuilding.
Vote 21-2.

Amendment (1084h)

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	<u>-6,774,825</u>
Net state appropriation subparagraph B	2,258,275
C. Armory Kitchen Expansions	975,000
Less Federal	<u>-731,250</u>
Net state appropriation subparagraph C	243,750
D. Joint Service Training Facility Design	3,388,700
Less Federal	<u>- 3,388,700</u>
Net state appropriation subparagraph D	<u>0</u>
Total state appropriation paragraph I	\$ 2,802,025

II. Department of Administrative Services.

A. Bureau of Court Facilities.	
1. Architectural and Engineering - Hampton District Court.	\$ 165,000
2. Architectural and Engineering - Laconia District Court	<u>250,000</u>
Total state appropriation subparagraph A	415,000
B. Bureau of General Services.	

	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
	4. 4 and 6 Hazen Drive - Install Fire Suppression System	806,000
	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
	9. State House and State House Annex - Install Emergency Generator	
381,000		
	10. State House Annex - Replace Freight Elevator	286,000
	11. 18 State Owned Buildings - Asbestos and Hazardous Material	152,000
	12. Monadnock Mill - Repair Building Foundation	140,000
	13. State House - Rehabilitate Representatives Hall	486,000
	14. Department of Safety Building - Energy Save and Lights Replace	217,000
	15. Site and Design Parking Garage - Executive/Legislative	200,000
	16. New Hampshire Hospital Campus – Redevelopment Plan	<u>100,000</u>
	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.	
	A. Library Expansion - Academic Program Support - Stratham	\$ 2,373,000
	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
	H. Christa McAuliffe Planetarium – Alan B. Shepard Memorial Wing	6,200,000
	Less Federal	<u>-4,900,000</u>
	Net state appropriation subparagraph H	<u>1,300,000</u>
	Total state appropriation paragraph III	\$ 9,475,000
	IV. Department of Education.	
	A. Regional Career and Technical Education Center Match - Portsmouth	\$
4,500,000		
	B. Regional Career and Technical Education Center Match – Berlin	<u>1,875,000</u>
	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	4,668,320
	D. Wastewater SRF Matching Funds	7,744,208
	E. Bedrock Aquifer Well Project	196,000
	F. Instream Flow Pilot Program Study Reports	<u>600,000</u>
	Total state appropriation paragraph V	\$15,117,528
	VI. Department of Health and Human Services.	
	A. Update Sprinkler System - Glencliff	\$ <u>88,000</u>
	Total state appropriation paragraph VI	\$ 88,000
	VII. Liquor Commission.	
	A. Administration Building Life Safety / Warehouse Renovation	\$ 168,000

B. Parking Lot – Store #15 Keene	<u>300,000</u>
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	<u>- 2,000,000</u>
Net state appropriation subparagraph B	0
C. Monadnock Campground Renovation	980,000
D. Statewide Radio System	<u>575,200</u>
Total state appropriation paragraph VIII	\$ 1,805,200
IX. Department of Safety.	
A. Lab Expansion	<u>\$ 358,000</u>
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	<u>200,000</u>
Total state appropriation paragraph X	\$ 3,715,000
XI. Veterans Home.	
A. Upgrade Existing Sprinkler System at 2 Units	\$ 515,000
Less Federal	<u>- 334,750</u>
Net state appropriation subparagraph A	180,250
B. Erect Prefabricated Refrigerator/Freezer with Shelving	107,000
C. Recreation Area	855,000
Less Federal	<u>-500,000</u>
Net state appropriation subparagraph C	355,000
D. New Maintenance Building	736,000
Less Federal	<u>- 478,400</u>
Net state appropriation subparagraph D	<u>257,600</u>
Total state appropriation paragraph XI	<u>\$ 899,850</u>
Total state appropriation section 1	\$67,579,603

2 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	<u>100,000</u>
Total state appropriation section 2	\$ 2,100,000

3 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	<u>- 111,910</u>
Net state appropriation subparagraph C	<u>477,090</u>
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
4. Enterprise Resource Planning	<u>5,000,000</u>
Total state appropriation paragraph II	<u>\$ 9,732,000</u>

4 Expenditures; General. The appropriation made for the purpose mentioned in sections 1, 2, 3, and 11 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.

5 Land Acquisition. Any land acquired under the appropriations made in sections 1, 2 and 3 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.

6 Bond Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, and 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$83,518,693 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.

7 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in section 1 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 2 of this act shall be made from the fish and game fund.

(b) Section 3 of this act shall be made from the highway fund.

8 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, 2, 3, and 11 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 for projects under sections 1, 2, and 3 the amount of bonding authorized by section 6 shall be reduced by the same amount.

9 Transfers. The individual project appropriations provided in sections 1, 2, 3, and 11 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.

10 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 2, 3, and 11 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 6 shall be reduced by the amount that the appropriation in sections 1, 2, and 3 of state funds is reduced pursuant to this section.

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

I. The sum of \$30,264,597 is hereby appropriated to the department of health and human services for the purpose of the construction of a new architecturally secure facility for committed and detained juveniles on the grounds of the youth development center.

II. The source of funds for the project shall be as follows:

(a) \$10,925,000 in federal funds from the Violent Offender Incarceration/ Truth-in-Sentencing (VOI/TIS) grant program; and

(b) \$19,339,597 from the proceeds from bonds issued pursuant to section 12.

III. The remainder of the funding for this project is provided by the \$2,475,000 balance of the \$13,400,000 federal funds from the VOI/TIS grant program, which amount was previously accepted by the department and is budgeted in PAU 05, 01, 14, 06, 01 of the 2004 – 2005 operating budget, and \$260,000 from an original \$1,000,000 capital appropriation authorized for use by the department as state match for the VOI/TIS grant by the long range capital planning and utilization committee, as provided in 1997, 349:1, XVI, D as amended by 1998, 372:3 and 1999, 226:15; and as extended by 1999, 226:32, XXXVIII and 2001, 202:28, LXII.

IV. 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 on or after the effective date of this act.

V. The appropriations in this section shall not lapse until July 1, 2007.

12 Bonds Issued; Department of Health and Human Services; New Architecturally Secure Facility for Committed and Detained Juveniles.

I. To provide funds for the appropriation made in section 11, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$19,339,597 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; provided the cumulative bonds or notes shall not be issued in excess of:

(a) \$9,339,597 in the biennium ending June 30, 2005.

(b) \$19,339,597 in the biennium ending June 30, 2007.

II. Payments of principal and interest on the bonds and notes authorized in paragraph I shall be made from the general fund of the state.

13 Purpose Amended; Appropriation Reduced; YDC New Facility Design. Amend 1997, 349:1, XVI, D as amended by 1998, 372:3 and 1999, 226:15, and as extended by 1999, 226:32, XXXVIII and 2001, 202:28, LXII, to read as follows:

D. Construction and Renovations – YDC, *New Facility Design* [~~\$1,000,000~~] **\$260,000**

14 Capital Budget; 1997 Total Adjusted. Amend 1997, 349:8 as amended by 1999, 226:25 to read as follows:

349:8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$68,178,937~~] **\$67,438,937** and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

15 Capital Budget; 1997 Section 1 Total Adjusted. Amend 1997, 349:1, total state appropriation section 1, as amended by 1999, 226:28, to read as follows:

Total state appropriation section 1 [~~\$52,318,937~~] **\$51,578,937**

16 Capital Appropriation Reduced; Totals Adjusted. Amend 1999, 226:1, XV, D, as extended by 2001, 202:28, LXI, and the total state appropriation paragraph XV and the total state appropriation section 1, to read as follows:

D. Phase I – preparation for agency networking * [~~225,000~~] **217,128**

Total state appropriation paragraph XV [~~\$ 707,000~~] **\$699,128**

Total state appropriation section 1 [~~\$ 41,311,314~~] **\$41,303,442**

17 Purposes Amended; Appropriations Reduced. Amend 2001, 202:1, XV, A and B to read as follows:

A. King Cottage Renovations - Const. YDS [~~\$415,000~~] **\$23,275**

B. ADA Compliance and Sprinkler/Fire Detection - Const. [~~500,000~~] **0**

18 Total Adjusted. Amend 1999, 226:8 and amended by 2000, 132:4 to read as follows:

226:8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$60,025,314~~] **\$60,017,442** and for said

purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

19 Total State Appropriation Adjusted.. Amend the total state appropriation section 1 of 2001, 202:1, as amended by 2002, 26:11 and 2002, 244:3, to read as follows:

Total state appropriation section 1 ~~[\$55,021,200]~~ **\$54,129,475**

20 Total Adjusted; Bonds Authorized. Amend 2001, 202:8, I, as amended by 2002, 26:12 and 2002, 244:4, to read as follows:

I. To provide funds for the total of the appropriations of state funds made in sections 1, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of ~~[\$73,101,700]~~ **\$72,209,975** and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

21 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.***

22 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.

23 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.

24 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.

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

B. Reroofing Plymouth and Franklin Armories, ***and
Armory Renovations Statewide***

410,000

26 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]~~ <i>1,500,000</i>
Less Federal	~~[-300,000]~~ <i>-1,200,000</i>
Net state appropriation subparagraph B	300,000

27 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
Total state appropriation section 5	\$18,300,000

(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.***)

28 University System of New Hampshire; 2001 Capital Budget; KEEP NH; Projects Added; Appropriation Increased. Amend 2001, 202:2 to read as follows:

202:2 Appropriation; University System of New Hampshire Projects.

I. The Knowledge Economy Education Plan (KEEP NH) documents the need for investment in university system of New Hampshire projects primarily to renovate and expand science, engineering, and technology facilities. A sum of ~~[\$100,000,000]~~ ***\$106,800,000*** is hereby committed to the university system of New Hampshire for KEEP NH, with the first \$37,000,000 appropriated effective July 1, 2001 and the remaining ~~[\$63,000,000]~~ ***\$69,800,000*** appropriated upon approval by the capital budget overview committee. The appropriations are for the following capital projects:

- (a) Murkland Hall renovations (UNH);
- (b) Mason Library renovations (KSC);
- (c) Boyd Hall renovation and expansion (PSC);
- (d) Kingsbury Hall renovation and expansion (UNH);
- (e) Science Building renovation and expansion (KSC);
- (f) Infrastructure work on all campuses (USNH); ~~and~~
- (g) NHPTV equipment (UNH);
- (h) DeMeritt Hall renovation (UNH);***
- (i) James Hall renovation (UNH);***
- (j) Nesmith Hall renovation (UNH); and***

(k) Parsons Hall renovation (UNH).

II. The university system board of trustees shall determine the timing of the projects and the specific dollar allocation to each from the sum available under paragraph I while ensuring the respective campus priorities are addressed. The board of trustees shall submit the programs and design development drawings which include cost estimates, design criteria, and square footage requirements for the projects in paragraph I to the capital budget overview committee for its review and approval as soon as possible. The board of trustees has stated that if the capital budget overview committee approval is received within 45 days of submittal then all 5 major facility projects listed in paragraph I(a)-(e) will be completed within the above appropriation. The capital budget overview committee approval is also required for the project in paragraph I(f). The appropriation shall be nonlapsing and in addition to any other appropriation to the university system; provided, however, that the university system shall not receive actual cumulative payments from the state for such purposes of more than:

- (a) \$38,000,000 in the biennium ending June 30, 2003.
- (b) ~~[\$69,000,000]~~ **\$75,800,000** through the biennium ending June 30, 2005.
- (c) ~~[\$100,000,000]~~ **\$106,800,000** through the biennium ending June 30, 2007.

29 University System of New Hampshire; 2001 Capital Budget; Expenditures. Amend 2001:202:8, II to read as follows:

II. To provide funds for the appropriation made in section 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of ~~[\$100,000,000]~~ **\$106,800,000** and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A; provided the cumulative bonds or notes shall not be issued in excess of:

- (a) \$38,000,000 in the biennium ending June 30, 2003.
- (b) ~~[\$69,000,000]~~ **\$75,800,000** through the biennium ending June 30, 2005.
- (c) ~~[\$100,000,000]~~ **\$106,800,000** through the biennium ending June 30, 2007.

30 Appropriation Purpose Amended. Amend 2001:202:1, IX, A to read as follows:

- A. Patient Res. ADA & Fire Sys/Transitional Housing
– State Office Park South **and Burbank Replacement** \$433,750

31 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.

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 23 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, A, as amended by section 30 of this act, for patient residence, ADA and fire system/transitional housing and Burbank replacement.

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

LV. 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.

LVI. The appropriation made to the department of health and human services in 2001,

202:1, IX, F, patient care network.

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

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

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

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

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

LXII. 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 13 of this act, as extended by 1999, 226:32, XXXVIII and 2001, 202:28, LXII, for construction and renovations – YDC new facility design.

LXIII. The appropriation made to the department of youth development services in 1999, 226:1, XV, D, as amended by section 16 of this act, and as extended by 2001, 202:28, LXI, for phase I preparation for agency networking.

LXIV. The appropriation made to the youth development services in 2001, 202:1, XV, A, as amended by section 17 of this act, for King cottage renovations – construction – YDS.

LXV. The appropriation made to the youth development services in 2001, 202:1, XV, B, as amended by section 17 of this act, for ADA compliance and sprinkler/fire detection – construction.

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

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

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

LXIX. The appropriation made to the liquor commission in 2001, 202:1, X, B, for renovation store #34 – Salem and new HVAC.

LXX. 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.

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

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

LXXIII. 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.

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

LXXV. 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.

LXXVI. 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.

LXXVII. 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.

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

LXXVIX. 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.

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

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

LXXXII. 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.

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

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

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

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

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

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

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

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

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

XCII. The appropriation made to the department of revenue administration in 2001, 130:14, IX, for information technology projects.

32 Effective Date.

I. Section 31 of this act shall take effect June 30, 2003.

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

Adopted.

Report adopted and ordered to third reading.

HB 135-FN, relative to charter schools. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth L. Weyler for Finance: The charter school bill passed the legislature in a prior session but was vetoed by the Governor. It was passed again by the House and sent to the Finance Committee. The Finance Committee had the advantage of reviewing a proposal by the governor in HB 2. It was decided to move the charter school text in HB 2 to HB 135 to assure a consistent bill. Further, criticism of the status of special education students transferred to charter schools was treated in an amendment. By giving charter schools the same status as any other public school for special education, I.E.P.'s can be adjusted to reflect the unique capabilities of charter schools. The money included in the budget for charter schools is \$250,000 in 2004 and \$425,000 in 2005. Vote 18-4.

Amendment (1066h)

Amend the bill by replacing section 3 with the following:

3 New Paragraphs; Charter School Funding. Amend RSA 194-B:11 by inserting after paragraph VIII the following new paragraphs:

IX.(a) The pupil's resident school district shall pay tuition in cash or may issue reimbursement anticipation notes as set forth in RSA 198:20-d for each year in which a resident pupil attends a charter school approved by the state board of education. Unless

otherwise agreed upon, cash payment shall coincide with the schedule for grant payment set forth in RSA 198:42. The reimbursement anticipation note shall be in the amount of the average base cost per pupil of an elementary or high school pupil, as calculated under RSA 198:40, for the year of attendance at the charter school, and shall be issued to the charter school prior to the beginning of the school year of the charter school. Each reimbursement anticipation note issued shall be for a term of 3 years from the date of issue or may be redeemable by the charter school at such time as the charter school or the pupil's resident school district receives adequate education grant amounts pursuant to RSA 198:42.

(b) Upon receipt of such reimbursement anticipation notes, the charter school may elect to borrow funds for the purpose of meeting general operating and maintenance expenses for charter school operations.

X. Each charter school shall be considered a public charter school and a separate local educational agency for the purposes of federal law. A charter school may accept and expend funds received under the Individuals with Disabilities Education Act, as a local educational agency, for each educationally disabled child who attends the charter school. During the time an educationally disabled child attends a charter school, the charter school shall be the school district responsible for the child under RSA 186-C.

XI. There shall be an appropriation in the fiscal year beginning on July 1, 2003 for the establishment of charter schools under this section. Charter schools which are eligible for grants under this program shall match funds provided by the state through private contributions in order to receive such money. State matching funds shall be provided in addition to any other sums provided by the state. Grants under this section shall be administered and determined by the state board of education who shall have the authority to develop a grant application, written procedures and criteria used to determine eligibility for grants, and procedures for the administration of grants by recipients, including reporting requirements. The total grants provided under this program shall not exceed the amount of money appropriated in the budget for this purpose.

XII. Any money appropriated in the budget for matching charter school grants that remains unused after the department of education issues matching grants to eligible recipients under paragraph XI shall be used to provide a one-year transitional grant to public school districts that have lost pupils as a result of the establishment of a charter school, and have paid tuition to the charter school in cash pursuant to subparagraph IX(a). For the first year in which a public school pupil leaves the public school and enrolls in a charter school, the school district that loses the pupil shall be eligible for a charter school transitional grant of up to \$3,390 per pupil. Such transitional grants shall be administered by the state board of education who shall have the authority to determine eligibility and the amount of money to be awarded to school districts under this section, subject to the amount appropriated in the budget.

AMENDED ANALYSIS

This bill establishes a 10-year pilot program for the approval of up to 2 charter schools per year by the state board of education and creates certain exemptions from existing law relative to the approval process, while subjecting charter schools approved by the state board of education to the same oversight and reporting requirements found in the existing charter school laws. The bill provides that funding for charter schools shall be through reimbursement anticipation notes or cash tuition payments directly payable to the charter school, and establishes a state matching grant program for charter schools. The bill also provides that a charter school shall be considered to be a public charter school and a separate local educational agency for the purposes of federal law and federal funding.

Adopted.

Report adopted and ordered to third reading.

HB 164-FN-A, increasing the gross premiums tax on insurance provided by certain unlicensed companies. **OUGHT TO PASS**

Rep. Frederick W. King for Finance: This bill increases the existing 2% tax on certain unlicensed insurance companies to 3%. This tax is paid by the broker and predominately applies to commercial lines not available through carriers in New Hampshire. The tax rate of 3% is consistent with other tax rates, ranging from 3% to 6% across the country. It was a recommendation of the New Hampshire Insurance Department. Vote 21-1.
Adopted and ordered to third reading.

HB 167, relative to complaints against judges. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: This bill clarifies the jurisdiction of the Judicial Conduct Commission and its presence sparked a spirited discussion regarding its operation and funding. The majority of the committee felt that funding two commissions to do the same work was inappropriate and that the legislatively established committee was the one to be funded. Vote 17-6.

Adopted and ordered to third reading.

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

HB 280-FN, relative to the poison information center. **OUGHT TO PASS**

Rep. Larry G. Elliott for Finance: The Department of Health and Human Services is required by state law, RSA 126-A:49, to have a poison control center. In years past, Dartmouth Hitchcock Medical Center provided this service to the state at no cost to the state.

Approximately 17,000 calls are received each year. However, as a result of the tightening economic circumstances in our state, in the near future DHMC will no longer be able to provide this free of charge. The state currently uses a health insurance assessment fee to fund immunizations, and the Science and Technology Committee recommended that the state increase that assessment fee to cover the costs of operating a poison control center. The Department of Health and Human Services will determine the amount of the increase based on the number of individuals who are covered by health insurance. Although the exact charge is uncertain, the department projects an increase of six cents per month per insured. The poison control center services will be put out to bid, and additional savings may be realized. It is estimated that the cost in Fiscal Year 04 will be \$778,480. However, we may only need to raise \$400,000 through assessment fees because federal funds and other funds, including bioterrorism funding may become available to offset state expenses. Vote 21-2.
Adopted and ordered to third reading.

HB 304-A, relative to state acquisition of certain acreage in the Connecticut Lakes headwaters tract and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: Last session the legislature appropriated ten million dollars as part of an arrangement to purchase 171,000 acres in the Connecticut Lakes headwaters tract. There were to be eleven million dollars in federal funds, one million in private contributions and twelve million from a timber company. The timber company would own most of the tract, and allow recreational use managed by the division of parks and recreation. Delays in finalizing the easement led the sponsors to file this bill in the event that the whole arrangement might be jeopardized. The Finance Committee found that the land could produce up to one million dollars per year in timber harvest and camp leases. Thus, the committee amended the bill to have the bond payments made from the Forest Management and Protection Fund of the state into which timber harvest and camp leases would flow were the state to own the land. This action leaves the general fund bonding capacity fully available for all the competing construction projects. As we report the bill out, we have learned that the original arrangement may come to fruition before this bill reaches the Governor's desk. Should that occur, we will leave it to our Senate colleagues to find that this bill is unnecessary. Vote 20-0.

Amendment (0945h)

Amend the bill by replacing section 4 with the following:

4 Bonds Authorized. To provide funds for the appropriation made in section 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state a sum not to exceed \$12,000,000 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. Notwithstanding the provisions of RSA 227-G:5, I, payments of principal and interest on the bonds and notes shall be made from the forest management and protection fund established in RSA 227-G:5, I. Adopted.

Report adopted and ordered to third reading.

HB 519-FN-A, relative to the conservation number plate trust fund. **OUGHT TO PASS**
Rep. Betsy A. Coes for Finance: This bill accomplishes three objectives at no additional cost. First, it adds the planting of lilacs to the Department of Transportation's current wildflower establishment program. Second, it directs \$50,000 from conservation plate sales to DRED for the marketing and promotion of conservation plates; and third, it removes the 10% administrative cost cap on funds transferred to the state conservation committee's grants program. Vote 21-0.

Adopted and ordered to third reading.

HB 578-FN-A, establishing a program for self-certification by small quantity hazardous waste generators and making an appropriation therefor. **OUGHT TO PASS**
Rep. MaryAnn N. Blanchard for Finance: This bill establishes a program for self-certification by small quantity hazardous waste generators. There is no general fund money in this bill; the program is funded by fees. It is an important initiative supported by the generators to enhance compliance, and avoid non-compliance penalties in a complex and changing regulatory climate. The small quantity generator fee is \$180 for three years as well as a new notification fee for new hazardous waste generators of \$100. The fees will be deposited into the Hazardous Waste Cleanup Fund. Revenues 04 - \$254,145; expenses 04 - \$249,382. Revenues 05 - \$262,784; expenses 05 - \$254,145. Vote 18-1.

Adopted and ordered to third reading.

CLERK'S NOTE

Without objection, **HB 608-FN-L**, reducing the education property tax rate and relative to the calculation of adequate education grants, was postponed until after the noon recess.

HB 621-FN-A-L, establishing an early childhood literacy program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marjorie K. Smith for Finance: The legislature, through past actions, has determined that it is desirable to provide children from 0-3 years of age with a solid foundation for success in school and life, and to increase parents' knowledge about child development and appropriate ways to encourage that development. This bill authorizes the Department of Education to expand, to 10-15 other sites, the existing early childhood literacy program in Claremont, which is modeled after the national Parents as Teachers program. This program is intended to provide children ages birth through three, whose parents choose to participate, with a solid foundation for success in school. The amendment authorizes the commissioner to apply for, accept and expend up to \$1 million for this program from non-state sources. Vote 17-2.

Amendment (0955h)

Amend the bill by replacing section 3 with the following:

3 Funds Authorized. The commissioner is authorized to apply for, accept, and expend not more than \$1,000,000 from non-state sources each year for the biennium ending June 30,

2005, for the purposes of the early childhood literacy program established in sections 1-2 of this act Any funds received under this paragraph shall be nonlapsing.

AMENDED ANALYSIS

This bill implements an early childhood literacy program in the department of education modeled after the national Parents as Teachers program, and authorizes the commissioner of the department of education to apply for, accept, and expend non-state funds for the early childhood literacy program.

Adopted.

Reps. Hagan, Newton and Ingbretson spoke against.

Rep. Kurk spoke in favor.

Rep. Hopper requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 194 NAYS 180

YEAS 194

BELKNAP

Bartlett, Gordon	Fitzgerald, James	Holbrook, Robert	Nedeau, Stephen
Pilliod, James	Russell, David	Thomas, John	Whalley, Michael

CARROLL

Derby, Mark	Dickinson, Howard	Hatch, Paul	McConkey, Mark
Patten, Betsey	Stevens, Stanley		

CHESHIRE

Allen, Peter	Batchelder, Robert	Dunn, James	Eaton, Daniel
Espiefs, Peter	Hunt, John	Manning, Joseph	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Robertson, Timothy
Royce, H Charles	Slack, Pamela	Smith, Edwin	Tilton, Anna
Webber, Amy	Weed, Charles		

COOS

King, Frederick	Mears, Edgar	Poulin, Richard	Pratt, Leighton
Tholl, John Jr			

GRAFTON

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

HILLSBOROUGH

Allan, Nelson	Balcom, John	Baroody, Benjamin	Bergin, Peter
Brassard, Paul	Buckley, Raymond	Carter, Mark	Clayton, William
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard	Elliott, Larry
Emerton, Larry	Fields, Dennis	Ford, Nancy	Gargas, Carolyn
Gibson, John	Gonzalez, Carlos	Gorman, Mary	Graham, John
Haley, Robert	Hallyburton, Margaret	Haytayan, Harry Jr	Irwin, Anne-Marie
Jean, Claudette	Johnson, Lionel	Katsiantonis, Thomas	Konys, Christine
Kopka, Angeline	Kudalis, Debra	Kurk, Neal	Lasky, Bette
Leach, Edward	Lefebvre, Roland	Malloy, Chris	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	Movesian, Lori
Pappas, Christopher	Pepino, Leo	Pilotte, Maurice	Schulze, Joan
Shaw, Barbara	Spiess, Paul	Sullivan, Francis	Sullivan, Peter
Sweeney, Cynthia	Wheeler, Robert		

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Colcord, J D	Daniels, Eric	Davis, Frank
DeJoie, John	DeStefano, Stephen	Fraser, Leo Jr	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Jacobson, Alf
Kenison, Leon	L'Heureux, Stephen	Leber, William	MacKay, James
Maxfield, Roy	Perkins, Randy	Potter, Frances	Rush, Deanna
Wallner, Mary Jane			

ROCKINGHAM

Blanchard, MaryAnn	Carson, Sharon	Casey, Kimberley	Coes, Betsy
Cooney, Richard	Corbin, Corey	Dalrymple, Janeen	Davidson, Robert
Dearborn, Bruce	DiFruscia, Anthony	Dodge, Robert	Flanders, John Sr
Gleason, John	Gould, Kenneth	Holland, James Jr	Johnson, Robert
Kelley, Jane	Langone, John	McEachern, Paul	Norelli, Terie
Noyes, Richard	Pantelakos, Laura	Pitts, Jacqueline	Rausch, James
Shultis, Elizabeth	Splaine, James	Stone, Joseph	Stritch, C Donald
Tufts, J Arthur	Vallone, Matthew		

STRAFFORD

Berube, Roger	Bickford, David	Brown, Julie	Creteau, Irene
Dunlap, Patricia	Grassie, Anne	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	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	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Flint, Gordon Sr	Franklin, Peter	Harris, Joseph
Harris, Sandra	Jones, Constance	Leone, Richard	Phinizy, James

NAYS 180

BELKNAP

Ahern, Omer Jr	Boyce, Laurie	Clark, Charles	Laflam, Robert
Lawton, David	Rice, Thomas	Wendelboe, Fran	

CARROLL

Babson, David Jr	Brown, Carolyn	Kenney, Bettie	Merrow, Harry
Mock, Henry	Olimpio, J Lisbeth	Philbrick, Donald	

CHESHIRE

Dexter, Judson	Fish, Douglas	Laurent, John	Liebl, George
Parkhurst, Henry			

COOS

Brady, Mark	Guay, Lawrence	Richardson, Herbert	Stohl, Eric
Theberge, Robert	Woodward, David		

GRAFTON

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

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	Carlson, Donald	Carter, Jeffrey
Cernota, Albert	Chabot, Robert	Christiansen, Lars	Coughlin, Pamela
Crane, Elenore	Desmarais, Vivian	Fletcher, Richard	Furman, Christine
Casey			
Goulet, Maurice	Goyette, Peter Jr	Greenberg, Gary	Hagan, Barbara
Hall, Charles	Hansen, Ryan	Harrington, Paul	Hawkins, Ken
Hinkle, Peyton	Holden, Randolph	Hopper, Gary	Hunter, Bruce
Jasper, Shawn	L'Heureux, Robert	Laflamme, Charles	LaFlamme, Paul
Lawrence, James	Lessard, Rudy	Luebkert, Bernard	McElroy, Henry Jr
McHugh, Claire	McRae, Karen	Mooney, Maureen	Mosher, William
O'Brien, Lori	Ober, Russell III	Pappas, Marc	Price, Pamela
Reeves, Sandra	Ross, Lawrence	Rowe, Robert	Slocum, Lee
Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir	Tate, Joan
Vaillancourt, Steve	Wheeler, James		

MERRIMACK

Currier, David	Dunne, Christopher	Field, William	Foley, Albert
Hess, David	Langer, Ray	Lockwood, Priscilla	Marple, Richard
McCormick, Tom	Nutter, Edward	Oliver, James	Ouellette, Robert
Reed, Dennis	Soltani, Tony		

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bridle, Russell	Cady, Harriet
Camm, Kevin	Clark, Vivian	Doyle, Christopher	Duffy, James
Dumaine, Dudley	Dupuis, Roland	Fesh, Bob	Flayhan, Mary Lou
Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl	Gillick, Thomas
Griffin, Mary	Hamel, Albert	Headd, James	Hughes, Daniel
Hutchinson, Karen	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	Moore, Benjamin	Morris, Richard
O'Neil, Michael	Packard, Sherman	Priestley, Anne	Putnam, Ed II
Quandt, Matthew	Robertson, Carl	Roessner, Kurt	Ruffner, Walter
Scamman, Stella	Smith, Donald	Smith, Paul	Varrell, Thomas
Waterhouse, Kevin	Weare, E Albert	Welch, David	Weldy, Norman Jr
Weyler, Kenneth	Wiley, Robert	Winchell, George	Zolla, William

STRAFFORD

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

SULLIVAN

Rodeschin, Beverly
and the report was adopted.
Ordered to third reading.
Rep. Stephanie Eaton voted Yea and intended to vote Nay.

HB 638-FN, increasing the oil import license fee, changing the rate of interest assessed on overdue oil import fees, and repealing underground storage facility permit fees. OUGHT TO PASS WITH AMENDMENT

Rep. Robert G. Holbrook for Finance: This bill increases the oil import fee from \$.001 to \$.00125 to provide funds for the Department of Environmental Services to increase staff for the new problem of ethers in leaking oil (such as MTBE). This bill also reimburses \$100,000 to the general fund to cover expenses attributed to costs beyond the regular oil fund programs which are covered by oil import fees. The bill also increases the rate of interest on overdue oil import fees and repeals underground storage facility permit fees. Vote 22-1.

Amendment (1051h)

Amend the bill by replacing section 5 with the following:

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

Adopted.

Report adopted and ordered to third reading.

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

Rep. Neal M. Kurk for Finance: This bill as amended reauthorizes the long-term care financial relationship between the state and the counties for an additional year. It covers nursing home, residential and home and community-based care. The bill establishes a county-state finance commission to oversee the relationship and make recommendations on rate setting, billing systems and individual county payment limits. The bill continues the limit on nursing home beds and caps the counties' financial liabilities for long-term care for FY 04 and FY 05 at \$58 million and \$60 million respectively. The bill establishes a nursing home assessment at 6% of gross revenues that will be matched with federal funds. The result is an additional \$23 million that will be distributed through a quality incentive program to nursing homes that serve Medicaid patients. The counties will receive approximately \$12 million of those funds, which would have a very favorable impact on county property taxes. This is an assessment on the nursing home facilities and not the residents. Therefore, it is expected that private pay residents will not be directly impacted by this bill.. The bill also establishes similar assessments on community mental health center providers and provides for the developmentally disabled. Vote 20-3.

Amendment (1112h)

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

1 Purpose and Intent.

I. The purpose of this act is to reauthorize the county obligation to fund a portion of the non-federal share of medicaid expenses for long-term care programs.

II. This act addresses the need to better manage the financial relationship between state and county governments, which must work as partners in the development and funding of long-term care medicaid services. This act reduces the growing deficits between the actual reasonable costs for providers of long-term care medicaid services and the level of medicaid reimbursement.

III. This act reauthorizes eligible individuals to choose home and community-based care, mid-level care, or a nursing facility. This plan allows the state to serve an increasing medicaid eligible population appropriately and economically.

IV. This act also establishes a medicaid quality incentive program to promote quality care for medicaid nursing home residents.

2 New Chapter; County-State Finance Commission. Amend RSA by inserting after chapter 28-A the following new chapter:

CHAPTER 28-B

COUNTY-STATE FINANCE COMMISSION

28-B:1 Commission Established. There is hereby established the county-state finance commission which shall consist of the following members:

I. The commissioner of the department of health and human services.

II. The director of the division of elderly and adult services in the department of health and human services.

III. Three members appointed by the commissioner of the department of health and human services, and one member appointed by the governor and council, who shall serve 2-year terms, provided that the initial terms of 2 such members shall be for one year.

IV. Six members representing county government, all appointed by the New Hampshire Association of Counties, who shall serve 2-year terms, provided that the initial terms of 3 such members shall be for one year.

28-B:2 Chairperson; Meetings. The commission shall elect a chairperson from among its members, provided that the chair shall alternate between a state and a county representative in a manner determined by the commission. The commission shall meet at least quarterly and shall adopt rules for its procedures.

28-B:3 Duties of the Commission. The county-state finance commission shall oversee the financial relationship and the development of policy associated with programs for which the county and state governments share funding obligations. The commission shall have the following responsibilities:

I. Review and provide recommendations about the state's long-term care medicaid plan under RSA 151-E and related provisions which address programs for which counties have financial obligation prior to submission of such plans to the federal medicaid agency.

II. Review and provide recommendations regarding department of health and human services rate setting and adjustments including, but not limited to, those for long-term care services for elderly and adult clients by the division of elderly and adult services, court-ordered and volunteer services by the division for children, youth, and families, the division of juvenile justice services, prior to any rate setting or adjustments.

III. Review and provide recommendations for refinement of county billing systems for all payments from the counties to the state.

IV. Pursue and evaluate funding options.

V. Develop a process for managing individual county payment limits under RSA 167:18-b, IV. In no event shall the individual county payment limit reduce or alter the total county obligation under 167-18-b, IV.

3 New Subparagraph; Health Services Planning and Review Board; County Official Added. Amend RSA 151-C:3, I(a)(2) by inserting after subparagraph (C) the following new subparagraph:

(D) A county official.

4 Prohibitions; Certificates of Need. Amend RSA 151-C:4, III(a) to read as follows:

III.(a) No certificate of need shall be granted by the board for any nursing home, skilled nursing facility, intermediate care facility or rehabilitation facility from the effective date of chapter 310, laws of 1995, department of health and human services reorganization act, through the period ending ~~June 30, 2003~~ **December 31, 2006**, except that a certificate of need shall be issued for replacement or renovation of existing beds as necessary to meet life safety code requirements or to remedy deficiencies noted in a licensing inspection pursuant to RSA 151 or state survey and certification process pursuant to titles XVIII and XIX of the Social Security Act.

5 Long Term Care; Program Management and Cost Controls. Amend RSA 151-E:11 to read as follows:

151-E:11 Program Management and Cost Controls.

I. The department shall designate in its operating budget requests specific class lines for nursing facility, mid-level, and home-based care provided for in this chapter. These class lines shall reflect, and the requesting documentation shall include, the anticipated number of persons to receive services. The department shall not increase expenditures in approved budgets for care class lines or the number of persons to receive mid-level or home care services without the approval of the legislative fiscal committee, **and the prior review of the county-state finance commission.**

II. For the fiscal year beginning July 1, 1999, and each fiscal year thereafter the average annual cost for the provision of services to persons in the mid-level of care shall not exceed 50 percent of the average annual cost for the provision of services in a nursing facility. The average annual cost for the provision of services in home-based care shall not exceed 33 percent of the average annual cost for the provision of services to persons in a nursing

facility. Average annual costs shall be the net medicaid costs exclusive of provider payments. ***The department shall provide a report semi-annually on the utilization of non-nursing home services to the county-state finance commission and the legislative fiscal committee.***

6 Payment of Funds for Persons Eligible to Receive Nursing Home Care. Amend RSA 167:18-b to read as follows:

167:18-b ~~[Reimbursement]~~ ***County Payments*** of Funds for Persons Eligible to Receive Nursing Home Services; Limitation on County Payments.

I. All expenditures in carrying out the purposes of this chapter or RSA 161 relative to old age assistance or aid to the permanently and totally disabled recipients who are in nursing homes shall be made in the first instance from the public assistance fund hereby created, but each county shall make monthly payments to the state for the amounts due under this section within 45 days from notice thereof and shall reimburse said fund for all assistance granted to persons for which such county is liable, to the extent of 50 percent of the non-federal share, except that no charges shall be made for the non-federal share for recipients in state institutions and intermediate care facilities for the mentally retarded (ICF-MR) serving developmentally impaired persons approved by the department of health and human services.

II. Each county shall be liable in the same manner as provided for in paragraph I for old age assistance and aid to the permanently and totally disabled recipients who are eligible for nursing home care, but who are in another setting as an alternative to placement in a nursing home and are supported under the medicaid home and community-based care waiver for the elderly and chronically ill, as such waiver may be amended from time to time, except that no charges shall be made for services under the waiver to the extent the average cost of all such services exceeds the average cost for care that would have been provided in nursing homes.

III. ~~[The counties shall have an aggregate credit of \$2,000,000 against amounts due under this section for each fiscal year beginning July 1, 1998. The \$2,000,000 shall be allocated among the counties based upon the proportion each paid under this section in the prior fiscal year and shall be made available as soon as possible after the start of the fiscal year.]~~ If the federal share of expenditures under this section is made available to the state in a method other than as a fixed percentage reimbursement, the non-federal share shall be the amount of expenditures remaining after appropriate application of federal funds.

IV. The total ~~[reimbursements]~~ ***billings*** by all counties made pursuant to this section for persons who have been determined eligible to receive nursing facility services shall not exceed ~~[the amounts set forth below for any of the state fiscal years 1999-2003]~~ ***50 percent of the non-federal share of the combined long-term care medicaid spending for which the counties are obligated and in no instance shall the billings for the 12-month period of the state fiscal year, dated between July 1, 2004 and June 30, 2005 exceed:***

(a) State fiscal year ~~[1999]~~ ***2004***—~~[\$54,000,000]~~ ***\$58,000,000.***

(b) State fiscal year ~~[2000]~~ ***2005***—~~[\$57,000,000]~~ ***\$60,000,000.***

~~[-(c) State fiscal year 2001—\$60,000,000.~~

~~-(d) State fiscal year 2002—\$63,000,000.~~

~~-(e) State fiscal year 2003—\$66,000,000.]~~

V. ~~[In no event shall the financial obligation of any county for reimbursement of funds pursuant to paragraph I for state fiscal year 1999 exceed the amount that the county otherwise would have had to pay pursuant to paragraph I if this section were not effective prior to July 1, 1999.]~~ ***The limitations of total payments by all counties shall be recalculated every 2 years to align with the state budget process and amounts appropriated for all services for which the counties are liable.***

VI. For purposes of this section all expenditures shall include all ~~[reimbursements made]~~ **bills for which the county is liable** for medicaid services, including but not limited to, payments for skilled nursing, hospital, physician and pharmaceutical services.

7 New Paragraph; Rulemaking Added. Amend RSA 167:3-c by inserting after paragraph XII the following new paragraph:

XIII. The administration of the payment of funds for persons eligible to receive nursing home services. Prior to the submission of proposed rules under RSA 541-A, such rules shall be submitted for review by the county-state finance commission under RSA 28-B.

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

II. Paragraphs I and II of section 16 of this act shall take effect on July 1, ~~[2003]~~ **2004**.

9 New Chapters; Community Mental Health Center Provider Assessment; Nursing Facility Quality Assessment; Developmentally Disabled Provider Assessment. Amend RSA by inserting after RSA 84-B the following new chapters:

CHAPTER 84-C

COMMUNITY MENTAL HEALTH CENTER PROVIDER ASSESSMENT

84-C:1 Definitions. In this chapter:

I. "Assessment" means the user fee imposed pursuant to this chapter. For all community mental health centers, the assessment shall be imposed on the provider's gross revenues for the previous fiscal year.

II. "Commissioner" means the commissioner of the department of revenue administration.

III. "Community mental health center" means a program as defined in RSA 135-C:10.

84-C:2 Imposition of Fee. A assessment of 6 percent of the state fiscal year's gross revenues is hereby imposed on community mental health centers. The assessment shall be implemented as a health care-related fee as defined in 42 C.F.R. 433.55.

84-C:3 Fee Due. Each community mental health center shall pay its assessment in 3 equal installments. The first payment shall be made on or before September 30, the second payment shall be made on or before December 31, and the third payment shall be made on or before March 31. Notwithstanding any provision of law to the contrary, no penalty or interest shall be imposed for failure to make payment of the assessment when due if such payment is made within 15 days of when such payment is due.

84-C:4 Returns. Every community mental health center shall on or before September 30 make a return to the commissioner. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form of such return and the data which it must contain for the correct computation of program gross revenues and the fee assessed upon such amount. All returns shall be signed by the authorized representative of the community mental health center, subject to the pains and penalties of perjury.

84-C:5 Method of Payment and Deposit of Fee.

I. The payments required by RSA 84-C:3 shall be made to the department of revenue administration and deposited to the community mental health center trust fund established by RSA 84-C:7.

II. The commissioner and the state treasurer are authorized to establish an account or accounts and to take all steps necessary to facilitate the transfer of moneys required in paragraph I.

84-C:6 Extension of Time for Returns. For good cause, the commissioner may extend the time within which a community mental health center is required to file a return.

84-C:7 Community Mental Health Center Trust Fund Established. There is hereby established the community mental health center trust fund for the receipts from the assessment on the community mental health centers, any federal financial participation

received by the state as a result of expenditures funded by these assessments, and the interest thereon. All of these funds shall be credited to and for the purposes of the community mental health center trust fund and shall not be used for any other purposes. These funds shall be nonlapsing. Any balance shall be carried forward to subsequent fiscal years.

84-C:8 Contingencies. The community mental health center assessment imposed by this chapter shall not be assessed, and no return shall be required to be made, upon the occurrence of either of the following events:

I. The federal match for medicaid funds allocated to community mental health centers is less than 50 percent in any fiscal year;

II. Federal approval of the community mental health center provider assessment established under this chapter, or of any related state plan amendments, is not granted or is withdrawn.

CHAPTER 84-D NURSING FACILITY QUALITY ASSESSMENT

84-D:1 Definitions. In this chapter:

I. "Assessment" means the nursing facility quality assessment imposed pursuant to this chapter.

II. "Assessment period" means a 3-month period beginning July 1, October 1, January 1, and May 1, of each year.

III. "Commissioner" means the commissioner of the department of revenue administration.

IV. "Gross revenues" means gross patient services revenue recorded by the nursing facility for established rates for services provided to residents, regardless of whether full payment of such amounts is expected or paid.

V. "Nursing facility" means a nursing facility as defined in RSA 151-E:2, V.

84-D:2 Imposition of Fee. A assessment of 6 percent of the gross revenues is hereby imposed on all nursing facilities. The fee shall be implemented as a broad-based health care-related fee as defined in 42 U.S.C. section 1396b(w)(3)(B).

84-D:3 Assessment Due.

I. Each nursing facility shall pay 100 percent of its nursing facility quality assessment due and payable for the assessment period no later than the fifteenth day of the month following the assessment period. Notwithstanding any provision of law to the contrary, no penalty or interest shall be imposed for failure to make payment of the assessment when due if such payment is made on or before the last day of the month in which such payment is due.

II. If the return required by RSA 84-D:4 shows an additional amount of assessment to be due, such additional amount is due and payable at the time the return is due.

84-D:4 Returns. Every nursing facility shall on or before the tenth day of the month following the expiration of the assessment period make a return to the commissioner. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form of such return and the date which it must contain for the correct computation of facility gross revenues and the assessment upon such amount. All returns shall be signed by the authorized representative of the nursing facility, subject to the pains and penalties of perjury. If such return shows an overpayment of the assessment due, the commissioner shall refund or credit the overpayment to the nursing facility.

84-D:5 Collection and Deposit of Assessment.

I. The commissioner shall collect the assessment imposed by this chapter, interest on assessment, additions to assessment and penalties imposed, and pay over to the state treasurer the amount of funds collected under this chapter for deposit to the nursing facility trust fund established by RSA 151-E:14.

II. The state treasurer is authorized to establish an account or accounts and to take all steps necessary to facilitate the transfer of moneys required in paragraph I or III.

III. The commissioner may adopt rules pursuant to RSA 541-A requiring that payments made under this chapter be made by electronic funds transfer to the state treasurer for deposit to the nursing facility trust fund established by RSA 151-E:151-E:14.

84-D:6 Additional Returns. When the commissioner has reason to believe that a nursing facility has failed to file a return or to include any part of its gross revenue in a filed return, the commissioner may require the nursing facility to file a return or a supplementary return showing such additional information as the commissioner prescribes. Upon the receipt of the supplementary return, or if none is received within the time set by the commissioner, the commissioner may find and assess the amount due upon the information that is available. The making of such additional return does not relieve the nursing facility of any penalty for failure to make a correct original return or relieve it from liability for interest imposed under RSA 21-J:28 or any other additional charges imposed by the commissioner. This section shall not be construed to modify the statute of limitations provided in RSA 21-J:29.

84-C:7 Extension of Time for Returns. For good cause, the commissioner may extend the time within which a nursing facility is required to file a return, and if such return is filed during the period of extension no penalty or late filing charge may be imposed for failure to file the return at the time required by this chapter, but the nursing facility shall be liable for interest and late payment charges as prescribed in RSA 21-J:28 or RSA 21-J:33. Failure to file the return during the period of the extension shall void the extension.

84-D:8 Records.

I. Every nursing facility shall:

(a) Keep such records as may be necessary to determine the amount of its liability under this chapter.

(b) Preserve such records for the period of 3 years or until any litigation or prosecution hereunder is finally determined.

(c) Make such records available for inspection by the commissioner or his authorized agents, upon demand, at reasonable times during regular business hours.

II. Whoever violates the provisions of this section shall be subject to the penalties imposed under RSA 21-J:39.

84-D:9 Administration.

I. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The administration of the nursing facility quality assessment; and

(b) The recovery of any assessment, interest on assessment, or penalties imposed by this chapter or by RSA 21-J.

II. The commissioner may institute actions in the name of the state to recover any assessment, interest on assessment, additions to assessment or penalties imposed by this chapter or by RSA 21-J.

III. In the collection of any overdue tax, penalties or interest imposed by this chapter or by RSA 21-J, the commissioner may use all of the powers granted to tax collectors under RSA 21-J and RSA 80 for the collection of taxes.

84-D:10 Confidentiality of Records. Notwithstanding the provisions of RSA 21-J:14, the commissioner shall not be prohibited from providing information to the commissioner of health and human services with respect to the assessment imposed by this chapter, provided that the commissioner of health and human services and his agents and employees shall be subject to the provisions of RSA 21-J:14 with respect to any information provided by the commissioner.

84-D:11 Contingencies.

I. The nursing facility quality assessment imposed by this chapter shall not be assessed, and no return shall be required to be made, upon the occurrence of any of the following events:

(a) The state and county share of payments to nursing facilities is less than \$91 million in any fiscal year;

(b) Federal approval of the nursing facility quality assessment established under this chapter, or of any related state plan amendments is withdrawn; or

(c) Any proceeds from the nursing facility quality assessment established in this chapter are expended by the state or any state agency for any purpose other than funding the nursing facilities under the medicaid quality incentive program under RSA 151-E:13.

II. The assessments established by this chapter shall not be collected until the commissioner of health and human services certifies that the department of health and human services has obtained federal approval of any related state plan amendments. The medicaid quality incentive program payments authorized by RSA 151-E:13 shall be made 30 days after federal approval of the nursing facility provider assessment is first received from the federal government and shall cover the period beginning May 1, 2003.

CHAPTER 84-E

DEVELOPMENTALLY DISABLED PROVIDER ASSESSMENT

84-E:1 Definitions. In this chapter:

I. "Assessment" means the user fee imposed pursuant to this chapter. For residential care and day program providers under RSA 171-A, the assessment shall be imposed on the provider's gross revenues for the previous fiscal year.

II. "Commissioner" means the commissioner of the department of revenue administration.

84-E:2 Imposition of Fee. A assessment of 6 percent of the prior state fiscal year's gross revenues is hereby imposed on residential care and day program providers under RSA 171-A. The assessment shall be implemented as a health care-related fee as defined in 42 C.F.R. 433.55.

84-E:3 Fee Due. Each residential care and day program provider under RSA 171-A shall pay its assessment in 3 equal installments. The first payment shall be made on or before September 30, the second payment shall be made on or before December 31, and the third payment shall be made on or before March 31. Notwithstanding any provision of law to the contrary, no penalty or interest shall be imposed for failure to make payment of the assessment when due if such payment is made within 15 days of when such payment is due.

84-E:4 Returns. Every residential care and day program provider shall on or before September 30 make a return to the commissioner. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form of such return and the data which it must contain for the correct computation of program gross revenues and the fee assessed upon such amount. All returns shall be signed by the authorized representative of the residential care and day program provider, subject to the pains and penalties of perjury.

84-E:5 Method of Payment and Deposit of Fee.

I. The payments required by RSA 84-E:3 shall be made to the department of revenue administration and deposited to the developmentally disabled provider trust fund established by RSA 84-E:7.

II. The commissioner and the state treasurer are authorized to establish an account or accounts and to take all steps necessary to facilitate the transfer of moneys required in paragraph I.

84-E:6 Extension of Time for Returns. For good cause, the commissioner may extend the time within which a provider is required to file a return.

84-E:7 Developmentally Disabled Provider Trust Fund Established. There is hereby established the developmentally disabled provider trust fund for the receipts from the assessment on the developmentally disabled providers, any federal financial participation received by the state as a result of expenditures funded by these assessments, and the interest thereon. All of these funds shall be credited to and for the purposes of the developmentally disabled provider trust fund and shall not be used for any other purposes. These funds shall be nonlapsing. Any balance shall be carried forward to subsequent fiscal years.

84-E:8 Contingencies.

I. The developmentally disabled provider assessment imposed by this chapter shall not be assessed, and no return shall be required to be made, upon the occurrence of either of the following events:

(a) The federal match for medicaid funds allocated to developmentally disabled providers is less than 50 percent in any fiscal year;

(b) Federal approval of the developmentally disabled provider assessment established under this chapter, or of any related state plan amendments, is not granted or is withdrawn.

10 Long Term Care; Financial Eligibility Standards. RSA 151-E:3, I(b) is repealed and reenacted to read as follows:

(b) Financially eligible as either:

(1) Categorically needy, as calculated pursuant to rules adopted by the department under RSA 541-A; or

(2) Medically needy, as calculated pursuant to rules adopted by the department under RSA 541-A.

11 New Sections; Medicaid Quality Incentive Program. Amend RSA 151-E by inserting after section 12 the following new sections:

151-E:13 Medicaid Quality Incentive Program.

I. The department shall implement a medicaid quality incentive program to assist all non-state owned nursing facilities with medicaid residents. The funds available to support this program shall be from the nursing facility trust fund established in RSA 151-E:14.

II. The medicaid quality incentive paid to a facility shall be based on the percentage of the facility's medicaid bed days to the facility's total bed days, weighted by the facility's medicaid bed days as a percentage of all facility medicaid bed days.

III. Within 15 days after the close of each quarter the commissioner of administrative services shall certify to the governor and the commissioner of health and human services the amount available to support the medicaid quality incentive program. The amounts certified are hereby appropriated to the department of health and human services for the purpose of implementing the medicaid quality incentive program and the governor is authorized to draw warrants for said sums out of any money in the treasury not otherwise appropriated. The department of health and human services shall designate a specific budget class line for the medicaid quality incentive program.

IV. When the funds for the medicaid quality incentive program are made available, the department of health and human services shall immediately distribute them to eligible facilities together with any matching federal funds that may be available to support the program.

V. Notwithstanding the obligation of the counties to fund services pursuant to RSA 167:18-b, the counties shall not contribute toward the cost of the medicaid quality incentive program.

151-E:14 Nursing Facility Trust Fund Established. There is hereby established the nursing facility trust fund for the receipts from the nursing facility quality assessment under RSA 84-D:3, any federal financial participation received by the state as a result of expenditures funded by these nursing facility quality assessments, and the interest thereon. All of these funds shall be credited to and for the purposes of the nursing facility trust fund and shall not be used for any other purposes.

151-E:15 Expenditure of Funds from Nursing Facility Trust Fund. Notwithstanding any other provision of law, moneys in the nursing facility trust fund shall be expended in the following manner:

I. All sums shall fund the medicaid quality incentive program under RSA 151-E:13.

II. The state treasurer shall transfer from the nursing facility trust fund to the general fund on the first business day of each quarter the amount necessary to fund the payments under the medicaid quality incentive program under RSA 151-E:13 .

III. The state treasurer shall transfer, and the commissioner of health and human services shall fund using the medicaid quality incentive program under RSA 151-E:13, the amount of the nursing facility trust fund in each quarter.

IV. Notwithstanding the provisions of RSA 167:18-b, I, no county shall be required to make any contribution to fund the medicaid quality incentive program necessitated by this chapter.

12 Penalty for Failure to File; Reference Added. Amend RSA 21-J:31 to read as follows:

21-J:31 Penalty for Failure to File. Any taxpayer who fails to file a return when due, unless an extension has been granted by the department, shall pay a penalty equal to 5 percent of the amount of the tax due or \$10, whichever is greater, for each month or part of a month during which the return remains unfiled. The total amount of any penalty shall not, however, exceed 25 percent of the amount of the tax due or \$50, whichever is greater. This penalty shall not be applied in any case in which a return is filed within the extended filing period as provided in RSA 77:18-b, RSA 77-A:9, RSA 77-E:8, RSA 83-C:6, RSA 83-E:5 ~~[or]~~, RSA 84-A:7, **or 84-D:7**, or the failure to file was due to reasonable cause and not willful neglect of the taxpayer. The amount of the penalty is determined by applying the percentages specified to the net amount of any tax due after crediting any timely payments made through estimating or other means.

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

14 Effective Date.

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

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

AMENDED ANALYSIS

This bill:

I. Establishes a statutory county-state finance commission.

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

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

IV. Establishes a community mental health provider assessment, a nursing facility quality assessment, and a developmentally disabled provider assessment.

Adopted.

Report adopted and ordered to third reading.

The House recessed at 11:45 a.m.

RECESS

(Speaker Chandler in the Chair)

The Speaker reconvened the House at 1:10 p.m.

REGULAR CALENDAR (CONT'D)

HB 671-FN-A, establishing a contributory defined benefit judicial retirement plan. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: This bill is the result of a study committee and reflects input from and consensus between the legislative and judicial branches of government. The bill establishes a contributory defined benefit judicial retirement plan. The future cost savings to the state become significant because regular contributions of both members (full time judges) and employer (State of New Hampshire) will provide adequate funding of the actuarial demands of the plan. The bill provides for an adjustment to judicial salaries equal to the contribution required by the plan and a onetime start-up appropriation of \$250,000. The bill recognizes the need to continue funding the retirement plan of currently retired judges and in no way alters the provisions of their current retirement plan. The additional cost of the contributory program is \$3,000,000 per year, largely to retire the unfunded liability of our present pay-as-you-go system. In 20 years, when the unfunded liability is

amortized, the annual cost of judicial retirement is reduced by over 40%. Vote 22-1.

Rep. Alger inquired if the bill was divisible and requested the Section 3 be divided.

The Speaker ruled the bill was divisible and, without objection, so ordered.

Rep. Alger spoke against Section 3.

Rep. Wheeler spoke in favor and yielded to questions.

Section 3 adopted.

Remainder of report adopted.

Ordered to third reading.

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

HB 608-FN-L, reducing the education property tax rate and relative to the calculation of adequate education grants. **MAJORITY: OUGHT TO PASS WITH AMENDMENT.**

MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Neal M. Kurk for the Majority of Finance. This bill sets in law lower rates for the statewide property tax, decreasing yearly from \$4.92 in 2004 to \$3.92 in 2009 and thereafter in inverse proportion to the increase in equalized property valuation. In addition, the bill establishes a targeted aid program funded at \$10 million in 2004, \$15 million in 2005 and \$20 million each in FY 2006 and 2007. The bill modifies the existing education funding formula to reflect more accurately the cost of providing an adequate education. The base cost in the formula is indexed to the northeast regional consumer price index. Transportation covers the full cost of what is required by state statute. Home schooled pupils are included in the weighting system in proportion to the costs borne by their districts. It is estimated that the cost of an adequate education will be \$885 million in FY 2004 and \$910 in FY 2005. Vote 13-9.

Rep. Elizabeth S. Hager for the Minority of Finance: The minority agrees with the majority that the costing methodology the legislature has chosen to use may not accurately reflect the cost of continuing to provide adequate education opportunity over time. While we do not share their goal, we also agree with the majority that HB 608 will reduce the state responsibility now and even more so over time. The minority believes that HB 608 as amended by the majority shifts that responsibility to local taxpayers, most of whom will have a more difficult time raising dollars necessary to pay the increase in local school taxes which will be the unavoidable result of passage of HB 608 as amended by the majority. The minority proposes, instead, to continue the plan now in place until the legislature is ready to grapple with the complicated underlying issues. The minority amendment does that. It lowers the property tax in each succeeding biennium parallel to those reductions in HB 608. These decreases take into account the anticipated increase in statewide property values. The amendment uses the adequacy figures determined by the Department of Education. The minority suggests that it is in the best interests of school districts and of local taxpayers that we don't keep changing the rules until we have figured out an appropriate long-term solution.

Majority Amendment (1105h)

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

1 Statement of Purpose; Legislative Findings.

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

II. The general court further finds that the local portion of the cost of education is primarily funded through a local tax on property. Resident homeowners use personal income to pay their property tax bills. In municipalities that have less industry, and fewer rental properties or vacation homes, resident homeowners bear most of the burden in paying the local property tax. Targeted education grants will assist those municipalities that have less other property and less income in relation to home values in providing additional education services.

2 Education Property Tax; Fiscal Year 2004 Rate Reduced. Amend RSA 76:3 to read as follows:

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

3 Education Property Tax; Fiscal Year 2005 Rate Reduced. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~\$4.92~~] **\$4.72** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

4 Education Property Tax; Fiscal Year 2006 Rate Reduced. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~\$4.72~~] **\$4.52** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

5 Education Property Tax; Fiscal Year 2007 Rate Reduced. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~\$4.52~~] **\$4.32** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

6 Education Property Tax; Fiscal Year 2008 Rate Reduced. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~\$4.32~~] **\$4.12** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

7 Education Property Tax; Fiscal Year 2009 Rate Reduced. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~\$4.12~~] **\$3.92** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

8 Education Property Tax; Rate Formula. RSA 76:3 is repealed and reenacted to read as follows:

76:3 Education Property Tax.

I. Beginning July 1, 2009, and every July 1 thereafter, the commissioner of the department of revenue administration shall calculate the education property tax rate to be imposed in the fiscal year by calculating the percentage change in the total valuation of all developed land in the state as of June 30 of the year in which the calculation is made, assessed at 100 percent of fair market value, and adjusting the education property tax rate that was in effect as of June 30, 2009 in inverse proportion to such percentage change. In this section, "developed land" shall mean any land, regardless or whether or not it is subject

to a conservation restriction, upon which structures or improvements have been introduced for residential, commercial, or industrial purposes or any commercial mining or excavating purposes inconsistent with its use as open space land.

II. The maximum tax rate imposed under this section shall not exceed the education tax rate in effect during the immediately preceding fiscal year.

9 New Subparagraph; School Money; Definitions. Amend RSA 198:38, VII by inserting after subparagraph (d) the following new subparagraph:

(e) Each pupil who is home educated pursuant to a program approved under RSA 193-A shall be added as follows:

(1) 0.1 for each home educated pupil participating in a public school activity; and

(2) An additional 0.15 for each academic course taken in a public school, provided that no co-curricular activity, as defined by the department of education, shall count as an academic course under this subparagraph.

10 Consumer Price Index Adjustments to the Base Cost Per Pupil Calculation. For the fiscal year beginning July 1, 2003, and every fiscal year thereafter, the base cost per pupil shall be adjusted by the average annual percentage rate of inflation for the 4 immediately preceding calendar years.

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

III. For each fiscal year, the statewide cost of an adequate education for all pupils shall be calculated by multiplying the average base per pupil cost of an adequate education by the statewide weighted average daily membership in residence of pupils and then adding [70] **100** percent of [total-statewide] transportation costs **as defined in RSA 198:38, XI**.

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

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

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

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

14 New Section; Targeted Education Grants. Amend RSA 198 by inserting after section 45 the following new section:

198:45-a Targeted Education Grants.

I. In this section:

(a) "Median family income" and "median home value" shall be as defined in the most recent census data published for New Hampshire counties and municipalities by the United States Census Bureau, United States Department of Commerce. County values shall be used for unincorporated places not reported in the census data.

(b) "Total equalized valuation" shall mean the most recent available total equalized valuation, including utilities and railroads, as determined by the department of revenue administration.

(c) "Adjustment percentage" shall mean the percentage which will result in a total targeted education grant distribution in a fiscal year that will match, as nearly as possible without exceeding, the appropriation in such fiscal year for targeted education grants.

II. The department of education shall annually calculate each municipality's targeted education grant as set forth in this paragraph.

(a) The department of education shall calculate the statewide average per pupil target amount as follows:

(1) Multiply the statewide median family income by 0.5 percent; and

(2) Divide the product by the statewide median home value; and
(3) Multiply the result by the statewide total equalized valuation and divide the product by the statewide average daily membership in residence. The result shall be the statewide average per pupil target amount.

(4) Multiply the statewide average per pupil targeted amount by 2 and multiply the result by the adjustment percentage.

(b) The department of education shall calculate the local valuation per pupil as follows:

(1) Multiply the average median family income in the municipality by 0.5 percent; and

(2) Divide the product by the median home value in the municipality; and

(3) Multiply the result by the total equalized valuation in the municipality and divide the product by the average daily membership in residence in the municipality. The result shall be the local per pupil amount.

(c) Subtract the amount obtained in subparagraph (b) from the amount obtained in subparagraph (a) and multiply the difference by the adjustment percentage. The result, if greater than zero, shall be multiplied by the average daily membership in residence in the municipality and shall be distributed to the municipality as a targeted education grant.

III. The sums of \$10,000,000 for the 2004 fiscal year, \$15,000,000 for the 2005 fiscal year, \$20,000,000 for the 2006 fiscal year, \$20,000,000 for the 2007 fiscal year, shall be appropriated to the education trust fund established in RSA 198:39 for the purpose of providing targeted education grants to school districts. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

IV. Targeted education grants made under this section shall be distributed in accordance with RSA 198:42.

15 School Boards, Teachers; Definitions Amended. RSA 189:1-d is repealed and reenacted to read as follows:

189:1-d Definitions. In this chapter:

I. "Attendance" means full-time participation in a program of instruction under the direction of a teacher employed by the school district. Educationally disabled home educated pupils educated at school district expense under the direction of a teacher employed by the school district shall be included.

II. "Membership" means pupils of whom attendance is expected, whether a pupil is present or absent on any given day.

III. "Average daily membership in attendance" means the aggregate half-day membership of pupils attending schools operated by a school district divided by the number of half-days of instruction offered. The average daily membership in attendance for preschool and kindergarten pupils shall be divided by the number of instructional days offered to higher level elementary grades.

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

16 Procedure for Formation of Cooperative School Districts; Apportioning Operating Expenses; Exclusion of Home Education Pupils Deleted. Amend RSA 195:18, III(e) to read as follows:

(e) The method of apportioning the operating expenses of the cooperative school district among the several preexisting districts and the time and manner of payment of such shares. ~~[Home education pupils who do not receive services from the cooperative school district, except an evaluation pursuant to RSA 193-A:6, II shall not be included in the average daily membership relative to apportionment formulas.]~~

17 Procedure for Formation of Cooperative School Districts; Apportioning Capital Expenses; Exclusion of Home Education Pupils Deleted. Amend RSA 195:18, III(g) to read as follows:

(g) The method of apportioning the capital expenses of the cooperative school district among the several preexisting districts, which need not be the same as the method for apportioning operating expenses, and the time and manner of payment of such shares. Capital expenses shall include the costs of acquiring land and buildings for school purposes, including property owned by a preexisting district; the construction, furnishing, and equipping of school buildings and facilities; and the payment of the principal and interest of any indebtedness which is incurred to pay for the same or which is assumed by the cooperative school district. ~~[Home education pupils who do not receive services from the cooperative school district, except an evaluation pursuant to RSA 193-A:6, II, shall not be included in the average daily membership relative to apportionment formulas.]~~

18 Effective Date.

I. Section 2 of this act shall take effect and shall apply to education property taxes due for the tax year beginning April 1, 2004.

II. Section 3 of this act shall take effect and shall apply to education property taxes due for the tax year beginning April 1, 2005.

III. Section 4 of this act shall take effect and shall apply to education property taxes due for the tax year beginning April 1, 2006.

IV. Section 5 of this act shall take effect and shall apply to education property taxes due for the tax year beginning April 1, 2007.

V. Section 6 of this act shall take effect and shall apply to education property taxes due for the tax year beginning April 1, 2008.

VI. Section 7 of this act shall take effect and shall apply to education property taxes due for the tax year beginning April 1, 2009.

VII. RSA 76:3 as inserted by section 8 of this act shall take effect July 1, 2009.

VIII. RSA 198:38, VII(e) as inserted by section 9 of this act shall take effect July 1, 2005.

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

AMENDED ANALYSIS

This bill:

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

II. Reduces the education property tax rate from \$5.80 to \$4.92 for the 2004 fiscal year, and thereafter further reduces the rate by 20 cents per fiscal year through the 2009 fiscal year.

III. Beginning July 1, 2009, requires that the commissioner of the department of revenue administration set the education property tax rate by calculating the percentage change in the total valuation of all developed land in the state, assessed at 100 percent of fair market value, and adjusting the rate in the immediately preceding fiscal year in inverse proportion to such rate.

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

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

VI. Implements a weighting formula for counting home educated pupils.

VII. Provides that beginning July 1, 2003 and every fiscal year thereafter, targeted education grants shall be made to municipalities.

Reps. Hager and Burling spoke against.

Reps. Kurk, Mock and Rogers Johnson spoke in favor.

Rep. Burling requested a roll call; sufficiently seconded.

The question being adoption of the majority amendment.

YEAS 215 NAYS 153

YEAS 215

BELKNAP

Ahern, Omer Jr
Fitzgerald, James
Nedeau, Stephen
Wendelboe, Fran

Bartlett, Gordon
Holbrook, Robert
Rice, Thomas
Whalley, Michael

Boyce, Laurie
Laflam, Robert
Russell, David

Clark, Charles
Lawton, David
Thomas, John

CARROLL

Babson, David Jr
Hatch, Paul
Olimpio, J Lisbeth

Brown, Carolyn
McConkey, Mark
Patten, Betsey

Derby, Mark
Merrow, Harry
Philbrick, Donald

Dickinson, Howard
Mock, Henry
Stevens, Stanley

CHESHIRE

Dexter, Judson
Liebl, George

Fish, Douglas
Royce, H Charles

Hunt, John
Smith, Edwin

Laurent, John

COOS

Brady, Mark
Richardson, Herbert

Guay, Lawrence
Stohl, Eric

King, Frederick
Tholl, John Jr

Pratt, Leighton
Woodward, David

GRAFTON

Alger, John
Gilman, G Michael
Sorg, Gregory

Dorsett, Andrew
Giuda, Robert

Dudley, Terri
Ingbretson, Paul

Eaton, Stephanie
Maybeck, Margie

HILLSBOROUGH

Adams, Jarvis
Balboni, Michael
Bergeron, Jean-Guy
Cail, Kenneth
Cernota, Albert
Crane, Elenore
Casey
Fletcher, Richard
Gonzalez, Carlos
Greenberg, Gary
Harrington, Paul
Hopper, Gary
L'Heureux, Robert
Lessard, Rudy
Mercer, Robert
Mosher, William
Price, Pamela
Souza, Kathleen
Wheeler, James

Allen, Timothy
Barry, J Gail
Bouchard, David
Carlson, Donald
Chabot, Robert
Desmarais, Vivian
Furman, Christine
Goulet, Maurice
Hall, Charles
Hawkins, Ken
Hunter, Bruce
Laflamme, Charles
Luebker, Bernard
Milligan, Robert
Ober, Russell III
Reeves, Sandra
Stepanek, Stephen
Wheeler, Robert

Arnold, Thomas Jr
Batula, Peter
Brundige, Robert
Carter, Jeffrey
Christiansen, Lars
Emerton, Larry
Gargasz, Carolyn
Goyette, Peter Jr
Hallyburton, Margaret
Haytayan, Harry Jr
Jasper, Shawn
LaFlamme, Paul
McElroy, Henry Jr
Mooney, Maureen
Pappas, Marc
Rowe, Robert
Tahir, Saghir

Artz, Lawrence
Beaton, William
Bruno, Pierre
Carter, Mark
Coughlin, Pamela
Fields, Dennis
Gibson, John
Graham, John
Hansen, Ryan
Hinkle, Peyton
Kurk, Neal
Lawrence, James
McRae, Karen
Moran, Edward
Pepino, Leo
Slocum, Lee
Tate, Joan

MERRIMACK

Anderson, Eric
Foley, Albert
L'Heureux, Stephen
Marple, Richard
Ouellette, Robert

Daniels, Eric
Hess, David
Langer, Ray
Maxfield, Roy

Dunne, Christopher
Kenison, Leon
Leber, William
Nutter, Edward

Field, William
Kennedy, Richard
MacKay, James
Oliver, James

ROCKINGHAM

Allen, Mary

Belanger, Ronald

Cady, Harriet

Camm, Kevin

Carson, Sharon
Dodge, Robert
Dupuis, Roland
Francoeur, Sheila
Gleason, John
Holland, James Jr
Johnson, Rogers
Kobel, Rudolph
Manning, John
Morris, Richard
Priestley, Anne
Roessner, Kurt
Smith, Paul
Varrell, Thomas
Weldy, Norman Jr
Zolla, William

Clark, Vivian
Doyle, Christopher
Fesh, Bob
Gilbert, Jeffrey
Griffin, Mary
Hutchinson, Karen
Katsakiores, George
Langley, Jane
McCann, Richard
Noyes, Richard
Putnam, Ed II
Ruffner, Walter
Stone, Joseph
Waterhouse, Kevin
Weyler, Kenneth

Dalrymple, Janeen
Duffy, James
Flanders, John Sr
Gilbert, Karl
Hamel, Albert
Introne, Robert
Katsakiores, Phyllis
Letourneau, Robert
McKinney, Betsy
O'Neil, Michael
Quandt, Matthew
Scamman, Stella
Stritch, C Donald
Weare, E Albert
Wiley, Robert

Dearborn, Bruce
Dumaine, Dudley
Flayhan, Mary Lou
Gillick, Thomas
Headd, James
Itse, Daniel
Kelley, Jane
Major, Norman
McMahon, Charles
Packard, Sherman
Rausch, James
Smith, Donald
Tufts, J Arthur
Welch, David
Winchell, George

STRAFFORD

Albert, Russell
Harrington, Michael
Twombly, James

Campbell, W Packy
Hollinger, Jeffrey
Woods, Phyllis

Cataldo, Sam
Musler, George

Easson, Timothy
Scott, David

SULLIVAN

Jones, Constance

Leone, Richard

Rodeschin, Beverly

NAYS 153

BELKNAP

Pilliod, James

CARROLL

None

CHESHIRE

Allen, Peter
Espieffs, Peter
Parkhurst, Henry
Robertson, Timothy
Weed, Charles

Batchelder, Robert
Manning, Joseph
Pratt, Irene
Slack, Pamela

Dunn, James
Meader, David
Pratt, John
Tilton, Anna

Eaton, Daniel
Mitchell, McKim
Richardson, Barbara
Webber, Amy

COOS

Mears, Edgar

Poulin, Richard

Theberge, Robert

GRAFTON

Akins, Ralph
Cooney, Mary
Ham, Bonnie
Sokol, Hilda

Almy, Susan
Densmore, Edward
Hammond, Lee
Solomon, Peter

Benn, Bernard
Diamond, Estelle
Nordgren, Sharon
Williams, Burton

Bleyler, Ruth
Gionet, Edmond
Scovner, Nancy

HILLSBOROUGH

Allan, Nelson
Buckley, Raymond
Cote, David
Dokmo, Cynthia
Gorman, Mary
Jean, Claudette
Kopka, Angeline
Lefebvre, Roland
Movsesian, Lori
Ross, Lawrence

Baroody, Benjamin
Buhlman, David
Cote, Peter
Drisko, Richard
Haley, Robert
Johnson, Lionel
Kudalis, Debra
Malloy, Chris
O'Brien, Lori
Schulze, Joan

Bergin, Peter
Clayton, William
Craig, James
Elliott, Larry
Holden, Randolph
Katsiantonis, Thomas
Lasky, Bette
McHugh, Claire
Pappas, Christopher
Shaw, Barbara

Brassard, Paul
Clemons, Jane
Dionne, Kimberley
Ford, Nancy
Irwin, Anne-Marie
Kony's, Christine
Leach, Edward
Messier, Irene
Pilotte, Maurice
Spiess, Paul

Sullivan, Francis	Sullivan, Peter	Sweeney, Cynthia	Vaillancourt, Steve
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MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Colcord, J D	Currier, David	Davis, Frank	DeJoie, John
DeStefano, Stephen	Fraser, Leo Jr	French, Barbara	Gile, Mary
Hager, Elizabeth	Hamm, Christine	Jacobson, Alf	Lockwood, Priscilla
McCormick, Tom	Perkins, Randy	Potter, Frances	Reed, Dennis
Rush, Deanna	Wallner, Mary Jane		

ROCKINGHAM

Blanchard, MaryAnn	Casey, Kimberley	Coes, Betsy	Cooney, Richard
Corbin, Corey	Davidson, Robert	DiFruscia, Anthony	Gould, Kenneth
Hughes, Daniel	Johnson, Robert	Langone, John	McEachern, Paul
Norelli, Terie	Pitts, Jacqueline	Robertson, Carl	Shultis, Elizabeth
Splaine, James	Vallone, Matthew		

STRAFFORD

Bemis, Alan	Berube, Roger	Bickford, David	Brown, Julie
Callaghan, Frank	Creteau, Irene	Dunlap, Patricia	Grassie, Anne
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Newton, Clifford	Pelletier, Arthur	Rollo, Deanna
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Wall, Janet	

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Flint, Gordon Sr	Franklin, Peter	Harris, Joseph
Harris, Sandra	Phinizy, James		

and the majority committee amendment was adopted.

Rep. Hager offered a floor amendment (1127h).

Floor Amendment (1127h)

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

AN ACT reducing the education property tax rate.

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

1 Education Property Tax; Fiscal Year 2004 Rate Reduced. Amend RSA 76:3 to read as follows:

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

2 Education Property Tax; Fiscal Year 2005 Rate Reduced. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~\$4.92~~] **\$4.72** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

3 Education Property Tax; Fiscal Year 2006 Rate Reduced. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~\$4.72~~] **\$4.52** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

4 Education Property Tax; Fiscal Year 2007 Rate Reduced. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~\$4.52~~] **\$4.32** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

5 Education Property Tax; Fiscal Year 2008 Rate Reduced. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~\$4.32~~] **\$4.12** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

6 Education Property Tax; Fiscal Year 2009 Rate Reduced. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~\$4.12~~] **\$3.92** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

7 Effective Date.

I. Section 1 of this act shall take effect and shall apply to education property taxes due for the tax year beginning April 1, 2004.

II. Section 2 of this act shall take effect and shall apply to education property taxes due for the tax year beginning April 1, 2005.

III. Section 3 of this act shall take effect and shall apply to education property taxes due for the tax year beginning April 1, 2006.

IV. Section 4 of this act shall take effect and shall apply to education property taxes due for the tax year beginning April 1, 2007.

V. Section 5 of this act shall take effect and shall apply to education property taxes due for the tax year beginning April 1, 2008.

VI. The remainder of this act shall take effect and shall apply to education property taxes due for the tax year beginning April 1, 2009.

AMENDED ANALYSIS

This bill reduces the education property tax rate to \$4.92 for fiscal year 2004, and thereafter reduces the fiscal year 2004 rate by an additional 20 cents per fiscal year through fiscal year 2009.

Reps. Hager and Burling spoke in favor.

Rep. Hess spoke against and yielded to questions.

Rep. Burling requested a roll call; sufficiently seconded.

The question being adoption of amendment (1127h).

YEAS 151 NAYS 218

YEAS 151

BELKNAP

Pilliod, James

CARROLL

None

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

Slack, Pamela

Tilton, Anna

Webber, Amy

Weed, Charles

COOS

Mears, Edgar Poulin, Richard Theberge, Robert

GRAFTON

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

HILLSBOROUGH

Allan, Nelson	Baroody, Benjamin	Bergin, Peter	Brassard, Paul
Buckley, Raymond	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Dionne, Kimberley	Dokmo, Cynthia
Drisko, Richard	Ford, Nancy	Gargas, Carolyn	Gorman, Mary
Haley, Robert	Holden, Randolph	Hunter, Bruce	Irwin, Anne-Marie
Jean, Claudette	Johnson, Lionel	Katsiantonis, Thomas	Konys, Christine
Kopka, Angeline	Kudalis, Debra	Lasky, Bette	Leach, Edward
Lefebvre, Roland	Malloy, Chris	McHugh, Claire	Messier, Irene
Movesian, Lori	O'Brien, Lori	Pappas, Christopher	Pilotte, Maurice
Schulze, Joan	Shaw, Barbara	Spiess, Paul	Sullivan, Francis
Sullivan, Peter	Sweeney, Cynthia	Vaillancourt, Steve	

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Colcord, J D	Daniels, Eric	Davis, Frank	DeJoie, John
DeStefano, Stephen	Fraser, Leo Jr	French, Barbara	Gile, Mary
Hager, Elizabeth	Hamm, Christine	Jacobson, Alf	Lockwood, Priscilla
MacKay, James	Ouellette, Robert	Perkins, Randy	Potter, Frances
Rush, Deanna	Wallner, Mary Jane		

ROCKINGHAM

Blanchard, MaryAnn	Casey, Kimberley	Coes, Betsy	Corbin, Corey
Davidson, Robert	DiFruscia, Anthony	Gould, Kenneth	Johnson, Robert
Kelley, Jane	Langone, John	McEachern, Paul	Norelli, Terie
Pitts, Jacqueline	Robertson, Carl	Shultis, Elizabeth	Splaine, James
Vallone, Matthew			

STRAFFORD

Bemis, Alan	Berube, Roger	Bickford, David	Brown, Julie
Callaghan, Frank	Creteau, Irene	Dunlap, Patricia	Grassie, Anne
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Pelletier, Arthur	Rollo, Deanna	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Wall, Janet		

SULLIVAN

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

NAYS 218

BELKNAP

Ahern, Omer Jr	Bartlett, Gordon	Boyce, Laurie	Clark, Charles
Fitzgerald, James	Holbrook, Robert	Lafam, Robert	Lawton, David
Nedean, Stephen	Rice, Thomas	Russell, David	Thomas, John
Wendelboe, Fran	Whalley, Michael		

CARROLL

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

CHESHIRE

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

COOS

Brady, Mark	Guay, Lawrence	King, Frederick	Pratt, Leighton
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	Woodward, David

GRAFTON

Alger, John	Dorsett, Andrew	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Gionet, Edmond	Giuda, Robert	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	Carlson, Donald	Carter, Jeffrey
Carter, Mark	Cernota, Albert	Chabot, Robert	Christiansen, Lars
Coughlin, Pamela	Crane, Elenore	Desmarais, Vivian	Elliott, Larry
	Casey		
Emerton, Larry	Fields, Dennis	Fletcher, Richard	Furman, Christine
Gibson, John	Gonzalez, Carlos	Goulet, Maurice	Goyette, Peter Jr
Graham, John	Greenberg, Gary	Hall, Charles	Hallyburton, Margaret
Hansen, Ryan	Harrington, Paul	Hawkins, Ken	Haytayan, Harry Jr
Hinkle, Peyton	Hopper, Gary	Jasper, Shawn	Kurk, Neal
L'Heureux, Robert	Laflamme, Charles	LaFlamme, Paul	Lawrence, James
Lessard, Rudy	Luebker, Bernard	McElroy, Henry Jr	McRae, Karen
Mercer, Robert	Milligan, Robert	Mooney, Maureen	Moran, Edward
Mosher, William	Ober, Russell III	Pappas, Marc	Pepino, Leo
Price, Pamela	Reeves, Sandra	Ross, Lawrence	Rowe, Robert
Slocum, Lee	Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir
Tate, Joan	Wheeler, James	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Currier, David	Dunne, Christopher	Field, William
Foley, Albert	Hess, David	Kenison, Leon	Kennedy, Richard
L'Heureux, Stephen	Langer, Ray	Leber, William	Marple, Richard
Maxfield, Roy	McCormick, Tom	Nutter, Edward	Oliver, James
Reed, Dennis			

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Cady, Harriet	Camm, Kevin
Carson, Sharon	Clark, Vivian	Cooney, Richard	Dalrymple, Janeen
Dearborn, Bruce	Dodge, Robert	Doyle, Christopher	Duffy, James
Dumaine, Dudley	Dupuis, Roland	Fesh, Bob	Flanders, John Sr
Flayhan, Mary Lou	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Gillick, Thomas	Gleason, John	Griffin, Mary	Hamel, Albert
Headd, James	Holland, James Jr	Hughes, Daniel	Hutchinson, Karen
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	Smith, Paul	Stone, Joseph	Stritch, C Donald
Tufts, J Arthur	Varrell, Thomas	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weldy, Norman Jr	Weyler, Kenneth	Wiley, Robert
Winchell, George	Zolla, William		

STRAFFORD

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

SULLIVAN

Rodeschin, Beverly
and the floor amendment (1127h) failed.

Rep. Weyler offered a floor amendment (1227h)

Floor Amendment (1227h)

Amend RSA 198:45-a, III as inserted by section 14 of the bill by replacing it with the following:

III. The sum of \$5,000,000 for the 2005 fiscal year shall be appropriated to the education trust fund established in RSA 198:39 for the purpose of providing targeted education grants to school districts. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

Amend section 18 of the bill by replacing all after paragraph VIII with the following:

IX. Section 14 of this act shall take effect July 1, 2004.

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

AMENDED ANALYSIS

This bill:

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

II. Reduces the education property tax rate from \$5.80 to \$4.92 for the 2004 fiscal year, and thereafter further reduces the rate by 20 cents per fiscal year through the 2009 fiscal year.

III. Beginning July 1, 2009, requires that the commissioner of the department of revenue administration set the education property tax rate by calculating the percentage change in the total valuation of all developed land in the state, assessed at 100 percent of fair market value, and adjusting the rate in the immediately preceding fiscal year in inverse proportion to such rate.

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

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

VI. Implements a weighting formula for counting home educated pupils.

VII. Provides that \$5,000,000 in targeted education grants shall be made to municipalities for the 2005 fiscal year.

Rep. Weyler spoke in favor and yielded to questions.

Rep. Kurk spoke against.

Rep. Weyler requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (1227h).

YEAS 76 NAYS 289

YEAS 76

BELKNAP

Boyce, Laurie
Rice, Thomas

Clark, Charles

Laflam, Robert

Lawton, David

CARROLL

Babson, David Jr

Brown, Carolyn

Dickinson, Howard

Kenney, Bettie

CHESHIRE

Fish, Douglas

Laurent, John

COOS

Brady, Mark

GRAFTON

Ingbretson, Paul

Maybeck, Margie

Williams, Burton

HILLSBOROUGH

Adams, Jarvis
Bergeron, Jean-Guy
Christiansen, Lars
Hinkle, Peyton
McElroy, Henry Jr
Ober, Russell III

Allan, Nelson
Buhlman, David
Gibson, John
Holden, Randolph
McHugh, Claire
Slocum, Lee

Allen, Timothy
Carter, Mark
Gonzalez, Carlos
L'Heureux, Robert
McRae, Karen
Souza, Kathleen

Barry, J Gail
Cernota, Albert
Goyette, Peter Jr
Luebker, Bernard
Mosher, William
Wheeler, James

MERRIMACK

Field, William
McCormick, Tom

Foley, Albert
Oliver, James

Kennedy, Richard
Ouellette, Robert

Marple, Richard

ROCKINGHAM

Allen, Mary
DiFruscia, Anthony
Flayhan, Mary Lou
Morris, Richard
Ruffner, Walter
Wiley, Robert

Cady, Harriet
Dodge, Robert
Hughes, Daniel
Noyes, Richard
Varrell, Thomas
Zolla, William

Camm, Kevin
Dupuis, Roland
Itse, Daniel
Putnam, Ed II
Weldy, Norman Jr

Clark, Vivian
Fesh, Bob
McKinney, Betsy
Quandt, Matthew
Weyler, Kenneth

STRAFFORD

Albert, Russell
Hollinger, Jeffrey

Campbell, W Packy
Newton, Clifford

Cataldo, Sam
Scott, David

Harrington, Michael
Twombly, James

SULLIVAN

None

NAYS 289

BELKNAP

Ahern, Omer Jr
Nedeau, Stephen
Wendelboe, Fran

Bartlett, Gordon
Pilliod, James
Whalley, Michael

Fitzgerald, James
Russell, David

Holbrook, Robert
Thomas, John

CARROLL

Derby, Mark
Mock, Henry
Stevens, Stanley

Hatch, Paul
Olimpio, J Lisbeth

McConkey, Mark
Patten, Betsey

Merrow, Harry
Philbrick, Donald

CHESHIRE

Allen, Peter
Eaton, Daniel

Batchelder, Robert
Espieffs, Peter

Dexter, Judson
Hunt, John

Dunn, James
Liebl, George

Manning, Joseph
Pratt, Irene
Royce, H Charles
Webber, Amy

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

Mitchell, McKim
Richardson, Barbara
Smith, Edwin

Parkhurst, Henry
Robertson, Timothy
Tilton, Anna

COOS

Guay, Lawrence
Pratt, Leighton
Tholl, John Jr

King, Frederick
Richardson, Herbert
Woodward, David

Mears, Edgar
Stohl, Eric

Poulin, Richard
Theberge, Robert

GRAFTON

Akins, Ralph
Bleyler, Ruth
Dorsett, Andrew
Gionet, Edmond
Nordgren, Sharon
Sorg, Gregory

Alger, John
Cooney, Mary
Dudley, Terri
Giuda, Robert
Scovner, Nancy

Almy, Susan
Densmore, Edward
Eaton, Stephanie
Ham, Bonnie
Sokol, Hilda

Benn, Bernard
Diamond, Estelle
Gilman, G Michael
Hammond, Lee
Solomon, Peter

HILLSBOROUGH

Arnold, Thomas Jr
Batula, Peter
Brassard, Paul
Cail, Kenneth
Clayton, William
Coughlin, Pamela

Artz, Lawrence
Beaton, William
Brundige, Robert
Carlson, Donald
Clemons, Jane
Craig, James

Balboni, Michael
Bergin, Peter
Bruno, Pierre
Carter, Jeffrey
Cote, David
Crane, Elenore
Casey

Baroody, Benjamin
Bouchard, David
Buckley, Raymond
Chabot, Robert
Cote, Peter
Desmarais, Vivian

Dionne, Kimberley
Emerton, Larry
Furman, Christine
Graham, John
Hallyburton, Margaret
Hopper, Gary
Jean, Claudette
Kopka, Angeline
Lasky, Bette
Lessard, Rudy
Milligan, Robert
Pappas, Christopher
Price, Pamela
Schulze, Joan
Sullivan, Francis
Vaillancourt, Steve

Dokmo, Cynthia
Fields, Dennis
Gargas, Carolyn
Greenberg, Gary
Hansen, Ryan
Hunter, Bruce
Johnson, Lionel
Kurk, Neal
Lawrence, James
Malloy, Chris
Moran, Edward
Pappas, Marc
Reeves, Sandra
Shaw, Barbara
Sullivan, Peter
Wheeler, Robert

Drisko, Richard
Fletcher, Richard
Gorman, Mary
Haley, Robert
Hawkins, Ken
Irwin, Anne-Marie
Katsiantonis, Thomas
Laflamme, Charles
Leach, Edward
Mercer, Robert
Movsesian, Lori
Pepino, Leo
Ross, Lawrence
Spiess, Paul
Sweeney, Cynthia

Elliott, Larry
Ford, Nancy
Goulet, Maurice
Hall, Charles
Haytayan, Harry Jr
Jasper, Shawn
Konys, Christine
LaFlamme, Paul
Lefebvre, Roland
Messier, Irene
O'Brien, Lori
Pilotte, Maurice
Rowe, Robert
Stepanek, Stephen
Tahir, Saghir

MERRIMACK

Anderson, Eric

Blanchard, Elizabeth

Bouchard, Candace

Brueggemann,
Donald

Clarke, Claire
Davis, Frank
Fraser, Leo Jr
Hamm, Christine
L'Heureux, Stephen
MacKay, James
Potter, Frances

Colcord, J D
DeJoie, John
French, Barbara
Hess, David
Langer, Ray
Maxfield, Roy
Reed, Dennis

Currier, David
DeStefano, Stephen
Gile, Mary
Jacobson, Alf
Leber, William
Nutter, Edward
Rush, Deanna

Daniels, Eric
Dunne, Christopher
Hager, Elizabeth
Kenison, Leon
Lockwood, Priscilla
Perkins, Randy
Wallner, Mary Jane

ROCKINGHAM

Belanger, Ronald
Coes, Betsy
Davidson, Robert

Blanchard, MaryAnn
Cooney, Richard
Dearborn, Bruce

Carson, Sharon
Corbin, Corey
Doyle, Christopher

Casey, Kimberley
Dalrymple, Janeen
Duffy, James

Dumaine, Dudley	Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey
Gilbert, Karl	Gillick, Thomas	Gleason, John	Gould, Kenneth
Griffin, Mary	Hamel, Albert	Headd, James	Holland, James Jr
Introne, Robert	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Major, Norman	Manning, John
McCann, Richard	McEachern, Paul	McMahon, Charles	Norelli, Terie
O'Neil, Michael	Packard, Sherman	Pitts, Jacqueline	Priestley, Anne
Rausch, James	Robertson, Carl	Roessner, Kurt	Scamman, Stella
Shultis, Elizabeth	Smith, Donald	Smith, Paul	Splaine, James
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Vallone, Matthew
Waterhouse, Kevin	Weare, E Albert	Welch, David	Winchell, George

STRAFFORD

Bemis, Alan	Berube, Roger	Bickford, David	Brown, Julie
Callaghan, Frank	Creteau, Irene	Dunlap, Patricia	Easson, Timothy
Grassie, Anne	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Musler, George	Pelletier, Arthur
Rollo, Deanna	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Vachon, Dennis
Wall, Janet	Woods, Phyllis		

SULLIVAN

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

and floor amendment (1227h) failed.

The question now being adoption of the committee report.

Rep. Jacobson spoke against.

Rep. Francoeur spoke in favor.

Rep. Burling requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 217 NAYS 146

YEAS 217

BELKNAP

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

CARROLL

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

CHESHIRE

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

COOS

Brady, Mark	Guay, Lawrence	King, Frederick	Pratt, Leighton
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	Woodward, David

GRAFTON

Alger, John	Dorsett, Andrew	Dudley, Terri	Eaton, Stephanie
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Gilman, G Michael
Sorg, Gregory

Giuda, Robert

Ingbretson, Paul

Maybeck, Margie

HILLSBOROUGH

Adams, Jarvis
Balboni, Michael
Bergeron, Jean-Guy
Bruno, Pierre
Cernota, Albert
Crane, Elenore
Casey
Emerton, Larry
Gargas, Carolyn
Goyette, Peter Jr
Hallyburton,
Margaret
Haytayan, Harry Jr
Hunter, Bruce
Laflamme, Charles
Luebker, Bernard
Mercer, Robert
Mosher, William
Price, Pamela
Souza, Kathleen
Wheeler, James

Allen, Timothy
Barry, J Gail
Bergin, Peter
Buhlman, David
Chabot, Robert
Desmarais, Vivian

Fields, Dennis
Gibson, John
Graham, John
Hansen, Ryan

Hinkle, Peyton
Jasper, Shawn
LaFlamme, Paul
McElroy, Henry Jr
Messier, Irene
Ober, Russell III
Reeves, Sandra
Spiess, Paul
Wheeler, Robert

Arnold, Thomas Jr
Batula, Peter
Bouchard, David
Cail, Kenneth
Christiansen, Lars
Dokmo, Cynthia

Fletcher, Richard
Gonzalez, Carlos
Greenberg, Gary
Harrington, Paul

Holden, Randolph
Kurk, Neal
Lawrence, James
McHugh, Claire
Milligan, Robert
Pappas, Marc
Rowe, Robert
Stepanek, Stephen

Artz, Lawrence
Beaton, William
Brundige, Robert
Carter, Jeffrey
Coughlin, Pamela
Drisko, Richard

Furman, Christine
Goulet, Maurice
Hall, Charles
Hawkins, Ken

Hopper, Gary
L'Heureux, Robert
Lessard, Rudy
McRae, Karen
Moran, Edward
Pepino, Leo
Slocum, Lee
Tahir, Saghir

MERRIMACK

Anderson, Eric
Dunne, Christopher
Kenison, Leon
MacKay, James
Oliver, James

Colcord, J D
Field, William
Kennedy, Richard
Marple, Richard
Ouellette, Robert

Currier, David
Foley, Albert
L'Heureux, Stephen
Maxfield, Roy

Daniels, Eric
Hess, David
Leber, William
Nutter, Edward

ROCKINGHAM

Allen, Mary
Carson, Sharon
Dodge, Robert
Dupuis, Roland
Francoeur, Sheila
Gleason, John
Holland, James Jr
Johnson, Rogers
Kobel, Rudolph
McCann, Richard
Noyes, Richard
Putnam, Ed II
Ruffner, Walter
Stritch, C Donald
Weare, E Albert
Wiley, Robert

Belanger, Ronald
Clark, Vivian
Doyle, Christopher
Fesh, Bob
Gilbert, Jeffrey
Griffin, Mary
Introne, Robert
Katsakiores, George
Letourneau, Robert
McKinney, Betsy
O'Neil, Michael
Quandt, Matthew
Scamman, Stella
Tufts, J Arthur
Welch, David
Winchell, George

Cady, Harriet
Dalrymple, Janeen
Duffy, James
Flanders, John Sr
Gilbert, Karl
Hamel, Albert
Itse, Daniel
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Packard, Sherman
Rausch, James
Smith, Paul
Varrell, Thomas
Weldy, Norman Jr

Camm, Kevin
Dearborn, Bruce
Dumaine, Dudley
Flayhan, Mary Lou
Gillick, Thomas
Headd, James
Johnson, Robert
Kelley, Jane
Manning, John
Morris, Richard
Priestley, Anne
Roessner, Kurt
Stone, Joseph
Waterhouse, Kevin
Weyler, Kenneth

STRAFFORD

Albert, Russell
Harrington, Michael
Twombly, James

Campbell, W Packy
Hollinger, Jeffrey
Woods, Phyllis

Cataldo, Sam
Musler, George

Easson, Timothy
Scott, David

SULLIVAN

Jones, Constance

Leone, Richard

Rodeschin, Beverly

NAYS 146

BELKNAP

None

CARROLL

Philbrick, Donald

CHESHIRE

Allen, Peter
Espieffs, Peter
Mitchell, McKim
Richardson, Barbara
Webber, Amy

Batchelder, Robert
Laurent, John
Parkhurst, Henry
Robertson, Timothy
Weed, Charles

Dunn, James
Manning, Joseph
Pratt, Irene
Slack, Pamela

Eaton, Daniel
Meader, David
Pratt, John
Tilton, Anna

COOS

Mears, Edgar

Poulin, Richard

Theberge, Robert

GRAFTON

Akins, Ralph
Cooney, Mary
Ham, Bonnie
Sokol, Hilda

Almy, Susan
Densmore, Edward
Hammond, Lee
Solomon, Peter

Benn, Bernard
Diamond, Estelle
Nordgren, Sharon
Williams, Burton

Bleyler, Ruth
Gionet, Edmond
Scovner, Nancy

HILLSBOROUGH

Allan, Nelson
Carlson, Donald
Cote, David
Elliott, Larry
Irwin, Anne-Marie
Konys, Christine
Malloy, Chris
Pilotte, Maurice
Sullivan, Francis

Baroody, Benjamin
Carter, Mark
Cote, Peter
Ford, Nancy
Jean, Claudette
Kopka, Angeline
Movsesian, Lori
Ross, Lawrence
Sullivan, Peter

Brassard, Paul
Clayton, William
Craig, James
Gorman, Mary
Johnson, Lionel
Lasky, Bette
O'Brien, Lori
Schulze, Joan
Sweeney, Cynthia

Buckley, Raymond
Clemons, Jane
Dionne, Kimberley
Haley, Robert
Katsiantonis, Thomas
Leach, Edward
Pappas, Christopher
Shaw, Barbara
Vaillancourt, Steve

MERRIMACK

Blanchard, Elizabeth

Bouchard, Candace

Brueggemann,
Donald

Clarke, Claire

Davis, Frank
French, Barbara
Jacobson, Alf
Perkins, Randy
Wallner, Mary Jane

DeJoie, John
Gile, Mary
Langer, Ray
Potter, Frances

DeStefano, Stephen
Hager, Elizabeth
Lockwood, Priscilla
Reed, Dennis

Fraser, Leo Jr
Hamm, Christine
McCormick, Tom
Rush, Deanna

ROCKINGHAM

Blanchard, MaryAnn
Corbin, Corey
Hughes, Daniel
Norelli, Terie
Splaine, James

Casey, Kimberley
Davidson, Robert
Langley, Jane
Pitts, Jacqueline
Vallone, Matthew

Coes, Betsy
DiFruscia, Anthony
Langone, John
Robertson, Carl
Zolla, William

Cooney, Richard
Gould, Kenneth
McEachern, Paul
Shultis, Elizabeth

STRAFFORD

Berube, Roger
Creteau, Irene
Johnson, Nancy
Newton, Clifford
Schmidt, Peter
Taylor, Kathleen

Bickford, David
Dunlap, Patricia
Kaen, Naida
Pelletier, Arthur
Smith, Marjorie
Vachon, Dennis

Brown, Julie
Grassie, Anne
Keans, Sandra
Rollo, Deanna
Snyder, Clair
Wall, Janet

Callaghan, Frank
Hofemann, Roland
Knowles, William
Rous, Emma
Spang, Judith

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Flint, Gordon Sr	Franklin, Peter	Harris, Joseph
Harris, Sandra	Phinizy, James		

and the report was adopted.
Ordered to third reading.

MOTION TO PRINT REMARKS

Rep. Marjorie Smith moved that the debate on HB 608 be printed in the Permanent Journal.
Motion failed.

REGULAR CALENDAR (CONT'D.)

HB 705, establishing a committee to study the application of the communications services tax to the provision of Internet services and relative to the rate of the communications services tax and the property tax exemption for wooden poles and conduits. **OUGHT TO PASS**

Rep. Elizabeth S. Hager for Finance: This bill came to the Finance Committee in order to confirm its fiscal impact. The Finance Committee agrees with the Ways and Means Committee that the continuation of the telecommunications service tax and the companion wooden poles and conduits exemption is important to the state revenue system. Vote 21-2. On a division vote, 231 members having voted in the affirmative and 124 in the negative, the report was adopted.
Ordered to third reading.

HB 717-FN-L, relative to targeted aid to education. **OUGHT TO PASS WITH AMENDMENT**

Rep. Frederick W. King for Finance: This legislation promotes educational quality by preserving local control and primacy of local funding for public elementary and secondary education. It promotes budgetary efficiency by targeting aid to communities most in need. It assists communities in local planning by providing an adequate transition period and stability of state aid grants. It utilizes existing financial resources within the education trust fund without the need for a state property tax. It awards grants based on the differences between a community's education need and its fiscal capacity as determined by household income, as well as equalized property values. The formula goes beyond the current system by taking into account such factors as additional costs associated with students with limited English proficiency, variations in the cost of living around New Hampshire and the high costs of providing education in very small towns. It eliminates the statewide property tax and becomes effective July 1, 2005. Vote 15-7.

Amendment (1115h)

Amend RSA 198:41-a, I (c) (1) as inserted by section 2 of the bill by replacing it with the following:

(1) A municipality's total weighted pupils shall mean the number of its elementary school pupils, including kindergarten pupils, plus 1.1 times the number of its high school pupils, plus the number of its special education pupils, plus the number of its pupils eligible to receive free or reduced price lunch, plus the number of its pupils with limited proficiency in the English language, plus the number of its scale pupils. For the purposes of this calculation, "eligible to receive free or reduced price lunch" shall mean the percentage of a municipality's eligible elementary school pupils multiplied by the total of its elementary and high school pupils.

Amend RSA 198:41-a, I (e) as inserted by section 2 of the bill by replacing it with the following:

(e) Fiscal capacity shall mean the sum of the municipality's equalized property valuation as determined by the department of revenue administration as of April 1, 2001, excluding property subject to taxation under RSA 83-F, plus the municipality's total

household income, divided by 2. The result shall then be multiplied by 0.01923. Total household income shall mean the municipality's median household income multiplied by the number of its households, as determined by the 2000 United States census.

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect July 1, 2005.

Adopted.

Rep. King spoke in favor.

Rep. Jeffrey Gilbert spoke in favor and yielded to questions.

Report adopted and ordered to third reading.

HB 719-FN-A, relative to the duties, function, and operation of the Pease development authority. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: This bill provides for the addition of a new position of Deputy Chief Harbor Master at labor grade 21 and benefits at 37%. This is in response to both the increased business volume and the additional responsibility which springs from homeland protection. Fees for services will cover the additional cost. Vote 21-0.

Adopted and ordered to third reading.

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

Rep. Marjorie K. Smith for Finance: Skyhaven is a state-owned airport. Current statute provides for a transfer of ownership in June, 2003. This legislation would extend that date to June, 2006. During that time, approvals for wetlands mitigation and a new airport layout plan should be secured, providing for a major expansion of flight activity and increasing the long term viability of the airport. In the interim, revenues are expected to equal expenditures, resulting in no net cost to the state. Vote 21-0.

Adopted and ordered to third reading.

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

Rep. Frederick W. King for Finance: This legislation allows organic food processors and handlers to be certified by the New Hampshire Department of Agriculture. At the present time, the department only inspects and certifies organic food producers. The cost of this program will be paid 100% by user fees. Vote 20-0.

Adopted and ordered to third reading.

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

Rep. Fran Wendelboe for Finance: The policy intent of this bill is to provide prescription drug coverage to a segment of disabled and senior citizens who are under 120% of poverty and have assets under \$2,500. This category (of approximately 2,000 people) currently gets some assistance on their Medicare premiums (part A and part B). The corrected fiscal note is \$3.2 million, half of which would come from general funds. While the committee believes it important to assist these very needy individuals, it was felt that under the current economic climate it is not possible to fund the program. The committee did put \$1 in each line and allowed for acceptance of gifts or grants. There is also a section directing the Department of Health and Human Services to effect cost savings through disease management, and another section establishing a task force to study prescription drug access for all segments of our population. Vote 21-2.

Amendment (1106h)

Amend the bill by replacing section 1 with the following:

1 New Chapter; Medicaid Rx Senior Eligibility Expansion Program. Amend RSA by inserting after chapter 161-J the following new chapter:

CHAPTER 161-K

MEDICAID Rx SENIOR ELIGIBILITY EXPANSION PROGRAM

161-K:1 Definitions. In this chapter:

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

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

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

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

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

161-K:2 Medicaid Rx Senior Eligibility Expansion Program Established.

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

(a) Be a U.S. citizen or a lawfully admitted alien;

(b) Be a state resident;

(c) Be at least 65 years of age or an individual between the ages of 19 and 64 who is otherwise eligible for benefits under Title II of the Social Security Act (Federal Old Age, Survivors, and Disability Insurance);

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

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

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

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

161-K:3 Administration.

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

II. The commissioner shall attempt to obtain and shall accept in the name of the state any and all donations, grants, or fees, both real and personal, from any governmental unit or public agency, or third-party payors, or from any institution, person, firm, or corporation given specifically for the purpose of funding this program.

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

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

8 Funding for Medicaid Rx Service Eligibility Expansion Program; New PAU. Amend HB 1-A of the 2003 legislative session by inserting after PAU 05-01-10-03-12 the following new PAU:

05 Health and Social Services

01 Dept of Health and Human Services

10 Div of Elderly & Adult Svcs

03 Grants to Locals

13 Rx Senior Eligibility Expansion Program

	FY 2004	FY 2005
090 Rx Senior Program	\$3	\$3
Estimated Source of Funds for Program		
00 Federal Funds	\$1	\$1
09 Gifts & Grants	\$1	\$1
General Fund	\$1	\$1

9 Prospective Repeal. The following are repealed:

I. RSA 161-K:1 – 161-K:3, relative to the Medicaid Rx senior eligibility expansion program.

II. Section 7 of this act.

10 Effective Date.

I. Sections 3-7 of this act shall take effect upon its passage.

II. Section 8 of this act shall take effect at 11:59 p.m. on the day before a federal prescription drug plan takes effect.

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

AMENDED ANALYSIS

This bill requires the department of health and human services to establish the Medicaid Rx senior eligibility expansion program. The bill establishes a new PAU in the 2003 operating budget for the purposes of funding such program.

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

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

Adopted.

Report adopted and ordered to third reading.

HB 737-FN-A, relative to the state conservation committee and making an appropriation therefore. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert G. Holbrook for Finance: After a detailed and well presented discussion, it was decided to pass the bill with \$1.00 each year of the biennium to keep the basis of the bill in process with the hope funds can be found to pay for a new executive director for the state conservation committee. Vote 20-1.

Amendment (0951h)

Amend RSA 432:11-a, I as inserted by section 3 of the bill by replacing it with the following:

I. There shall be an executive director of the state conservation committee who shall be an unclassified employee and shall be compensated as provided in RSA 94:1-a. The executive director shall serve a 3-year term and shall be appointed by the state conservation committee.

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

4 Salary; Executive Director of State Conservation Committee. Amend RSA 94:1-a, I(b) by inserting in grade DD the following:

DD	Department of Agriculture, Markets and Food	executive director of the state conservation committee
----	--	---

5 Appropriation; State Conservation Committee. The sum of \$1 for the fiscal year ending June 30, 2004 and the sum of \$1 for the fiscal year ending June 30, 2005, are hereby appropriated to the state conservation committee for the purposes of salaries and benefits, office administration, and district assistance. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill makes a change in the language of the state conservation committee, creates a new unclassified position of executive director of the state conservation committee, establishes a salary for the position, and makes an appropriation for certain expenses of the committee.

Adopted.

Report adopted and ordered to third reading.

HB 738-FN-A-L, permitting aid to public water systems to be used for forming or improving regional water systems and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. MaryAnn N. Blanchard for Finance: This bill, as amended, reduces the appropriation to \$1.00, but makes no other changes. The bill widens use of existing surface water filtration funds to include interconnections when/if money becomes available as the need for filtration declines. Vote 19-0.

Amendment (0952h)

Amend the bill by replacing section 17 with the following:

17 Appropriation. The sum of \$1 is hereby appropriated to the department of environmental services for the fiscal year ending June 30, 2004 and the sum of \$1 for the fiscal year ending June 30, 2005, for the purpose of providing grants for regional water system projects under RSA 486-A. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

Adopted.

Report adopted and ordered to third reading.

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

Rep. Robert K. Dodge for Finance: The original concept of school construction aid encouraged school districts to form cooperatives by increasing the percentage of state aid from 30% of principle for a single town district, 40% for two towns, and an additional 5% for each additional town for a maximum of 55%. As a result, most towns have some arrangement with multi-town districts. The existing formula does not, however, look at a district's ability to pay. Anecdotally, we have heard of poor districts that could not even include a gymnasium, while affluent districts might include towering atriums and covered tennis courts. This bill not only offers an alternative cost sharing, where even a single town district can be funded at the 60% level, but it also includes standards in building size and site. Most states limit the number of square feet per student that they will pay for, and the number of acres relative to the number and type of school (i.e. elementary, middle, high). It is estimated that by placing a limit on what the state funds, more will be available for the most financially stressed schools. The result will be approximately the same amount of school construction aid as is delivered at present. Vote 17-3.

Adopted and ordered to third reading.

HB 788-FN-A, transferring the duties of the health services planning and review board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Fran Wendelboe for Finance: This bill, as it came from the policy committee, repealed the Health Services Planning and Review Board (CON) structure and reduced regulations of outpatient renovations. The bill reduces government regulations, encourages competition and protects small hospitals from competition in surgery services. The Finance Committee amended the bill to make some technical corrections, clarified language adding ambulatory surgery centers to those paying fees, and moved the responsibility for review to the Department of Health and Human Services. The Finance Committee also increased the budget \$200,000 so that new federal money now eligible with the move to the Department of Health and Human Services could be spent on needed health data collection and analysis. This total appropriation comes from non-general fund dollars, being raised by fees assessed to certain health care facilities and matching dollars from the federal government. Vote 15-7.

Amendment (0959h)

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

1 Certificate of Review. RSA 151-C is repealed and reenacted to read as follows:

CHAPTER 151-C

**CERTIFICATE OF REVIEW OF PROPOSED
NEW INSTITUTIONAL HEALTH SERVICES**

151-C:1 Legislative Findings; Public Interest; Review and Assessment of New Health Services. It is declared to be the public policy of this state that:

I. The general welfare and protection of the lives, health, and property of the people of this state require that all new inpatient institutional health services be offered or developed in a manner which avoids unnecessary duplication, contains or reduces increases in the cost of delivering services, and promotes rational allocation of health care resources in the state;

II. The state has a compelling interest in working with the health care delivery system to set standards relative to the size, type, level, quality, and affordability of health services offered in New Hampshire; and

III. The state has an interest in promoting and stimulating collaboration among providers, including hospitals, ambulatory surgery centers, physicians, and others, and payors, including Medicaid, Medicare, private health insurers, and CHAMPUS, in the health care delivery system as a means of managing the increases in health care costs.

151-C:2 Definitions. In this chapter:

I. "Ambulatory surgical facility" means a health care facility or a portion of a health care facility which provides surgical treatment to patients not requiring hospitalization, and does not include the offices of private physicians or dentists, whether in individual or group practices.

II. "Applicant" means a person responding to a request for application for certificate of review.

III. "Bed capacity" means the total number of licensed beds in a facility licensed under RSA 151; or in the case of state facilities, it means the total number of beds in service (staffed).

IV. "Business day" includes any day, Monday through Friday, except legal holidays.

V. "Capital expenditure" means an expenditure which, under generally accepted accounting principles consistently applied, is not properly chargeable as an expense of operation or maintenance, and includes acquisition by purchase, by transfer, or by lease or comparable arrangement, or through donation, if the expenditure would have been considered a capital expenditure if acquisition had been by purchase.

VI. "Categories of service" means health services offered in or through a health care facility which were not offered on a regular basis in or through such health care facility within the 12-month period before the time such services would be offered.

VII. "Certificate of review" means a certificate issued by the state agency approving the offering or development of a proposed new inpatient institutional health service.

VIII. "Confidential commercial information" means any information filed either by a health care facility in an application for certificate of review or data disclosure under RSA 126:25 that contains either a trade secret or other commercial information:

(a) That has not yet been revealed to persons other than (i) employees, agents, or attorneys of the filing party; (ii) other persons or entities with which the filing party is engaging in a joint venture or other commercial action in concert; and (iii) other persons or entities with which the filing party is actively negotiating for the purchase or sale of goods or services; and

(b) That would, if revealed, substantially and adversely affect the ability of the filing party or its affiliated interests to compete with other entities offering or proposing to offer the same goods and services in the same market.

IX. "Confidential financial information" means any financial information filed by a health care facility in accordance with an application for certificate of review or data disclosure under RSA 126:25:

(a) That has not yet been revealed to persons other than (i) employees, agents, or attorneys of the health care facility; (ii) other persons or entities with which the health care facility is jointly participating in an effort to obtain financing; and (iii) other persons or entities to which the health care facility has applied for financing;

(b) That would, if revealed, substantially, predictably, and adversely affect the ability of the health care facility or its affiliated interests to obtain financing on reasonable terms in competition with others seeking similar types of capital; and

(c) That could lawfully be concealed under applicable laws governing financial transactions.

X. "Construction" includes actual commencement of any construction or fabrication of any new building, or addition to any existing facility, or any expenditure, relating to the alteration, remodeling, renovation, modernization, improvement, relocation, repair, or replacement of a health care facility or health maintenance organization which adds inpatient beds or is with the intent to add a new inpatient institutional service.

XI. "Consumer of health care" means a person who is not a provider of health care.

XII. "Conversion" means change of the distribution of existing beds in a health care facility affecting acute care, skilled nursing care, intermediate care, psychiatric care, and substance abuse care as defined in the applicable state or federal law.

XIII. "Days" means calendar days, unless otherwise specified.

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

XV. "Health care facility" means hospitals, ambulatory surgical facilities, specialty hospitals and nursing homes. Health care facilities shall include facilities which are publicly or privately owned or for-profit or not-for-profit, and which are licensed or required to be licensed in whole or in part by the state.

XVI. "Health maintenance organization" means a public or private organization, organized under the laws of any state or the federal government which:

(a) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: usual physician services, hospitalization, laboratory, x-ray, emergency and preventive services, and out-of-area coverage; and

(b) Is compensated, except for co-payments, for the provision of the basic health care services listed in subparagraph (a) to enrolled participants on a predetermined periodic basis without regard to the date on which health care services are provided; a predetermined periodic basis shall be fixed without regard to the frequency, extent, or kind of health care service actually provided; and

(c) Provides physician services primarily (1) directly through physicians who are either employees or partners of such organization, or (2) through arrangements with

individual physicians or one or more groups of physicians organized in a group practice or individual basis, or (3) a combination of (1) and (2), as provided herein.

XVII. "Health services" means clinically related diagnostic, treatment, or rehabilitative services, as well as preventive services, and includes, without limitation, alcohol, drug abuse, and mental health services.

XVIII. "Hospice" means a concept of care to assist dying patients to live their remaining weeks or months as free of symptoms and as much in control as possible. Such care can be provided in the individual's home, in a residential setting outside of the individual's home or in a hospital or long-term care facility.

XIX. "Hospice house" means a free standing 24-hour residential setting licensed under RSA 151 as a supported residential care facility for terminally ill individuals with less than one year to live who no longer have a home or cannot remain safely there. Palliative care such as room, meals, personal care, medication monitoring and emotional support, is provided. Additional health care services may be provided to residents through arrangements with outside organizations as is currently available if the resident was in his or her own home.

XX. "Hospital" means an institution which is engaged in providing to patients, under supervision of physicians, diagnostic and therapeutic services for medical diagnosis, treatment and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of such persons. The term "hospital" includes psychiatric and substance abuse treatment hospitals.

XXI. "Inpatient services" means all care delivered to patients staying more than 24 hours in a health care facility, including, but not limited to, alcohol and drug dependency, psychiatric services, physical rehabilitation, cardiology services, obstetrical services, and general medical and surgical services.

XXII. "Institutional health service" means any proposed project for which a standard must be developed under RSA 151-C:5, II.

XXIII. "Intermediate care facility" means an institution which, on a regular basis, provides health-related care and services of a lower level than those provided by a hospital or skilled nursing facility but above the level of room and office.

XXIV. "Location" means service area.

XXV. "Major new facilities" means the construction, development, or other establishment of a new inpatient health care facility.

XXVI. "Nursing home or facility" means a place which shall provide, for 2 or more persons, basic domiciliary services (office, room, and laundry), continuing health supervision under competent professional medical and nursing direction, and continuous nursing care as may be individually required.

XXVII. "To offer", when used in connection with health services, means that a health care provider holds itself out as capable of providing, or as having the means for the provision of, specified health services.

XXVIII. "Outpatient services" means all care delivered to patients who are not required as a part of treatment to stay in excess of 24 hours from time of admission in a health care facility.

XXIX. "Person" means an individual, trust, state, partnership, committee, corporation, nonprofit health service corporation, association and other organizations such as joint stock companies and insurance companies, or a political subdivision or instrumentality of a state, including a municipal corporation.

XXX. "Physical facility or site" means the total buildings, structures, and land of a health care facility.

XXXI. "Provider of health care" means a person:

(a) Who is a direct provider of health care, including a physician, dentist, nurse, podiatrist, optometrist, physician assistant, or ancillary personnel employed under the supervision of a physician, in that the individual's primary current activity is the provision of

health care to individuals or the administration of facilities or institutions, including hospitals, long-term care facilities, rehabilitation facilities, alcohol and drug abuse treatment facilities, outpatient facilities, and health maintenance organizations, in which such care is provided and, when required by the laws of this state, who has received professional training in the provision of such care or in such administration and is licensed or certified for such provision or administration;

(b) Who holds a fiduciary position with, or has a fiduciary interest in, any entity described in subparagraph (c)(2) or (c)(4) of this paragraph other than an entity described in either such subparagraph which is also an entity described in section 501(c)(3) of the Internal Revenue Code of 1954 and which does not have as its primary purpose the delivery of health care, the conduct of research, the conduct of instruction for health professionals, or the production of drugs or articles described in subparagraph (c)(3) of this paragraph;

(c) Who receives (either directly or through the person's spouse) more than 1/5 of his gross annual income from any one or combination of the following:

(1) Fees or other compensation for research into or instruction in the provision of health care;

(2) Entities engaged in the provision of health care or in research or instruction in the provision of health care;

(3) Producing or supplying drugs or other articles for individuals or entities for use in the provision of or in research into or instruction in the provision of health care; or

(4) Entities engaged in producing drugs or such other articles;

(d) Who is the member of the immediate family of an individual described in subparagraph (a), (b), or (c); or

(e) Who is engaged in issuing any policy or contract of individual or group health insurance, hospital, or medical service benefits. An individual shall not be considered a provider of health care solely because the individual is a member of the governing office of an entity described in subparagraph (c)(2) or (c)(4).

XXXII. "Psychiatric hospital" means an institution which is primarily engaged in providing to inpatients, by or under the supervision of a physician, psychiatric services for the diagnosis, treatment, and rehabilitation of mentally ill and emotionally disturbed persons.

XXXIII. "Rehabilitation facility" means an inpatient facility which is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical and other services which are provided under competent professional supervision.

XXXIV. "Request for application" means a formal publication of need for a specific service based on an existing standard, revised standard, or new standard as developed pursuant to RSA 151-C:5 and 6.

XXXV. "Review" means the review of applications submitted in response to a request for application published by the department.

XXXVI. "Skilled nursing facility" means an institution or a distinct part of an institution which is primarily engaged in providing to injured, disabled, or sick inpatients skilled nursing care, and rehabilitative and related services.

XXXVII. "Standard" means a health policy guideline developed by the department and instituted under the provisions of RSA 541-A.

151-C:3 Ambulatory Surgical Facilities. An ambulatory surgical facility may provide beds or other accommodations for the overnight stay of up to 5 patients not to exceed 24 hours from the time of admission. Thereafter, an individual patient shall be discharged in an ambulatory condition or shall be transferred to an inpatient health care facility. The rules adopted pursuant to 1996, 299:4 regarding quality and safety standards for overnight beds in ambulatory surgical facilities shall remain in effect.

151-C:4 Prohibitions.

I. No new inpatient institutional health service shall be offered or developed within the state, nor shall any arrangement or commitment for financing the offering or developing of a new inpatient institutional health service be made, except pursuant to obtaining a certificate of review for such service.

II. No certificate of review shall be granted by the department unless a standard has been developed which delineates the need for the service and outlines the criteria which must be met by any person proposing such a service.

III.(a) No certificate of review shall be granted by the department for any nursing home, skilled nursing facility, intermediate care facility or rehabilitation facility from the effective date of chapter 310, laws of 1995, department of health and human services reorganization act, through the period ending June 30, 2003, except that a certificate of review shall be issued for replacement or renovation of existing beds as necessary to meet life safety code requirements or to remedy deficiencies noted in a licensing inspection pursuant to RSA 151 or state survey and certification process pursuant to titles XVIII and XIX of the Social Security Act.

(b) No certificate of review shall be granted by the department for any nursing home, skilled nursing facility or intermediate care facility if it will result in the total number of licensed nursing facility beds in the region exceeding 40 beds per each 1,000 persons aged 65 and older living in the region.

IV. Any applications for certificates of review for nursing homes or facilities or rehabilitation facilities pending on the effective date of this paragraph shall be suspended pending revision of such standard of need.

V. The department shall apply the revised standard of review to any suspended pending applications.

151-C:5 Standard Development.

I. Prior to development or review of any new institutional health service the department shall publish in one or more newspapers of general circulation within each county, a description of the scope of coverage of its program for development and review of standards and the review of applications responding to requests for applications (RFA's) including the activities covered in RSA 151-C:5, II and 151-C:13. Whenever the scope of such coverage is revised, the department shall publish a revised description thereof, as provided in this paragraph.

II. The department shall develop standards for new inpatient institutional health services. These include the following:

(a) The transfer of ownership, in whole or in part, of an existing health care facility, or the acquisition of all or substantially all of its assets or stock, except where the transfer of ownership would be subject to the provisions of reevaluation of assets as outlined in the Federal Deficit Reduction Act of 1984;

(b) The development and offering of new inpatient services;

(c) A threshold amount for construction of ambulatory surgical centers within the service area of a hospital with fewer than 70 general hospital beds licensed by the department of health and human services shall be \$500,000, which threshold shall be adjusted annually using an appropriate inflation index, unless there is an objection by such hospital, in which case the application shall be subject to review regardless of value. The department shall determine by rule the service areas of such hospitals.

III. The department shall develop, pursuant to rules adopted under RSA 541-A, standards of need on health care services listed in paragraph II of this section. All persons enumerated in paragraph I of this section shall receive notice of all the standards and public hearings relative to the standards. The department shall publish notice of proposed standards in a state-wide newspaper and at least one newspaper in each county of the state. Each notice shall include dates and locations of public hearings.

151-C:6 Procedures for Existing Standards; No Standards.

I. If a standard of need, which precludes additional services, has existed for longer than 24 months, any person may request that the standard be reviewed to determine whether the standard should be continued. The 24-month requirement may be waived if it can be demonstrated that there has been a change in technology, market, or price which would warrant review of the standard. Notwithstanding RSA 541-A:4, the procedure shall be as follows:

(a) A request for a standard review shall be submitted in writing to the department.

(b) Within 30 days of the receipt of the request, the department must notify, in writing, the person making the request of the commencement of the 120-day standard review process or that the proposed project is not in accordance with RSA 151-C:5, II, and no standard review shall take place.

(c) The review of an existing standard shall take no longer than 120 days. Adoption of the standard shall be in accordance with RSA 541-A.

(d) The department shall notify persons, pursuant to RSA 151-C:5, I, of the beginning of the standard review period and the schedule for the review.

(e) If the department does not provide a standard allocating the new service or a statement on competition within the allotted 180 days, the proposed service shall not be required to obtain a certificate of review and shall not be subject to regulation under RSA 151-C.

II. In the case of a service for which there is no standard, any person may request, in writing, that the department develop a standard. Notwithstanding RSA 541-A:4, the procedure shall be as follows:

(a) A request for a standard development shall be submitted in writing to the department.

(b) Within 30 days of the receipt of the request, the department shall notify, in writing, the person making the request of the commencement of the 120-day standard development process or that the service is not in accordance with RSA 151-C:5, II, and no standard development shall take place.

(c) The development of a new standard shall take no longer than 120 days. Adoption of the standard shall be in accordance with RSA 541-A.

(d) The department shall notify persons, pursuant to RSA 151-C:5, I, of the beginning of the standard development period and the schedule for the review.

(e) The standard shall be either a standard allocating the new service by number, type, and location or a statement that the proposed new service is in the best competitive interest of health care in the state and shall not be subject to the provisions of RSA 151-C:8. The decision of the department shall be considered a final decision.

(f) If the department does not provide a standard allocating the new service or a statement on competition within the allotted 180 days, the proposed service shall not be required to obtain a certificate of review and shall not be subject to regulation under RSA 151-C.

III. In any standards for nursing facilities, the department shall provide that priority for a certificate of review for additional nursing facility beds shall be given to any facility which after January 1, 1999, has surrendered its certificate of review for the same or greater number of nursing facility beds. A facility may transfer to any other entity its priority status for a new certificate of review.

151-C:7 Criteria. Every standard developed by the department shall stipulate the criteria which must be met by any successful applicant applying to fill a need identified in the standard. At a minimum these shall include:

I. The immediate and long range financial feasibility of the proposed project, including the probable impact of costs and charges of the facility on health insurance premiums and personal health expenditures in the state or the region of the state.

II. The availability of resources for the proposed project including health and management personnel and funds, capital, and operating needs.

III. The degree to which the proposed project will be accessible to persons who are medically underserved, including, but not limited to, persons with a disability and indigent persons.

IV. In the case of existing facilities or entities with other facilities, records of the quality of care which may include records from state, federal, and private licensing and accreditation facilities. In the case of new entities, assurance of the quality of care stated in measurable terms.

151-C:8 Procedures for Certificate of Review.

I. If a standard developed through RSA 151-C:5 or 151-C:6 indicates a need for additional health services, the department shall issue a request for applications. The department shall publish, in other than the legal notices section, in a newspaper of statewide distribution and in at least one newspaper in every county, as well as notify all affected persons as defined in paragraph VI(b) of this section, a notice that the department is requesting applications for certificates of review for the specified service. At a minimum the notice shall include:

(a) A brief description of the service to be provided, including the amount, type, and location as established by the standard.

(b) The final date that applications are to be submitted which shall be no sooner than 60 days from the date of publication. An application in response to a request for application may be submitted prior to the deadline, but no review shall commence prior to the deadline.

(c) An address at which applicants may obtain copies of the application format as well as the minimum criteria and specifications which shall be the basis for judging the merits of each application.

II. The department shall be available to provide technical assistance to any applicant submitting an application in response to a request for applications.

III. All applications received in response to a single request for applications shall be reviewed simultaneously and shall be considered in relationship to each other.

IV. Every application shall contain such information as the department adopts by rule. The department shall not require any information which it has not adopted by rule. The information requirements established by the department may vary according to the purpose of the review or the type of health service being reviewed. In addition to the information required for submission to the department, any applicant may submit, and the department shall duly consider, any other information.

V.(a) The department shall examine every application for form and completeness, and the information required by RSA 151-C:7 as well as the specifications and standards outlined in the request for application. If an application is determined incomplete by the department, it shall notify the applicant by certified mail within 15 business days of receipt of the application. Such notification shall include a full explanation of the reasons for incompleteness. If no request for additional information is made by the department within the 15 business days, the application shall be considered complete.

(b) An applicant whose application is incomplete shall be allowed a maximum of 15 business days, from the date of receipt of notification of incompleteness, to provide the required additional information. The applicant shall not provide more than the required additional information. The department shall then review the additional information provided by the applicant; and, if satisfactory, the application shall be considered complete and the applicant shall be notified by certified mail. If the application is still found to be incomplete, the department shall mail the applicant a notification within 10 business days of receipt of the additional information. If no such notification is mailed to the applicant by the department within the 10 business days' period, the application shall be considered complete. Within 5 business days of the receipt of any information submitted pursuant to the second

completeness notice, the department shall notify the applicant as to whether such information is satisfactory and the application shall be considered complete.

(c) Any applicant whose application is incomplete following the second completeness review under subparagraph (b) may, by certified mail, within 5 business days of receipt of the second notice of incompleteness:

(1) Provide the additional required information; or

(2) Stipulate that it wishes to have its application reviewed by the department notwithstanding its incompleteness. Any applicant whose application is incomplete and who fails to either provide the additional required information or stipulate that it wishes to have its application reviewed notwithstanding its incompleteness shall waive any right to have its application reviewed.

(d) The department shall review any application for which a stipulation has been filed pursuant to subparagraph (c).

(e) An applicant may withdraw an application at any time thereby terminating the review process.

VI.(a) Within 10 business days of completion of the completeness review under paragraph V of this section, the department shall mail, to any qualified applicant, a notice that formal review of the application has begun and shall publish the notice in other than the legal notice section of one or more newspapers of general circulation in the state and in one or more newspapers of general circulation in the service area of the facility to be reviewed. The department shall provide all affected persons, as defined in subparagraph (b), with written notification of the beginning of a review. The notice shall include a statement that review has begun and the proposed schedule for review by the department.

(b) For purposes of this paragraph, "affected persons" include organizations of health care providers and organizations of health care consumers, as defined by the department by rules adopted pursuant to RSA 541-A, and members of the public who are to be served by the proposed project. For purposes of this paragraph, notification of all qualified applicants in which the proposed project is to be offered or developed shall be by certified mail. Notification to all affected persons shall be by mail and notification to members of the public shall be by newspaper. Notification by newspaper shall serve as appropriate notice to all health care facilities located within the state.

(c) If an affected person fails to receive notification which was provided in accordance with this paragraph, such failure of notice shall not be grounds for reversal of a decision made by the department, defeat any jurisdiction of the department, or adversely affect the regularity of any proceedings before the department.

VII. The date on which notification is sent to qualified applicants or the date on which notification to the members of the public first appears in a newspaper published in the state, whichever occurs later, shall be the date of notification and shall be the beginning date of the review cycle of the department.

VIII. The department shall establish review schedules which provide that no review by the department shall, to the extent possible, take longer than 90 calendar days from the beginning of the review cycle to the date of a final decision of the department. In accordance with the requirements of RSA 151-C:11, the department shall adopt exception criteria for determining when it would not be practicable to complete a review within 90 calendar days. If an application clearly meets such exception criteria, the department may provide for a single extension of the review period for a total of 30 calendar days beyond the initial 90-day period. The total review period for certificate of review shall not extend beyond 120 days from the beginning of review.

IX. Upon request, the department shall provide for access by the general public to all applications reviewed by the department and to all other written materials pertinent to department review.

X. The department shall provide in its review procedures for a public hearing. The department shall, prior to such hearing, provide notice of such hearing in accordance with

the notification provisions in paragraph VI of this section. The procedures for a public hearing shall include an opportunity for any person to present testimony regarding the proposed project, the right of any persons testifying to be accompanied and advised by legal counsel, the right of any qualified applicant to cross-examine witnesses, and the establishment of a formal record of the hearing. The department shall not impose any fee for such a public hearing.

XI. During the course of review of any application for a certificate of review, the department shall take reasonable measures to prohibit and prevent all ex parte communication relating to the merits of such application.

XII.(a) After an application has been filed with the department, the applicant may file a request to amend the application only during the 45 days after the date of notification of the beginning of review. If the department grants the applicant's request, the application shall be filed 30 days after the department's approval. The department shall examine the amended application for form and completeness, for information required in RSA 151-C:7, and for conformity to all applicable standards in the request for applications. If an application is determined incomplete, the department shall notify the applicant by certified mail within 10 business days of receipt of the amended application. The applicant whose application is incomplete shall be allowed a maximum of 10 business days from the date of receipt of the department's notification of incompleteness to provide the required additional information. The amended application shall then be considered complete and processed in accordance with the provisions of paragraph VIII.

(b) When an application is filed with the department, an applicant shall be required by the department to file an amendment of the application when any supporting documentation or other material submitted to the department by the applicant indicates that:

(1) The nature, scope, or location of the project will differ substantially from those described in the application;

(2) The method of financing will differ substantially from that described in the application in that the estimated capital expenditure will exceed that proposed in the application by 15 percent plus the inflation factor, as specified in RSA 151-C:12, IV.

(3) The identity of the applicant has changed.

(4) The department may waive the requirements of subparagraph (b)(1), (2) or (3) if it is determined that the proposed amendment of the application is technical or otherwise insignificant.

(c) If an amendment is filed in accordance with subparagraph (a) or (b), the application shall return to the point in the review process defined in paragraph VI relative to the notification to the applicant that review of the application has begun.

XIII. Any action by the department or by an applicant pursuant to this section which results in a delay of the review process shall affect all applicants which filed under the same request for application and are considered by the department to be competing.

151-C:9 Decision Regarding Certificate of Review; Issuance of Certificate of Review; Reconsideration.

I. Upon completion of the review, the department shall render a decision on the applicant or applicants which filed in response to a request for application. The decision shall be in the form of an approval, denial, or an approval with conditions. An approval of a certificate of review shall be in conformance with the standard used as the basis for the request for application.

II. The department shall consider competing applicants in relationship to each other. The decision shall be based on the applicant who demonstrates superiority in cost effectiveness, quality, and affordability and who will best meet the specifications and criteria outlined in the standard.

III. If the department fails to issue a final decision within the time period specified for the review, a certificate of review shall be denied. The applicant may either request a

reconsideration hearing under paragraph IV, or, within a reasonable time following the expiration of that period, petition the supreme court to require the department to render a final decision on the application.

IV.(a) Any person, for good cause shown, may request in writing a public hearing for purposes of reconsideration of a final decision of the department. The department shall adopt appropriate procedures for such a hearing. No fee may be imposed for the hearing. For purposes of this paragraph, a request for a reconsideration hearing, other than by an applicant denied a certificate of review, shall be good cause if it:

(1) Presents significant, relevant information not previously considered by the department;

(2) Demonstrates that there have been significant changes in factors or circumstances relied upon by the department in reaching its decision;

(3) Demonstrates that the department has materially failed to follow its adopted procedures in reaching its decision; or

(4) Provides such other basis for a public hearing as the department determines constitutes good cause.

(b) To be effective, a request for a reconsideration hearing shall be received by the department within 20 business days following the date of the department's decision. If granted, the hearing shall commence within 30 calendar days of receipt of the request. The applicant may waive the 30-day requirement. At least 14 calendar days prior to the reconsideration hearing, notification of the hearing shall be sent to the person requesting the hearing and to the persons proposing the new institutional health service and to others upon request. Within 25 business days after the conclusion of the hearing, the department shall make written findings which state the basis for its decision. The decision shall be considered the final decision of the department.

151-C:10 Appeals to the Supreme Court.

I. Any person submitting an application for a certificate of review, if aggrieved or dissatisfied with the decision of the department, shall have the right, upon a petition which provides a detailed statement of the grounds upon which the decision of the department is claimed to be erroneous and contrary to the facts and the law, to appeal from the decision to the supreme court pursuant to RSA 541.

II. The provisions of RSA 541 shall govern all appeals under this section.

III. The court shall affirm the decision of the department unless it finds it to be arbitrary or capricious or not made in compliance with applicable law.

151-C:11 Additional Rules.

I. The commissioner of the department shall adopt rules governing review of certificate of review applications consistent with and necessary to the proper administration of this chapter. All rules shall be adopted pursuant to RSA 541-A and as described in this section; except that, in the case of an irreconcilable conflict between the provisions of RSA 541-A and the provisions of this section, the provisions of this section shall control.

II. At least 45 days prior to adopting any rule, the department shall publish, in at least one newspaper of statewide circulation, a notice stating that rules for the review of certificate of review applications or any revisions thereof have been proposed for adoption and are available at specified addresses for inspection and copying by interested persons. Such notice shall appear in other than the legal notice section of such newspapers; in addition, notice may be given through other public information channels.

151-C:12 Validity of Certificates of Review; Compliance; Sanctions.

I. A certificate of review issued pursuant to this chapter shall expire upon failure to commence or complete the project authorized thereby within the time period specified in this section. The department's approval shall be terminated upon the expiration of such period, and the person proposing to offer or develop the new institutional health service shall be required to resubmit an application for certificate of review under RSA 151-C:8. In the event that only part of a project to offer or develop the new institutional health service has been

commenced or completed within such period, the department's approval shall be terminated upon the expiration of such period solely with respect to the parts of the project which have not been commenced or completed. Project completion date requirements are as follows:

(a) In the case of construction projects, the following time periods apply:

(1) If the total estimated cost of the project is less than \$ 1,000,000, the project must be commenced within one year of, and completed within 3 years of, the date of issuance of a certificate of review.

(2) If the total estimated cost of the project is greater than \$1,000,000, then the project must be commenced within 18 months of, and completed within 5 years of, the date of issuance of a certificate of review.

(b) In the case of any plan for capital expenditures proposed by or on behalf of a health care facility, health maintenance organization, or health care provider under which a series of obligations for capital expenditures for discrete components of the plan is to be incurred over a period longer than one year, the department may allow up to 3 years following the date of approval for incurring such capital expenditures.

II. Pursuant to a showing of good cause by the person proposing the project, the department shall extend by 6 months the period for commencement. A maximum of 2 such extensions shall be allowed. Upon a showing of substantial, diligent progress and good cause by the person proposing the project, the department shall grant up to a maximum of 2 extensions of 6 months each for completion of the project. For purposes of this paragraph, "good cause" includes delay resulting from unpreventable or unexpected occurrences, such as emergency, strike, disaster, unforeseen shortage of materials or other reasonably unforeseeable event.

III. For the purposes of this chapter, a project shall be commenced if:

(a) The applicant has submitted to the department a certified copy of a written agreement executed between the applicant and a registered general contractor to construct and complete the project within a designated time schedule in accordance with final architectural plans and specifications; or

(b) The applicant has submitted evidence to the department that there has been construction work on the project to justify and require a progress payment by the applicant to the general contractor under the terms of the construction agreement, or, if the construction agreement does not require progress payments, then construction has progressed to the state at which an initial progress payment would otherwise be required in accordance with the usual and customary practices of the building industry.

IV. For purposes of this chapter, completion shall mean when the approved proposed project is sufficiently complete so that it becomes operational for the purpose for which the certificate of review was issued. A certificate of review shall be valid only for the designated scope of the project and for the premises and geographical area named in the application. A certificate of review granted for a project shall not be considered as an approval of that portion of the total actual cost of such a project which is in excess of the sum of: (a) the anticipated cost designated in the application; (b) an additional 15 percent of the total cost; and (c) cost increases clearly attributable to inflation.

IV-a.(a) Prior to completion of the proposed project, the department may require any applicant to file a change of scope when any documentation or other material submitted to the department indicates that:

(1) The nature, scope, or location of the project will differ substantially in the opinion of the department from those described in the application.

(2) The method of financing will differ substantially because the estimated capital expenditure will exceed that proposed in the application by 15 percent plus the inflation factor, as specified in RSA 151-C:12, IV.

(3) The identity of the applicant has changed.

(b) The department may waive the requirements of subparagraph (a)(1), (2) or (3), if it is determined that the proposed change in scope of the project is technical or otherwise insignificant.

V. All applicants receiving a certificate of review or a certificate of review with conditions shall file, at least semi-annually during the development stage and annually once the project is commenced, a report indicating that the project is in compliance with information provided in the application, and with the conditions outlined in the certificate of review. A report shall only be necessary for the first 5 years after completion of the project.

VI. Any applicant found not to be in reasonable compliance with any statement in its certificate of review application or with the conditions of the certificate of review shall be fined not more than 1/2 of one percent of the previous year's revenue minus contractual allowances or, in the case of a new facility, not more than 1/2 of one percent of the projected first year revenue minus contractual allowances.

VII. Funds collected under the provisions of this section shall be deposited in the general fund.

151-C:13 Exemptions.

I. The following are excluded from this chapter:

(a) Private offices or private clinics of physicians, dentists, or other practitioners of the healing arts, meaning the physical places which are occupied by such providers on a regular basis in which such providers perform the range of diagnostic and treatment services usually performed by such providers on an outpatient basis.

(b) Dispensaries and first-aid stations, located within business or industrial establishments, maintained solely for the use of employees, provided that such a facility does not contain inpatient or resident beds for patients or employees who generally remain in the facility for more than 24 hours.

(c) Infirmarys owned or operated by education institutions.

(d) Institutions or homes which provide remedial care or treatment only to residents or patients who rely solely upon treatment by prayer or spiritual means in accordance with the creed or attendance of any recognized church or religious denomination.

(e) Facilities and services which are intended to serve only outpatients.

(f) Hospice houses.

II. Nothing in this chapter shall exempt hospice houses from the licensing standards established under RSA 151.

151-C:14 Enforcement.

I. Any person who offers or develops any new institutional health service within the meaning of this chapter without first obtaining a certificate of review as required in this chapter, or who otherwise violates any of the provisions of this chapter, shall be subject to the following sanctions:

(a) The state shall not issue a license to any health care facility or health maintenance organization to operate, offer, or develop any new institutional health service in violation of this chapter and without a certificate of review issued pursuant to this chapter. The provisions of RSA 151 notwithstanding, in the case of an increase in actual bed capacity in contravention of the requirements of this chapter, any license for such beds shall be deemed to be revoked.

(b) The state shall not furnish from any reimbursement program administered by the state, nor shall any entity chartered under the laws of New Hampshire or any person licensed and doing business in the state, provide reimbursement for any new institutional health service offered or developed in contravention of the requirements of this chapter.

(c) Any person who violates this chapter shall be fined not more than 1/2 of one percent of the total operating budget of the previous year, or, in the case of a new facility, not more than 1/2 of one percent of the projected annual operating budget for the first year of operation.

(d) In addition to all other sanctions, if any person offers or develops any new institutional health service without first having been issued a certificate of review, or violates any other provision of this chapter or any lawful rule adopted under this chapter, upon the posting of a bond or security, the department or health care facilities, health maintenance organizations, and health care providers located in the state shall have standing to maintain a civil action in the superior court of the county in which such alleged violation has occurred, or in which such person may be found, to enjoin, restrain, or prevent such violation. Upon written request by the department, it shall be the duty of the attorney general of the state to furnish such legal services as may be appropriate and to prosecute such action for injunctive relief to an appropriate conclusion.

151-C:15 Fees.

I. In addition to any other fees required of it, each acute care hospital, specialty hospital, nursing home, and ambulatory surgical center licensed under RSA 151 shall pay an annual administrative fee. The total amount collected shall be equal to the amount actually expended in that year for the health services planning and review component of the department of health and human services or \$700,000, whichever is less. The amount to be collected shall be prorated at the end of each fiscal year among all health care facilities licensed under RSA 151, except those operated by county and municipal governments.

II. All persons filing an application in response to a request for applications shall pay a fee of one percent of the total capital cost of the project with a minimum fee of \$1,500, and a maximum of \$12,000. This paragraph shall not apply to health care facilities operated by counties or municipalities.

III. Persons requesting a standard development or standard review as outlined in RSA 151-C:6 shall pay a fee of \$1,000 if the department determines that a standard review or a standard development process shall occur.

IV. Funds collected under this section shall be deposited in the general fund.

2 Transfer of Functions, Powers, Duties and Staff. All functions, powers, duties and staff of the health services planning and review board are hereby transferred to the department of health and human services.

3 Reference Change. Amend RSA 126:25, II to read as follows:

II. In addition to the data listed in paragraph I, the commissioner of health and human services shall require all providers~~[-including ambulatory care facilities,]~~ licensed or certified to practice in the state of New Hampshire to submit ambulatory health care data pursuant to a plan to collect such data developed by the ~~[health services planning and review board established by RSA 151-C:3]~~ **department of health and human services**. This plan shall be ~~[submitted to the commissioner of health and human services by December 1, 1990]~~ **completed by December 31, 2003**.

4 Data Review; Reference Change. Amend RSA 126:26 to read as follows:

126:26 Data Review. ~~[The department of health and human services shall provide access, without restriction, to the data collected under RSA 126:25 to the health services planning and review board].~~ The department shall prepare a report on or before November 15, ~~[1996]~~ **2004**, and ~~[annually]~~ thereafter, to the speaker of the house of representatives and president of the senate. The report shall contain, but not be limited to, **an inventory of the existing health care system capacity and the projection of future system needs**, an analysis and evaluation of the data collected and recommendations for improved efficiencies and for health care cost containment. The department of health and human services is also authorized to prepare periodic reports on ~~[price]~~ **health care cost** and utilization of health services for the purpose of encouraging competition.

5 Reference Change. Amend RSA 195-D:3, XII to read as follows:

XII. "Nursing home," notwithstanding any other provision of law to the contrary, means any nonprofit or charitable institution or organization, public or private, which is exempt from federal taxation pursuant to section 501 of the United States Internal Revenue Code of 1986 as amended, and which is engaged in the operation of, or formed for the

purpose of operating, a facility in which nursing care, sheltered care, intermediate care, life-care or continuing care, and medical services are prescribed by or performed under the general direction of persons licensed to practice medicine or surgery in New Hampshire, and in whole or in part is, or shall be upon completion, (a) licensed as a residential care facility under RSA 151:2, I(e) or (b) can be upon receipt of a certificate of ~~need~~ **review** under RSA 151-C licensed as a nursing home under the laws of New Hampshire.

6 Reference Changes. Amend RSA 281-A:2, XII-b to read as follows:

XII-b. "Health care provider" as used in this chapter includes doctors, chiropractors, rehabilitation providers, health services as defined in RSA 151-C:2, ~~[XVIII]~~ **XVII**, health care facilities as defined in RSA 151-C:2, ~~[XV-a]~~ **XV**, and health maintenance organizations as defined in RSA 151-C:2, XVI.

7 Reference Changes. Amend the introductory paragraph of RSA 326-B:17, IX(a) to read as follows:

(a) The administration of medications by any person employed or under contract to provide direct care to residents of a hospice house as defined in RSA 151-C:2, ~~[XIX-b]~~ **XIX** and licensed under RSA 151 and rules adopted under that chapter as a hospice house under the supported residential care level of care by the New Hampshire department of health and human services who:

8 Reference Change. Amend RSA 508:18, II to read as follows:

II. For purposes of this section, "health care facility" means "health care facility" as defined in RSA 151-C:2, ~~[XV-a]~~ **XV**.

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

AMENDED ANALYSIS

This bill transfers the duties of the health services planning and review board to the department of health and human services. The bill increases the standard amounts for which a review is necessary.

Adopted.

Report adopted and ordered to third reading.

HB 810-FN-A, relative to processing excavating and dredging and terrain alteration permits, changing the fees for permits, establishing 2 new positions, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. MaryAnn N. Blanchard for Finance: This bill has passed both the Resources, Recreation and Development Committee and the Ways and Means Committee. It increases fees in order to fund 2 new positions and ensure more timely processing of applications for excavating, dredging and alteration of terrain. The additional fees, which are estimated to be \$150,000 in FY '04, are sufficient to cover the additional expenses, which are estimated to be \$131,000 in FY '04. A broad consensus of many interests, such as the New Hampshire Marine Dealers, the Granite State Designers and Installers Association, the NH Association of General Contractors and the NH Association of Conservation Commissioners, support this bill. The amendment changes the effective date to July 1, 2003 in order to allow fees to accumulate before expenses are incurred. Vote 21-1.

Amendment (1052h)

Amend paragraph II of section 8 of the bill by replacing it with the following:

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

Adopted.

Report adopted and ordered to third reading.

BILLS REMOVED FROM CONSENT CALENDAR

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

Rep. Robert K. Dodge for Finance: This bill ensures that no state or local funds will be spent

to pay for complying with the requirements of the federal No Child Left Behind Act of 2001 (NCLB). In NCLB, the federal government promises to fully fund its costs. In addition, individual school districts may, by vote, exempt themselves from any state regulations implementing the provisions of such federal laws. Vote 18-1.
Rep. Alger offered a floor amendment.

Floor Amendment (1094hh)

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

1 Purpose. The federal No Child Left Behind Act (NCLBA) of 2001 (H.R. 1) directs those states that participate in it to make many meritorious improvements in their system of public education. Furthermore, contrary to state experience with other federal laws, NCLBA was enacted as a fully-funded federal law as directed by federal Public Law 104-4 of 1995 and section 9527 of NCLBA which curb the practice of imposing unfunded federal mandates on states and local governments. Therefore, the general court hereby directs that general funds not be expended on the NCLBA and that school districts also prohibited from such expenditures.

2 New Subdivision; State Compliance with the No Child Left Behind Act of 2001; General Funds Prohibited. Amend RSA 21-N by inserting after section 11 the following new subdivision:

Compliance with the No Child Left Behind Act

21-N:12 Compliance with No Child Left Behind. Notwithstanding any provision of law to the contrary:

I. No general funds of the state or any of its political subdivisions shall be appropriated, expended, or encumbered to implement the federal No Child Left Behind Act of 2001 (NCLBA).

II. A school district or other political subdivision may, upon a majority vote of its legislative body, be exempt from all state administrative rules or regulations of any kind, adopted for the purpose of implementing NCLBA if the cost of compliance with such rules or regulations is not fully covered by the additional federal funds received by the school district or other political subdivision.

III. The state board of education and the commissioner of the department of education are hereby prohibited from adopting any new administrative rules or regulations, or amending existing administrative rules or regulations for the purpose of complying with NCLBA until 60 days after the submission of a written report detailing such new or amended rules or regulations to the house and senate education committees.

IV. No additional costs incurred by the state or any of its political subdivisions in implementing NCLBA shall be included in calculating the cost of an adequate education pursuant to RSA 198:40.

3 New Paragraph; Adequate Public Education; Statewide Testing. Amend RSA 193-E:3 by inserting after paragraph II the following new paragraph:

III. The results of any statewide testing required under the No Child Left Behind Act of 2001 shall be ranked by the commissioner of the department of education by individual school and grade level performance. The rankings shall be made available to the public arranged by numerical rank order and alphabetical order no later than 30 days after the results are available to the commissioner of the department of education. No test shall be ranked until the commissioner of the department of education submits to the house and senate education committees a written explanation of the ranking methodology to be used.

4 Report. No later than January 1 of each year, the commissioner of the department of education shall submit to the house and senate education and finance committees a statement of expenditures by the state and by school districts necessitated by the No Child Left Behind Act of 2001 in the immediately prior fiscal year, and the sources of funding used for such expenses.

5 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

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

AMENDED ANALYSIS

This bill:

I. Prohibits the spending of state general funds for compliance with the federal No Child Left Behind Act of 2001 (NCLBA).

II. Allows school districts to exempt themselves from compliance with NCLBA by a majority vote of the legislative body if the cost of compliance is not fully covered by the additional federal funds received by the school district or other political subdivision.

III. Directs the department of education to ensure that no costs associated with NCLBA shall be included in the calculation of the cost of an adequate education.

IV. Requires the department of education to submit a financial report for expenditures and sources of funding to the house and senate education and finance committees on an annual basis.

Rep. Alger spoke in favor.

On a division vote, 310 members having voted in the affirmative and 36 in the negative, the floor amendment was adopted.

Report adopted and ordered to third reading.

SB 14, relative to vacancies in county offices. OUGHT TO PASS WITH AMENDMENT

Rep. Thomas J. Gillick for Municipal and County Government: The committee reviewed this bill and is in agreement that the county delegation is the appropriate body to fill a vacancy at the county level. Because of a vacancy situation which currently exists in at least one county, the committee agreed to amend the effective date. In addition, the committee acted to enable Belknap County Recreation Area Commission to be authorized to accept a major gift by amendment to this bill. Vote 14-1.

Amendment (0585h)

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

AN ACT relative to vacancies in county offices and the powers of the Belknap County Recreation Area Commission.

Amend the bill by replacing section 3 with the following:

3 Belknap County Recreation Area; Powers of the Commission. Amend 1959, 399:10(m) to read as follows:

(m) ***To solicit, receive, hold, and expend any gifts, grants, or donations from any source made for any purpose set forth in this act.***

(n) To do all other lawful acts necessary or incidental to the foregoing powers.

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

AMENDED ANALYSIS

This bill provides that the members of the county convention shall fill vacancies in county offices.

The bill also allows the Belknap County Recreation Area Commission to receive and expend certain funds.

Adopted.

Rep. Pitts inquired if the bill was divisible and requested that Section 3 be divided.

The Speaker ruled the bill was divisible and, without objection, so ordered.

The question being adoption of Section 3 of the bill.

Adopted.

The question now being adoption of the remainder of the bill.

Rep. Pitts spoke against.

Rep. Patten spoke in favor.
Remainder of report adopted.
Ordered to third reading.

RECONSIDERATION

Having voted with the prevailing side, Rep. Gonzalez moved that the House reconsider its action whereby it voted **HB 621-FN-A-L**, establishing an early childhood literacy program, Ought to Pass as Amended.

Rep. Norelli requested a roll call; sufficiently seconded.
The question being adoption of the motion to reconsider.

YEAS 161 NAYS 190

YEAS 161

BELKNAP

Ahern, Omer Jr	Bartlett, Gordon	Boyce, Laurie	Clark, Charles
Laflam, Robert	Lawton, David	Nedeau, Stephen	Wendelboe, Fran

CARROLL

Babson, David Jr	Derby, Mark	Kenney, Bettie	Morrow, Harry
Mock, Henry			

CHESHIRE

Dexter, Judson	Fish, Douglas	Laurent, John	
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COOS

Brady, Mark	Guay, Lawrence	Pratt, Leighton	Richardson, Herbert
Stohl, Eric			

GRAFTON

Alger, John	Dorsett, Andrew	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul
Maybeck, Margie	Sorg, Gregory	Williams, Burton	

HILLSBOROUGH

Adams, Jarvis	Allen, Timothy	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Barry, J Gail	Batula, Peter
Beaton, William	Bergeron, Jean-Guy	Bouchard, David	Brundige, Robert
Bruno, Pierre	Buhlman, David	Cail, Kenneth	Carlson, Donald
Cernota, Albert	Chabot, Robert	Christiansen, Lars	Coughlin, Pamela
Crane, Elenore	Desmarais, Vivian	Elliott, Larry	Fletcher, Richard
Casey			
Ford, Nancy	Furman, Christine	Gibson, John	Gonzalez, Carlos
Goyette, Peter Jr	Greenberg, Gary	Hall, Charles	Harrington, Paul
Hawkins, Ken	Hinkle, Peyton	Holden, Randolph	Hopper, Gary
Jasper, Shawn	L'Heureux, Robert	Laflamme, Charles	Lawrence, James
Luebker, Bernard	McElroy, Henry Jr	McHugh, Claire	McRae, Karen
Mosher, William	O'Brien, Lori	Ober, Russell III	Pepino, Leo
Price, Pamela	Reeves, Sandra	Ross, Lawrence	Rowe, Robert
Slocum, Lee	Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir
Vaillancourt, Steve	Wheeler, James		

MERRIMACK

Dunne, Christopher	Field, William	Foley, Albert	Hess, David
Kennedy, Richard	Langer, Ray	Marple, Richard	McCormick, Tom
Nutter, Edward	Oliver, James	Ouellette, Robert	Reed, Dennis

ROCKINGHAM

Allen, Mary
Clark, Vivian
Dumaine, Dudley
Flayhan, Mary Lou
Headd, James
Johnson, Rogers
Letourneau, Robert
McMahon, Charles
Priestley, Anne
Smith, Donald
Weare, E Albert
Wiley, Robert

Belanger, Ronald
Cooney, Richard
Dupuis, Roland
Gilbert, Jeffrey
Hughes, Daniel
Katsakiores, Phyllis
Manning, John
Morris, Richard
Putnam, Ed II
Smith, Paul
Welch, David
Zolla, William

Cady, Harriet
Doyle, Christopher
Fesh, Bob
Gilbert, Karl
Introne, Robert
Kobel, Rudolph
McCann, Richard
O'Neil, Michael
Quandt, Matthew
Varrell, Thomas
Weldy, Norman Jr

Camm, Kevin
Duffy, James
Flanders, John Sr
Griffin, Mary
Itse, Daniel
Langley, Jane
McKinney, Betsy
Packard, Sherman
Roessner, Kurt
Waterhouse, Kevin
Weyler, Kenneth

STRAFFORD

Albert, Russell
Cataldo, Sam
Newton, Clifford

Bemis, Alan
Easson, Timothy
Scott, David

Bickford, David
Harrington, Michael
Twombly, James

Campbell, W Packy
Hollinger, Jeffrey
Woods, Phyllis

SULLIVAN

Rodeschin, Beverly

NAYS 190

BELKNAP

Fitzgerald, James
Russell, David

Holbrook, Robert
Thomas, John

Pilliod, James
Whalley, Michael

Rice, Thomas

CARROLL

Brown, Carolyn
Olimpio, J Lisbeth

Dickinson, Howard
Patten, Betsey

Hatch, Paul
Philbrick, Donald

McConkey, Mark
Stevens, Stanley

CHESHIRE

Allen, Peter
Espieffs, Peter
Mitchell, McKim
Richardson, Barbara
Smith, Edwin

Batchelder, Robert
Hunt, John
Parkhurst, Henry
Robertson, Timothy
Tilton, Anna

Dunn, James
Liebl, George
Pratt, Irene
Royce, H Charles
Webber, Amy

Eaton, Daniel
Manning, Joseph
Pratt, John
Slack, Pamela
Weed, Charles

COOS

King, Frederick
Tholl, John Jr

Mears, Edgar
Woodward, David

Poulin, Richard

Theberge, Robert

GRAFTON

Akins, Ralph
Cooney, Mary
Hammond, Lee
Solomon, Peter

Almy, Susan
Densmore, Edward
Nordgren, Sharon

Benn, Bernard
Diamond, Estelle
Scovner, Nancy

Bleyler, Ruth
Ham, Bonnie
Sokol, Hilda

HILLSBOROUGH

Allan, Nelson
Carter, Mark
Cote, Peter
Drisko, Richard
Gorman, Mary
Hallyburton, Margaret
Katsiantonis, Thomas
Lasky, Bette
Mercer, Robert
Movsesian, Lori
Schulze, Joan

Baroody, Benjamin
Clayton, William
Craig, James
Emerton, Larry
Goulet, Maurice
Haytayan, Harry Jr
Konys, Christine
Leach, Edward
Messier, Irene
Pappas, Christopher
Shaw, Barbara

Brassard, Paul
Clemons, Jane
Dionne, Kimberley
Fields, Dennis
Graham, John
Jean, Claudette
Kopka, Angeline
Lessard, Rudy
Milligan, Robert
Pappas, Marc
Spiess, Paul

Buckley, Raymond
Cote, David
Dokmo, Cynthia
Gargas, Carolyn
Haley, Robert
Johnson, Lionel
Kurk, Neal
Malloy, Chris
Moran, Edward
Pilotte, Maurice
Sullivan, Francis

Sullivan, Peter Sweeney, Cynthia Wheeler, Robert

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Colcord, J D	Daniels, Eric	Davis, Frank
DeJoie, John	DeStefano, Stephen	Fraser, Leo Jr	French, Barbara
Gile, Mary	Hamm, Christine	Jacobson, Alf	Kenison, Leon
L'Heureux, Stephen	Leber, William	Lockwood, Priscilla	Mackay, James
Maxfield, Roy	Perkins, Randy	Potter, Frances	Rush, Deanna
Wallner, Mary Jane			

ROCKINGHAM

Carson, Sharon	Casey, Kimberley	Coes, Betsy	Corbin, Corey
Dalrymple, Janeen	Davidson, Robert	Dearborn, Bruce	DiFruscia, Anthony
Dodge, Robert	Francoeur, Sheila	Gillick, Thomas	Gleason, John
Gould, Kenneth	Hamel, Albert	Holland, James Jr	Johnson, Robert
Katsakiores, George	Langone, John	Major, Norman	McEachern, Paul
Norelli, Terie	Pitts, Jacqueline	Rausch, James	Robertson, Carl
Scamman, Stella	Shultis, Elizabeth	Splaine, James	Stone, Joseph
Stritch, C Donald	Tufts, J Arthur	Vallone, Matthew	Winchell, George

STRAFFORD

Berube, Roger	Brown, Julie	Callaghan, Frank	Creteau, Irene
Dunlap, Patricia	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Musler, George	Pelletier, Arthur
Rollo, Deanna	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Wall, Janet

SULLIVAN

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

and reconsideration failed.

SENATE MESSAGE

REQUESTS CONCURRENCE WITH AMENDMENT

HB 101, relative to qualifications for state offices. (Amendment printed SJ 4/10/03)
Rep. Stritch moved that the House concur and spoke to his motion.
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 17, 2003 at 10:00 a.m.
Adopted.

LATE SESSION

Third reading and final passage

HB 109-FN, relative to telemarketing practices.
HB 565-FN-A, establishing a commission to implement the Hampton Beach Master Plan.
HB 577-FN-A-L, relative to implementing the Help America Vote Act of 2002 and relative to rulemaking by the secretary of state.

HB 590-FN, relative to highway fund budget reporting requirements.

HB 619-FN-A, expanding opportunities for dropout prevention and dropout recovery.

HB 677-FN, increasing the number of reserved student slots in medical programs, and establishing a loan forgiveness program for physicians who practice in underserved areas, and making an appropriation therefor.

HB 702-FN, relative to payment of medical benefits costs for disabled group II members of the retirement system.

SB 104, relative to state administration of medicaid benefits and services for individuals who are deaf or hard of hearing.

HB 25-FN-A, making appropriations for capital improvements.

HB 135-FN, relative to charter schools.

HB 164-FN-A, increasing the gross premiums tax on insurance provided by certain unlicensed companies.

HB 167, relative to complaints against judges.

HB 280-FN, relative to the poison information center.

HB 304-A, relative to state acquisition of certain acreage in the Connecticut Lakes headwaters tract and making an appropriation therefor.

HB 519-FN-A, relative to the conservation number plate trust fund.

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

HB 621-FN-A-L, establishing an early childhood literacy program.

HB 638-FN, increasing the oil import license fee, changing the rate of interest assessed on overdue oil import fees, and repealing underground storage facility permit fees.

HB 663-FN-A-L, relative to county and state funding of long-term care medicaid programs.

HB 671-FN-A, establishing a contributory defined benefit judicial retirement plan.

HB 608-FN-L, reducing the education property tax rate and relative to the calculation of adequate education grants.

HB 705, establishing a committee to study the application of the communications services tax to the provision of Internet services and relative to the rate of the communications services tax and the property tax exemption for wooden poles and conduits.

HB 717-FN-L, relative to targeted aid to education.

HB 719-FN-A, relative to the duties, function, and operation of the Pease development authority.

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

HB 728-FN-A, establishing a dedicated fund for organic certification inspections.

HB 735-FN, relative to prescription drugs and medicaid best practices.

HB 737-FN-A, relative to the state conservation committee and making an appropriation therefore.

HB 738-FN-A-L, permitting aid to public water systems to be used for forming or improving regional water systems and making an appropriation therefor.

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

HB 788-FN-A, transferring the duties of the health services planning and review board.

HB 810-FN-A, relative to processing excavating and dredging and terrain alteration permits, changing the fees for permits, establishing 2 new positions, and making an appropriation therefor.

HB 786-FN-L, relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001.

SB 14, relative to vacancies in county offices.

UNANIMOUS CONSENT

Rep. Stephanie Eaton addressed the House.

RECESS MOTION

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

The House recessed at 3:45 p.m..

RECESS

(Speaker Chandler in the Chair)

SENATE MESSAGES

CONCURRENCE WITH AMENDMENT

SB 14, relative to vacancies in county offices. and the powers of the Belknap County Recreation Area Commission.

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill numbered 14.

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

RECESS

(Rep. Batula in the Chair)

SENATE MESSAGES

CONCURRENCES

HB 61, relative to the taking of migratory game birds in the Connecticut River zone.

HB 86, relative to the membership of the permissible fireworks review committee.

HB 126, relative to posting statutes at polling places.

HB 156, relative to weights and measures.

HB 223, relative to the temporary removal of inmates.

HB 263, establishing an oversight committee to review the allocation of funds disbursed for the developmental disabilities waitlist.

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

HB 305, relative to time allowed for voting.

HB 321, relative to ordinary and accidental death benefits in the city of Manchester employees contributory retirement system.

HB 469, relative to areas of the state for hunting by crossbow.

HB 498, relative to 20-day vehicle registrations.

HB 678-FN, relative to penalties for operation of OHRVs after suspension of driving privileges for certain motor vehicle offenses.

HB 833-L, relative to Shaker Road and Bay Hill Road in the town of Northfield.

NONCONCURRENCE

HB 275, establishing a committee to study ballot reform

RESOLUTION

Rep. Pilliod offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 23, 35, 42, 54, 58, 63, 70, 78, 80, 95, 96, 101, 107, 114, 116, 119, 131, 132, 136, 138, 148, 159, 168, 184, 190, 193, 221 and 222, and Senate Concurrent Resolution 4 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 23-FN, allowing veterans the right to purchase credit in the retirement system for certain service in the armed forces. (Finance)

SB 35, relative to the transfer and exchange of certain state-owned land for certain land owned by the Manchester water works. (Public Works and Highways)

SB 42, relative to charitable contributions by insurance agents. (Commerce)

SB 54-FN-L, relative to the local inventory of property values for assessment of property taxes. (Municipal and County Government)

SB 58-FN-A, relative to the net operating loss under the business profits tax. (Ways and Means)

SB 63, relative to establishing community reinvestment and opportunity zones and granting business tax credits for investments in projects in such zones. (Ways and Means)

SB 70, establishing a commission to study implementing a recommendation of the New Hampshire estuaries project management plan. (Resources, Recreation and Development)

SB 78-FN, establishing the New Hampshire health care information council. (Health, Human Services and Elderly Affairs)

SB 80, relative to vocational education and the automotive technology curriculum. (Education)

SB 95-FN-L, relative to the development of workforce housing within municipalities. (Municipal and County Government)

SB 96-FN, establishing a pharmacy discount program for seniors and disabled persons and making an appropriation therefor. (Health, Human Services and Elderly Affairs)

SB 101-FN, relative to unemployment compensation. Labor, Industrial and Rehabilitative Services)

SB 107-FN-A-L, establishing a statewide education accountability system. (Education)

SB 114, implementing an unsafe school choice option for pupils attending schools which have been classified as persistently dangerous and authorizing the state board of education to implement a complaint process to address school safety and school violence issues in nonpublic schools. (Education)

SB 116, establishing a committee to study methods to prevent or reduce the high school dropout rate. (Education)

SB 119, relative to medical and hospital liability insurance. Judiciary)

SB 131, establishing a committee to study the system of health care safety net providers in New Hampshire, and options for improving access to primary and preventive care for the uninsured and underinsured. (Commerce)

SB 132-FN-A, extending the Parents as Teachers program in Sullivan county and making an appropriation therefor. (Education)

SB 136, relative to liability for hazardous materials accidents. (Environment and Agriculture)

SB 138-FN, clarifying the exemption from the interest and dividends tax for distributions from qualified tuition savings programs. (Ways and Means)

SB 148-FN, relative to the regulation of water treatment equipment installers by the plumber's board. (Executive Departments and Administration)

SB 159-FN, relative to milfoil and other exotic aquatic weeds. (Transportation)

SB 168, allowing school boards to adjourn to nonpublic session to consider pupil disciplinary matters. (Judiciary)

SB 184, relative to reinsurance. (Commerce)

SB 190, relative to community living facilities. (Health, Human Services and Elderly Affairs)

SB 193, extending the report date for the commission on the education of the deaf and hard of hearing in New Hampshire and the commission on architecturally secure facilities and

community shelter care facilities for juveniles. Legislative Administration)

SB 221-FN, relative to the offense of obstructing government administration by the use of simulated legal process. Criminal Justice and Public Safety)

SB 222-FN-A, relative to motor vehicle fees. (Transportation)

SCR 4, a resolution urging the New Hampshire congressional delegation to take appropriate action against modification of the Clean Air Act if the result jeopardizes New Hampshire's ability to safeguard public health and protect environmental quality. Science, Technology and Energy)

RECESS