

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, May 29, 2003

No. 45

HOUSE JOURNAL No. 17 (cont.)

Thursday, May 15, 2003

RECESS

(Rep. Lars Christiansen in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 77, 179, 212, 244, 253, 436, 831, and Senate Bills numbered 39, 48, 52, 56, 57, 66, 91, 129, 138, 145, 165, 166, 171, 173, 190, 198 and 219.

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

RECESS

(Rep. O'Neil in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 402.

Rep. Nelson Allan, Sen. D'Allesandro for the Committee

RECESS

(Rep. Francoeur in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 153, 192, 208, 218, 231, 269, 394, 423, 497, 506, 515, 561, 658, 661, and 766.

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

**SENATE MESSAGES
CONCURRENCE**

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

HB 278-FN, relative to certain acts of sexual assault.

HB 639-FN-L, relative to receiving legislative body approval though warrant articles before a municipality may continue a program initiated under a grant.

NONCONCURRENCE

HB 531, relative to off-site improvements imposed on applicants to a planning board.

ENROLLED BILL AMENDMENTS

HB 211, relative to town clerk fee deposit requirements.

Amendment (1655-EBA)

Amend RSA 41:25, I as inserted by section 1 of the bill by replacing line 7 with the following:
his or her services
Adopted.

HB 225, extending the task force on deafness and hearing loss and changing the task force's membership and duties.

Amendment (1670-EBA)

Amend 2000, 234:4, II(a) as inserted by section 3 of the bill by replacing it with the following:

(a) The governor's commission on disability.

Amend 2000, 234:4, II(c) as inserted by section 3 of the bill by replacing it with the following:

(c) Northeast Deaf and Hard of Hearing Services, Inc.

Amend 2000, 234:5-a as inserted by section 4 of the bill by replacing lines 3-5 with the following:

November 1, ~~2001~~ **2005. The task force shall submit interim reports on its activities and progress to the governor and council, the speaker of the house of representatives, and the president of the senate on November 1, 2003 and November 1, 2004.** The task force shall submit its final report and
Adopted.

HB 529, relative to the New Hampshire seed law.

Amendment (1659-EBA)

Amend RSA 433:2, III(b)(3) as inserted by section 5 of the bill by replacing line 2 with the following:

component in excess of 5 percent of the whole, and the percentage by weight of pure seed in order

Amend RSA 433:2, VII(a)(2) as inserted by section 8 of the bill by replacing line 5 with the following:

completed within 12 months exclusive of the month of test.

Amend RSA 433:2, VIII(c) as inserted by section 9 of the bill by replacing line 1 with the following:

(c) For wildflower seed only with a pure seed percentage of less than 90 percent:

Amend RSA 433:2, XI as inserted by section 10 of the bill by replacing line 1 with the following:

XI. For combination mulch, seed, and fertilizer products:

Adopted.

HB 808, relative to proof of residency and resident tax payment for receiving resident fish and game licenses.

Amendment (1658-EBA)

Amend RSA 72:1-c, I as inserted by section 1 of the bill by replacing line 4 with the following:
to it. The provisions of RSA [~~214:11-a, 214:12, 215-A:1, XII,~~] 261:71[~~]~~ and 261:72 shall not
apply to

Amend RSA 80:3 as inserted by section 2 of the bill by replacing line 18 with the following:
the director [~~or executive director~~] when the registration [~~or license, or both,~~] may be restored
Adopted.

RECESS

(Rep. Batula in the Chair)

ENROLLED BILL AMENDMENTS

SB 43, relative to archives and records management. (Amendment printed SJ 5/22/03)
Adopted.

SB 82-FN, relative to awards of fees and interest under workers' compensation.
(Amendment printed SJ 5/22/03)
Adopted.

SB 101-FN, relative to unemployment compensation. (Amendment printed SJ 5/22/03)
Adopted.

SJR 1, approving certain uses of Weeks state park. (Amendment printed SJ 05/22/03)
Adopted.

RECESS

(Rep. Arnold in the Chair)

SENATE MESSAGES

CONCURRENCE

HB 131, relative to enforcement of negotiable instruments under Article 3 of the Uniform
Commercial Code.

HB 159, relative to meetings of the directors of nondepository trust companies.

HB 160, relative to removal or replacement of trustees.

HB 166, relative to employees of the New Hampshire retirement system.

HB 356-FN, relative to including medical benefits costs in the purchase of creditable service
in the retirement system.

HB 404, relative to common trust funds.

HB 413-L, relative to certain appeals proceedings when the taxpayer prevails.

HB 446, relative to building permits.

HB 519-FN-A, relative to the conservation number plate trust fund.

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

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

HB 571-FN-L, relative to Old Newport Road and the end of Main Street in the town of
Marlow.

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

HB 596-FN, relative to health plan loss information.

HB 659-FN, relative to penalties for failure to obey a subpoena or summons.

HB 684-FN, relative to the insurance rating law.

HB 728-FN-A, establishing a dedicated fund for organic certification inspections.

HB 758-FN, relative to the criteria for medicaid eligibility.

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

HB 802-FN-A, encouraging the department of transportation to retrofit a highway rest stop to be a solar powered facility.

HB 806, enabling municipalities to adopt a property tax exemption for deaf or severely hearing impaired persons.

HB 807-FN, increasing the filing fees for a fund raising counsel and a paid solicitor of a charitable trust.

HB 816, making technical corrections to the securities laws.

HB 834-L, relative to River Road and Nimble Hill Road in the town of Newington.

NONCONCURRENCE

HB 360-FN-A-L, establishing a civil legal services fund consisting of court filing fee surcharges for the purpose of establishing and operating a New Hampshire Legal Assistance office in Nashua and relative to a New Hampshire Legal Assistance pilot project on serving the near-poor.

HB 410, relative to disclosure of information for purposes of background investigations by criminal justice agencies of applicants for police, corrections, and security employment.

HB 547, relative to the duties of the oversight committee on telecommunications and relative to the membership of the Mount Washington Commission.

HB 562, relative to an additional duty of the air pollution advisory committee.

HB 717-FN-L, relative to targeted aid to education.

HB 788-FN-A, transferring the duties of the health services planning and review board.

RE-REFERRED TO COMMITTEE

HB 134-FN, relative to recommendations, appointments, and qualifications of marital masters and procedures for cases heard by marital masters.

CONCURRENCE WITH AMENDMENTS

SB 142-FN, relative to advertisements on utility poles and highway signs.

SB 206-FN, relative to the registration of OHRVs used as grooming equipment for cross country ski trails.

SCR 2, urging the United States Congress to act to rectify the science, research funding, and restrictions governing the Northeast multispecies fishing industry and its impact on New Hampshire fishermen.

ENROLLED BILL AMENDMENTS

HB 278-FN, relative to certain acts of sexual assault.

Amendment (1732-EBA)

Amend RSA 632-A:4, II as inserted by section 1 of the bill by replacing line 1 with the following:

II. A person found guilty under subparagraph I(b) of this section shall not be required to
Adopted.

HB 593-FN-L, relative to solid waste facilities in small towns.

Amendment (1772-EBA)

Amend RSA 149-M:9, XIII(a) as inserted by section 1 of the bill by replacing lines 1-2 with the following:

XIII.(a) No permit issued by the department to a town with a population of 5,000 persons or fewer shall require the town to clean up an inactive, municipally-owned, unlined landfill (inactive

Amend RSA 149-M:9, XIII(c) as inserted by section 1 of the bill by replacing it with the following:

(c) This paragraph shall not apply to those facilities governed under the terms of 40 C.F.R. part 258.

Adopted.

HB 711-FN, relative to the regulation of retail installment sales of motor vehicles.

Amendment (1747-EBA)

Amend RSA 361-A:2, VIII(a) as inserted by section 4 of the bill by replacing line 2 with the following:

payment of the required application fee, if the commissioner determines that the applicant's Amend RSA 361-A:2-b, I(c) as inserted by section 5 of the bill by replacing line 2 with the following:

of their most recent Securities and Exchange Commission Form 10-K and Form 10-Q statements.

Amend RSA 361-A:3 as inserted by section 6 of the bill by replacing paragraphs IV and V with the following:

IV. If the commissioner finds that any licensee or applicant for license is no longer in existence or has ceased to do business as a retail seller or sales finance company, or cannot be located after reasonable search, the commissioner may by order revoke the license or deny the application. The commissioner may deem abandoned and withdraw any application for licensure made pursuant to this chapter, if any applicant fails to respond in writing within 180 days to a written request from the commissioner requesting a response. Such request shall be sent via certified mail to the last known address of the applicant that is on file with the commissioner

Adopted.

RECESS

Rep. Giuda moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 18

Thursday, May 29, 2003

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

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

Blessed Creator, despite the black flies, despite the unending rain, and despite the lack of umpires who can call a strike when they see one, we lift up our thanks to You for the innumerable blessings You have bestowed upon us as citizens of our beloved New Hampshire. May the decisions of this honorable House uphold and defend the freedom of every person, and with abundant compassion, may those in need of assistance not be forgotten.

We remember especially this morning the brave Americans who are risking their lives, and giving their lives, to promote freedom and self-determination for the free citizens of Iraq and Afghanistan.

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

Rep. Ryan Hansen led the Pledge of Allegiance.

The National Anthem was sung by Allison DeStefano, a student from Bow High School and daughter of Rep. DeStefano.

LEAVES OF ABSENCE

Reps. Allison, Elizabeth Blanchard, Cernota, Flanagan, Ford and Olimpio, the day, illness.
Reps. Akins, Bridle, Daniels, Dorsett, Fletcher, Hess, Hunt, Stephen L'Heureux, John Manning, Marjorie Smith, and Sweeney, the day, important business.
Rep. Naro, the day, death in the family.

INTRODUCTION OF GUESTS

Lebanon High School ninth grade government class and teacher John Kelley, guests of the Lebanon delegation. Honorable Paul McGuirk, guest of Reps. Batchelder and John Pratt. Richard Hughes, guest of Rep. Hofemann. Ronald Rush, Sandy and Jerry Ratiu, Andron, Dakota and Mason Shoup, husband and guests of Rep. Rush. Jessica and Eric Itse, Jessica Fairbanks and Nicole Gillespie, guests of Rep. Itse. Penny Hamilton, guest of Rep. Francoeur. Ellen DeStefano, Tom and Nancy Destefano, wife and parents of Rep. DeStefano. Jack Roche, guest of Rep. Scott.

INTRODUCTION OF SPECIAL GUEST

Major Joseph Daley, United States Air National Guard, an A-10 Warthog pilot with the 104th Fighter Wing, recently returned from serving in Operation Iraqi Freedom. He was accompanied by his wife, Kelly Ayotte and his mother-in-law, Kathy Verraco. He was a guest of the House.

COMMUNICATION

May 28, 2003

Honorable Gene G. Chandler
Speaker of the House

I hereby tender my resignation as a Representative from the Towns of Auburn and Londonderry.

It has been an honor to have served the fine people of these two towns and I shall miss serving them in the capacity of Representative. Yet, I am equally honored to move on as their County Commissioner in the Third District.

Further, thank you for the honor and confidence you have shown toward me and a big "thank you" to that great group of Representatives for all their kindnesses.

C. Donald Stritch, Rockingham County, District 75

On behalf of the House the Speaker accepted the resignation.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 123, relative to notice given to putative fathers in adoption proceedings. (Amendment printed SJ 5/08/03)

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

Adopted.

HB 214, relative to discovery deposition of minors in criminal cases. (Amendment printed SJ 5/08/03)

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

Adopted.

HB 694-FN, relative to tobacco product manufacturers not entering master settlement agreements. (Amendments printed SJ 5/22/03)

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

Adopted.

HB 690-FN, relative to agricultural crop damage. (Amendments printed SJ 5/15/03)

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

Adopted.

HB 825, establishing a committee to study methods of safely reducing the prison population in the state. (Amendment printed SJ 5/22/03)

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

Adopted.

HB 605-FN, relative to prohibited election day activity. (Amendment printed SJ 5/22/03)

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

Adopted.

HB 693-FN, relative to the jurisdiction and constitution of the ballot law commission.

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

Adopted.

HB 66-FN, relative to executive agency rulemaking authority. (Amendment printed SJ 5/22/03)

Rep. O'Neil moved that the House concur.

Rep. Goulet spoke in favor.

Adopted.

HB 617-FN, relative to the licensure of dentists and regulation by the board of dental examiners. (Amendment printed SJ 5/22/03)

Rep. O'Neil moved that the House concur and spoke in favor.

Adopted.

HB 240, establishing a committee to study ways to prevent suicide among young people in New Hampshire. (Amendment printed SJ 5/15/03)

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

Adopted.

HB 564-FN, relative to access to information in proceedings of the judicial conduct commission. (Amendment printed SJ 5/15/03)

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

Adopted.

HB 763-FN, requiring parental notification before abortions may be performed on unemancipated minors. (Amendments printed SJ 5/22/03)

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

Rep. Leach spoke against.

MOTION TO LAY ON THE TABLE

Rep. Daniel Eaton moved that **HB 763-FN**, requiring parental notification before abortions may be performed on unemancipated minors, be laid on the table.
Rep. Hallyburton requested a roll call, sufficiently seconded.
The question being to lay **HB 763-FN** on the table.

YEAS 175 NAYS 198

YEAS 175

BELKNAP

Bartlett, Gordon	Holbrook, Robert	Pilliod, James	Russell, David
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CARROLL

Babson, David Jr	Dickinson, Howard	Patten, Betsey	Philbrick, Donald
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CHESHIRE

Allen, Peter	Batchelder, Robert	Dexter, Judson	Dunn, James
Eaton, Daniel	Espieffs, Peter	Meader, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Robertson, Timothy
Slack, Pamela	Smith, Edwin	Tilton, Anna	Webber, Amy
Weed, Charles			

COOS

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

Alger, John	Almy, Susan	Barker, Robert	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Densmore, Edward	Diamond, Estelle
Eaton, Stephanie	Gionet, Edmond	Ham, Bonnie	Hammond, Lee
Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda	Solomon, Peter

HILLSBOROUGH

Bergin, Peter	Buckley, Raymond	Carlson, Donald	Carter, Mark
Christensen, D L	Clayton, William	Clemons, Jane	Cote, David
Chris			
Cote, Peter	Craig, James	Desmarais, Vivian	Dionne, Kimberley
Dokmo, Cynthia	Drisko, Richard	Emerton, Larry	Furman, Christine
Gargas, Carolyn	Gorman, Mary	Graham, John	Holden, Randolph
Irwin, Anne-Marie	Johnson, Lionel	Katsiantonis, Thomas	Konys, Christine
Kopka, Angeline	Kudalis, Debra	Kurk, Neal	Lasky, Bette
Leach, Edward	Malloy, Chris	Messier, Irene	Milligan, Robert
Movsesian, Lori	Ober, Russell III	Palangas, Eric	Pappas, Christopher
Scanlon, Michael	Schulze, Joan	Spiess, Paul	Sullivan, Francis
Sullivan, Jeffrey	Wheeler, Robert		

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Colcord, J D	Currier, David	Davis, Frank	DeJoie, John
Foley, Albert	Fraser, Leo Jr	French, Barbara	Gile, Mary
Hager, Elizabeth	Hamm, Christine	Jacobson, Alf	Kenison, Leon
Lockwood, Priscilla	MacKay, James	Marple, Richard	Maxfield, Roy

McCormick, Tom
Perkins, Randy
Seldin, Gloria

Oliver, James
Potter, Frances
Wallner, Mary Jane

Osborne, Jessie
Reardon, Tara

Owen, Derek
Rush, Deanna

ROCKINGHAM

Belanger, Ronald
Coos, Betsy
Flanders, John Sr
Hutchinson, Karen
McCann, Richard
Pantelakos, Laura
Scamman, Stella
Tufts, J Arthur

Blanchard, MaryAnn
Corbin, Corey
Francoeur, Sheila
Johnson, Robert
McKinney, Betsy
Pitts, Jacqueline
Shultis, Elizabeth
Vallone, Matthew

Casey, Kimberley
Dalrymple, Janeen
Gleason, John
Kelley, Jane
McMahon, Charles
Priestley, Anne
Splaine, James

Clark, Vivian
Davidson, Robert
Gould, Kenneth
Langley, Jane
Norelli, Terie
Robertson, Carl
Stone, Joseph

STRAFFORD

Bickford, David
Heon, Richard
Knowles, William
Rous, Emma
Vachon, Dennis

Brown, Julie
Johnson, Nancy
Miller, Joseph
Schmidt, Peter
Wall, Janet

Creteau, Irene
Kaen, Naida
Pelletier, Arthur
Snyder, Clair

Grassie, Anne
Keans, Sandra
Rollo, Deanna
Spang, Judith

SULLIVAN

Burling, Peter
Franklin, Peter
Leone, Richard

Cloutier, John
Harris, Joseph
Phinizy, James

Ferland, Brenda
Harris, Sandra

Flint, Gordon Sr
Jones, Constance

NAYS 198

BELKNAP

Ahern, Omer Jr
Dewhirst, Glenn
Lawton, David
Wendelboe, Fran

Allen, Janet
Fitzgerald, James
Nedeau, Stephen
Whalley, Michael

Boyce, Laurie
Flanders, Donald
Rice, Thomas

Clark, Charles
Laflam, Robert
Thomas, John

CARROLL

Brown, Carolyn
McConkey, Mark

Derby, Mark
Merrow, Harry

Hatch, Paul
Mock, Henry

Kenney, Bettie
Stevens, Stanley

CHESHIRE

Fish, Douglas
Parkhurst, Henry

Laurent, John
Royce, H Charles

Liebl, George

Manning, Joseph

COOS

Brady, Mark
Stohl, Eric

Guay, Lawrence
Tholl, John Jr

King, Frederick
Woodward, David

Richardson, Herbert

GRAFTON

Dudley, Terri
Maybeck, Margie

Gilman, G Michael
Sorg, Gregory

Giuda, Robert
Williams, Burton

Ingbretson, Paul

HILLSBOROUGH

Adams, Jarvis	Allan, Nelson	Allen, Timothy	Arnold, Thomas Jr
Artz, Lawrence	Balboni, Michael	Balcom, John	Baroody, Benjamin
Barry, J Gail	Batula, Peter	Beaton, William	Bergeron, Jean-Guy
Brassard, Paul	Brundige, Robert	Bruno, Pierre	Buhlman, David
Cail, Kenneth	Carter, Jeffrey	Chabot, Robert	Christiansen, Lars
Coughlin, Pamela	Crane, Elenore	Elliott, Larry	Fields, Dennis
	Casey		
Gibson, John	Gonzalez, Carlos	Goulet, Maurice	Goyette, Peter Jr
Greenberg, Gary	Hagan, Barbara	Haley, Robert	Hall, Charles
Hallyburton, Margaret	Hansen, Ryan	Harrington, Paul	Hawkins, Ken
Haytayan, Harry Jr	Hinkle, Peyton	Hopper, Gary	Hunter, Bruce
Infantine, William	Jasper, Shawn	Jean, Claudette	Kerns, J Edward
L'Heureux, Robert	LaFlamme, Paul	Lawrence, James	Lefebvre, Roland
Lessard, Rudy	Luebker, Bernard	McDonough-Wallace, Alice	McElroy, Henry Jr
McHugh, Claire	McRae, Karen	Mercer, Robert	Mooney, Maureen
Moran, Edward	Mosher, William	O'Brien, Lori	Pappas, Marc
Pepino, Leo	Pilotte, Maurice	Price, Pamela	Reeves, Sandra
Ross, Lawrence	Rowe, Robert	Slocum, Lee	Souza, Kathleen
Stepanek, Stephen	Sullivan, Peter	Tahir, Saghir	Tate, Joan
Vaillancourt, Steve	Wheeler, James		

MERRIMACK

DeStefano, Stephen	Dunne, Christopher	Field, William	Kennedy, Richard
Langer, Ray	Leber, William	Nutter, Edward	Ouellette, Robert
Reed, Dennis	Soltani, Tony		

ROCKINGHAM

Allen, Mary	Bicknell, Elbert	Bishop, Franklin	Cady, Harriet
Camm, Kevin	Carson, Sharon	Cooney, Richard	Dearborn, Bruce
DiFruscia, Anthony	Dodge, Robert	Doyle, Christopher	Duffy, James
Dumaine, Dudley	Dupuis, Roland	Fesh, Bob	Flayhan, Mary Lou
Gilbert, Jeffrey	Gilbert, Karl	Gillick, Thomas	Griffin, Mary
Hamel, Albert	Headd, James	Holland, James Jr	Hughes, Daniel
Ingram, Russell	Introne, Robert	Itse, Daniel	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langone, John
Letourneau, Robert	Major, Norman	Moore, Benjamin	Morris, Richard
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Putnam, Ed II
Quandt, Matthew	Rausch, James	Roessner, Kurt	Ruffner, Walter
Smith, Donald	Smith, Paul	Varrell, Thomas	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weyler, Kenneth	Wiley, Robert
Winchell, George	Zolla, William		

STRAFFORD

Albert, Russell	Bemis, Alan	Berube, Roger	Callaghan, Frank
Campbell, W Packy	Cataldo, Sam	Dunlap, Patricia	Easson, Timothy
Harrington, Michael	Hofemann, Roland	Hollinger, Jeffrey	Musler, George
Newton, Clifford	Scott, David	Twombly, James	Woods, Phyllis

SULLIVAN

Donovan, Thomas and the motion failed.	Rodeschin, Beverly
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The question now being to concur with Senate amendments.
Rep. Phyllis Woods spoke in favor.
Rep. Dalrymple spoke against.
Rep. Wendelboe requested a roll call, sufficiently seconded.

YEAS 197 NAYS 176

YEAS 197

BELKNAP

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

CARROLL

Brown, Carolyn	Derby, Mark	Hatch, Paul	Kenney, Bettie
McConkey, Mark	Mock, Henry	Stevens, Stanley	

CHESHIRE

Fish, Douglas	Laurent, John	Liebl, George	Manning, Joseph
Parkhurst, Henry	Royce, H Charles	Smith, Edwin	

COOS

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

GRAFTON

Alger, John	Barker, Robert	Dudley, Terri	Gilman, G Michael
Giuda, Robert	Ingbertson, Paul	Maybeck, Margie	Sorg, Gregory
Williams, Burton			

HILLSBOROUGH

Adams, Jarvis	Allan, Nelson	Allen, Timothy	Arnold, Thomas Jr
Artz, Lawrence	Balboni, Michael	Balcom, John	Barody, Benjamin
Batula, Peter	Beaton, William	Bergeron, Jean-Guy	Brassard, Paul
Brundige, Robert	Bruno, Pierre	Buhlman, David	Carter, Jeffrey
Chabot, Robert	Christensen, D L	Christiansen, Lars	Coughlin, Pamela
	Chris		
Crane, Elenore	Dionne, Kimberley	Elliott, Larry	Emerton, Larry
Casey			
Fields, Dennis	Gibson, John	Gonzalez, Carlos	Goulet, Maurice
Goyette, Peter Jr	Greenberg, Gary	Hagan, Barbara	Haley, Robert
Hall, Charles	Hallyburton, Margaret	Hansen, Ryan	Harrington, Paul
Hawkins, Ken	Hinkle, Peyton	Hunter, Bruce	Infantine, William
Jasper, Shawn	Jean, Claudette	Kerns, J Edward	L'Heureux, Robert
LaFlamme, Paul	Lawrence, James	Lefebvre, Roland	Lessard, Rudy
Luebker, Bernard	McDonough-Wallace,	McElroy, Henry Jr	McHugh, Claire
	Alice		
Mercer, Robert	Milligan, Robert	Mooney, Maureen	Moran, Edward
Mosher, William	O'Brien, Lori	Pappas, Marc	Pepino, Leo

Pilote, Maurice
Slocum, Lee
Tahir, Saghir

Price, Pamela
Souza, Kathleen
Tate, Joan

Reeves, Sandra
Stepanek, Stephen
Vaillancourt, Steve

Rowe, Robert
Sullivan, Peter
Wheeler, James

MERRIMACK

DeStefano, Stephen
Langer, Ray
Reed, Dennis

Dunne, Christopher
Leber, William
Soltani, Tony

Field, William
Nutter, Edward

Kennedy, Richard
Ouellette, Robert

ROCKINGHAM

Allen, Mary
Camm, Kevin
DiFruscia, Anthony
Dumaine, Dudley
Gilbert, Karl
Headd, James
Introne, Robert
Katsakiores, Phyllis
Major, Norman
O'Neil, Michael
Rausch, James
Smith, Paul
Weare, E Albert
Winchell, George

Bicknell, Elbert
Carson, Sharon
Dodge, Robert
Dupuis, Roland
Gillick, Thomas
Holland, James Jr
Itse, Daniel
Kobel, Rudolph
Moore, Benjamin
Packard, Sherman
Roessner, Kurt
Tufts, J Arthur
Welch, David
Zolla, William

Bishop, Franklin
Cooney, Richard
Doyle, Christopher
Fesh, Bob
Griffin, Mary
Hughes, Daniel
Johnson, Rogers
Langone, John
Morris, Richard
Putnam, Ed II
Ruffner, Walter
Varrell, Thomas
Weyler, Kenneth

Cady, Harriet
Dearborn, Bruce
Duffy, James
Flayhan, Mary Lou
Hamel, Albert
Ingram, Russell
Katsakiores, George
Letourneau, Robert
Noyes, Richard
Quandt, Matthew
Smith, Donald
Waterhouse, Kevin
Wiley, Robert

STRAFFORD

Albert, Russell
Campbell, W Packy
Hofemann, Roland
Scott, David

Bemis, Alan
Cataldo, Sam
Hollinger, Jeffrey
Twombly, James

Berube, Roger
Easson, Timothy
Musler, George
Woods, Phyllis

Callaghan, Frank
Harrington, Michael
Newton, Clifford

SULLIVAN

Donovan, Thomas

Rodeschin, Beverly

NAYS 176

BELKNAP

Allen, Janet

Holbrook, Robert

Pilliod, James

Russell, David

CARROLL

Babson, David Jr
Philbrick, Donald

Dickinson, Howard

Merrow, Harry

Patten, Betsey

CHESHIRE

Allen, Peter
Eaton, Daniel
Pratt, Irene
Slack, Pamela

Batchelder, Robert
Espiefs, Peter
Pratt, John
Tilton, Anna

Dexter, Judson
Meader, David
Richardson, Barbara
Webber, Amy

Dunn, James
Mitchell, McKim
Robertson, Timothy
Weed, Charles

COOS

Mears, Edgar

Poulin, Richard

Pratt, Leighton

Theberge, Robert

GRAFTON

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

HILLSBOROUGH

Barry, J Gail	Bergin, Peter	Buckley, Raymond	Cail, Kenneth
Carlson, Donald	Carter, Mark	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Desmarais, Vivian
Dokmo, Cynthia	Drisko, Richard	Furman, Christine	Gargas, Carolyn
Gorman, Mary	Graham, John	Haytayan, Harry Jr	Holden, Randolph
Irwin, Anne-Marie	Johnson, Lionel	Katsiantonis, Thomas	Konys, Christine
Kopka, Angeline	Kudalis, Debra	Kurk, Neal	Lasky, Bette
Leach, Edward	Malloy, Chris	McRae, Karen	Messier, Irene
Movsesian, Lori	Ober, Russell III	Palangas, Eric	Pappas, Christopher
Ross, Lawrence	Scanlon, Michael	Shaw, Barbara	Spiess, Paul
Sullivan, Francis	Sullivan, Jeffrey	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Colcord, J D	Currier, David	Davis, Frank	DeJoie, John
Foley, Albert	Fraser, Leo Jr	French, Barbara	Gile, Mary
Hager, Elizabeth	Hamm, Christine	Jacobson, Alf	Kenison, Leon
Lockwood, Priscilla	MacKay, James	Marple, Richard	Maxfield, Roy
McCormick, Tom	Oliver, James	Osborne, Jessie	Owen, Derek
Perkins, Randy	Potter, Frances	Reardon, Tara	Rush, Deanna
Seldin, Gloria	Wallner, Mary Jane		

ROCKINGHAM

Belanger, Ronald	Blanchard, MaryAnn	Casey, Kimberley	Clark, Vivian
Coes, Betsy	Corbin, Corey	Dalrymple, Janeen	Davidson, Robert
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gleason, John
Gould, Kenneth	Hutchinson, Karen	Johnson, Robert	Kelley, Jane
Langley, Jane	McCann, Richard	McEachern, Paul	McKinney, Betsy
McMahon, Charles	Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline
Priestley, Anne	Robertson, Carl	Scamman, Stella	Shultis, Elizabeth
Splaine, James	Stone, Joseph	Vallone, Matthew	

STRAFFORD

Bickford, David	Brown, Julie	Creteau, Irene	Dunlap, Patricia
Grassie, Anne	Heon, Richard	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Miller, Joseph	Pelletier, Arthur
Rollo, Deanna	Rous, Emma	Schmidt, Peter	Snyder, Clair
Spang, Judith	Vachon, Dennis	Wall, Janet	

SULLIVAN

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

Adopted.

HB 75, relative to timber harvesting. (Amendment printed SJ 5/22/03)
Rep. Royce moved that the House concur and spoke in favor.
Adopted.

RECONSIDERATION

Having voted with the prevailing side, Rep. Phyllis Woods moved that the House reconsider its action whereby it concurred with the Senate amendments to **HB 763-FN**, requiring parental notification before abortions may be performed on unemancipated minors.

Rep. Hagan requested a roll call; sufficiently seconded.

The question being to reconsider action taken on **HB 763-FN**.

YEAS 172 NAYS 200

YEAS 172

BELKNAP

Allen, Janet	Holbrook, Robert	Pilliod, James	Russell, David
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CARROLL

Babson, David Jr	Dickinson, Howard	Merrow, Harry	Philbrick, Donald
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CHESHIRE

Allen, Peter	Batchelder, Robert	Dexter, Judson	Dunn, James
Eaton, Daniel	Espieffs, Peter	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Robertson, Timothy
Slack, Pamela	Tilton, Anna	Webber, Amy	Weed, Charles

COOS

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

Alger, John	Almy, Susan	Barker, Robert	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Densmore, Edward	Diamond, Estelle
Eaton, Stephanie	Gionet, Edmond	Ham, Bonnie	Hammond, Lee
Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda	Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin	Barry, J Gail	Bergin, Peter	Buckley, Raymond
Cail, Kenneth	Carlson, Donald	Carter, Mark	Clayton, William
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Desmarais, Vivian	Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard
Emerton, Larry	Furman, Christine	Gargasz, Carolyn	Gorman, Mary
Graham, John	Haley, Robert	Holden, Randolph	Irwin, Anne-Marie
Johnson, Lionel	Katsiantonis, Thomas	Konys, Christine	Kopka, Angeline
Kudalis, Debra	Kurk, Neal	Lasky, Bette	Leach, Edward
Lefebvre, Roland	Malloy, Chris	McRae, Karen	Messier, Irene
Movsesian, Lori	Ober, Russell III	Palangas, Eric	Pappas, Christopher
Ross, Lawrence	Scanlon, Michael	Schulze, Joan	Shaw, Barbara
Sullivan, Francis	Sullivan, Jeffrey	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Davis, Frank	DeJoie, John	DeStefano, Stephen	Fraser, Leo Jr
French, Barbara	Gile, Mary	Hager, Elizabeth	Hamm, Christine
Jacobson, Alf	Kenison, Leon	Lockwood, Priscilla	Marple, Richard
McCormick, Tom	Oliver, James	Osborne, Jessie	Owen, Derek
Perkins, Randy	Potter, Frances	Reardon, Tara	Rush, Deanna
Seldin, Gloria	Wallner, Mary Jane		

ROCKINGHAM

Belanger, Ronald	Blanchard, MaryAnn	Casey, Kimberley	Clark, Vivian
Coes, Betsy	Corbin, Corey	Dalrymple, Janeen	Davidson, Robert
DiFruscia, Anthony	Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey
Gould, Kenneth	Hutchinson, Karen	Johnson, Robert	Kelley, Jane
Langley, Jane	McEachern, Paul	Norelli, Terie	Pantelakos, Laura
Pitts, Jacqueline	Priestley, Anne	Rausch, James	Robertson, Carl
Scamman, Stella	Shultis, Elizabeth	Splaine, James	Stone, Joseph
Vallone, Matthew			

STRAFFORD

Brown, Julie	Creteau, Irene	Dunlap, Patricia	Grassie, Anne
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Miller, Joseph	Pelletier, Arthur	Rollo, Deanna
Rous, Emma	Schmidt, Peter	Spang, Judith	Vachon, Dennis
Wall, Janet			

SULLIVAN

Burling, Peter	Cloutier, John	Ferland, Brenda	Franklin, Peter
Harris, Joseph	Harris, Sandra	Jones, Constance	Leone, Richard
Phinizy, James			

NAYS 200

BELKNAP

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

CARROLL

Brown, Carolyn	Derby, Mark	Hatch, Paul	Kenney, Bettie
McConkey, Mark	Mock, Henry	Patten, Betsey	Stevens, Stanley

CHESHIRE

Fish, Douglas	Laurent, John	Liebl, George	Manning, Joseph
Parkhurst, Henry	Royce, H Charles	Smith, Edwin	

COOS

Brady, Mark	Guay, Lawrence	King, Frederick	Richardson, Herbert
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Stohl, Eric

Tholl, John Jr

Woodward, David

GRAFTON

Dudley, Terri
Maybeck, Margie

Gilman, G Michael
Sorg, Gregory

Giuda, Robert
Williams, Burton

Ingbretson, Paul

HILLSBOROUGH

Adams, Jarvis
Artz, Lawrence
Beaton, William
Bruno, Pierre
Christensen, D L
Chris

Elliott, Larry
Goulet, Maurice
Hall, Charles
Hawkins, Ken
Hunter, Bruce
Kerns, J Edward
Lessard, Rudy

McHugh, Claire
Moran, Edward
Pepino, Leo
Rowe, Robert
Stepanek, Stephen
Vaillancourt, Steve

Allan, Nelson
Balboni, Michael
Bergeron, Jean-Guy
Buhlman, David
Christiansen, Lars

Fields, Dennis
Goyette, Peter Jr
Hallyburton, Margaret
Haytayan, Harry Jr
Infantine, William
L'Heureux, Robert
Luebker, Bernard

Mercer, Robert
Mosher, William
Pilotte, Maurice
Slocum, Lee
Sullivan, Peter
Wheeler, James

Allen, Timothy
Balcom, John
Brassard, Paul
Carter, Jeffrey
Coughlin, Pamela

Gibson, John
Greenberg, Gary
Hansen, Ryan
Hinkle, Peyton
Jasper, Shawn
LaFlamme, Paul
McDonough-Wallace,
Alice

Milligan, Robert
O'Brien, Lori
Price, Pamela
Souza, Kathleen
Tahir, Saghir

Arnold, Thomas Jr
Batula, Peter
Brundige, Robert
Chabot, Robert
Crane, Elenore
Casey

Gonzalez, Carlos
Hagan, Barbara
Harrington, Paul
Hopper, Gary
Jean, Claudette
Lawrence, James
McElroy, Henry Jr

Mooney, Maureen
Pappas, Marc
Reeves, Sandra
Spiess, Paul
Tate, Joan

MERRIMACK

Colcord, J D
Foley, Albert
MacKay, James
Soltani, Tony

Currier, David
Kennedy, Richard
Nutter, Edward

Dunne, Christopher
Langer, Ray
Ouellette, Robert

Field, William
Leber, William
Reed, Dennis

ROCKINGHAM

Allen, Mary
Camm, Kevin
Dodge, Robert
Dupuis, Roland
Gillick, Thomas
Headd, James
Introne, Robert
Katsakiores, Phyllis
Major, Norman
Moore, Benjamin
Packard, Sherman
Ruffner, Walter
Varrell, Thomas
Weyler, Kenneth

Bicknell, Elbert
Carson, Sharon
Doyle, Christopher
Fesh, Bob
Gleason, John
Holland, James Jr
Itse, Daniel
Kobel, Rudolph
McCann, Richard
Morris, Richard
Putnam, Ed II
Smith, Donald
Waterhouse, Kevin
Wiley, Robert

Bishop, Franklin
Cooney, Richard
Duffy, James
Flayhan, Mary Lou
Griffin, Mary
Hughes, Daniel
Johnson, Rogers
Langone, John
McKinney, Betsy
Noyes, Richard
Quandt, Matthew
Smith, Paul
Weare, E Albert
Winchell, George

Cady, Harriet
Dearborn, Bruce
Dumaine, Dudley
Gilbert, Karl
Hamel, Albert
Ingram, Russell
Katsakiores, George
Letourneau, Robert
McMahon, Charles
O'Neil, Michael
Roessner, Kurt
Tufts, J Arthur
Welch, David
Zolla, William

STRAFFORD

Bemis, Alan
Campbell, W Packy

Berube, Roger
Cataldo, Sam

Bickford, David
Easson, Timothy

Callaghan, Frank
Harrington, Michael

Hofemann, Roland
Scott, David

Hollinger, Jeffrey
Twombly, James

Musler, George
Woods, Phyllis

Newton, Clifford

SULLIVAN

Donovan, Thomas Flint, Gordon Sr Rodeschin, Beverly
and the motion to reconsider failed.

MOTION TO PRINT DEBATE

Rep. Elliott moved that the debate on *HB 763-FN* be printed in the Permanent Journal.
Motion failed.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 703-FN, permitting free admission to the state park system for disabled veterans.
(Amendment printed SJ 5/22/03)

Rep. Coughlin moved that the House concur and spoke in favor.
Adopted.

HCR 15, relative to relaxing air quality standards by the United States Environmental
Protection Agency. (Amendment printed SJ 5/22/03)

Rep. Coughlin moved that the House nonconcur and spoke in favor.
Adopted.

HB 805, establishing a consensus revenue estimating panel. (Amendment printed SJ
5/22/03)

Rep. Major moved that the House concur and spoke in favor.
Adopted.

HB 316-FN, relative to insurance coverage for anesthesia for child dental care. (Amendment
printed SJ 5/22/03)

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

The Speaker appointed Reps. Hunt, Fraser, Quandt and Meader.

HB 680-FN, establishing a committee to study service contracts and repealing the law
regarding legal services insurance. (Amendment printed SJ 5/22/03)

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

The Speaker appointed Reps. Hunt, Fraser, Spiess and Meader.

HB 798, relative to gifts by fiduciaries. (Amendment printed SJ 5/22/03)

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

The Speaker appointed Reps. Hunt, Stepanek, Quandt and Meader.

HB 817, relative to the regulation of first and second mortgage brokers and mortgage
servicers. (Amendment printed SJ 5/22/03)

Rep. Fraser moved that the House nonconcur and Committee of Conference.
Adopted.

The Speaker appointed Reps. Hunt, Fraser, Stepanek, and Meader.

HB 198, relative to the police powers of law enforcement officers called to respond to
incidents in other jurisdictions. (Amendment printed SJ 5/15/03)

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

The Speaker appointed Reps. Welch, Weare, Bicknell and Pantelakos.

HB 288-FN, imposing a criminal penalty for the dissemination of certain materials without consent. (Amendment printed SJ 5/22/03)

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

The Speaker appointed Reps. Knowles, Tholl, Stevens and Kurk.

HB 524-FN, relative to the annulment of certain domestic violence offenses. (Amendment printed SJ 5/15/03)

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

The Speaker appointed Reps. Knowles, Nedeau, Stevens and Tholl.

HB 654-FN, relative to criminal liability for the destruction or disconnection of a smoke detector by a tenant in a rental dwelling. (Amendment printed SJ 5/22/03)

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

The Speaker appointed Reps. Weare, Bicknell, Welch and Pantelakos.

HB 718-FN, relative to endangering the welfare of a minor and relative to criminal responsibility for the commission of certain acts. (Amendment printed SJ 5/22/03)

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

The Speaker appointed Reps. Knowles, Tholl, Stevens and Bicknell.

HB 332-FN, relative to the use of prerecorded telephone messages by candidates and political committees. (Amendment printed SJ 5/08/03)

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

The Speaker appointed Reps. Spiess, Cady, Drisko and Clemons.

HB 543, relative to increasing the membership of the board of accountancy and relative to appeals of board decisions. (Amendment printed SJ 5/08/03)

Rep. O'Neil moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Bergin, Goulet, Hamel and DeJoie.

HB 670-FN, establishing a procedure for release by a state agency of statistical information for research purposes. (Amendments printed SJ 5/22/03)

Rep. O'Neil moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. O'Neil, Hunt, Batula and Schulze.

HB 287, establishing a professional malpractice claims study commission. (Amendments printed SJ 5/15/03)

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

The Speaker appointed Reps. Mock, Craig, Batula and MacKay.

HB 590-FN, relative to highway fund budget reporting requirements. (Amendment printed

SJ 5/22/03))

Rep. Edwin Smith moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Leber, Candace Bouchard, Graham and Weyler.

HB 387-FN, allowing free admission to the state park system for certain members of the New Hampshire national guard. (Amendments printed SJ 5/22/03)

Rep. Coughlin moved that the House nonconcur and requests a Committee of Conference. Adopted.

The Speaker appointed Reps. Coughlin, Peter Sullivan, Headd and Easson.

NONCONCURS WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

SB 41-FN, relative to the installation of airbags.

The President appointed Sens. Peterson, Sapareto and Foster.

Rep. Packard moved that the House accede.

Adopted.

The Speaker appointed Reps. Packard, Bergeron, Ferland and Letourneau.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 164, 211, 215, 225, 278, 320, 343, 379, 434, 477, 529, 571, 593, 639, 699, 770, 802, 808 and 834 and Senate Bills numbered 32, 34, 36, 43, 53, 79, 82, 101 and SJR 1.

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

COMMITTEE REPORTS

CONSENT CALENDAR

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

SB 152, relative to health insurance coverage for prosthetic devices, removed by Rep. Harrington.

SB 229, making reference changes to the school building aid statutes, removed by Rep. Graham.

SB 134, relative to the regulation of real estate brokers by the real estate commission, removed by Rep. Campbell.

SB 212, requiring fiscal impact statements for interim administrative rules and prohibiting agencies from requiring by rule the submission of social security numbers, removed by Rep. Kurk.

SB 54-FN-L, relative to the local inventory of property values for assessment of property taxes, removed by Rep. Almy.

Consent Calendar adopted.

SB 42, relative to charitable contributions by insurance agents. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mark Brady for Commerce: This bill attempted to define permissible charitable contributions by insurance brokers/producers. After extensive testimony from the insurance department and industry representatives the committee felt that this bill did not effectively address the relevant issue of rebating practices by the insurance industry. The amendment updates what were antiquated rebating laws. Specifically, the bill broadly defines services that insurance brokers/producers can offer clients, taking into account how the industry has broadened its scope of services. The legislation codifies existing market practices and will have no adverse effect on the marketplace. The committee felt, however, that it was not good

public policy to allow brokers/producers to rebate commissions to clients and therefore prohibits such action. Vote 14-0.

Amendment (1532h)

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

AN ACT relative to the insurance rebating laws.

Amend RSA 402:41 as inserted by section 1 of the bill by replacing it with the following:

402:41 Exceptions.

I. RSA 402:39, RSA 402:40, and RSA 417:4, IX shall not prohibit:

(a) An insurance company from paying to another insurance company or to any person who is a duly authorized producer, or an insurance company or such a person from receiving a commission in respect to any policy under which the entity or he or she is insured.

(b) An insurance company issuing non-participating life insurance from paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from non-participating insurance.

(c) An insurance company transacting industrial insurance on the weekly payment plan from returning to policyholders, who have made premium payments for a period of at least one year directly to the company of its home or district offices, a percentage of the premium which the company would have paid for weekly collection of such premiums.

(d) Value added service, activity, or product offered or provided without a fee, or at a reduced fee, that is related to the coverage provided by an insurance contract, if the provision of such value added service, activity, or product does not violate any other applicable statute or rule, and is:

(1) Clearly identified and included within the insurance policy, annuity contract, or brokerage agreement; or

(2) Directly related to the firm's servicing of the insurance policy, annuity contract, or brokerage agreement, or offered or undertaken to provide risk control for the benefit of the client.

II. For the purposes of subparagraph I(d), "value added service, activity, or product" may include the following:

(a) Risk assessments.

(b) Risk control tools.

(c) Claims assistance.

(d) Legislative updates.

(e) Administration consulting.

AMENDED ANALYSIS

This bill clarifies the insurance rebating laws.

SB 164, relative to the unauthorized use of a financial institution's name. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul D. Spiess for Commerce: The purpose of the bill is to prohibit the unauthorized use of a financial institution's name in any form of advertising or promotion to encourage or induce the purchase of a product or service. Financial institutions are prohibited by Gramm-Leach Bliley from providing customer information without prior authorization. However, certain transactions, such as mortgages, are matters of public record. Therefore the committee amended the bill to prohibit the unauthorized and deceptive use of a financial institution's name or trademark. The committee also removed a "right of private action" from the original bill. Vote 13-1.

Amendment (1319h)

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

AN ACT relative to the unauthorized and deceptive use of a financial institution's name. Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Cease and Desist Order; Unauthorized and Deceptive Use of a Financial Institution's Name. Amend RSA 384:12-a by inserting after paragraph III the following new paragraph:

IV. If, in the opinion of the commissioner, an individual or business entity is engaging in or has engaged in the unauthorized and deceptive use of the name or trademark of any bank, as defined in RSA 384-B:1, I, national bank, federally chartered savings bank or association, federally or state chartered credit union, any mortgage lender as defined in RSA 397-A and 397-B, or any affiliate or subsidiary thereof, in violation of RSA 384:67, the commissioner may issue and serve an order upon the individual or business entity requiring the individual or business entity to cease and desist from such unauthorized and deceptive use.

2 New Subdivision; Unauthorized and Deceptive Use of the Name of a Financial Institution. Amend RSA 384 by inserting after section 66 the following new subdivision: Unauthorized and Deceptive Use of the Name of a Financial Institution

384:67 Unauthorized and Deceptive Use. No individual or business entity shall use in an unauthorized and deceptive manner the name or trademark of any bank, as defined in RSA 384-B:1, I, national bank, federally chartered savings bank or association, federally or state chartered credit union, any mortgage lender as defined in RSA 397-A and 397-B, or any affiliate or subsidiary thereof, or any other financial institution as defined in the Gramm-Leach-Bliley Act (PL 102-106) in any written or oral advertisement or solicitation. Prior written consent of the financial institution shall constitute authorization and shall be an affirmative defense to any violation of this paragraph.

384:68 Cease and Desist Order. The bank commissioner may issue a cease and desist order, as provided in RSA 384:12-a, IV, against any individual or business entity which uses in an unauthorized and deceptive manner the name or trademark of any bank, as defined in RSA 384-B:1, I, national bank, federally chartered savings bank or association, federally or state chartered credit union, any mortgage lender as defined in RSA 397-A and 397-B, or any affiliate or subsidiary thereof, in violation of RSA 384:67. The insurance commissioner may issue a cease and desist order, as provided in RSA 400-A:14, against any individual or business entity which uses in an unauthorized and deceptive manner the name or trademark of any financial subject to the jurisdiction of the insurance commissioner in violation of RSA 384:67.

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

AMENDED ANALYSIS

This bill:

I. Prohibits the unauthorized and deceptive use of a financial institution's name or trademark.

II. Grants the bank commissioner authority to issue a cease and desist order against any individual or business entity using a financial institution's name in an unauthorized and deceptive manner.

SB 177, relative to credit unions. OUGHT TO PASS

Rep. Paul D. Spiess for Commerce: This bill was submitted on behalf of the New Hampshire Banking Department and makes technical corrections to statutes governing credit unions. Specifically, it requires review and approval by the Banking Commissioner of real estate leases; allows the payment of dividends from undivided earnings provided the credit union maintains a "well capitalized" rating; reduces the verification requirement for audits; establishes guidelines for loans to officers and directors; and replaces the "Guarantee Fund" for capital reserves with the more commonly recognized concept of "regular reserves." The committee believes that these changes are warranted by the changes in the broader financial services industry. Vote 13-1.

SB 178, relative to guaranty funds. **OUGHT TO PASS**

Rep. Paul D. Spiess for Commerce: The state has established by statute an Insurance Guarantee Association (or fund) to protect the insured from the failure or insolvency of his or her insurer. At present, any insured can place a claim upon the fund for an uncovered loss due to insolvency. This bill limits payment from the fund to companies whose net worth is less than \$25 million. It is felt that larger companies have the financial capacity and expertise to evaluate the risk of insolvency by the insurer. Vote 13-1.

SB 180, making certain changes in the banking laws. **OUGHT TO PASS**

Rep. Stephen T. DeStefano for Commerce: This bill makes technical corrections in seven areas: expands the list of federal regulatory agencies; allows the department to conduct joint examinations of highly rated institutions; adds credit unions who must submit quarterly reports; provides flexibility in annual reports to the Commissioner; deletes the term regular passbook; deletes the term Federal Deposit Insurance Corporation and replaces it with Federal Insured, and changes “shall” to “may” in rulemaking provisions. Vote 14-0.

SB 181, relative to investigations by and license revocation appeals to the board of trust company incorporation. **OUGHT TO PASS**

Rep. Stephen T. DeStefano for Commerce: This bill adds a section giving the board of trust subpoena power for the purpose of any investigation. The bill also removes certain rights of appeal to the board of trust because of duplicity of board members. Vote 14-0.

SB 184, relative to reinsurance. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: This proposed legislation, as amended, addresses two issues. First, in the event of an insolvency of a primary insurance company, the reinsurance carrier would be allowed to set-off payments to the ceding insurer against the Guaranty Fund Assessments. The second part of the bill, introduced at the request of the state treasurer, addresses the situation when an insurance company demutualizes and converts to a stock company, and lost policy holders cannot be located after a diligent search. Under normal circumstances, in New Hampshire, by the terms of the unclaimed property law, the stock company would be required to report, within five years of demutualization the name and last known address of the lost shareholder. This amendment would require that the stock company must report to the state treasurer within two years along with the cash that is due and owing to the lost shareholder. Vote 14-0.

Amendment (1359h)

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

AN ACT relative to reinsurance and relative to the unclaimed property of a demutualized insurance company.

Amend the bill by replacing all after section 4 with the following:

5 New Section; Custody and Escheat of Unclaimed and Abandoned Property; Unclaimed Demutualization Proceeds. Amend RSA 471-C by inserting after section 7 the following new section:

471-C:7-a Unclaimed Demutualization Proceeds. Unclaimed property payable or distributable in the course of a demutualization, rehabilitation, or related reorganization of a mutual insurance company is presumed abandoned 2 years after the date of demutualization, unless the owner, during the 2 years following the date of demutualization, has communicated with the insurance company either in writing or through other communication which is evidenced by a contemporaneous record on file with the insurance company, concerning the demutualization proceeds.

6 Report of Abandoned Property; Unclaimed Demutualization Proceeds Included in Reporting Requirement and Exempt from Notice Requirement. Amend RSA 471-C:19, IV and V to read as follows:

IV. The report shall be filed before November 1 of each year for property presumed to be abandoned as of June 30 of that year, but the report of any insurance company, ***including the report of unclaimed demutualization proceeds under RSA 471-C:7-a***, shall be filed before May 1 of each year for funds owing under insurance policies presumed to be abandoned as of December 31 of the preceding year. On written request by any person required to file a report, the administrator may postpone the reporting date.

V. Not more than 120 days before filing the report required by this section, the holder in possession of property abandoned and subject to custody as unclaimed property under this chapter, ***except for demutualization proceeds under RSA 471-C:7-a***, shall send written notice to the apparent owner at such owner's last known address informing the owner that the holder is in possession of property subject to this chapter if:

(a) The holder has in its records an address for the apparent owner which the holder's records do not disclose to be inaccurate;

(b) The claim of the apparent owner is not barred by the statute of limitations; and

(c) The property has a value of \$50 or more.

7 Unclaimed Demutualization Proceeds; Supplemental Report of Abandoned Property. On or before May 1, 2004, each demutualized insurance company shall file with the state treasurer a supplemental report of abandoned property under RSA 471-C:19, as amended by section 6 of this act, relative to unclaimed demutualization proceeds issued on or before January 1, 2002.

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

AMENDED ANALYSIS

This bill:

I. Deletes the provision in current law which disallows setoffs of premiums payable to an insolvent insurer and clarifies the liability of the insurer.

II. Provides that unclaimed funds held by a demutualized insurance company shall be considered abandoned after 2 years, and establishes reporting requirements for unclaimed demutualization proceeds.

SB 201, establishing a committee to study insurance practices relative to homeowner's insurance. **INEXPEDIENT TO LEGISLATE**

Rep. Sheila T. Francoeur for Commerce: This bill would have established a study committee to examine the practice of canceling or not renewing homeowners' insurance policies when one or more claims have been made. The committee recognizes that this has become a serious problem in New Hampshire, especially in the Seacoast and North Country. However, HB 115, which covers the same subject, has been retained and the committee agreed to a thorough review of the issue using HB 115. Therefore SB 201 is not necessary at this time. Vote 13-1.

SB 120, relative to testimony by video teleconference in criminal cases. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen H. Nedeau for Criminal Justice and Public Safety: This bill permits certifying scientists from the office of community and public health (Health and Human Services), criminalists or technical specialists from the Department of Safety (State Police Laboratory), or a laboratory scientist from the Department of Corrections to give testimony by video teleconference in criminal cases. Such testimony is limited to expert testimony or to the results of tests conducted by the respective scientist or criminalist. No video teleconferencing will be permitted during felony prosecution except with the assent of the defendant and in other cases the defendant shall be notified and have an opportunity to

object to the introduction of testimony by video teleconferencing. When the defendant summons a toxicologist, criminalist, laboratory scientist, or other person of similar expertise to testify as an expert witness, the defendant may also move to take such testimony by teleconferencing. Similarly, notice must be given to the state and the state shall have an opportunity to object. Vote 17-1.

Amendment (1703h)

Amend RSA 516:37 as inserted by section 1 of the bill by replacing it with the following:

516:37 Testimony by Video Teleconference in Criminal Cases.

I. In any criminal case at which a certifying scientist from the office of community and public health, a criminalist or technical specialist from the forensic laboratory of the department of safety, division of state police, or a laboratory scientist from the department of corrections is summoned to testify, the state may move to take the testimony of the scientist, criminalist, or specialist by video teleconference, provided that the testimony is limited to expert testimony or to the results of and matters relating to tests conducted by the certifying scientist or at the forensic laboratory or the department of corrections. Notice shall be provided to the defendant, and the defendant shall have an opportunity to object to the introduction of testimony by video teleconference. No video teleconference testimony shall be permitted during a felony prosecution, except with the affirmative assent of the defendant. Examination and cross-examination of the scientist, criminalist, or specialist shall proceed in the same manner as permitted at trial.

II. In any criminal case at which the defendant summons a toxicologist, criminalist, laboratory scientist, or other person of similar expertise to testify as an expert witness, the defendant may move to take the testimony of that witness by video teleconference, provided that the testimony is limited to expert testimony or to the results of and matters relating to tests conducted by a certifying scientist from the office of community and public health, or at the forensic laboratory of the department of safety, division of state police, or at the department of corrections. Notice shall be provided to the state, and the state shall have an opportunity to object to the introduction of testimony by video teleconference. No video teleconference testimony shall be permitted during a felony prosecution, except with the affirmative assent of the state. Examination and cross-examination of the expert witness shall proceed in the same manner as permitted at trial.

AMENDED ANALYSIS

This bill permits certain testimony to be taken by video teleconference in criminal cases.

SB 130-FN-L, relative to county departments of corrections. OUGHT TO PASS WITH AMENDMENT

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill was amended by the house as it came from the committee on Municipal and County Government. It was acknowledged that the courts had not agreed to all the provisions that relate to release for home confinement or work release. The committee has amended the bill to satisfy all concerns. The amendment corrects a typographical error in section 5 of the bill by deleting the word [or]. Section 9 of the bill, RSA 30-B:20 Work Release, was amended to include the sentencing court where it was necessary. Section 12 of the bill amends RSA 651:19 Release for purpose of Gainful Employment, Rehabilitation or Home Confinement. The amendment again includes the sentencing court where necessary. The amendment adds sections 13 and 14 and renumbers the original sections accordingly. New section 13, RSA 30-B:22 Removal of Prisoners Because of Epidemic or Repairs to Facility is amended to allow the county commissioners to authorize the superintendent to remove prisoners to another facility instead of the current requirement that any two justices may order the removal. New section 14, RSA 651:18, Place; Reduction in Sentence, is amended to say that a prisoner shall be committed to the county facility in which the crime was committed and amends the statute to clarify that the prisoners are "in the custody of the superintendent." Section 14 of the bill

will become effective on passage while the remainder becomes effective on January 1, 2004. This bill, as amended, will allow the sentencing court to order an inmate to a home confinement program if such facility has a home confinement program. It further allows the superintendent discretion. If he, the superintendent, deems an inmate is inappropriate for the program he then notifies the sentencing court and at the request of the inmate a hearing may be scheduled. The amendment includes clarifying the terms of what a home confinement program is. Finally, the amendment allows an inmate, who was on a home confinement program, to now be eligible for reduced sentencing, or early release, upon having served his or her time with good behavior. All parties appear to be satisfied with the amended bill. Vote 19-0.

Amendment 1710(h)

Amend RSA 504-A:5 as inserted by section 5 of the bill by replacing it with the following:

504-A:5 Detention of Violators. Any probationer or parolee who is arrested under the authority of RSA 504-A:4 or RSA 651-A:25 shall be detained at the county jail closest to the location where he was arrested or any other suitable confinement facility in reasonable proximity to the location where he **or she** was arrested. Such probationer or parolee shall be detained there pending a preliminary hearing ***which shall be held within 72 hours from the time of arrest, excluding Saturdays, Sundays, and holidays***, or, if supervised pursuant to RSA 651-A:25, shall be detained pending a hearing, including a final revocation hearing, or transfer to the sending state. No ~~[sheriff or]~~ county correctional ~~[administrator]~~ ***superintendent*** shall refuse to accept a probationer or parolee committed to his **or her** facility for detention by or under the authority of a probation or parole officer.

Amend the bill by replacing section 9 with the following:

9 Employment of Offenders; Work Release. Amend RSA 30-B:20 to read as follows:

30-B:20 Work Release. ~~[Any]~~ ***A sentencing court may order that any*** person sentenced to imprisonment in a county department of corrections facility may be released therefrom by the ***superintendent with the approval of the*** sentencing court at the time of sentence, or at any time during the term of sentence ~~[, by the court for such purpose as the court may deem conducive to his rehabilitation]~~ ***based on the rules and regulations of the county correctional facility for such purposes as the superintendent may deem conducive to his or her rehabilitation***. Such release shall be for such terms or intervals of time and under such terms and conditions as ~~[the court may order the superintendent to impose]~~ ***may be permitted by the facility's rules and regulations or as the court may order***. Any part of a day spent in the free community under such a release order shall be counted as a full day toward the serving of the sentence unless otherwise provided by the ***sentencing*** court. ~~[If a person violates the terms and conditions laid down for his conduct, custody, or employment, the court may require that the balance of the person's sentence be spent in actual confinement and may cancel any earned reduction of his term. If the superintendent refuses to permit a person confined, who is otherwise eligible for a work release program, to participate in such program, that person shall have the right to petition the court for a hearing on the matter, and the decision of the court shall be conclusive.]~~

Amend RSA 651:19 as inserted by section 12 of the bill by replacing it with the following:

651:19 Release for Purpose of Gainful Employment, Rehabilitation or Home Confinement. ~~[Any]~~ ***A sentencing court may order any*** person who has been committed to a ~~[penal]~~ ***correctional*** institution other than state prison under a criminal sentence may be released therefrom ~~[by the sentencing court at the time of sentence or at any time during the term of sentence,]~~ for the purpose of obtaining and working at gainful employment, for the performance of uncompensated public service as provided in RSA 651:68-70, or to serve the sentence under home confinement, provided the ~~[offender first serves 8 consecutive weekends or]~~ ***correctional facility has a home confinement program. If the superintendent determines the person is inappropriate for such release, the court shall be notified and, at the request of the defendant, a hearing may be scheduled. In any case, the***

defendant shall first serve 14 consecutive days prior to eligibility for home confinement, or for such other purpose as the court may deem conducive to his or her rehabilitation, for such times or intervals of time and under such terms and conditions as the ~~[court may order]~~ **rules and regulations of the correctional facility may allow or as the court may order**. Any part of a day spent in the free community, or in home confinement, under such a release order shall be counted as a full day toward the serving of the sentence unless otherwise provided by the court. If a person violates the terms and conditions laid down for his or her conduct, custody and employment, he or she shall be returned to the ~~[sentencing court]~~ **correctional facility**. The ~~[court]~~ **superintendent** may then require that the balance of the person's sentence be spent in actual confinement ~~[and may cancel any earned reduction of his or her term]~~.

Amend the bill by inserting after section 12 the following and renumbering the original sections 13-14 to read as 15-16, respectively:

13 County Department of Corrections; Removal of Prisoners. Amend RSA 30-B:22 to read as follows:

30-B:22 Removal of Prisoners Because of Epidemic or Repairs to Facility. Whenever~~[on account of]~~ the prevalence of disease, or the rebuilding or repairing of a correctional facility or for other cause, the county commissioners shall think it expedient that the prisoners be removed therefrom, ~~[any 2 justices of the superior court may order their removal]~~ **the county commissioners may authorize the superintendent to remove the prisoners** to some other ~~[correctional]~~ facility in the same or another county **location**, there to be detained, in the same manner and by the same process as in the correctional facility from which they were so removed, until removed by similar process or discharged according to law.

14 Sentence to County Correctional Facility. Amend RSA 651:18 to read as follows:
651:18 Place; Reduction in Sentence.

I. Persons liable to commitment to a correctional facility for any offense ~~[may]~~ **shall** be committed to ~~[any]~~ **the** county correctional facility ~~[at the discretion of the court. If the court sentences a person to a correctional facility in a county other than the county where the offense was committed, the expense of maintenance shall be paid by the county in which the offense was committed unless waived by the receiving county department of corrections in accordance with a reciprocal or other arrangement between the counties involved]~~ **in the county in which the crime was committed**.

II. Any prisoner whose conduct while in **the custody of the superintendent** of a county correctional facility has been meritorious may be issued a permit and discharged by the superintendent of the county department of corrections when he has served 2/3 of his minimum sentence, provided it shall appear to the superintendent to be a reasonable probability that he will remain at liberty without violating the law and will conduct himself as a good citizen.

Amend the bill by replacing section 16 with the following:

16 Effective Date.

I. Sections 14 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2004.

SB 149-FN, establishing criminal penalties for the use of a credit card scanning device or reencoder to defraud. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill adds 2 sections to the present fraud statutes, RSA 638:1-27. New section 638:28 deals exclusively with further definitions as to what a scanning or recorder device is, as well as "payment card and merchant." New section 638:29-I and II, outlines the elements of the crime occurring when a person with intent to defraud uses a card or a scanner or recording device to obtain encoded information an individual without that person's authority. Current law does not adequately address the use of such devices. The bill enhances our present fraud statutes and prohibits using these devices to defraud others. The penalty is a class B felony for any second or

subsequent conviction and keeps it a misdemeanor in all other cases. Vote 11-0.

Amendment (1557h)

Amend RSA 638:29, II as inserted by section 1 of the bill by replacing it with the following:

II. Using a scanning device or reencoder to defraud is:

(a) A class B felony if such person has one or more prior convictions in this state or another state for the conduct described in this section.

(b) A class B felony if such person used a scanning device or reencoder to defraud 2 or more times in violation of this section.

(c) A misdemeanor in all other cases.

Amend the bill by replacing section 2 with the following:

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

SB 133, relative to amending the charter of Dartmouth college. **OUGHT TO PASS**

Rep. J D Colcord for Education: This bill permits Dartmouth College to amend its charter in the same manner as amendments are made to the articles of agreement of a corporation provided that the Governor shall continue to serve as an ex officio member of the board of trustees. Vote 16-0.

SB 60-FN, relative to voluntary certification of persons installing or servicing propane gas or heating oil equipment. **OUGHT TO PASS WITH AMENDMENT**

Rep. John DeJoie for Executive Departments and Administration: This bill creates voluntary certification for persons installing or servicing oil and gas equipment. This bill, proposed by the oil and gas industry, is a continuation of Chapter 256, Laws of 1999 (SB 198) which initially created the voluntary certification, and which sunsetted in September 2002, prior to the final acceptance of rules. The passage of this bill will lift the sunset and allow the implementation of the rules adopted under Chapter 256, 1999. In addition, the amendment clarifies types of appliances included and adds natural gas systems as part of the certification program. Vote 17-1.

Amendment (1622h)

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

AN ACT relative to voluntary certification of persons installing or servicing propane gas, natural gas, or heating oil equipment.

Amend RSA 153:16-b, I - III as inserted by section 1 of the bill by replacing it with the following:

I. The state fire marshal shall establish a voluntary certification program for certifying the following:

(a) Individuals involved in the installation of residential and commercial heating equipment systems, domestic water heating systems, or appliances using heating oil, liquefied petroleum gas (propane) or natural gas.

(b) Individuals involved in the servicing and repair of heating equipment, domestic water heating systems, or appliances using heating oil, liquefied petroleum gas or natural gas.

(c) Individuals involved in the installation of gas piping for heating systems, domestic water heating systems, or appliances using natural gas or liquefied petroleum gas.

(d) Individuals involved in the installation of hearth systems using liquefied petroleum gas or natural gas.

II. The commissioner of the department of safety shall adopt rules, pursuant to RSA 541-A, relative to the establishment of minimum education and training standards for voluntarily certified heating equipment installers, heating equipment service personnel, gas piping installers, and hearth system installers.

III. The commissioner of the department of safety shall adopt rules, which shall not be subject to RSA 541-A, relative to the establishment of fees for voluntary certification under this section. After the first year of this program, such fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the previous fiscal year. Fees shall be deposited in the fire standards and training and emergency medical services fund, established in RSA 21-P:12-d. Amend RSA 153:16-c, III(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Two representatives of the oil heat industry, one recommended by the Oil Heat Council of New Hampshire, and one recommended by the New Hampshire chapter of the National Association of Oil Heating Service Managers. Amend RSA 153:16-c, III as inserted by section 1 of the bill by inserting after subparagraph (h) the following new subparagraph:

(i) One person experienced in the training and education of hearth system installers, recommended by the Northeast Hearth, Patio and Barbecue Association. Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect 30 days after its passage.

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. **OUGHT TO PASS WITH AMENDMENT**

Rep. Judson K. Dexter for Executive Departments and Administration: This bill clarifies outdated language in the “allied health care professionals” statutes. Additionally, it eliminates any confusion with regard to the authority of the various certifying boards. Vote 17-0.

Amendment (1619h)

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

AN ACT 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; relative to the board of podiatry; and relative to possession of prescription medication by licensed nurses.

Amend RSA 326-C:5, I(c) and (d) as inserted by section 1 of the bill by replacing them with the following:

(c) Successfully complete an academic program in occupational therapy accredited by the American Council for Occupational Therapy Education (ACOTE) or its successor organization or be certified by the National Board for Certification in Occupational Therapy, Inc., or its successor organization.

(d) Successfully complete a period, as specified in paragraph II, of supervised field work experience approved by the educational institution where the applicant met his or her academic requirements, or be certified by the National Board for Certification in Occupational Therapy, Inc., or its successor organization.

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

IV. “National Board for Respiratory Care, Inc.” or “NBRC” means the national voluntary health certifying board that evaluates the professional competence of respiratory therapists and pulmonary function technicians, or its successor organization.

Amend RSA 326-E:1, VII and VIII as inserted by section 2 of the bill by replacing them with the following:

VII. “Physician assistant” means a person licensed to practice as a physician assistant pursuant to RSA 328-D.

VIII. "Registered polysomnographic technologist" or "RPSGT" means a person having successfully completed and achieved a passing score on the comprehensive registry examination for polysomnographic technologists administered by the Board of Registered Polysomnographic Technologists or its successor organization.

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

X. "Respiratory care" means the treatment, management, diagnostic testing and evaluation of responses to respiratory or medical treatment and care of individuals or groups of individuals either having deficiencies or abnormalities of the cardiopulmonary system or requiring support of the cardiopulmonary system. Respiratory care is given in accordance with the prescription of a physician, nurse practitioner or physician assistant. Respiratory care includes the implementation of respiratory care strategies and modalities, and the administration of pharmacological, diagnostic, and therapeutic agents necessary to implement a treatment, disease or injury prevention, rehabilitative or diagnostic regimen. Respiratory care includes, but is not limited to: initiating emergency procedures; providing health counseling and teaching; assembly, repair, testing and maintenance of respiratory equipment; and those respiratory care activities that require a substantial amount of scientific knowledge or technical skill.

Amend RSA 326-E:6, I(i) as inserted by section 2 of the bill by replacing it with the following:

(i) A polysomnography trainee from fulfilling the training and experiential clinical requirements established by the Board of Polysomnographic Technologists for eligibility for the RPSGT examination, while working under the indirect supervision of a physician, a respiratory care practitioner, or a RPSGT.

Amend RSA 326-E:7, IV(b) as inserted by section 2 of the bill by replacing it with the following:

(b) Confidential communications between licensees and their patients are placed on the same legal basis as those between physician and patient, and, except as otherwise provided by law, no licensee shall be required to disclose such privileged communications. Confidential communications between a patient of a licensee and any person working under the supervision of such licensee to provide services that are customary and necessary for diagnosis and treatment are privileged to the same extent as would be the same communications between the supervising licensee and the patient.

Amend the introductory paragraph of RSA 326-E:8, I as inserted by section 2 of the bill by replacing it with the following:

I. The respiratory care practitioner is responsible for managing all aspects of the respiratory care of each patient under the orders of a physician, physician assistant, or nurse practitioner. The respiratory care practitioner shall provide:

Amend RSA 326-E:9 as inserted by section 2 of the bill by replacing it with the following:

326-E:9 Materiel Management. The assembly, delivery, maintenance, repair, and testing of respiratory care equipment and supplies shall be performed by respiratory care practitioners and other personnel in conformity with rules adopted by the board under RSA 541-A.

Amend RSA 326-E:11, I(a) as inserted by section 2 of the bill by replacing it with the following:

(a) Programs approved by the American Association for Respiratory Care, or its successor organization.

Amend RSA 326-F:3, I(c) as inserted by section 3 of the bill by replacing it with the following:

(c) Either hold a currently valid certificate of clinical competence issued by the American Speech-Language-Hearing Association, or its successor organization, or meet the requirements of paragraph II.

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

I. Self-care by a patient, first aid by a coach, or gratuitous care by a friend or family member who does not represent himself or herself as an athletic trainer.

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

III. The activities of athletic trainers not residents of this state, when called to perform athletic training services during a temporary visit in this state, provided such athletic trainers are currently licensed, certified or registered in any state or Canada, or are currently certified by the National Athletic Trainers Association Board of Certification, Inc., or its successor organization.

Amend RSA 326-G:4, III as inserted by section 4 of the bill by replacing it with the following:

III. Have a currently valid certificate issued by the National Athletic Trainers Association Board of Certification, Inc., or its successor organization.

Amend RSA 326-G:6, I as inserted by section 4 of the bill by replacing it with the following:

I. Hold a currently valid certificate issued by the National Athletic Trainers Association Board of Certification, Inc., or its successor organization.

Amend RSA 328-A:7, IV(b) as inserted by section 20 of the bill by replacing it with the following:

(b) The applicant has submitted, and the board has approved, a plan for completion of additional clinical training or coursework or both.

Amend RSA 328-A:12, II as inserted by section 27 of the bill by replacing it with the following:

II. It is unlawful for any person who is not licensed as a physical therapist assistant under this chapter to assist in selected components of physical therapy intervention requiring the knowledge and skill ~~of~~ **of** a physical therapist assistant. A person **licensed as a physical therapist assistant** who engages in an activity requiring a license ~~[pursuant to this chapter]~~ **as a physical therapist** or uses any ~~[work,]~~ title, letters, or any description of services that incorporates one or more of the terms, designations, or abbreviations in violation of RSA 328-A:10, **I or II** is guilty of a misdemeanor.

Amend the bill by replacing section 42 with the following:

42 Allied Health Professionals; Records. Amend RSA 328-F:10 to read as follows:

328-F:10 Records of Licensees and Disciplinary History.

I. Each governing board shall maintain a ~~[current]~~ list of living or deceased persons who have ever been licensed to practice ~~[under this chapter]~~. The list shall show the licensee's last known place of employment, last known place of residence, ~~[and the date and]~~ **the number of the license, and the most recent date of issuance, renewal, or reinstatement. No information on the list shall be transferred to another entity for commercial use without the permission of the person to whom the information applies.**

II. Each governing board shall maintain a ~~[current]~~ list of persons against whom the board has taken any disciplinary ~~[actions]~~ **action**. This list shall include the ~~[names, type and cause of action, date and penalty incurred, and the length of penalty]~~. This list shall be available for public inspection during regular business hours. ~~This list shall be supplied to similar boards in other states upon request]~~ **name of the person, the reason for the disciplinary action, the date of the disciplinary action, and the nature of the disciplinary action.**

Amend RSA 328-F:21, I as inserted by section 52 of the bill by replacing it with the following:

I. Licensees shall maintain their current business and home ~~[address]~~ **addresses** on file with ~~[the applicable board]~~ **their governing boards**. Any changes in address shall be provided to the office no later than 30 days from the date of the change.

Amend RSA 328-F:23, IV(e) as inserted by section 53 of the bill by replacing it with the following:

(e) A requirement that the licensee's practice be supervised for a specified period of time by a licensee practicing the same allied health profession.

Amend section 56 of the bill by replacing the section heading with the following:

56 Allied Health Professionals; Temporary Suspension.

Amend the bill by inserting after section 63 the following and renumbering the original sections 64 - 65 to read as 65 - 66, respectively:

64 Possessing Prescription Drugs. Amend RSA 318:42, XI to read as follows:

XI. A ~~[licensed registered]~~ nurse ***licensed under RSA 326-B*** who is an employee of a home health care or hospice agency licensed pursuant to RSA 151:2, and ~~[who is licensed by the board of nursing as a registered nurse]~~ ***is acting in the course of his or her employment***, from possessing ~~[-in the course of employment,]~~ such noncontrolled prescription drugs as are approved by the board of nursing and agreed upon jointly by the board of registration in medicine and the pharmacy board ~~[and, in the course of such employment,]~~ from administering such preapproved noncontrolled prescription drugs according to written protocols approved annually by such employer's professional advisory committee which includes a physician licensed by the board of registration in medicine.

AMENDED ANALYSIS

This bill makes various changes to allied health care professionals statutes.

This bill also permits any licensed nurse to possess noncontrolled prescription drugs.

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

INEXPEDIENT TO LEGISLATE

Rep. Janet G. Wall for Judiciary: The sponsor of this bill brought it forward with good intent because the Candia Fire Department believed it was being held to a different standard than other fire departments in the state. The bill became a catalyst for bringing together the selectmen from the town of Candia and their fire department to discuss and attempt to resolve longtime misunderstandings. The selectmen did not want this bill. A 1994 contract between the town and the fire department was discovered in records; said contract binding the town to expend funds for fire equipment and other expenses. The fire department was purchasing separate liability insurance because it didn't consider itself a municipal fire department. Now the town and fire department, together with attorneys and the state fire marshall, are working on an agreement verifying that the fire department is a municipal fire department with all the rights and protections under current laws as other municipal volunteer fire departments. Vote 18-0.

SB 154, relative to landlord access to rental properties. **OUGHT TO PASS WITH AMENDMENT**

Rep. James W. Craig for Judiciary: This bill broadens a landlord's ability to enter a rental property (with reasonable notice) from merely in emergency situations to situations where it is necessary "to perform other reasonable and lawful functions commonly associated with the ownership of rental property." If a landlord and tenant cannot agree that a landlord's request for entry is a reasonable and lawful function, they can petition a district court for a ruling. If such a petition is brought in good faith, no costs or attorney's fees shall be awarded. Vote 15-0.

Amendment (1338h)

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3, respectively:

2 Landlord and Tenants; Remedies. Amend RSA 540-A:4, IX to read as follows:

IX.(a) Any landlord or tenant who violates RSA 540-A:2 or any provision of RSA 540-A:3 shall be subject to the civil remedies set forth in RSA 358-A:10, including costs and reasonable attorney's fees incurred in the proceedings. Each day that a violation continues shall constitute a separate violation.

(b) The provisions of subparagraph (a) shall not apply to petitions brought in good faith by a landlord or a tenant to determine whether a request for entry under RSA 540-A:3, V is reasonable and lawful.

AMENDED ANALYSIS

This bill grants a landlord access to rental property to make repairs and for any other reasonable and lawful purpose.

This bill also allows the court to determine whether requests for entry are reasonable and lawful without subjecting the defendant to costs and attorneys fees.

SB 168, allowing school boards to adjourn to nonpublic session to consider pupil disciplinary matters. **INEXPEDIENT TO LEGISLATE**

Rep. Peter E. Franklin for Judiciary: This bill amends the Right-to-Know Law, RSA 91-A:3, II (exemptions for going into non-public sessions) and III (records of non-public sessions). Personal school records are already exempted by RSA 91-A:5, III and the committee does not believe there is a conflict between RSA 91-A and 20 United States Code section 1232g. Vote 13-0.

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. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth H. Gould for Municipal and County Government: The need to find ways to encourage economic development throughout the state, especially in the communities that are experiencing little or no economic growth, was the impetus for the creation of this bill. Currently, there are state and federal programs available but not easily accessible to all communities. Therefore the study committee will look at any funding or possible incentive options to encourage economic growth and what programs are currently functioning. The bill increases the boundaries of the Black Brook Corporate Tax Increment Financing District in Keene because the boundaries need to increase before the five-year limitation is reached, as stated in RSA 162-K:5. The amendment changes the quorum needed to hold a meeting from six to three members of the committee. Vote 12-0.

Amendment (1734h)

Amend the bill by replacing section 4 with the following:

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

SB 157, establishing a committee to study the vesting of development rights. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas J. Gillick for Municipal and County Government: The need to study the vesting of development rights came about as a result of two recent court cases. A developer claimed vested rights after 20 years. The court agreed with the developer in this case and a similar case. It has previously been the practice that four (4) years was the limit on vested rights and those rights should be established by the legislature. The amendment adds to the study the subject matter of simultaneous use of growth management ordinances and impact fees (RSA 674:21,V), and the subject matter of the planning board's authority to require off-site improvements in light of two New Hampshire Supreme Court cases. The committee has concerns that there is a great deal of confusion about the difference and definition of "off-site improvements" and "impact fees." The overall goal of the study committee will be to have the legislature clarify the statutes that deal with vested rights, growth management ordinances, impact fees and off-site improvements. Vote 11-0.

Amendment (1627h)

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

AN ACT establishing a committee to study certain issues relative to municipal planning.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the vesting of development rights and the planning board's authority to require off-site improvements.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the vesting of development rights in light of the recent New Hampshire supreme court decisions in *AWL Power, Inc. v. City of Rochester*, issued December 9, 2002, and *Monahan-Fortin Properties, LLC v. Town of Hudson*, issued December 24, 2002, regarding the simultaneous use of growth management ordinances and impact fees under RSA 674:21, V(h). The committee shall also study the planning board's authority to require off-site improvements in light of the New Hampshire supreme court decision in *Simonsen v. Derry* issued November 15, 2000.

AMENDED ANALYSIS

This bill establishes a committee to study the vesting of development rights and the planning board's authority to require off-site improvements.

SB 64-FN, relative to updating the drought management plan. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill would require the Office of State Planning (OSP) and the Department of Environmental Services (DES) to jointly update the state drought management plan. The last update was in 1990 and a new update is greatly needed. The majority of the committee felt that it is an existing duty of DES to update the plan as part of its ongoing activities and that legislation is not required to direct them to do their job. Therefore, this bill is not necessary. Vote 13-2.

SB 162, establishing a committee to study water resources. **OUGHT TO PASS WITH AMENDMENT**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: Extended testimony was heard in favor of the need for long term policy on water uses. While there are short term needs for monitoring specific issues, such as large groundwater withdrawals, this bill is aimed at a more global approach with a threshold that might be out several years into the future. Thus, there would be recognition of the relationships between ground water and surface water as well as potential opportunities for forthcoming technologies in desalinization and reuse of wastewater. Many study bills were reviewed by the committee this year and were rejected in favor of a more all-encompassing approach as presented by SB 162. The amendment modifies the committee to make it a statutory committee with reports due annually in November. Language was added to the duties of the committee suggesting that the subject matter of rejected bills be included in this committee's report. Vote 14-0.

Amendment (1594h)

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

1 New Section; Committee to Study Water Resources. Amend RSA 481 by inserting after section 1-a the following new section:

481:1-b Water Resources Committee.

I. There is established a committee to study water resources in the state of New Hampshire.

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

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

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

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall study water resources in the state of New Hampshire. It shall also consider the use of desalinization and shall report on the future municipal water needs of New Hampshire.

IV. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate

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

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

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

AMENDED ANALYSIS

This bill establishes a statutory committee to study water resources, desalinization and municipal water needs.

SB 188-L, establishing a commission to study improving the enforcement of traffic laws in high traffic areas. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: The Governor has put forth Executive Order 2003-7 establishing a task force on motor vehicle fatalities consisting of a wider group of people than the Senate bill would have included. The committee felt that a governor's task force would be more effective than a study committee. Vote 14-0.

REGULAR CALENDAR

SB 140-FN, establishing an optional renewal period for licenses to carry a pistol or revolver. **INEXPEDIENT TO LEGISLATE**

Rep. David A. Welch for Criminal Justice and Public Safety: The original intent of this bill was to change the term of the concealed carry license from 4 years to 5 years. Additionally, the applicant could request that the license expire on the same date as the individual's drivers license. Again, additionally, the \$10.00 fee would have to be prorated if the resulting term of license is less than 5 years. The process of clarifying this procedure led to changes that were not satisfactory and the bill was recommitted. An attempt to amend the bill in a simple fashion by merely changing the term of license from 4 years to 5 years failed in committee by a large margin. There was discussion about amending the current statute which would create a major change from the original bill. The committee therefor recommends that SB 140 be found inexpedient to legislate. Vote 17-1. Adopted.

SB 116, establishing a committee to study methods to prevent or reduce the high school dropout rate. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Claire B. McHugh for the Majority of Education: The majority of the committee felt that any dropout rate is unacceptable and deserves another look since the last study bill. It is anticipated that a study committee will look at factors that contribute to a 20% dropout rate and develop recommendations to reduce the rate. Vote 16-1.

Rep. Michael A. Balboni for the Minority of Education: To create another legislative study committee to compile drop out information already compiled by the NH Department of Education (DOE) is ridiculous; a waste of taxpayer dollars. The DOE provided written testimony that no less than 11 separate programs and initiatives are supporting local school districts in dropout prevention and recovery efforts. To quote DOE testimony: "These supports offer technical assistance in the form of expertise, research and information on tested successful models and promising new practices, and resources for implementation." The DOE provided a spreadsheet listing the top 5 reasons students drop out and the associated DOE recommendations to "fix" the problem in local schools. The DOE also stated that just last year (2002) the Department collected "information about existing dropout prevention and dropout recovery programs." DOE went on to say, "This information will be compiled and reported in a separate document." Does the Legislature now need a study committee to ask DOE for a copy of the report? We also received a wealth of school dropout

improvement documentation including a report from the National Conference of State Legislatures and the Educational Resources Information Center. This documentation included the reasons students drop out, how to identify students who are at risk for dropping out, programs that attempt to reduce dropout rates, and a list of legislation enacted by other states to reduce their dropout rates. We do not need another study. We know the reasons students drop out. The Department of Education is already working with local school districts to reduce dropout rates, and is compiling a report on the effectiveness of efforts to reduce the number of dropouts in our state.

On a division vote, 216 members having voted in the affirmative and 136 in the negative, the majority report was adopted.

Ordered to third reading.

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. **OUGHT TO PASS WITH AMENDMENT**

Rep. Timothy J. Allen for Environment and Agriculture: This bill establishes a commission to study the setback requirements for spreading septage, biosolids, and short paper fibers. The commission includes representatives from the legislature, state agencies, academia, rivers management, agriculture, and the biosolids industry. The current setback of 250' has an exemption for "grandfathered" sites that is extended until July 1, 2005, giving the commission time to conduct its study and legislature time to act. Vote 11-0.

Amendment (1596h)

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

AN ACT changing the membership of the commission 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.

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

1 Membership. 2003, 43:10 is repealed and reenacted to read as follows:

43:10 Membership and Compensation.

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

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

(b) Two members of the house of representatives, appointed by the speaker of the house.

(c) One member of the rivers management advisory committee, appointed by such committee.

(d) Two local river management advisory committee members; one appointed by the Connecticut River Joint Commissions, Upper Merrimack River Local Advisory Committee, and the Pemigewasset River Local Advisory Committee, and one appointed by the remaining 11 local river management advisory committees.

(e) One conservation and recreation representative appointed by the New Hampshire Rivers Council, Sierra Club, New Hampshire Association of Conservation Commissions, and the Appalachian Mountain Club.

(f) One representative from the New Hampshire department of environmental services, rivers management and protection program, appointed by the commissioner of environmental services.

(g) One representative from the New Hampshire department of environmental services, residuals management program, appointed by the commissioner of environmental services.

(h) One representative from the New Hampshire department of agriculture, markets, and food, appointed by the commissioner of agriculture, markets, and food.

(i) One representative appointed by the university of New Hampshire cooperative extension.

(j) One agricultural representative appointed by the New Hampshire Farm Bureau Federation and the New Hampshire Association of Conservation Districts.

(k) One biosolids industry representative, appointed by the New England Biosolids and Residuals Association.

(l) One member of the Natural Resource Conservation Service, appointed by such organization.

(m) One representative appointed by the New Hampshire Municipal Association.

(n) One academic representative from the university of New Hampshire at Durham, with expertise in soils and/or water quality, appointed by the university.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the committee.

2 Quorum Removed. 2003, 43:12 is repealed and reenacted to read as follows:

43:12 Chairperson. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section.

3 Sludge, Biosolids, and Short Paper Fiber; Temporary Use. Amend 1998, 56:6 as amended by 2003, 43:14 to read as follows:

56:6 Temporary Use Authorization. The septage and sludge land application restrictions contained in RSA 483:9, VI(c), RSA 483:9-a, VII(b), RSA 483:9-aa, VII(b), and RSA 483:9-b, VII(b) shall not apply until July 1, ~~[2003]~~ **2005** to any land upon which septage or sludge has been spread in accordance with all applicable rules adopted by the federal Environmental Protection Agency and the New Hampshire department of environmental services, during any portion of the 3-year period prior to January 1, 1998. In addition, there shall be no termination of this restriction exemption for qualifying land that is used for scientific research on septage or sludge. Any continued application of septage and sludge pursuant to this section shall comply with all applicable federal and state laws and any best management practices published by the university of New Hampshire cooperative extension.

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

AMENDED ANALYSIS

This bill changes the membership of the commission to study setback requirements for septage, biosolids, and short paper fibers, and extends the temporary use of septage, biosolids, and short paper fiber by certain persons.

Adopted.

Report adopted and ordered to third reading.

SB 136, relative to liability for hazardous materials accidents. OUGHT TO PASS WITH AMENDMENT

Rep. Timothy J. Allen for Environment and Agriculture: The wording in existing RSA 154:8-A requires an actual discharge before a person can be found liable to reimburse hazardous materials cleanup expenses. This bill expands liability to cover threatened discharges, and the amendment provides coverage for reasonable and proportionate response by police, fire, and emergency equipment and personnel. Vote 12-0.

Amendment (1503h)

Amend the bill by replacing section 1 with the following:

1 Liability Concerning Hazardous Materials Accidents. Amend RSA 154:8-a, II-a(a) and (b) to read as follows:

II-a.(a) Any person whose act or omission caused the actual *or threatened* discharge of hazardous materials or toxic wastes which resulted in the *reasonable and proportionate* response of police, fire, emergency preparedness, or emergency response equipment shall be responsible for payment of the cost of the equipment use or replacement

of the equipment used, if damaged or expended, in containing the hazardous materials or toxic wastes.

(b) Any person whose act or omission caused the actual *or threatened* discharge of hazardous materials or toxic wastes which resulted in the *reasonable and proportionate* response of police, fire, emergency preparedness, or emergency response equipment shall be responsible for payment of the personnel costs of police, fire, public safety, and municipal personnel, including mutual aid standby personnel, directly involved in the emergency response, except that costs for on-duty paid personnel who have responded to the emergency involving the discharge of hazardous materials during their assigned duty shift shall not be costs eligible for reimbursement.

Adopted.

Report adopted and ordered to third reading.

SB 113, changing the name of Plymouth state college to Plymouth state university.

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

Rep. Judson K. Dexter for the Majority of Executive Departments and Administration: This bill has wide bipartisan support. The committee amended the bill to clarify the procedure used by a college to change its name to a university by adopting the "Carnegie Classification of Institutions of Higher Education" national system. In the future this will require the postsecondary education commission to use the same guidelines and criteria for public and private institutions. The committee feels this name change will be beneficial for the students, the institution, the state and the North Country.. Vote 15-3.

Rep. Francis Sullivan for the Minority of Executive Departments and Administration: Some members of the minority feel that this bill is more than a name change. There is a concern that the makeup of the student body at the school will be altered significantly and the opportunity for certain New Hampshire students to gain a college education will be jeopardized.

Amendment (1351h)

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

AN ACT changing the name of Plymouth state college to Plymouth state university and amending the responsibilities of the postsecondary education commission.

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

3 Postsecondary Education Commission; Responsibilities of the Commission. Amend RSA 188-D:8 V to read as follows:

V. Classify educational institutions which it has evaluated into categories indicating approval or accreditation, or both. The commission may accept accreditation by a recognized accrediting association in place of its own evaluation. *The commission shall accept designation by the Carnegie classification of institutions of higher education 2000 edition, or its successor classification system.*

AMENDED ANALYSIS

This bill changes the name of Plymouth state college to Plymouth state university, and requires the postsecondary education commission to accept designation by the Carnegie classification of institutions of higher education.

Adopted.

Rep. Francis Sullivan spoke against.

Rep. O'Neil spoke in favor.

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

The question being adoption of the Majority report.

YEAS 221 NAYS 149

YEAS 221

BELKNAP

Ahern, Omer Jr
Fitzgerald, James
Nedeau, Stephen
Thomas, John

Allen, Janet
Flanders, Donald
Pilliod, James
Wendelboe, Fran

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

Clark, Charles
Lawton, David
Russell, David

CARROLL

Babson, David Jr
Kenney, Bettie
Patten, Betsey

Brown, Carolyn
McConkey, Mark
Philbrick, Donald

Derby, Mark
Merrow, Harry
Stevens, Stanley

Dickinson, Howard
Mock, Henry

CHESHIRE

Allen, Peter
Espieffs, Peter
Mitchell, McKim
Robertson, Timothy

Batchelder, Robert
Fish, Douglas
Pratt, Irene
Royce, H Charles

Dexter, Judson
Liebl, George
Pratt, John
Smith, Edwin

Eaton, Daniel
Meador, David
Richardson, Barbara

COOS

Brady, Mark
Stohl, Eric

Guay, Lawrence
Tholl, John Jr

King, Frederick
Woodward, David

Richardson, Herbert

GRAFTON

Alger, John
Densmore, Edward
Gionet, Edmond
Ingbreton, Paul
Williams, Burton

Almy, Susan
Dudley, Terri
Giuda, Robert
Maybeck, Margie

Barker, Robert
Eaton, Stephanie
Ham, Bonnie
Sokol, Hilda

Cooney, Mary
Gilman, G Michael
Hammond, Lee
Solomon, Peter

HILLSBOROUGH

Adams, Jarvis
Batula, Peter
Carter, Jeffrey

Allan, Nelson
Bergin, Peter
Carter, Mark

Arnold, Thomas Jr
Brundige, Robert
Chabot, Robert

Barry, J Gail
Bruno, Pierre
Christensen, D L
Chris

Christiansen, Lars
Drisko, Richard
Gonzalez, Carlos
Hall, Charles
Irwin, Anne-Marie
L'Heureux, Robert
Malloy, Chris
Milligan, Robert
Ober, Russell III
Reeves, Sandra
Sullivan, Peter

Coughlin, Pamela
Emerton, Larry
Goulet, Maurice
Hansen, Ryan
Jean, Claudette
Lasky, Bette
McRae, Karen
Moran, Edward
Pappas, Marc
Scanlon, Michael
Vaillancourt, Steve

Desmarais, Vivian
Fields, Dennis
Graham, John
Hopper, Gary
Johnson, Lionel
Lawrence, James
Mercer, Robert
Mosher, William
Pepino, Leo
Schulze, Joan
Wheeler, James

Dokmo, Cynthia
Gargasz, Carolyn
Greenberg, Gary
Hunter, Bruce
Kopka, Angeline
Lessard, Rudy
Messier, Irene
Movsesian, Lori
Price, Pamela
Stepanek, Stephen
Wheeler, Robert

MERRIMACK

Anderson, Eric
Dunne, Christopher
Hager, Elizabeth

Clarke, Claire
Field, William
Kenison, Leon

Colcord, J D
Foley, Albert
Langer, Ray

DeJoie, John
French, Barbara
Leber, William

Maxfield, Roy
Perkins, Randy
Wallner, Mary Jane

McCormick, Tom
Potter, Frances

Nutter, Edward
Reed, Dennis

Owen, Derek
Rush, Deanna

ROCKINGHAM

Belanger, Ronald
Casey, Kimberley
Dalrymple, Janeen
Doyle, Christopher
Francoeur, Sheila
Gould, Kenneth
Holland, James Jr
Johnson, Robert
Kelley, Jane
Letourneau, Robert
Morris, Richard
Priestley, Anne
Scamman, Stella
Varrell, Thomas
Winchell, George

Bishop, Franklin
Coes, Betsy
Dearborn, Bruce
Duffy, James
Gilbert, Jeffrey
Griffin, Mary
Hughes, Daniel
Johnson, Rogers
Kobel, Rudolph
Major, Norman
Norelli, Terie
Putnam, Ed II
Smith, Donald
Waterhouse, Kevin
Zolla, William

Blanchard, MaryAnn
Cooney, Richard
DiFruscia, Anthony
Fesh, Bob
Gillick, Thomas
Hamel, Albert
Ingram, Russell
Katsakiores, George
Langley, Jane
McCann, Richard
Noyes, Richard
Robertson, Carl
Smith, Paul
Welch, David

Camm, Kevin
Corbin, Corey
Dodge, Robert
Flanders, John Sr
Gleason, John
Headd, James
Introne, Robert
Katsakiores, Phyllis
Langone, John
McKinney, Betsy
O'Neil, Michael
Roessner, Kurt
Stone, Joseph
Weyler, Kenneth

STRAFFORD

Bemis, Alan
Campbell, W Packy
Hollinger, Jeffrey
Musler, George
Wall, Janet

Berube, Roger
Dunlap, Patricia
Johnson, Nancy
Newton, Clifford

Brown, Julie
Grassie, Anne
Keans, Sandra
Rollo, Deanna

Callaghan, Frank
Hofemann, Roland
Knowles, William
Twombly, James

SULLIVAN

Burling, Peter

Jones, Constance

Leone, Richard

Rodeschin, Beverly

NAYS 149

BELKNAP

Boyce, Laurie

Dewhirst, Glenn

Laflam, Robert

CARROLL

Hatch, Paul

CHESHIRE

Dunn, James
Slack, Pamela

Laurent, John
Tilton, Anna

Manning, Joseph
Webber, Amy

Parkhurst, Henry
Weed, Charles

COOS

Mears, Edgar

Poulin, Richard

Pratt, Leighton

Theberge, Robert

GRAFTON

Benn, Bernard
Scovner, Nancy

Bleyler, Ruth
Sorg, Gregory

Diamond, Estelle

Nordgren, Sharon

HILLSBOROUGH

Allen, Timothy	Artz, Lawrence	Balboni, Michael	Balcom, John
Baroody, Benjamin	Beaton, William	Bergeron, Jean-Guy	Brassard, Paul
Buckley, Raymond	Buhlman, David	Cail, Kenneth	Carlson, Donald
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Crane, Elenore Casey	Dionne, Kimberley	Elliott, Larry
Furman, Christine	Gibson, John	Gorman, Mary	Goyette, Peter Jr
Hagan, Barbara	Haley, Robert	Hallyburton, Margaret	Harrington, Paul
Hawkins, Ken	Haytayan, Harry Jr	Hinkle, Peyton	Holden, Randolph
Infantine, William	Jasper, Shawn	Katsiantonis, Thomas	Kerns, J Edward
Konys, Christine	Kudalis, Debra	Kurk, Neal	LaFlamme, Paul
Leach, Edward	Lefebvre, Roland	Luebker, Bernard	McDonough-Wallace, Alice
McElroy, Henry Jr	McHugh, Claire	Mooney, Maureen	O'Brien, Lori
Palangas, Eric	Pappas, Christopher	Pilote, Maurice	Ross, Lawrence
Rowe, Robert	Shaw, Barbara	Slocum, Lee	Souza, Kathleen
Spiess, Paul	Sullivan, Francis	Sweeney, Cynthia	Tahir, Saghir
Tate, Joan			

MERRIMACK

Bouchard, Candace	Brueggemann, Donald	Currier, David	Davis, Frank
DeStefano, Stephen	Gile, Mary	Hamm, Christine	Jacobson, Alf
Kennedy, Richard	Lockwood, Priscilla	MacKay, James	Marple, Richard
Oliver, James	Osborne, Jessie	Ouellette, Robert	Seldin, Gloria
Soltani, Tony			

ROCKINGHAM

Allen, Mary	Bicknell, Elbert	Cady, Harriet	Carson, Sharon
Clark, Vivian	Davidson, Robert	Dumaine, Dudley	Dupuis, Roland
Flayhan, Mary Lou	Hutchinson, Karen	Itse, Daniel	McEachern, Paul
McMahon, Charles	Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline
Quandt, Matthew	Rausch, James	Ruffner, Walter	Shultis, Elizabeth
Splaine, James	Tufts, J Arthur	Vallone, Matthew	Weare, E Albert
Wiley, Robert			

STRAFFORD

Bickford, David	Cataldo, Sam	Creteau, Irene	Easson, Timothy
Harrington, Michael	Heon, Richard	Kaen, Naida	Miller, Joseph
Pelletier, Arthur	Rous, Emma	Schmidt, Peter	Scott, David
Spang, Judith	Taylor, Kathleen	Vachon, Dennis	Woods, Phyllis

SULLIVAN

Cloutier, John	Donovan, Thomas	Ferland, Brenda	Flint, Gordon Sr
Franklin, Peter	Harris, Joseph	Harris, Sandra	Phinzy, James

and the Majority report was adopted.
Ordered to third reading.

SB 148-FN, relative to the regulation of water treatment equipment installers by the plumber's board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Judson K. Dexter for Executive Departments and Administration: This bill was brought forward by the plumber's board and water treatment installers because of public health concerns related to improper installation of water treatment systems. The committee had

documented evidence of over 100 cases of faulty installations, but because the profession is currently not regulated, the only recourse available to the homeowner who is harmed is through the courts. This can take years and cost the homeowner more money. Meanwhile, the installer can continue to operate because currently there is no licensing requirement. With this bill, the installer is licensed and, therefore, could be fined by the board or, in severe cases, put out of business by a revocation of the license. Additionally, there is a continuing education requirement to insure plumbing and water treatment equipment knowledge. Funding for this license is covered by fees under the 125% rule. Vote 10-8.

Amendment (1604h)

Amend the section heading of section 6 of the bill to read as follows:

6 Licenses; Journeyman Plumbers. Amend RSA 329-A:9 to read as follows:

Amend RSA 329-A:10, IV as inserted by section 8 of the bill by replacing it with the following:

IV. A corporation, partnership, limited liability company, or other business entity that installs, maintains or repairs water treatment systems, provided the entity designates one employee licensed under this chapter who is responsible for the entity's compliance with this chapter and the rules adopted by the board. Within 30 days after termination of employment of such employee by such entity, he or she shall give notice thereof to the board and, if no other employee licensed under this chapter, the entity shall not act as a water treatment technician until some other employee has obtained a license. Notwithstanding any other provision of this chapter, the board shall not require a fee for an entity that installs, maintains or repairs water treatment systems where the person licensed under this chapter is the sole owner of the entity.

Amend the bill by inserting after section 8 the following and renumbering the original section 9 - 13 to read as 10 - 14, respectively:

9 Water Treatment Technician License; Renewal. Amend RSA 329-A:11 to read as follows:

329-A:11 Expiration and Renewal. Notwithstanding any outstanding license to the contrary, all licenses issued by the board shall expire on the last day of the month of the licensee's birth, but may be renewed during the following month, retroactive to the first day of the month. The fee for renewal of all licenses issued under this chapter shall be established by the board. Upon failure to pay the renewal fee within the required period, a licensee may renew his license by submitting the required fee plus \$10 before the last day of the second month following the month of his birth. Any application received thereafter shall be rejected, unless accompanied by proof of successful completion of the examination required under RSA 329-A:7. ***A water treatment technician shall attend one seminar of at least 2 hours duration before his or her license is renewed***

Amend the bill by replacing section 12 with the following:

12 Transition. Notwithstanding RSA 329-A:9-a, no person shall be required to take an examination to obtain licensure as a water treatment technician under RSA 329-A if prior to January 1, 2005 such person files with the state board for the licensing and regulation of plumbers a statement sworn or affirmed before a notary or other person authorized to administer oaths that he or she has been engaged in the installation, maintenance, or repair of water treatment systems. Any person who files such a statement with the state board for the licensing and regulation of plumbers shall be deemed qualified to be licensed as a water treatment technician unless, after a public hearing, the board finds the person's knowledge and understanding of, and experience with the configuration and installation of water treatment systems are questionable enough to require examination as required under RSA 329-A:9-a. Such person shall be entitled to retain his or her license as a water treatment technician unless and until he or she fails to achieve a passing score on the examination for water treatment technicians. Notwithstanding RSA 329-A, no fee shall be charged nor shall continuing education be required for the annual renewal of the license granted to a water

treatment system technician if under RSA 329-A:11 such license expires on or before September 30, 2004.

Rep. Harrington spoke against.

Rep. Dexter spoke in favor and yielded to questions.

On a division vote, 155 members having voted in the affirmative and 209 in the negative, the committee report failed.

Rep. Harrington moved Inexpedient to Legislate.

Adopted.

SB 83, relative to paralegals and legal assistants. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Craig for Judiciary: This bill would allow a "paralegal or legal assistant" to practice in courts and administrative hearings either under the direct supervision of an attorney who appears with the paralegal or alone, providing that the supervising attorney provides an affidavit verifying that the person is qualified to appear without the attorney. The paralegal could appear in any case other than a criminal matter or a civil commitment. While many on the committee felt that the intention of the bill is good, the majority felt that the bill needs much revision, which should be done by the bill's proponents to be resubmitted in a future session. For example, there are no statutory definitions of a "paralegal" or a "legal assistant." Further, there are no statutory requirements to become a paralegal and court rules (Rule 35) declare a legal assistant as anyone who works in a lawyer's office. Vote 9-4.

Adopted.

PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Soltani requested that his protest be entered on the Journal.

This bill was an attempt to break the stranglehold of the New Hampshire Bar Association on the New Hampshire courts and judicial system. Its defeat by the House is yet another blow to the people of the state and preserves the monopoly currently granted to the Bar. Access to the courts would have been granted to the ordinary citizen under this bill and it should have been passed.

REGULAR CALENDAR (CONT'D)

SB 119, relative to medical and hospital liability insurance. **OUGHT TO PASS WITH AMENDMENT**

Rep. Bette R. Lasky for Judiciary: The intent of this bill as amended is to overrule the Lord v. Lovett, 146 N. H. 232, NH Supreme Court decision of April 4, 2001. This decision broadened the opportunity to recover damages in medical injury cases through the recognition of the so-called loss of opportunity doctrine by incorrectly applying the burden of proof requirements in the existing medical malpractice statute, 507-E:2I. As amended, this bill overrules the decision in Lord v. Lovett and eliminates the "Loss of Opportunity" doctrine, while preserving a medical liability plaintiff's right to claim damages for aggravation of an underlying condition on the same legal basis as before Lord v. Lovett was decided. The bill also preserves the patient's rights to recover damages for new harm proximately caused by medical negligence, regardless of the patient's underlying condition, based on the reasoning in an Ohio court decision, McMullen v. Ohio State University Hospitals, 88 Ohio St. 3d 332 (2000). The amendment is intended to simplify and clarify the text of the original senate bill. The committee believes the passage of this bill is an important step toward holding down the escalating costs of medical malpractice insurance. Vote 18-1.

Amendment (1722h)

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

1 Purpose. Availability and affordability of insurance against liability for medical injury is essential for the protection of patients as well as assuring availability of and access to essential medical and hospital care. This act reaffirms the intent of the general court to contain the costs of the medical injury reparations system and to promote availability and affordability of insurance against liability for medical injury, by codifying the law applicable to recovery of damages for medical injury in RSA 507-E. The decision of the court in *Belinda Joyce Lord v. James Lovett, M. D.*, decided April 4, 2001, departed from that intent by broadening the opportunity to recover damages in medical injury cases through recognition of the so-called “loss of opportunity” doctrine. This act is intended to overrule that decision, as well as to restate the legislative policy that this judicial broadening of the opportunity to recover damages in medical injury cases is contrary to the intent of the general court in enacting RSA 507-E.

2 New Paragraph; Burden of Proof in Medical Injury Cases. Amend RSA 507-E:2 by inserting after paragraph II the following new paragraph:

III. The requirements of this section are not satisfied by evidence of loss of opportunity for a substantially better outcome. However, this paragraph shall not bar claims based on evidence that negligent conduct by the defendant medical provider or providers proximately caused the ultimate harm, regardless of the chance of survival or recovery from the underlying condition.

Adopted.

Rep. Mock offered a floor amendment (1863h) and spoke in favor.

Floor Amendment (1863h)

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

1 Purpose. Availability and affordability of insurance against liability for medical injury is essential for the protection of patients as well as assuring availability of and access to essential medical and hospital care. This act reaffirms the intent of the general court to contain the costs of the medical injury reparations system and to promote availability and affordability of insurance against liability for medical injury, by codifying the law applicable to recovery of damages for medical injury in RSA 507-E. The decision of the court in *Belinda Joyce Lord v. James Lovett, M. D.*, decided April 4, 2001, departed from that intent by broadening the opportunity to recover damages in medical injury cases through recognition of the so-called “loss of opportunity” doctrine. This act is intended to overrule that decision, as well as to restate the legislative policy that this judicial broadening of the opportunity to recover damages in medical injury cases is contrary to the intent of the general court in enacting RSA 507-E.

2 New Paragraph; Burden of Proof in Medical Injury Cases. Amend RSA 507-E:2 by inserting after paragraph II the following new paragraph:

III. The requirements of this section are not satisfied by evidence of loss of opportunity for a substantially better outcome. However, this paragraph shall not bar claims based on evidence that negligent conduct by the defendant medical provider or providers proximately caused the ultimate harm, regardless of the chance of survival or recovery from an underlying condition.

Adopted.

Report adopted and ordered to third reading.

SB 226-L, increasing the homestead exemption. OUGHT TO PASS

Rep. James W. Craig for Judiciary: This bill raises the homestead exemption from \$50,000 to \$100,000 for every person in his or her homestead. This is a pro-consumer measure that protects equity in homesteads that may exist over and above perfected mortgages and other liens from creditors. This bill will particularly benefit the elderly whose largest asset may be their home equity and who are often sought out by predator creditors. Finally, as property values increase, the committee felt that the exemption should be higher as they are in many

other states including Vermont and Massachusetts. Vote 14-3.
Adopted and ordered to third reading.

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. **OUGHT TO PASS**

Rep. Anna Z. Tilton for Legislative Administration: Those persons testifying before the committee were unanimous in their support for extending these deadlines. The committee felt it was appropriate to honor their requests, because of the importance of each of these committees. Vote 13-0.

Adopted and ordered to third reading.

SB 169, relative to frivolous actions against the state concerning state construction projects. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. William E. Leber for the Majority of Public Works and Highways: This bill would allow a prevailing party to recover certain costs, attorney's fees and damages when the court determines that a law suit pertaining to a state construction project was frivolous or intended to harass or intimidate the prevailing party. The 10-Year Highway Plan process takes two years to complete starting in odd numbered years. Public input is encouraged very often through the process. Local government is the beginning of the process and from there the planning process moves to the regional planning boards. Next, the Governor and Council have a part in refining the plan to be sent to the legislature. With legislation in the even year, the 10-Year Highway Plan is complete. All of the projects then get to serious planning while in the possession of the Department of Transportation. Hearings are held at various places near the proposed construction sites during this phase. At this point the planning and engineering become a workable document requiring permits at a considerable cost. It is after the permits are obtained that this legislation is implemented. The majority of the committee felt that this step should be added to avoid construction delays jeopardizing the safety of anyone using our highways in need of upgrading. The committee felt that with public input all along it is necessary to have an end. The committee wants to allow all parties to continue progressive actions involved in projects. A great deal of testimony was received in respect to frivolous lawsuits and their associated impacts. This is limited to state construction projects, and is very narrow in scope. Current statutes address frivolous actions in a very broad way. The majority of the committee felt that this approach limiting the scope to only state construction projects would be best. Vote 11-7.

Rep. Bernard L. Benn for the Minority Public Works and Highways: The minority asks you to vote against the majority amendment and for the minority amendment. Commissioner Murray of the Department of Transportation neither supports nor opposes this bill, but offered testimony that indicates frivolous lawsuits have not been the principle reason for delays in state construction projects. It is the minority's opinion that this bill will do nothing to improve the approval process or shorten the timeframe of those projects. Existing statutes on frivolous lawsuits have served the public well for many years. The minority supports adjusting the potential penalty in the current statute to an appropriate but not punitive level. This bill, as amended, exposes potential litigants to penalties that could bankrupt the largest not-for-profit organization as well as almost any individual or small business. The effect of this bill will be to intimidate those that may have legitimate concerns, including municipalities, in order to keep them from challenging the state. The minority also believes that the bill may be in violation of Part 1, Article 14 of the New Hampshire Constitution as well as the 5th and 14th amendments of the United States Constitution. Recently, the DOT has made a determined and laudable public relations effort to represent itself as a "softer and gentler" agency. This bill will be detrimental to that effort.

Majority Amendment (1485h)

Amend RSA 507:15-a, I as inserted by section 2 of the bill by replacing it with the following:

I. If, upon the hearing of any action against the state pertaining to a state construction project, which has commenced after the necessary state and federal approvals for construction have been issued, it appears to the court that the action is frivolous or intended to otherwise harass or intimidate the prevailing party, then the court, upon motion of a prevailing party or on its own motion, may order summary judgment or other relief against the party who brought such action, and award the amount of costs and attorneys' fees incurred by the prevailing party. Costs may include, up to 10 percent of the total construction cost estimate for the project, determined as of the date the final pre-construction permit is obtained.

AMENDED ANALYSIS

In a suit brought concerning a state construction project, this bill allows the prevailing party to recover costs, attorneys' fees and damages that may include up to 10 percent of the construction costs of the project.

Rep. Benn spoke against and yielded to questions.

Rep. Leach spoke against.

Rep. Kenison spoke in favor and yielded to questions.

Rep. Royce requested a roll call; sufficiently seconded.

The question being adoption of the majority amendment.

YEAS 147 NAYS 217

YEAS 147

BELKNAP

Allen, Janet	Bartlett, Gordon	Clark, Charles	Fitzgerald, James
Flanders, Donald	Holbrook, Robert	Lawton, David	Nedeau, Stephen
Russell, David	Thomas, John	Whalley, Michael	

CARROLL

Babson, David Jr	Brown, Carolyn	Dickinson, Howard	McConkey, Mark
Mock, Henry	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

CHESHIRE

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

COOS

King, Frederick	Pratt, Leighton	Richardson, Herbert	Stohl, Eric
Tholl, John Jr	Woodward, David		

GRAFTON

Alger, John	Barker, Robert	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Gionet, Edmond	Giuda, Robert	Maybeck, Margie
Sorg, Gregory			

HILLSBOROUGH

Arnold, Thomas Jr	Balboni, Michael	Barry, J Gail	Batula, Peter
Beaton, William	Bruno, Pierre	Buhlman, David	Cail, Kenneth
Carter, Jeffrey	Carter, Mark	Chabot, Robert	Coughlin, Pamela

Desmarais, Vivian
Gargas, Carolyn
Hagan, Barbara
Hunter, Bruce
Lessard, Rudy
Moran, Edward
Pepino, Leo
Tahir, Saghir

Dionne, Kimberley
Gonzalez, Carlos
Hansen, Ryan
Infantine, William
McRae, Karen
Mosher, William
Price, Pamela
Tate, Joan

Elliott, Larry
Goulet, Maurice
Hawkins, Ken
Kurk, Neal
Mercer, Robert
O'Brien, Lori
Reeves, Sandra
Wheeler, Robert

Emerton, Larry
Graham, John
Haytayan, Harry Jr
Lawrence, James
Milligan, Robert
Pappas, Marc
Stepanek, Stephen

MERRIMACK

Anderson, Eric
Kenison, Leon
Maxfield, Roy

Currier, David
Langer, Ray
Ouellette, Robert

Dunne, Christopher
Leber, William

Field, William
MacKay, James

ROCKINGHAM

Bicknell, Elbert
Dalrymple, Janeen
Dumaine, Dudley
Francoeur, Sheila
Gleason, John
Introne, Robert
Katsakiores, Phyllis
Major, Norman
O'Neil, Michael
Rausch, James
Varrell, Thomas
Wiley, Robert

Cady, Harriet
Dearborn, Bruce
Dupuis, Roland
Gilbert, Jeffrey
Griffin, Mary
Johnson, Robert
Kobel, Rudolph
McKinney, Betsy
Packard, Sherman
Roessner, Kurt
Waterhouse, Kevin

Camm, Kevin
Dodge, Robert
Fesh, Bob
Gilbert, Karl
Holland, James Jr
Johnson, Rogers
Langone, John
Morris, Richard
Priestley, Anne
Scamman, Stella
Welch, David

Carson, Sharon
Doyle, Christopher
Flanders, John Sr
Gillick, Thomas
Ingram, Russell
Katsakiores, George
Letourneau, Robert
Noyes, Richard
Putnam, Ed II
Stone, Joseph
Weyler, Kenneth

STRAFFORD

Berube, Roger
Newton, Clifford

Bickford, David
Scott, David

Campbell, W Packy
Woods, Phyllis

Easson, Timothy

SULLIVAN

Jones, Constance

Leone, Richard

Rodeschin, Beverly

NAYS 217

BELKNAP

Ahern, Omer Jr
Rice, Thomas

Boyce, Laurie
Wendelboe, Fran

Dewhirst, Glenn

Pilliod, James

CARROLL

Derby, Mark

Hatch, Paul

Kenney, Bettie

Merrow, Harry

CHESHIRE

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

Batchelder, Robert
Fish, Douglas
Parkhurst, Henry
Robertson, Timothy
Weed, Charles

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

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

COOS

Brady, Mark	Mears, Edgar	Poulin, Richard	Theberge, Robert
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GRAFTON

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

HILLSBOROUGH

Adams, Jarvis	Allan, Nelson	Allen, Timothy	Artz, Lawrence
Balcom, John	Baroody, Benjamin	Bergeron, Jean-Guy	Bergin, Peter
Brassard, Paul	Brundige, Robert	Buckley, Raymond	Carlson, Donald
Christensen, D L	Christiansen, Lars	Clayton, William	Clemons, Jane
Chris			
Cote, David	Cote, Peter	Craig, James	Crane, Elenore
			Casey
Dokmo, Cynthia	Drisko, Richard	Furman, Christine	Gibson, John
Gorman, Mary	Goyette, Peter Jr	Greenberg, Gary	Haley, Robert
Hall, Charles	Hallyburton, Margaret	Harrington, Paul	Hinkle, Peyton
Holden, Randolph	Hopper, Gary	Irwin, Anne-Marie	Jasper, Shawn
Jean, Claudette	Johnson, Lionel	Katsiantonis, Thomas	Konys, Christine
Kopka, Angeline	Kudalis, Debra	L'Heureux, Robert	LaFlamme, Paul
Lasky, Bette	Leach, Edward	Lefebvre, Roland	Luebkert, Bernard
Malloy, Chris	McDonough-Wallace, Alice	McElroy, Henry Jr	McHugh, Claire
	Mooney, Maureen	Movsesian, Lori	Ober, Russell III
Messier, Irene	Pappas, Christopher	Pilotte, Maurice	Ross, Lawrence
Palangas, Eric	Scanlon, Michael	Schulze, Joan	Shaw, Barbara
Rowe, Robert	Souza, Kathleen	Spieß, Paul	Sullivan, Francis
Slocum, Lee	Sweeney, Cynthia	Vaillancourt, Steve	Wheeler, James
Sullivan, Peter			

MERRIMACK

Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	Colcord, J D
	DeJoie, John	DeStefano, Stephen	Foley, Albert
Davis, Frank	Gile, Mary	Hager, Elizabeth	Hamm, Christine
French, Barbara	Kennedy, Richard	Lockwood, Priscilla	Marple, Richard
Jacobson, Alf	Nutter, Edward	Oliver, James	Osborne, Jessie
McCormick, Tom	Perkins, Randy	Potter, Frances	Reed, Dennis
Owen, Derek	Seldin, Gloria	Soltani, Tony	Wallner, Mary Jane
Rush, Deanna			

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Casey, Kimberley	Clark, Vivian	Coes, Betsy	Cooney, Richard
Corbin, Corey	Davidson, Robert	DiFruscia, Anthony	Duffy, James
Flayhan, Mary Lou	Gould, Kenneth	Hamel, Albert	Headd, James
Hughes, Daniel	Hutchinson, Karen	Itse, Daniel	Kelley, Jane
Langley, Jane	McCann, Richard	McEachern, Paul	McMahon, Charles
Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline	Quandt, Matthew
Robertson, Carl	Ruffner, Walter	Shultis, Elizabeth	Smith, Donald
Smith, Paul	Tufts, J Arthur	Vallone, Matthew	Weare, E Albert
Winchell, George	Zolla, William		

STRAFFORD

Bemis, Alan	Brown, Julie	Callaghan, Frank	Cataldo, Sam
Creteau, Irene	Dunlap, Patricia	Grassie, Anne	Harrington, Michael
Heon, Richard	Hofemann, Roland	Hollinger, Jeffrey	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Pelletier, Arthur
Rollo, Deanna	Rous, Emma	Schmidt, Peter	Spang, Judith
Taylor, Kathleen	Twombly, James	Vachon, Dennis	Wall, Janet

SULLIVAN

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

And the majority amendment failed.

Rep. Dudley voted Yea and intended to vote Nay.

The question now being Ought to Pass.

Rep. Soltani spoke against and yielded to questions.

Ought to Pass failed.

Rep. Soltani moved Inexpedient to Legislate.

Adopted.

SB 70, establishing a commission to study implementing a recommendation of the New Hampshire estuaries project management plan. **OUGHT TO PASS WITH AMENDMENT**
Rep. David M. Lawton for Resources, Recreation and Development: This legislation will establish a commission to study regional problems relating to wastewater disposal in the Great Bay estuary area. Among the duties of this commission will be to examine the feasibility of combining the wastewater discharge of multiple communities and ways to dispose of it with the least environmental impact. Regional cooperation among the communities will be explored as well as other potential partnerships to help fund the restoration of the Great Bay estuary habitat. The committee amendment adds the Executive Director of the New Hampshire Fish and Game Department or designee to the proposed commission. Vote 11-2.

Amendment (1544h)

Amend paragraph I of section 2 of the bill by inserting after subparagraph (k) the following new subparagraph:

(l) The executive director of the fish and game department, or designee.

Adopted.

Report adopted and ordered to third reading.

SB 155, establishing a commission to study issues relative to water withdrawals.

MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.

Rep. D. L. Chris Christensen for the Majority of Resources, Recreation and Development: This bill establishes a study commission with members from a variety of interests to study groundwater uses and issues. There was no question in the committee or in testimony that groundwater withdrawals and related policy are important to the state. The committee was presented with several water study bills this year, each focusing on a portion of the problem of how to establish policy and monitor uses and needs. Several of these were recommended as inexpedient to legislate, with the intent of incorporating those in a more comprehensive format. In the amendment, related language was added (as in SB 162) to insure that the subject matter of those bills will be considered in the duties of the commission. Minor membership changes were made, adding a member from a regional planning commission and

reducing the representation from the Association of General Contractors from two to one. Final recommended membership was 21 members. As evidenced by the vote, the committee emphatically believes that this bill should pass as amended. Vote 14-1.

Rep. Pierre W. Bruno for the Minority of Resources, Recreation and Development: The minority concurs that the General Court should act to establish a commission to study issues relative to groundwater withdrawals. Notwithstanding such agreement, the minority believes that to entertain the consideration of charging fees for groundwater withdrawals in the duties of the commission is to fly in the face of our "Live Free or Die" motto and principles. We currently know that any fee for groundwater withdrawals could only be established upon speculative arm waving. Government's thirst for revenue, never being fully satisfied, will make frequent trips to tap any "well" created by such fee policy. This conclusion is supported by testimony that a committee studied this same issue about six years ago.

Majority Amendment 1567(h)

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

AN ACT establishing a commission to study issues relative to groundwater withdrawals.

Amend the bill by replacing section 1 with the following:

1 Commission Established. The general court recognizes that the waters of New Hampshire are a precious and invaluable resource upon which there is an ever increasing demand for existing, new, and competing uses. The general court further recognizes that an adequate supply of groundwater for domestic, agricultural, industrial, and recreational uses and for fish and wildlife is essential to the health, safety, and welfare of the people of New Hampshire. Therefore, there is hereby established a commission to study ways to clarify the hierarchy of water uses while considering existing private property rights, to bring a balanced approach to water use among residential, public water supply, industrial, commercial, agricultural, recreational and other water users, and to improve the current process by which all such new water users may reasonably and efficiently use state water resources, including consideration of potential regional impacts and local water management issues, in order to best protect and preserve an adequate supply of water for the state.

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

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

- (a) Three members of the senate, appointed by the president of the senate.
- (b) Three members of the house of representatives, appointed by the speaker of the house.
- (c) A representative of public water supplier interests, nominated by the New Hampshire Water Works Association, and appointed by the governor.
- (d) The commissioner of the department of environmental services, or designee.
- (e) One member of a regional planning commission, nominated by the New Hampshire Association of Regional Planning Commissions, and appointed by the governor.
- (f) A representative of the International Bottled Water Association, nominated by the association, and appointed by the governor.
- (g) Two members of the public, appointed by the governor.
- (h) Two representatives of different business water users, nominated by the Business and Industry Association of New Hampshire, and appointed by the governor.
- (i) A representative of municipal interests, nominated by the New Hampshire Municipal Association, and appointed by the governor.
- (j) A representative of the Society for the Protection of New Hampshire Forests, nominated by the society, and appointed by the governor.
- (k) A representative of the New Hampshire Farm Bureau, nominated by the bureau, and appointed by the governor.
- (l) A representative of recreational interests, appointed by the governor.

(m) A representative of the joint board of professional engineers, architects, land surveyors, foresters, professional geologists, and natural scientists who shall be a hydrologist or geologist, appointed by the governor.

(n) A representative of the New Hampshire Association of Conservation Commissions, nominated by the association, and appointed by the governor.

(o) A representative of construction and mining activities, nominated by the Associated General Contractors of New Hampshire, and appointed by the governor.
Amend the bill by replacing section 3 with the following:

3 Duties. The commission shall study ways to bring a balanced approach to water use among residential, public water supply, industrial, commercial, agricultural, energy, recreational, and other water users, and to improve the current process by which new water users may reasonably and efficiently use state water resources, including consideration of potential regional impacts and local water management issues, in order to best protect and preserve an adequate supply of water for the state with particular attention to groundwater. This study shall include consideration of issues such as potential impacts on New Hampshire's environment, property rights as they relate to groundwater, possible fees on water withdrawals, and the protection of New Hampshire's aquifers. The commission may address other issues related to water.

Amend the bill by replacing section 5 with the following:

5 Report. The commission shall make an interim report of its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2003. The commission shall make a final report of its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2004.

AMENDED ANALYSIS

This bill establishes a commission to study issues relative to groundwater withdrawals.
Adopted.

Majority report adopted and ordered to third reading.

BILLS REMOVED FROM CONSENT CALENDAR

SB 152, relative to health insurance coverage for prosthetic devices. **OUGHT TO PASS WITH AMENDMENT**

Rep. George J. Liebl for Commerce: This bill requires health insurance companies to cover "prosthetic devices," which means an artificial limb device to replace, in whole or part, an arm or leg, at the same terms and conditions that apply to other durable medical equipment covered under the policy. However, an insurer shall not impose an annual or lifetime dollar maximum on coverage for prosthetic devices other than the annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy. An insurer shall not apply amounts paid for prosthetic devices to any annual or lifetime dollar maximum applicable to other durable, medical equipment. Vote 14-0.

Amendment (1551h)

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

1 New Section; Group Insurance; Coverage for Certain Prosthetic Devices. Amend RSA 415 by inserting after section 18-m the following new section:

415:18-n Coverage for Certain Prosthetic Devices.

I. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses, except for supplemental policies covering a specified disease or other limited benefit, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for benefits

for prosthetic devices under the same terms and conditions that apply to other durable medical equipment covered under the policy, except as otherwise provided in this section.

II. In this section, "prosthetic device" means an artificial limb device to replace, in whole or in part, an arm or leg.

III. An insurer shall not impose any annual or lifetime dollar maximum on coverage for prosthetic devices other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy.

IV. An insurer shall not apply amounts paid for prosthetic devices to any annual or lifetime dollar maximum applicable to other durable medical equipment covered under the policy other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy.

V. The provisions of this section shall apply to group health service plan contracts issued pursuant to RSA 420-A, and to health maintenance organization policies and plans issued pursuant to RSA 420-B.

2 New Section; Individual Insurance; Coverage for Certain Prosthetic Devices. Amend RSA 415 by inserting after section 6-i the following new section:

415:6-j Coverage for Certain Prosthetic Devices.

I. Each insurer that issues or renews any individual policy of accident or health insurance providing benefits for medical or hospital expenses, shall provide to certificate holders of such insurance who are residents of this state, coverage for the provision of benefits for prosthetic devices under the same terms and conditions that apply to other durable medical equipment covered under the policy, except as otherwise provided in this section.

II. In this section, "prosthetic device" means an artificial limb device to replace, in whole or in part, an arm or leg.

III. An insurer shall not impose any annual or lifetime dollar maximum on coverage for prosthetic devices other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy.

IV. An insurer shall not apply amounts paid for prosthetic devices to any annual or lifetime dollar maximum applicable to other durable medical equipment covered under the policy other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy.

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

AMENDED ANALYSIS

This bill requires health insurance companies to cover prosthetic devices under generally the same terms and conditions that apply to other durable medical equipment. In this bill, a prosthetic device means an artificial device to replace an arm or a leg.

Adopted.

Rep. Harrington spoke against.

Rep. Liebl spoke in favor.

Report adopted and ordered to third reading.

SB 229, making reference changes to the school building aid statutes. OUGHT TO PASS WITH AMENDMENT

Rep. John Alger for Education: This bill changes an obsolete reference to the State Board of Education and replaces it with the Department of Education. An audit of DOE brought this to our attention. In addition, an amendment was added to allow the Conway School District to hold a special meeting for the purpose of considering a multiple town bond issue for a school construction prior to the 2004 annual school district meeting. Vote 18-0.

Amendment (1614h)

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

AN ACT changing the responsibility for administering the school building aid program and authorizing the Conway school district to hold a special meeting.

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

2 Conway School District; Special Meeting. Notwithstanding RSA 197:3, the Conway school district is authorized to hold a special meeting, prior to the 2004 annual school district meeting, for the specific purpose of considering a bond issue or other long-term borrowing for middle school and high school construction and renovation, and to take any other action consistent with this purpose.

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

AMENDED ANALYSIS

This bill changes the responsibility for administering the school building aid program from the state board of education to the department of education.

The bill also authorizes the Conway school district to hold a special meeting prior to the 2004 annual school district meeting to consider a bond issue for middle school and high school construction and renovation.

Rep. Graham spoke against.

Reps. Alger and Dickinson spoke in favor.

Adopted.

Report adopted and ordered to third reading.

SB 134, relative to the regulation of real estate brokers by the real estate commission.

OUGHT TO PASS WITH AMENDMENT

Rep. Paul G. LaFlamme for Executive Departments and Administration: This bill, as amended, will increase the requirements to obtain a real estate salesperson license to include 40 hours of approved study. After licensure, all licensees will be required to obtain 12 hours of continuing education. The previous requirement was nine hours. In addition, the bill makes various other housekeeping changes to the real estate practice act. Vote 18-0.

Amendment (1613h)

Amend RSA 331-A:10, II(c)(3) as inserted by section 2 of the bill by replacing it with the following:

(3) Proves to the commission that the applicant has experience equivalent to the experience required by subparagraph (c)(1) or (c)(2);

Amend RSA 331-A:10, II(f) as inserted by section 2 of the bill by replacing it with the following:

(f) For a broker acting as a principal broker or a managing broker, but excluding associate brokers or a corporation, partnership, limited liability company, or association, files a surety bond with the commission which shall be held in accordance with RSA 331-A:14.

Amend the bill by replacing section 5 with the following:

5 Advertising. Amend RSA 331-A:16, IV(b) to read as follows:

(b) ~~[With the exception of business cards,]~~ Any advertising which contains a home telephone number, cell-phone number, beeper or pager number, home fax number, or electronic mail address of an individual salesperson or associate broker, or a team of such licensees, shall also include the name and telephone number of the employing broker or brokerage firm through which the advertising licensees operate. All such advertising shall contain language identifying each number included in the advertising.

Amend the bill by replacing section 7 with the following:

7 Renewal of License. Amend RSA 331-A:19, I to read as follows:

I. The commission shall mail each licensee a renewal form ***or, at the licensee's request, the commission may provide the renewal form by other means acceptable to the commission,*** at least 60 days before expiration of the license.

Amend the bill by replacing all after section 10 with the following:

11 Display of License. Amend RSA 331-A:15, III to read as follows:

III. Licenses shall be issued in the form of a certificate for wall display and a card to be carried on the person. Each licensed broker shall prominently display at the *principal* place of business the broker's certificate and those of all licensed salespersons *and associate brokers* associated with or under contract to the broker.

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

Adopted.

Rep. Campbell spoke against.

On a division vote, 248 members having voted in the affirmative and 101 in the negative, the report was adopted.

Ordered to third reading.

Reps. Baroody, DeStefano, Daniel Eaton and Phinizy declared conflicts of interest and did not participate.

SB 212, requiring fiscal impact statements for interim administrative rules and prohibiting agencies from requiring by rule the submission of social security numbers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nelson S. Allan for Executive Departments and Administration: This bill eliminates the exemption of interim rules from fiscal impact statement requirements and prohibits agencies from requiring, by rule, the submission of social security numbers. The amendment allows limited use of social security numbers in federal tax identification, health care data collection and reporting of communicable diseases. Vote 17-0.

Amendment (1712h)

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

AN ACT requiring fiscal impact statements for interim administrative rules, prohibiting agencies from requiring by rule the submission of social security numbers, and authorizing certain agencies to collect social security numbers.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 8:

3 New Section; Department of Revenue Administration; Federal Tax Identification.

Amend RSA 21-J by inserting after section 27 the following new section:

21-J:27-a Federal Tax Identification. The commissioner of the department of revenue administration is authorized to require the submission of a social security number, a federal employer identification number, or any other identifying number used in filing or preparing federal tax returns by individuals, businesses, or return preparers.

4 Health Care Data Collection; Social Security Numbers. Amend RSA 126:25, I(i) to read as follows:

(i) Any demographic or diagnostic information necessary for the administration of this subdivision, ***including social security numbers***.

5 Chronic Disease Prevention, Assessment, and Control; Reporting; Social Security Numbers. Amend RSA 141-B:7 to read as follows:

141-B:7 Reporting. All facilities shall provide a report to the cancer registry, ***including social security numbers***, containing information regarding a cancer diagnosed or being treated.

6 Reporting of Communicable Disease; Social Security Number. Amend RSA 141-C:7, I to read as follows:

I. Upon becoming aware of any communicable disease or communicable disease syndrome listed under RSA 141-C:8, any health care provider, clinical laboratory director, the superintendent or other person in charge of any hospital, or other health care facility, or any other person having under his or her care or observation a person afflicted with a communicable disease or communicable disease syndrome, or who has reason to believe that a person was or might have been afflicted with a communicable disease at the time of death, shall report to the commissioner the communicable disease or communicable disease

syndrome and shall provide ***social security numbers and*** such additional information and periodic reports as required under RSA 141-C:9, I.

7 Critical Health Problems Reporting Act; Form; Social Security Numbers. Amend RSA 141-A:5, I to read as follows:

I. The report prescribed in RSA 141-A:4 shall be designated as a critical health problem report and shall contain ***social security numbers and*** information which the commissioner considers necessary to identify, locate, and investigate the occurrence, frequency, incidence, cause, effect, and prognosis of the critical health problem, and other relevant data and findings with respect thereto.

AMENDED ANALYSIS

This bill eliminates the exemption of interim rules from the fiscal impact statement requirements and prohibits agencies from requiring by rule the submission of social security numbers. This bill also authorizes the commissioner of the department of revenue administration to require the submission of a person's social security or other federal tax identification number and requires the submission of social security numbers to the department of health and human services on certain reports.

Adopted.

Rep. Kurk offered a floor amendment(1868h).

Floor Amendment (1868h)

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

AN ACT requiring fiscal impact statements for interim administrative rules, prohibiting agencies from requiring by rule the submission of social security numbers, and authorizing certain agencies to collect social security numbers.

Amend the bill by replacing sections 3-7 with the following:

3 New Section; Department of Revenue Administration; Federal Tax Identification.

Amend RSA 21-J by inserting after section 27 the following new section:

21-J:27-a Federal Tax Identification. The commissioner of the department of revenue administration is authorized to require the submission of a social security number, a federal employer identification number, or any other identifying number used in filing or preparing federal tax returns by individuals, businesses, or return preparers.

4 Health Care Data Collection; Social Security Numbers. Amend RSA 126:25, I(i) to read as follows:

(i) Any demographic or diagnostic information necessary for the administration of this subdivision, ***including social security numbers if persons were given the option at the original point of collection to provide social security numbers voluntarily.***

5 Chronic Disease Prevention, Assessment, and Control; Reporting; Social Security Numbers. Amend RSA 141-B:7 to read as follows:

141-B:7 Reporting. All facilities shall provide a report to the cancer registry, ***including social security numbers if persons were given the option at the original point of collection to provide social security numbers voluntarily,*** containing information regarding a cancer diagnosed or being treated.

6 Reporting of Communicable Disease; Social Security Number. Amend RSA 141-C:7, I to read as follows:

I. Upon becoming aware of any communicable disease or communicable disease syndrome listed under RSA 141-C:8, any health care provider, clinical laboratory director, the superintendent or other person in charge of any hospital, or other health care facility, or any other person having under his or her care or observation a person afflicted with a communicable disease or communicable disease syndrome, or who has reason to believe that a person was or might have been afflicted with a communicable disease at the time of death, shall report to the commissioner the communicable disease or communicable disease syndrome and shall provide ***social security numbers, if persons were given the option at the original point of collection to provide social security numbers voluntarily,***

and such additional information and periodic reports as required under RSA 141-C:9, I.

7 Critical Health Problems Reporting Act; Form; Social Security Numbers. Amend RSA 141-A:5, I to read as follows:

I. The report prescribed in RSA 141-A:4 shall be designated as a critical health problem report and shall contain ***social security numbers, if persons were given the option at the original point of collection to provide social security numbers voluntarily, and*** information which the commissioner considers necessary to identify, locate, and investigate the occurrence, frequency, incidence, cause, effect, and prognosis of the critical health problem, and other relevant data and findings with respect thereto.

AMENDED ANALYSIS

This bill eliminates the exemption of interim rules from the fiscal impact statement requirements and prohibits agencies from requiring by rule the submission of social security numbers. This bill also authorizes the commissioner of the department of revenue administration to require the submission of a person's social security or other federal tax identification number and requires the submission of voluntarily-provided social security numbers to the department of health and human services on certain reports.

Rep. Goulet spoke against.

Rep. Kurk spoke in favor.

Adopted.

Report adopted and ordered to third reading.

SB 54-FN-L, relative to the local inventory of property values for assessment of property taxes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric G. Stohl for Municipal and County Government: This bill, as amended, strengthens the requirement for municipalities to report the assessed inventory of property within their bounds by September 1st of each year and increases the penalty to \$100 per day for willful neglect or intentional disregard of that requirement. It clarifies the fact that all properties shall be assessed their value as of April 1st of every year and makes a gender neutral language adjustment. In addition, this bill establishes a 4-year moratorium on the proposed standards for the certification requirements that were to be placed upon municipalities. The committee feels that these standards may have an inequitable impact on municipalities within the state due to differences among municipalities in such characteristics as size, parcel count, number of sales and geographic location. The committee feels it is necessary to further analyze the assessing practices of the states' political subdivisions. This analysis can be accomplished by using the assessing standards board's recommended standards as goals for a measurement tool, rather than as certification requirements, in the first 4 years of the process. The results of measuring these goals can then be analyzed for the state's large and small political subdivisions, with a report to be made to the municipalities and through the assessing standards board to the general court. Vote 11-0.

Amendment (1750h)

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

AN ACT relative to the local inventory of property values for assessment of property taxes, and relative to municipal property assessment certification goals of the department of revenue administration.

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

1 Department of Revenue Administration; Equalization Procedure. Amend the introductory paragraph of RSA 21-J:9-a to read as follows:

The following procedures shall apply in determining the equalization of property within the cities, towns, and unincorporated places as required by RSA 21-J:3, XIII, ***but shall not affect a municipality's requirements for inventory of property and assessment of taxes as of April 1:***

2 Inventory of Property; September 1 Deadline; Penalty Added. Amend RSA 21-J:34 to read as follows:

I. A report filed by the governing body of each city, town, **or** unincorporated [~~town, and unorganized~~] place, shall certify the number of residents and total valuation of each class of property included in the inventory of residents and ratable estates. This report shall be filed by September 1 of each year, unless this filing date is extended by the commissioner for just cause. ***Municipalities which fail to timely file the report required by this paragraph due to willful neglect or intentional disregard of laws or rules and not reasonable cause shall pay a penalty to the state in the amount of \$100 for each day that the report is not timely filed. Within 30 days after the imposition of the penalty by the commissioner, officials of the city, town, or unincorporated place upon which the penalty was imposed may appeal by written application to the board of tax and land appeals or the superior court in the county in which the city, town, or unincorporated place is located. The board of tax and land appeals or the superior court, as the case may be, shall determine de novo the correctness of the commissioner's actions.***

3 Property Taxation; Annual List. Amend RSA 74:1 to read as follows:

74:1 Annual List. The selectmen of each town shall annually [~~in April,~~] make a list of all the polls and ***shall*** take an inventory of all the estate liable to be taxed in such town [~~on the first day of that month~~] ***as of April 1.***

4 Gender Neutral; Property Tax Inventory List. Amend RSA 76:10 to read as follows:

76:10 Selectmen's Lists and Warrant. A list of all property taxes by them assessed shall be made by the selectmen under their hands, with a warrant under their hands and seal. The list shall be directed to the collector of such town, requiring [~~him~~] ***the collector*** to collect the same, and to pay to the town treasurer such sums and at such times as may be therein prescribed. The selectmen shall assess such taxes to the owner as of April 1, or to the current owner, if known. The selectmen of a town or the board of assessors of a city may round off to the nearest dollar the total tax due on each parcel appearing on the list.

5 Findings and Intent; Sections 6-15. The general court recognizes all the work in creating a set of proposed standards for the certification of assessments. There is reason for concern, however, that these standards may have an inequitable impact on municipalities within the state due to differences between municipalities in such characteristics as size, parcel count, number of sales, and geographic location. Therefore, the general court finds that in order for the state to continue to implement fair and equitable assessing practices, it is necessary to further analyze the assessing practices of the state's political subdivisions. This analysis can be accomplished by using the assessing standards board's recommended standards as goals for a measurement tool, rather than as certification requirements, in the first 4 years of the process. The results of measuring these goals can then be analyzed for the state's large and small political subdivisions, with a report to be made to the municipalities and through the assessing standards board to the general court.

6 Duties of Commissioner of Revenue Administration; Assessment; Equalization. Amend RSA 21-J:3, XXV and XXVI to read as follows:

XXV. Petition the board of tax and land appeals to issue an order for reassessment of property pursuant to the board's powers under RSA 71-B:16-19 whenever the valuation of property, ***for equalization purposes***, in a particular city, town, or unincorporated place is disproportional to the valuation, ***for equalization purposes***, of [~~other~~] property [~~within that city, town, or unincorporated place~~] ***in other cities, towns, or unincorporated places in the state, or whenever the municipality has not complied with RSA 75:8-a.***

XXVI. Review ***and report*** each municipality's assessments once within every 5 years [~~and certify the assessments of the municipality if such assessments are valued in accordance with RSA 75:1. In carrying out the duty to certify the assessments of property, the commissioner shall follow the procedures set forth in~~] ***pursuant to RSA 21-J:11-a, II.***

7 Assessment Certification Revised; Implementation of Assessment Goals. Amend RSA 21-J:11-a and RSA 21-J:11-b to read as follows:

21-J:11-a ~~[Certification of Assessments]~~ ***Report of Assessment Certification Goal Achievement.***

I. The commissioner shall ~~[certify that the assessments of a municipality comply with the provisions of RSA 75:1 when the commissioner determines that]~~ ***report the degree to which assessments of a municipality achieve substantial compliance with applicable statutes and rules. The commissioner may consider whether:***

(a) Level of assessments and uniformity of assessments are within ~~[acceptable]~~ ***suggested*** ranges as prescribed by state assessing standards by considering, where appropriate, an assessment-to-sales-ratio study conducted by the department for the municipality;

(b) Assessment practices substantially comply with applicable statutes and rules;

(c) Exemption~~[,]~~ ***and*** credit~~[, and abatement]~~ procedures substantially comply with applicable statutes and rules;

(d) Assessments are based on reasonably accurate data; and

(e) Assessments of various types of properties are reasonably proportional to other types of properties within the municipality.

II. ~~[If the commissioner does not certify that the assessments of a municipality comply with RSA 75:1, the commissioner shall order in writing those corrective actions, including the time for completion, deemed necessary to assess the municipality's property in accordance with RSA 75:1; and:~~

~~(a) If the governing body of the municipality agrees with the commissioner's determination, the municipality shall complete the corrective actions within the time prescribed by the commissioner.~~

~~(b) If the governing body of the municipality does not agree with the commissioner's determination not to certify its assessments, with the corrective actions ordered, or the time allowed for completion, the commissioner shall petition the board of tax and land appeals to order that the municipality's property is not assessed in accordance with RSA 75:1 and to order such corrective action necessary to ensure that the municipality's assessment are in accordance with RSA 75:1.~~

~~III. The commissioner shall adopt rules under RSA 541-A relative to acceptable ranges of level of assessments and uniformity of assessments, procedures for review of assessment practices, and procedures and forms for the commissioner's certification of assessments. Rules adopted by the commissioner under this paragraph shall remain effective until the assessing standards board adopts rules under RSA 21-J:14 b, II.~~

~~IV.] The commissioner shall issue a copy of the report upon its completion to the municipality and to the assessing standards board. When issued, the report shall be a public document.~~

III. The assessing standards board shall study and recommend to the legislature whether municipalities should be reimbursed for expenses incurred as a result of changes in assessment practices resulting from legislation enacted in response to the judicial interpretation of part 2, article 6 of the New Hampshire constitution in Evelyn Sirrell et al v State of New Hampshire et al and, if reimbursement is appropriate, shall recommend a formula for implementation of a reimbursement program.

21-J:11-b Implementation of ~~[Certification]~~ ***Assessment Goals.***

I. The commissioner of revenue administration shall adopt a schedule so that each city, town, and unincorporated place has its assessments reviewed within 5 years of April 1, 2002, and shall notify each city, town, and unincorporated place, within 60 days of passage of this act, of the property tax year for which their initial ***assessment*** certification ***goal achievement*** review shall occur.

II. The department shall offer training and technical assistance to municipal officials to assist in complying with the provisions of RSA 75:8, RSA 75:8-a, and RSA 21-J:11-a.

III. The commissioner of revenue administration shall report in its annual report, the number of communities assisted and the types of assistance and training provided pursuant to RSA 21-J:10, RSA 21-J:11, and RSA 21-J:11-b, II.

8 Duties of the Assessing Standards Board. Amend RSA 21-J:14-b, I(d) to read as follows:

(d) The establishment of ~~[standards]~~ **recommended goals** for monitoring of local assessment practices by the department of revenue administration, ~~[standards]~~ **recommended goals** for the adequacy of tax maps and other records, and ~~[standards]~~ **recommended goals** for audit by the department of revenue administration of municipalities.

9 Assessing Standards Board; Goals. Amend RSA 21-J:14-b, II to read as follows:

II. All ~~[standards]~~ **goals** and practices developed or identified by the board, pursuant to this section, shall be reviewed and updated annually. The board shall hold a series of at least 3 public forums annually throughout the state to receive general comment through verbal and written testimony on assessing ~~[standards]~~ **goals** and practices. After the public forums are concluded and the board has made its recommended changes, in accordance with paragraph III, the board shall proceed to adopt any proposed rules.

10 Setting of Tax Rates. Amend RSA 21-J:35, I to read as follows:

I. The commissioner of revenue administration shall compute and establish the tax rate of each town, city, or unincorporated place. Any ~~[decision]~~ **report** by the commissioner ~~[not to certify the assessments]~~ **relative to assessment certification goal achievement** of a municipality pursuant to RSA 21-J:11-a shall not delay or otherwise affect the setting of the tax rate for that municipality.

11 Property Taxation. Amend RSA 73:10 to read as follows:

73:10 Real Estate. Real and personal property shall be taxed to the person claiming the same, or to the person who is in the possession and actual occupancy thereof, if such person will consent to be taxed for the same; but such real estate shall be taxed in the town in which it is situate. Any ~~[decision]~~ **report** by the commissioner ~~[not to certify the assessments]~~ **relative to assessment certification goal achievement** of a municipality pursuant to RSA 21-J:11-a shall not affect the obligation of the taxpayer to pay property taxes otherwise lawfully assessed.

12 Assessment of Taxes. Amend RSA 76:5 to read as follows:

76:5 What Taxes Assessed. The selectmen shall seasonably assess all state and county taxes for which they have the warrants of the commissioner of revenue administration and county treasurers respectively; all taxes duly voted in their towns; and all school and village district taxes authorized by law or by vote of any school or village district duly certified to them; and all sums required to be assessed by RSA 33 and RSA 21-J:9-c. Any ~~[decision]~~ **report** by the commissioner ~~[not to certify the assessments]~~ **relative to assessment certification goal achievement** of a municipality pursuant to RSA 21-J:11-a shall not affect the authority of the selectmen to assess taxes.

13 Power of Tax Collector. Amend RSA 80:4 to read as follows:

80:4 Powers of Collector. Every collector, in the collection of taxes committed to him and in the service of his warrant, shall have the powers vested in constables in the service of civil process, which shall continue until all the taxes in his list are collected. Any ~~[decision]~~ **report** by the commissioner ~~[not to certify the assessments]~~ **relative to assessment certification goal achievement** of a municipality pursuant to RSA 21-J:11-a shall not affect the authority of the tax collector to issue tax bills and to exercise all powers contained in this chapter for the collection of taxes.

14 Revenue Administration; Initial Assessment Review Schedule. Amend 2001, 158:63 to read as follows:

158:63 Initial Assessment Review Schedule. The commissioner of revenue administration shall adopt a schedule so that each city, town, and unincorporated place has its assessments reviewed within 5 years and shall notify each municipality, within 60 days of passage of this section, of the property tax year for which their initial **assessment** certification **goal achievement** review shall occur. The department shall offer training and technical assistance to municipal officials to assist in complying with the provisions of RSA 21-J:11-a, as inserted by this act.

15 Repeal. RSA 21-J:9-b, relative to petition for order of reassessment, is repealed.

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

AMENDED ANALYSIS

This bill clarifies the duty of local tax officials to assess and collect property taxes on property valued as of April 1.

This bill also requires the department of revenue administration to establish and report on municipal property tax assessment goals.

Rep. Almy spoke against.

Rep. Stohl spoke in favor.

Adopted.

Report adopted and ordered to third reading.

RESOLUTION

Rep. Giuda 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, June 5, 2003 at 10:00 a.m.
Adopted.

LATE SESSION

Third reading and final passage

SB 42, relative to charitable contributions by insurance agents.

SB 164, relative to the unauthorized use of a financial institution's name.

SB 177, relative to credit unions.

SB 178, relative to guaranty funds.

SB 180, making certain changes in the banking laws.

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

SB 184, relative to reinsurance.

SB 120, relative to testimony by video teleconference in criminal cases.

SB 130-FN-L, relative to county departments of corrections.

SB 149-FN, establishing criminal penalties for the use of a credit card scanning device or reencoder to defraud.

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

SB 60-FN, relative to voluntary certification of persons installing or servicing propane gas or heating oil equipment.

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.

SB 154, relative to landlord access to rental properties.

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.

SB 157, establishing a committee to study the vesting of development rights.

SB 162, establishing a committee to study water resources.

SB 116, establishing a committee to study methods to prevent or reduce the high school dropout rate.

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.

SB 136, relative to liability for hazardous materials accidents.

SB 113, changing the name of Plymouth state college to Plymouth state university.

SB 119, relative to medical and hospital liability insurance.

SB 226-L, increasing the homestead exemption.

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.

SB 70, establishing a commission to study implementing a recommendation of the New Hampshire estuaries project management plan.

SB 155, establishing a commission to study issues relative to water withdrawals.

SB 152, relative to health insurance coverage for prosthetic devices.

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

SB 134, relative to the regulation of real estate brokers by the real estate commission.

SB 212, requiring fiscal impact statements for interim administrative rules and prohibiting agencies from requiring by rule the submission of social security numbers.

SB 54-FN-L, relative to the local inventory of property values for assessment of property taxes.

UNANIMOUS CONSENT

Reps. Wendelboe, Manning and Leber addressed the House.

Rep. Stone requested that the remarks of Rep. Manning and Leber be printed in the Permanent Journal.

Without objection, the Speaker so ordered.

Rep. Manning: Thank you, Mr. Speaker. Well, he made us laugh and forget our troubles a long time ago when we were young and in harm's way and a long way from home. Today is his 100th birthday, so I want to say "Happy Birthday, Bob, thanks for the memories."

Rep. Leber: Thank you, Mr. Speaker. I want to ditto that. I hope this is not considered a frivolous request for Unanimous Consent. But, I did not want the day to go by without recognizing the 100th birthday of Bob Hope. I know that I was a boy on a farm during World War II and I saw my two brothers go off to the US Navy and to the war. On Movietone News we watched as Bob Hope entertained those people at the front and in the war, you see all those faces out there. My brothers didn't get to see Bob Hope, by the way. As I grew older and went into the Air Force during the Korean War, I used to see the movies of Bob Hope entertaining the troops on those frozen hills of Korea. I never got to Korea so I didn't get to see Bob Hope. During the Cold War, we flew him around from McGuire on C18's to various places in Europe to entertain the troops at Christmas. I never got those flights and I never got to see Bob Hope. But finally, in Vietnam, in Nha Trang, the Christmas of '64, I got to see Bob Hope entertaining the troops and my face was one of those out there. You can't imagine what a lift it gives you when you are away from home at Christmas and they bring the entertainment to you. Bob Hope is such a great guy, and I thought that would be enough, but in 1971 the war was still going on and I had an assignment to U-Tapao, Thailand and I got to see Bob Hope again. It was just a bigger thrill the second time.

I would appreciate if you would join me in wishing Bob Hope, "Happy 100th Birthday." And I ask the Speaker to send a Resolution or Declaration to Bob Hope from the New Hampshire House that we recognized his great service to this country and thanks a lot Bob, thanks for

the memories.

RECESS MOTION

Rep. Giuda moved that the House stand in recess for the purpose of enrolled bill amendments, enrolled bill reports and receiving Senate messages only.
Adopted.

The House recessed at 1:35 p.m.

RECESS