

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, June 5, 2003

No. 47

HOUSE JOURNAL No. 18 (cont.)

Thursday, May 29, 2003

RECESS

(Rep. Robert Wheeler in the Chair)

SENATE MESSAGES

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 811, relative to limiting the liability of manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from misuse.

The President appointed Sens. Clegg, Gallus and D'Allesandro.

HB 768, establishing a committee to study the flow in the Connecticut River and the effect of the flow on water levels in Lake Francis and Connecticut Lakes, and to study the use of certain state-owned property along the Baker River.

The President appointed Sens. Johnson, Gallus and Below.

HB 481, establishing a committee to study the pricing of milk products.

The President appointed Sens. Barnes, Odell and Cohen.

HB 195, prohibiting all part-time district court judges and district court clerks from practicing law in the district courts.

The President appointed Sens. Peterson, Clegg and Foster.

HB 185, relative to pretermitted heirs.

The President appointed Sens. Peterson, Roberge and Foster.

CONCURRENCE WITH AMENDMENTS

SB 40, relative to filing of complaints for violation-level offenses and making the electronic submission of a false statement chargeable as unsworn falsification.

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

SB 114, implementing an unsafe school choice option for pupils attending schools which have been classified as persistently dangerous and authorizing the state board of education to implement a complaint process to address school safety and school violence issues in

nonpublic schools.

SB 135, relative to hotelkeeper or innkeeper liability for personal child care services.

SB 139, relative to exhibition fees charged by the boxing and wrestling commission.

SB 221-FN, relative to the offense of obstructing government administration by the use of simulated legal process.

RECESS

(Rep. Whalley in the Chair)

ENROLLED BILL AMENDMENTS

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

Amendment (1907-EBA)

Amend section 6 of the bill by replacing lines 1-2 with the following:

6 Health Maintenance Organizations; Medicare Risk Contracts; Reference Change.

Amend RSA 420-B:8-l, II to read as follows:

Adopted.

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

Amendment (1938-EBA)

Amend the bill by replacing RSA 216-J:2, I as inserted by section 1 of the bill by replacing line 1 with the following:

I. The 9 members of the commission shall be as follows:

Adopted.

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

Amendment (1939-EBA)

Amend RSA 147-A:3, XXVIII as inserted by section 3 of the bill by replacing line 2 with the following:

generators of hazardous waste specified in RSA 147-A:6-a.

Amend section 4 of the bill by replacing lines 2 and 3 with the following:

after section 6 the following new section:

147-A:6-a Initial Notification Fee.

Amend RSA 147-B:6, I-g as inserted by section 5 of the bill by replacing line 1 with the following:

I-g. Fees collected pursuant to RSA 147-A:5, IV (c) and RSA 147-A:6-a shall be deposited in

Amend RSA 147-B:6, I-g as inserted by section 5 of the bill by replacing line 4 with the following:

provide technical training and assistance to hazardous waste generators, hire personnel, and pay

Adopted.

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

Amendment (1940-EBA)

Amend RSA 412:3, II as inserted by section 1 of the bill by replacing line 3 with the following:

insurers, and which assists insurers in ratemaking-related activities such as those

enumerated in

Amend RSA 412:3, XXIV as inserted by section 1 of the bill by replacing line 2 with the following:

premiums or exposures to the average date of writing, for the period during which the policies are to

Amend RSA 412:7, I as inserted by section 1 of the bill by replacing line 9 with the following: disclosure notice shall also include a policyholder's acknowledgment statement, to be signed and

Amend RSA 412:7, II as inserted by section 1 of the bill by replacing line 3 with the following:

the requirements that the policyholder has met. This certification is to be completed annually and

Amend RSA 412:12 as inserted by section 1 of the bill by replacing line 2 with the following: examination as a prerequisite to issuance or delivery of any motor vehicle liability policy, the insurer

Amend RSA 412:15, II as inserted by section 1 of the bill by replacing lines 2 and 3 with the following:

noncompetitive market under subparagraph I(b), the inadequacy standards under subparagraph I(c) and the unfair discrimination standard under subparagraph I(d), the following criteria shall apply:

Amend RSA 412:16, II as inserted by section 1 of the bill by replacing line 10 with the following:

that does not pertain to the formulation of rates shall be identified by the filer as proprietary and shall

Amend RSA 412:19, V as inserted by section 1 of the bill by replacing line 3 with the following:

rates for the insurer that are high enough to protect the interests of all parties and may order that a

Amend RSA 412:34, I as inserted by section 1 of the bill by replacing line 2 with the following:

injured workers' return to work;

Amend RSA 412:34, II as inserted by section 1 of the bill by replacing it with the following:

II. No greater than plus or minus 25 percent of the insurer's base rates;

Adopted.

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

Amendment (1915-EBA)

Amend line 2 of RSA 167:4, IV (b)(3) as inserted by section 1 of the bill by replacing it with the following:

ensuring payment if the individual predeceases the duration of the annuity, in an amount equal to the

Adopted.

HB 816, making technical corrections to the securities laws.

Amendment (1932-EBA)

Amend RSA 421-A:3 as inserted by section 17 of the bill by replacing line 2 with the following:

soon as practicable on the date of commencement of the takeover bid ~~[he]~~ **the offeror** files with the

Adopted.

**SENATE MESSAGES
CONCURRENCE**

HB 82, to change the name of “Mount Clay” to Mount Reagan.

HB 431, eliminating application of the rule against perpetuities to instruments that contain safeguards relative to the continued alienability of property.

HB 460-FN, relative to property and casualty insurance.

HB 507, relative to certain statutes that set minimum requirements for employee benefit plan procedures pertaining to the filing of benefit claims, notification of benefit determinations, and appeal of adverse benefit determinations.

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

HB 601, relative to the long-term care insurance act.

HB 725, relative to fraternal benefit societies.

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

HB 753, establishing the fourth Monday in April as General John Stark Day.

HB 819, relative to original and youth operators’ licenses.

NONCONCURRENCE

HB 122, relative to an informed jury.

HB 194, relative to appeals in landlord/tenant actions.

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

RE-REFERRED TO COMMITTEE

HB 499, expanding opportunities for teacher certification.

HB 829, relative to ward boundaries in Manchester and Nashua to be used in state elections.

RECESS

Rep. Hess moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 19

Thursday, June 5, 2003

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

His Excellency, Governor Craig Benson, joined the Speaker on the rostrum for the day’s opening ceremonies.

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

Creator of abundance and opportunity, bless the offerings of food and money donated by the members and staff of this honorable House which will benefit the great work being done at the New Hampshire Food Bank on behalf of those citizens who need a helping hand during difficult times. May this food be an outward sign of the inner resolve of this House that no citizen of our beloved New Hampshire shall be without adequate food, medical care, education or job opportunities as all are given the freedom to prosper and to contribute to the well-being of their communities.

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. Paul Hatch led the Pledge of Allegiance.

The National Anthem was sung by Alexander Basbus, a student from the University of New Hampshire.

LEAVES OF ABSENCE

Reps. Allison, Balcom, Julie Brown, Cernota, Flanagan, Ford, Hinkle, Kelley, Ruffner, Snyder and Vaillancourt, the day, illness.

Reps. Batula, Bergin, Bleyler, David Bouchard, Daniels, Davidson, Duffy, Haytayan, Hollinger, Hopper, Hunter, Lessard, Meader, Mears, Olimpio, Rodeschin, Thomas and Waterhouse, the day, important business.

Rep. Charles Laflamme, the day, illness in the family.

INTRODUCTION OF GUESTS

Charles and Sarah Basbas, parents of Alexander Basbas, guests of the Bedford delegation. Michelle Carter and Patricia Bueno, wife and guest of Rep. Mark Carter. Mr. & Mrs. William Gillick, brother and sister-in-law of Rep. Gillick. Hazel & Perley Warden, parents of Rep. Perkins. Deaglan McEachern, son of Rep. McEachern. John Pelletier, son of Rep. Pelletier. Students from Kensington Elementary school accompanied by Mary Knightly, guests of Rockingham District 84.

INTRODUCTION OF SPECIAL GUEST

Senior Airman Cassidy Clark, New Hampshire Air National Guard, 157th Security Forces Squadron, who recently returned from Saudi Arabia and serving in Operation Iraqi Freedom. He was a guest of the House.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 131, 159, 160, 166, 356, 404, 413, 446, 519, 596, 659, 711, 778, 806 and 807 and Senate Bills numbered 142 and 206.

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

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 303, relative to life, accident, and health technicals. (Amendment printed SJ 5/29/03)

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

Adopted.

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

HB 139, relative to the collection and reporting of school drop-out, suspension, and expulsion

data and relative to the deadlines for submitting certain reports to the department of education. (Amendments printed SJ 5/29/03)

Rep. Stephen L'Heureux moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Stephen L'Heureux, Naro, Carson and Mark Carter.

HB 627-FN, relative to domicile for voting purposes and penalties for voter fraud.

(Amendment printed SJ 5/22/03)

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

Adopted.

The Speaker appointed Reps. Drisko, Whalley, Cady and Reeves.

HB 702-FN, relative to payment of medical benefits costs for disabled group II members of the retirement system. (Amendment printed SJ 5/22/03)

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

Adopted.

The Speaker appointed Reps. Zolla, O'Neil, Irwin and Robert Wheeler.

HB 606, establishing a right-to-know study commission. (Amendment printed SJ 5/22/03)

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

Adopted.

The Speaker appointed Reps. Mock, Haytayan, Thomas and Wall.

HB 420, relative to state-owned trails and parking lots in the town of Windham.

(Amendment printed SJ 5/29/03)

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

Adopted.

The Speaker appointed Reps. Royce, Lawton, Bruno and Donovan.

HB 109-FN, relative to telemarketing practices. (Amendment printed SJ 5/15/03)

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

Adopted.

The Speaker appointed Reps. Thomas, Maxfield, Hunt and Coes.

NONCONCURS WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

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

The President appointed Sens. D'Allesandro, Flanders and Barnes.

Rep. Hunt moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Spiess, Stepanek and DeStefano.

SB 98-FN, prohibiting telemarketers from contacting customers on a federal do-not-call registry.

The President appointed Sens. Green, Roberge and Estabrook.

Rep. Hunt moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Fraser, Thomas and Coes.

SB 121-FN, relative to mortgage originator registration.

The President appointed Sens. Flanders, Sapareto and Larsen.

Rep. Hunt moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Spiess, Stepanek, and DeStefano.

SB 174, relative to scheduled permanent impairment awards and remedial care under workers' compensation.

The President appointed Sens. Johnson, Flanders and Cohen.

Rep. Gilman moved that the House accede.

The Speaker appointed Reps. Bishop, Paul Harrington, Slocum and Baroody.

SB 44, relative to penalties for vehicle dealers.

The President appointed Sens. Flanders, Morse and Below.

Rep. Packard moved that the House accede.

Adopted.

The Speaker appointed Reps. Packard, John Flanders, Letourneau and Ferland.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 674-FN, relative to legal representation for indigent parties and notification requirements under the Child Protection Act. (Amendment printed SJ 5/22/03)

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

Adopted.

HB 259, relative to the regulation of gift certificates under the consumer protection act.

(Amendment printed SJ 5/29/03)

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

Adopted.

HB 105, relative to sexual assaults committed by corrections officers, probation and parole officers, and juvenile services officers against individuals under their supervision.

(Amendments printed SJ 5/29/03)

Rep. Welch moved that the House concur.

Rep. Knowles spoke in favor.

Adopted.

HB 521-FN, relative to requiring treatment for persons convicted of DWI offenses.

(Amendment printed SJ 5/22/03)

Rep. Welch moved that the House concur.

Rep. Stevens spoke in favor.

Adopted.

HB 568-L, relative to legal residency for the purpose of public school education.

(Amendment printed SJ 5/29/03)

Rep. Stephen L'Heureux moved that the House concur and spoke in favor.

Adopted.

HB 281-FN-A, exempting automatic irrigation system installers from licensure by the electrician's board. (Amendment printed SJ 5/29/03)

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

Adopted.

HB 737-FN-A, relative to the state conservation committee and making an appropriation therefor. (Amendment printed SJ 5/29/03)

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

Adopted.

HB 210-FN-A, relative to passenger tramway registration fees and relative to carnival or amusement ride fees. (Amendment printed SJ 5/29/03)

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

Adopted.

HB 598-FN-A, relative to the agriculture nutrient management program and making an appropriation therefor. (Amendment printed SJ 5/22/03)

Rep. Kurk moved that the House concur.

Rep. Stone spoke in favor.

Adopted.

HB 112-FN, establishing a point system for the annual moose permit lottery. (Amendment printed SJ 5/22/03)

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

Adopted.

HB 393, extending the reporting dates for certain study committees. Amendment printed SJ 5/29/03)

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

Adopted.

HB 295, relative to information filed with the regional planning commissions. (Amendment printed SJ 5/29/03)

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

Adopted.

HB 719-FN-A, relative to the duties, function, and operation of the Pease development authority. (Amendment printed SJ 5/22/03)

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

Adopted.

COMMITTEE REPORTS

CONSENT CALENDAR

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

SB 161, relative to procedures in eminent domain proceedings, removed by Rep. Edwin Smith.

Consent Calendar adopted.

CONSENT CALENDAR

SB 15, relative to Election Day registration. **INEXPEDIENT TO LEGISLATE**

Rep. Harriet E. Cady for Election Law: The sponsors of this bill believe another bill, HB 627 is a more comprehensive law and includes the intent the sponsors had regarding election day registration. This bill would have provided another form for voter registration, which was not as comprehensive as the House passed bill. Vote 12-0.

SB 17, relative to incompatible offices. **INEXPEDIENT TO LEGISLATE**

Rep. Howard C. Dickinson for Election Law: This bill addresses the same issue as HB 394, which passed the House on March 20th and is far more inclusive. The prime sponsor of this bill is a co-sponsor of HB 394 and agrees that this bill is no longer necessary. Vote 12-0.

SB 16-FN, establishing the governor's incentive and reward program. **OUGHT TO PASS**
Rep. Joseph E. Stone for Finance: In the 2004 and 2005 budget as passed by the House, the Governor has an incentive and reward program funded by his salary transferred to this program. In 1983, RSA 99:E became law and it established an incentive program for extraordinary employee service and original suggestions for improving government operation, safety and efficiency. Under the program the total of awards granted in any fiscal year could not exceed \$10,000. SB 16 which upon passage repeals RSA 99:E, has the same objectives, however, the financial rewards are either \$10,000 or 10% of the cost savings in the first year of implementation for each award. The funding for the program comes from the savings brought forth by the recommendation of the employee. Furthermore, upon passage, the Finance Committee recommends the executive branch make a concentrated effort to notify all state employees of the program. Vote 18-0.

SB 23-FN, allowing veterans the right to purchase credit in the retirement system for certain service in the armed forces. **OUGHT TO PASS**
Rep. MaryAnn N. Blanchard for Finance: This bill will increase state restricted expenditures (retirement funds) by \$5,000 each year and has no impact on local, county, or state expenditures. Vote 18-0.

SB 46-FN, repealing the meat inspection account and the poultry inspection account. **OUGHT TO PASS**
Rep. Frederick W. King for Finance: This bill retires the meat inspection special account. New Hampshire does not conduct inspections of slaughterhouses and has not done so for the past 30 years or more. This special account is no longer needed. Vote 22-0.

SB 58-FN-A, relative to the net operating loss under the business profits tax. **OUGHT TO PASS**
Rep. Kenneth L. Weyler for Finance: States compete with each other to attract businesses. Most of New Hampshire's taxes make us very competitive. However, our business taxes are in the higher echelon. Many states allow a discount from taxes paid, or owed, when a company suffers a loss in a tax year. Our existing law mirrored federal tax code by requiring losses to be carried back against the previous three years profits before any remaining losses could be carried forward as a credit against future profit. Carry-backs make revenue estimates difficult. When the business cycle is in decline, not only are revenues reduced from estimates, but the state must also write rebate checks from taxes that have already been spent. This would be a double hit. The Department of Revenue Administration dealt with this by prohibiting amended returns. The result was that carry back losses became "phantom" losses, and no allowances against taxes could be taken. This bill removes the contradiction between law and rule, and allows losses to be carried forward progressively increasing to as many as ten years after 2007 to a maximum of one million. This shifts credits to the upside of the business cycle, delaying incremental revenue loss until there is a positive trend in revenue. Vote 19-0.

SB 69-FN-A, combining the career incentive program and the nursing leveraged scholarship loan program within the department of postsecondary education, and establishing a workforce incentive program within the department of postsecondary education, and making an appropriation therefor. **OUGHT TO PASS**
Rep. Elizabeth S. Hager for Finance: This is an important change in our postsecondary education laws. The committee made no change in the \$1 appropriation. The committee of conference on the budget may revisit this amount. Vote 21-0.

SB 80, relative to vocational education and the automotive technology curriculum. **OUGHT TO PASS**

Rep. Marjorie K. Smith for Finance: There are currently 18 regional career and technical education centers that offer courses in automotive technology. Each of the centers is trying to obtain certification from the national body which would make it possible for those who complete these secondary level courses to move on to postsecondary level courses. After satisfactory completion at the postsecondary level, graduates could be certified in a field which is currently significantly understaffed. The bill supports the importance of this training, establishes operational frameworks and the ability to accept matching funds already offered by the NH Automobile Dealers Association. A maximum of \$90,000 in state funding would be required but no state funds are appropriated by this bill. Vote 21-0.

SB 85-FN, making certain revisions to the special education laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elizabeth S. Hager for Finance: This bill came about as the result of a 2000 federal audit. It makes certain changes in the language of state special education laws to clarify existing policy or conform with state law. There is no impact on state, county, or local revenue or expenditures. Vote 21-0.

Amendment (1652h)

Amend RSA 186-C:18, VI (a) as inserted by section 2 of the bill by replacing it with the following:

(a) Catastrophic aid payments under paragraph III on or before January 1 [~~of each fiscal year~~], ***provided that school*** districts shall ***annually*** submit their catastrophic costs ***for the immediately preceding school year*** to the state board of education by ~~[June 30]~~ ***July 31*** ~~[of each fiscal year]~~. The state board of education shall then verify the cost and distribute the appropriate amounts for the previous ~~[fiscal]~~ year on or before January 1 of each ~~[fiscal]~~ year.

SB 86-FN, relative to disclosure of certain information about child fatalities and near fatalities resulting from abuse and neglect, and relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Fran Wendelboe for Finance: This bill requires the Department of Health and Human Services to disclose certain information on abuse and neglect cases if there has been a fatality or near fatality. It also extends the reporting date for the pilot project relative to abuse and neglect hearings in Grafton County. The finance committee amendment makes changes affecting the section that requires the Department of Health and Human Services to submit a plan to obtain accreditation by the Council of Accreditation for Children and Family Services by July 1, 2007. The amendment removes the requirement that we qualify for accreditation by July 1, 2007 but directs the Department to bring additional information that would also demonstrate outcomes as well as what the cost of meeting the accreditation standards would be to the state. The bill as presented would have set the state on the path to accreditation regardless of cost or outcomes. The committee also deleted a section dealing with the LBA auditing compliance to meet the 2007 deadline because the deadline was removed. Vote 21-0.

Amendment (1758h)

Amend the bill by replacing section 4 with the following:

4 Department of Health and Human Services; Plan for Accreditation by the Council on Accreditation for Children and Family Services. The department of health and human services shall develop a plan for the department to achieve accreditation by the Council on Accreditation for Children and Family Services, Inc. The plan shall contain (1) inputs, including staffing requirements, a timetable for achieving those requirements, projected budgets for achieving those requirements, and any other costs associated with achieving

accreditation, and (2) outcomes, including an assessment, based on statistical and other evidence, of the impact of accreditation on the number of abused and neglected children, the nature of their abuse and neglect and the relationships between such children and their families. The plan shall be submitted by February 1, 2004 to the governor, the president of the senate, the chairs of the finance and public institutions, health and human services committees of the senate, the speaker of the house of representatives, the chairs of the finance and children and family law committees of the house of representatives, the legislative budget assistant, the advisory board established in RSA 170-G:6, and the New Hampshire child fatality review committee. Amend the bill by deleting section 5 and renumbering the original sections 6-8 to read as 5-7, respectively.

AMENDED ANALYSIS

This bill:

I. Requires the department of health and human services to publicly disclose certain information regarding abuse and neglect cases if the disclosure would not be contrary to the best interests of the child and if there has been a fatality or near fatality resulting from abuse or neglect.

II. Requires the department of health and human services to submit a plan to obtain accreditation by the Council on Accreditation for Children and Family Services.

III. Extends the reporting date for the pilot project relative to abuse and neglect hearings in Grafton county.

SB 90-FN, increasing the cap for relocation assistance for businesses in eminent domain proceedings. **OUGHT TO PASS**

Rep. Robert K. Dodge for Finance: This bill increases the cap for businesses in eminent domain proceedings from \$10,000 to \$100,000. The amount is for actual reasonable expenses necessary to reestablish a displaced farm, non-profit organization or small business at a new site, subsequent to eminent domain proceedings. Vote 21-0.

SB 179-FN-A, relative to positions in the banking department. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: This bill provides for the recommendation of a recent LBA audit and review of the Consumer Credit Division within the Banking Department to come to fruition. Additional positions are required to allow the commissioner to comply with current statutes and the funds are contained in the budget bill. The committee passed this bill to authorize the positions in the event of complications to the budget bill and amended it to take effect upon passage. Vote 18-0.

Amendment (1825h)

Amend the bill by replacing section 2 with the following:

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

SB 197-FN, relative to extended unemployment benefits and making an appropriation therefor. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: This bill provides 13 weeks of additional benefits to those who have exhausted benefits under the state Unemployment Compensation Program during the period from 6/1/02 to 12/28/03. The source of funding is federal dollars from the Reed Act in the amount of \$38 million. There is no direct cost to New Hampshire employers. The current balance of the Unemployment Trust Fund (as of 5/03) is \$268 million. Vote 18-0.

SB 77, relative to bond votes in school districts with official ballot voting procedures, and relative to adoption of revisions and the budget process in city charters. **OUGHT TO PASS**

WITH AMENDMENT

Rep. Robert L. Theberge for Municipal and County Government: Official ballot voting has become a way of life in some municipalities and school districts, which are also statutorily called political subdivisions. If any political subdivision adopted the official ballot voting type of government under RSA 40:13, also known as SB 2, any change needed had to come to the legislature to be enacted and then the change would automatically happen at the local level. When the statute (RSA 33:8) was changed in 1997, a 3/5 vote for bonds and notes was all that was needed in those political subdivisions. In contrast, any political subdivision that adopted official ballot voting type of government under RSA 49D, also known as HB 141 charter process, a 2/3 vote for bonds and notes was required. Any updates, changes or adoption of a charter have to be voted upon by the legislative body of the political subdivision. One of the amendments to SB 77 allows these political subdivisions to determine whether a 3/5 or a 2/3 vote for bonds or notes will be required. Sections 2, 3 and 4 are non-germane amendments that had the required posting and public hearing prior to decisions made by the Committee. Section 2 adjusts the Coos County Apportionment for 2002 for Wentworth Location to correct an error in the Department of Revenues' calculation of the county tax. Section 3 ratifies the 2003 Hampton Beach Village District annual meeting because the posting of the warrant was one day later than required by state law. Vote 12-2.

Amendment (1842h)

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

AN ACT relative to town charter provisions for bond votes using official ballot voting procedures, relative to the 2003 apportionment of county taxes in Coos county, and ratifying the Hampton Beach village district annual meeting.

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

1 Town Charters; Official Ballot Procedures; Bonds Issues. Amend RSA 49-D:3, II-a to read as follows:

II-a. Official ballot town meeting shall be a variation of the open town meeting which provides for voting on some or all warrant articles, including part or all of the annual town operating budget, by official ballot. In such event, the open town meeting shall be vested only with the limited authority to vote on all matters not voted on by official ballot. When an official ballot town meeting is included in any charter, the provisions of general law relative to town meetings, their warning, the right for petitioned articles at such meetings, *and* the conduct of such meetings[, and the type of majority required for bond issues] shall apply to the official ballot and open town meeting in all respects. ***The majority vote required to approve bonds or notes shall be either 2/3 or 3/5 as adopted and provided for in the charter. If a charter is silent with regard to such required majority, then the majority vote shall be 2/3.*** When a charter provides for an official ballot town meeting it shall also specify with precision the budgetary items to be included on the official ballot, a finalization process for the annual budget, the process for public hearings, debate, discussion, and amendment of questions to be placed on the official ballot, the procedures for the transfer of funds among various departments, funds, accounts, and agencies as may be necessary during the year, and the applicability of the official ballot procedure to special meetings. All voting by official ballot shall be in accordance with the procedures established in RSA 669:19-29, RSA 670:5-7 and RSA 671:20-30, including all requirements pertaining to absentee voting, polling places, and polling hours. Nonbudgetary items may be placed on the official ballot pursuant to this section notwithstanding the provisions of RSA 40:4-e and RSA 39:3-d.

2 Adjustment to Coos County Apportionment for 2002; Wentworth's Location Warrant. As a modification to the 2003 property tax rates, the department of revenue administration shall adjust the 2003 Coos county apportionment among cities, towns, and unincorporated places by the amount of \$11,257, which is equal to the 2002 apportionment for Wentworth's Location resulting from an incorrect application of the 2001 equalized valuation percentage.

Notwithstanding any other provision of law, for the tax year beginning April 1, 2003, the equalized value to be used to calculate the statewide education property tax warrant for the unincorporated place of Wentworth's Location shall be \$5,567,771.

3 Ratification of the 2003 Hampton Beach Village District Annual Meeting. All acts, notices, votes, and proceedings of the Hampton Beach village district annual meeting held on March 28, 2003 are hereby legalized, ratified, and confirmed.

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

AMENDED ANALYSIS

This bill:

I. Allows political subdivisions that have adopted a town charter the option of a 2/3 or a 3/5 majority when voting on bonds or notes.

II. Requires the department of revenue administration to adjust the 2003 county taxes for Coos county and the statewide education property tax warrant for Wentworth's Location.

III. Ratifies the 2003 Hampton Beach village district annual meeting.

REGULAR CALENDAR

SB 21, relative to health insurance riders. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald H. Flanders for Commerce: This bill affects only health insurance for individuals and follows up on changes made two years ago to the rules for the individual market. Similar to what SB 110 does for the small group market, community rating was repealed two years ago in the individual market and health insurance companies are now allowed to "underwrite" their non-group or individual coverage. Unlike SB110, the individual market does not have guaranteed issue (whereby the insurance companies must offer their policies to everyone). If someone is unable to get health insurance in the individual market, they can get insurance from the high-risk pool. This bill will allow insurers in the individual market to offer a policy to a new customer (not for renewals) that excludes certain pre-existing conditions. So, instead of not making any offer to a person with a significant health condition, this bill authorizes insurers to place health insurance riders or endorsements on individual policies excluding coverage for certain specified medical conditions that existed prior to the issuance of coverage. At the hearing, the committee learned that typical exclusions are allergies and lower back pain. The coverage exclusion cannot apply to any other medical condition not related directly to the specific medical condition being excluded, and the committee added language requiring that the consumer be notified in writing and before buying the policy of all the conditions or complications that will be considered to be related to the excluded condition and therefore not covered. The insurer may exclude no more than two specified conditions. These exclusions shall not apply to services, benefits or options required by state or federal law to be included in the coverage. Persons with diabetes and other conditions that can have numerous of different kinds of complications will probably not be able to take advantage of this legislation and will most likely be referred to the high-risk pool. Vote 15-2.

Amendment (1707h)

Amend RSA 420-G:5, II as inserted by section 1 of the bill by inserting after subparagraph (j) the following new subparagraph:

(k) Any rider or endorsement used to reduce or deny payment for coverage otherwise included in the policy, shall include the name or specific description of the sickness or physical condition that is to be reduced or denied.

Adopted.

Report adopted and ordered to third reading.

SB 110, relative to small group health insurance coverage. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John B. Hunt for the Majority of Commerce: This bill has been in the making for

several years. Similar legislation was introduced two sessions ago, but the committee felt at that time that the changes to the individual market needed to happen first. The reforms in this legislation are designed to bring more insurance companies and products back into the state and to make the small group health insurance market more competitive. The committee held many work sessions on this bill so that each element of the bill was understood and made sense for New Hampshire. Currently New Hampshire is a “community rated” state with only age and group size as allowable rating factors. What this means is that the premium paid in New Hampshire for a particular health benefit plan from a particular insurer will not differ by very much from one small employer to another. As predicted when this law was debated almost 10 years ago, the current law disfavored insurance companies offering indemnity type coverage, and many of them subsequently left the state. The vast majority of small employers now buy their coverage from a handful of HMOs. When the current law was passed, it was said to be model legislation that other states would adopt. About 12 states did pass community rating, but most states opted for a less restrictive scheme of rating parameters. This legislation will reintroduce competition by bringing back insurance underwriting. The bill changes the age banding from 3:1 to 4:1, which will match what we did in the individual market. It changes the definition of the small group market from the current 1 to 100 employees to 1 to 50. For employers who have 51 to 100 employees and now will be treated as large employers, the amendment limits the extent to which insurers can underwrite the group based on that group's own experience. New Hampshire was the only state that went to 100 for its definition of small employers. Every other state stops at 50 employees. This legislation also permits the use of new rating factors for industry classification, health status, and geographic location. There is a specified range that limits the extent to which each factor can be used, and in every case these ranges are similar to or more stringent than what most other states allow. The one factor that seemed to generate the most controversy was geographic location. Ironically, this is the one of the factors that is permitted without limitation by the vast majority of the other states. The Insurance Department reported that it believes that the north country and the sea coast could be the areas most affected by the introduction of increased rating flexibility due to the higher medical loss ratios reported by insurers writing in those regions. However, the Department believes that this impact is not solely attributable to geographic rating.

Although the legislation has caps on how much any one group's premium can go up, the committee is confident that the reintroduction of competition and more product choice will tend to limit the extent to which higher risk groups experience premium increases, making the caps largely unnecessary. Other insurance such as auto and life have very few limits or restrictions on rating factors, and New Hampshire has a very competitive and reasonably priced market for those types of insurance. The assumption that someone will be rated to the maximum of each factor is not how insurance underwriting works. Not all companies use all the factors, and not all companies that use a factor do so to the maximum extent allowable. Rating factors are just underwriting tools, and insurance companies often adjust a customer down to get their business. To say certain areas or people will be severely disadvantaged by allowing the use of rating factors is to disregard how insurance underwriting works and what is happening in other states. The committee also amended this bill to add new reporting requirements concerning the use of rating factors by insurers and creating an oversight committee to report annually on the impact of this legislation. This bill strikes a good balance between current law and the laws that exist in the many states that allow even greater underwriting flexibility in the small group market Vote 10-8.

Rep. Matthew J. Quandt for the Minority of Commerce: The minority approaches healthcare reform from the perspective that 91% of New Hampshire adults and children have healthcare. We are the healthiest state in the United States. Further, 76% of those insured receive their insurance from their employers who are in the small group market. Therefore, when altering the small group market any legislation should do so from the premise of not reducing the amount of insured. At the heart of the legislation is underwriting and the

ability of insurers to manipulate the risk pool. In the case of SB 110, it will be easier for insurers to segregate the healthy from the unhealthy. The proponents of this bill say that these changes will create competition amongst insurers and therefore drive down premiums. Upon exhaustive hearings and a plethora of information provided to the committee, there was not evidence that there would be a decrease in premiums. The best that the proponents could say was that premiums would not go up as much and there would be new products introduced into the market. The minority felt that an unintended consequence could be an increase in uninsured. Further, the bill does not address the underlying costs that are driving healthcare-utilization and administration. Recognizing the importance of the legislation and the need to create appropriate competition, the minority felt that the bill should be retained and worked on in combination with two other bills retained by the committee, HB 265 and HB 652 which address the cost drivers of healthcare.

Majority Amendment (1713h)

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

AN ACT relative to small group health insurance coverage and relative to health plan loss information.

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

1 Definition; "Base Rate." RSA 420-G:2, I is repealed and reenacted to read as follows:

I. "Base rate" means a single rate reflecting the carrier's average cost of actual or anticipated claims for all health coverages or health benefit plans the carrier writes and maintains in a market, including the nongroup individual health insurance market and the small employer group health insurance market.

2 New Paragraph; Definition Added. Amend RSA 420-G:2 by inserting after paragraph IX the following new paragraph:

IX-a. "Health coverage plan rate" means a rate that is uniquely determined for each of the coverages or health benefit plans a health carrier writes and that is derived from the base rate through the application of factors that reflect actuarially demonstrated differences in expected utilization or cost attributable to differences in the coverage design and/or the provider contracts that support the coverage.

3 Definition of Large Employer. Amend RSA 420-G:2, XII(a) to read as follows:

XII.(a) "Large employer" means an employer that employed on average at least ~~[40]~~ **51** persons, on business days, during the previous calendar year.

4 Definition of a Small Employer. Amend RSA 420-G:2, XVI(a) to read as follows:

XVI.(a) "Small employer" means a business or organization which employed on average, one and up to ~~[40]~~ **50** employees, including owners and self-employed persons, on business days during the previous calendar year. A small employer is subject to this chapter whether or not it becomes part of an association, multi-employer plan, trust, or any other entity cited in RSA 420-G:3 provided it meets this definition.

5 Premium Rates for Small Employers. RSA 420-G:4, I is repealed and reenacted to read as follows:

I. Health carriers providing health coverage to individuals and small employers under this chapter shall be subject to the following:

(a) All premiums charged shall be guaranteed for at least 12 months, unless otherwise allowed by the commissioner.

(b) Base rate shall be established by each health carrier for all of its health coverages offered to individuals and, separately, for all of its health coverages offered to small employers.

© Health carriers shall calculate health coverage plan rates for each of the coverages or health benefit plans written by that carrier. Variations in health coverage plan rates shall be solely attributable to variations in expected utilization or cost due to differences in coverage design and/or the provider contracts or other provider costs associated

with specific coverages and shall not reflect differences due to the nature of the groups or eligible persons assumed to select particular health coverages.

(d) In establishing the premium charged, health carriers providing coverage to individuals shall calculate a rate that is derived from the health coverage plan rate through the application of rating factors that the carrier chooses to utilize for age, health status, and tobacco use. Such factors may be utilized only in accordance with the following limitations:

(1) The maximum premium differential for age as determined by ratio shall be 4 to 1. The limitation shall not apply for determining rates for an attained age of less than 19.

(2) The maximum differential due to health status shall be 1.5 to 1 and the maximum differential rate due to tobacco use shall be 1.5 to 1. Rate limitations based on health status do not apply to rate variations based on an insured's status as a tobacco user.

(3) Permissible rating characteristics shall not include changes in health status after issue.

(e) In establishing the premium charged, health carriers providing coverage to small employers shall calculate a rate that is derived from the health coverage plan rate through the application of rating factors that the carrier chooses to utilize for age, group size, industry classification, geographic location, and health status. Such factors may be utilized only in accordance with the following limitations:

(1) Carriers may use the attained age of covered persons as a rating factor. However, the maximum premium differential for age as determined by ratio shall be 4 to 1 beginning with age 19.

(2) Carriers modifying such average premium for age may do so only by using the following age brackets:

0 – 18
19 – 24
25 – 29
30 – 34
35 – 39
40 – 44
45 – 49
50 – 54
55 – 59
60 – 64
65 +

(3) Carriers may use group size as a rating factor. However, the highest factor based on group size shall not exceed the lowest factor based on group size by more than 20 percent; provided that for groups of one, an additional 10 percent rating factor shall be allowed from the highest factor.

(4) Carriers may use the small employer group's industry classification as a rating factor. However, the highest factor based on industry classification shall not exceed the lowest factor based on industry classification by more than 20 percent.

(5) Carriers may use the small employer group's geographic location as a rating factor. However, the highest factor based on geographic location shall not exceed the lowest factor based on geographic location by more than 15 percent.

(6) Carriers may use the health status of the small employer group as a rating factor. However, the application of a health status factor shall be subject to the following limitations:

(A) The health status factor may reflect health status of covered persons, the small employer's claim experience, or the duration of coverage since health statements were last provided.

(B) Variations from the arithmetic average of the highest rate charged to the lowest rate charged shall not exceed 25 percent.

© Upon the renewal of a small employer policy, any increase in the premium rate that is solely attributable to changes in the health status factor from the prior year shall be no more than 15 percent.

(7) Upon the renewal of a small employer policy, a carrier is prohibited from increasing the premium rate by more than 25 percent of the rate that was charged in the preceding year. Such rate increase limitation shall not include any premium rate increase that is based on a carrier's annual cost and utilization trends or changes in the rating factor for attained age of covered persons.

(f) Each rating factor that a carrier chooses to utilize shall be reflective of claim cost variations that correlate with that factor independently of claim cost variations that correlate with any of the other allowable factors.

(g) The same rating methodology shall apply to newly covered individuals and to individuals renewing at each annual renewal date, or to new small employers and small employers renewing at each annual renewal date or anniversary date. Rating methodology shall not be construed to include health carrier incentives to individual subscribers or members to participate in wellness and fitness programs provided such incentives are approved by the insurance department.

(h) The commissioner shall not approve any filing if such filing is excessive, inadequate or contrary to the intent of this chapter.

6 New Paragraph; Premium Rates. Amend RSA 420-G:4 by inserting after paragraph II the following new paragraph:

III. A health carrier, when determining the premium charged to a large employer group that employs from 51 to 100 employees, shall calculate the rate using a weighted average calculation consisting of the group's experience and the carrier's large employer group pool experience. The weight used for the group's experience shall be no more than 25 percent and the weight used for the experience of the carrier's large employer group pool shall be a minimum of 75 percent.

7 Medical Underwriting. RSA 420-G:5 is repealed and reenacted to read as follows:
420-G:5 Medical Underwriting.

I Health carriers providing health coverage for individuals or small employer groups may perform medical underwriting, including the use of health statements or screenings or the use of prior claims history, to the extent necessary to establish or modify premium rates as provided in RSA 420-G:4. Such underwriting shall be limited to the use of a standardized health statement for use in adjustments to rating pursuant to RSA 420-G:4. The commissioner shall, by rule, require carriers to use standardized health statements.

II. Health carriers providing health coverage for individuals may refuse to write or issue coverage to an individual because of his or her health status. Regardless of claim experience, health status, or medical history, health carriers providing health coverage for small employers shall not refuse to write or issue any of their available coverages or health benefit plans to any small employer group that elects to be covered under that plan and agrees to make premium payments and meet the other requirements of the plan.

III. Health carriers providing health coverage for small employer groups shall not knowingly provide health coverage to groups where the employer has discriminated based on health status or claims history against any employee or potential employee or his or her dependents with respect to participation in an employer-sponsored health benefit plan.

IV. Health carriers shall not offer riders or endorsements to exclude certain illnesses or health conditions in order to avoid the purpose of this chapter.

V. Individual health insurance carriers shall be responsible for ascertaining the eligibility of any individual applicant or insured for high risk pool coverage. If a carrier determines that an individual meets any of the eligibility criteria set forth in RSA 404-G:5-e, the carrier shall give the individual written notice, with the declination of coverage, the coverage offering or upon a rate increase at renewal. The notice shall include information

about available benefits and exclusions of high risk pool coverage and the name, address, and telephone number of the pool administrator or the administrator's designee.

VI. It shall constitute an unfair trade practice under RSA 417 for an insurer, insurance producer, or third party administrator to refer an individual employee to the pool, or arrange for an individual employee to apply to the pool, for the purpose of separating that employee from group health insurance coverage provided in connection with the employee's employment.

8 Qualified Association Trust. RSA 420-G:10 is repealed and reenacted to read as follows:

420-G:10 Qualified Association Trust.

I. A qualified association trust or other entity, as defined in RSA 420-G:2, XV, shall:

(a) Comply with the rating restrictions outlined in RSA 420-G:4 for all small employer members with 50 or fewer employees based upon the association's group experience, except that no rating factor shall be utilized without the express written consent of the association.

(b) Offer all eligible members, as defined under the applicable trust or other documents, coverage and rates on a guaranteed issue and renewable basis.

(c) Comply with the regulations concerning medical underwriting in RSA 420-G:5.

(d) Comply with the preexisting conditions provision of RSA 420-G:7.

II. Nothing in this chapter shall be interpreted to limit the size of employers who may participate in coverage with a qualified association trust.

9 Group Health Insurance; Health Plan Loss Information. RSA 420-G:12-a is repealed and reenacted to read as follows:

420-G:12-a Health Plan Loss Information.

I. To ensure maximum competition in the purchase of group health insurance, all private and public employers with at least 50 employees enrolled in their group health plan shall be entitled to receive their specific health plan loss information upon request and without charge. No contract between any health carrier, third-party administrator, employer group or pool of employers shall abridge this right in any manner.

II. Upon written request from any private or public employer with 50 or more employees enrolled in its group health plan, every health carrier, third-party administrator, pooled risk management program under RSA 5-B or any other type of multiple employer health plan shall provide that employer's loss information within 30 calendar days of receipt of the request. The loss information shall include all physician, hospital, prescription drug, and other covered medical claims specific to the employer's group plan incurred for the 12-month period paid through the 14 months which end within the 60-day period prior to the date of the request. An employer shall not be entitled by this section to more than 2 loss information requests in any 12-month period; however, nothing shall prohibit a carrier from fulfilling more frequent requests on a mutually agreed-upon basis.

III. If an employer requests loss information from an insurance agent or other authorized representative, including an administrator of a pooled risk management program or a multiple employer health plan, the agent or authorized representative shall transmit the request to the health carrier or carriers or third-party administrator within 4 working days.

10 Commissioner's Requested Information. Amend RSA 420-G:14-a to read as follows:

420-G:14-a Requested Information.

I. As authorized in accordance with RSA 420-G:14, the commissioner may request the submission of such information by carriers as is necessary to better understand the coverage history and choices of participants in the nongroup market. The commissioner shall make every attempt to ensure the reasonableness of such request, both in terms of scope and timeframe, and to limit this request to information the commissioner deems necessary to better understand the dynamics of the nongroup health insurance market and to assess the appropriateness of alternative sources of funding for the nongroup subsidy.

II. The commissioner shall request and health carriers shall supply information no later than April 1 of each year sufficient to report on the distribution of rating factors being applied to small employers. The commissioner's report shall summarize the rating factors utilized by health carriers in the preceding calendar year.

III. The commissioner shall request and health carriers shall supply information no later than April 1 of each year sufficient to report on the types of health coverage being purchased by individuals and employers by geographic area. The report shall include specific details regarding the type of coverage, including, but not limited to, co-pays, out-of-pocket maximums, network restrictions, and deductibles.

IV. The commissioner shall file the required reports by July 1 of each year with the senate president, the speaker of the house, the chairperson of the house commerce committee, and the chairperson of the senate insurance committee.

11 Preexisting Condition Exclusion Periods. Amend RSA 420-G:7, I(a) to read as follows:

(a) No preexisting condition exclusion shall extend beyond a period of ~~[3]~~ **9** consecutive months ~~[while the person's health coverage is in force and during which the person incurred no medical treatment expenses in connection with the preexisting condition, or beyond 6 consecutive months while the person has been continuously covered and actively at work full time, or beyond 12 months]~~ after the effective date of the person's health coverage; and

12 Preexisting Condition Exclusion Periods. Amend RSA 420-G:7, II(a) to read as follows:

(a) No preexisting condition exclusion period shall extend beyond a period of ~~[3]~~ **9** consecutive months ~~[ending while the individual's or covered person's health coverage is in force and during which the individual incurred no medical care treatment expenses in connection with the preexisting condition, or beyond 9 months following]~~ **after** the effective date of the person's health coverage.

13 New Section; Legislative Oversight Committee Established. Amend RSA 420-G by inserting after section 14-b the following new section:

420-G:14-c Legislative Oversight Committee.

I. There is hereby established a joint legislative oversight committee on small group health insurance reform. The committee shall review the reports filed by the commissioner pursuant to RSA 420-G:14-a, monitor the small group health insurance market in the state, and monitor the effect of SB 110 of the 2003 legislative session. The committee shall make recommendations for any legislative changes the committee deems necessary. The committee shall include 3 members, of the house, appointed by the speaker of the house and 2 senators, appointed by the president of the senate.

II. The committee shall submit a written report of its findings and recommendations to the president of the senate, the speaker of the house of representatives, and the chairpersons of the house commerce committee and senate insurance committee on November 1 of each year.

14 Repeal. RSA 420-G:4, I(e)(7) relative to increasing the premium rate, is repealed.

15 Repeal. RSA 420-G:4, III, relative to premium rates for certain large employers, is repealed.

16 Repeal. RSA 420-G:8, I(b), relative to medical underwriting, is repealed.

17 Repeal. RSA 420-G:14-c, relative to a legislative oversight committee, is repealed.

18 Effective Date.

I. Section 9 of this act shall take effect September 1, 2003.

II. Section 14 of this act shall take effect January 1, 2005.

III. Section 15 of this act shall take effect January 1, 2006.

IV. Section 17 of this act shall take effect January 1, 2009.

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

AMENDED ANALYSIS

This bill revises the laws relative to small group health insurance. The bill changes the definition of small group employer to employers with 2-50 employees. Current law defines small group employers to have 1-100 employees. The bill establishes a legislative oversight committee on small group health insurance reform.

This bill also allows all private and public employers with at least 50 employees enrolled in their group health plan to receive health plan loss information upon request and without charge.

On a division vote, 204 members having voted in the affirmative and 143 in the negative, the majority amendment was adopted.

Reps. DeStefano, Gibson and Brady spoke against.

Reps. Spiess and Newton spoke in favor.

Rep. Hunt spoke in favor and yielded to questions.

Rep. Francoeur requested a roll call, sufficiently seconded.

The question being adoption of the majority report.

YEAS 202 NAYS 161

YEAS 202

BELKNAP

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

CARROLL

Brown, Carolyn	Derby, Mark	Dickinson, Howard	Hatch, Paul
Kenney, Bettie	McConkey, Mark	Merrow, Harry	Mock, Henry
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	

CHESHIRE

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

COOS

Guay, Lawrence	Pratt, Leighton
----------------	-----------------

GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Dorsett, Andrew
Dudley, Terri	Eaton, Stephanie	Giuda, Robert	Ingbretson, Paul
Maybeck, Margie	Naro, Debra	Sorg, Gregory	Williams, Burton

HILLSBOROUGH

Adams, Jarvis	Allan, Nelson	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Barry, J Gail	Beaton, William	Brundige, Robert
Bruno, Pierre	Buhlman, David	Carlson, Donald	Carter, Jeffrey
Carter, Mark	Christensen, D L	Christiansen, Lars	Coughlin, Pamela
	Chris		
Crane, Elenore	Dionne, Kimberley	Drisko, Richard	Elliott, Larry
Casey			
Emerton, Larry	Fields, Dennis	Fletcher, Richard	Furman, Christine
Gargas, Carolyn	Gonzalez, Carlos	Goulet, Maurice	Goyette, Peter Jr
Graham, John	Greenberg, Gary	Hall, Charles	Hallyburton, Margaret
Hansen, Ryan	Harrington, Paul	Hawkins, Ken	Infantine, William
Jasper, Shawn	Kurk, Neal	L'Heureux, Robert	Lawrence, James
Leach, Edward	Luebker, Bernard	McElroy, Henry Jr	McHugh, Claire

McRae, Karen
Moran, Edward
Pappas, Marc
Rowe, Robert
Sullivan, Jeffrey

Mercer, Robert
Mosher, William
Pepino, Leo
Slocum, Lee
Tahir, Saghir

Milligan, Robert
O'Brien, Lori
Reeves, Sandra
Spiess, Paul
Wheeler, James

Mooney, Maureen
Ober, Russell III
Ross, Lawrence
Stepanek, Stephen
Wheeler, Robert

MERRIMACK

Anderson, Eric
Foley, Albert
Kenison, Leon
Lockwood, Priscilla
McCormick, Tom

Colcord, J D
Fraser, Leo Jr
Kennedy, Richard
MacKay, James
Oliver, James

Dunne, Christopher
Hager, Elizabeth
L'Heureux, Stephen
Marple, Richard
Ouellette, Robert

Field, William
Hess, David
Leber, William
Maxfield, Roy
Reed, Dennis

ROCKINGHAM

Allen, Mary
Camm, Kevin
Dearborn, Bruce
Dumaine, Dudley
Flayhan, Mary Lou
Gillick, Thomas
Hughes, Daniel
Johnson, Robert
Kobel, Rudolph
McKinney, Betsy
Packard, Sherman
Roessner, Kurt
Stone, Joseph
Welch, David

Belanger, Ronald
Carson, Sharon
DiFruscia, Anthony
Dupuis, Roland
Francoeur, Sheila
Griffin, Mary
Ingram, Russell
Johnson, Rogers
Letourneau, Robert
Morris, Richard
Priestley, Anne
Scamman, Stella
Tufts, J Arthur
Wiley, Robert

Bicknell, Elbert
Clark, Vivian
Dodge, Robert
Fesh, Bob
Gilbert, Jeffrey
Hamel, Albert
Introne, Robert
Katsakiores, George
Major, Norman
Noyes, Richard
Putnam, Ed II
Smith, Donald
Varrell, Thomas
Zolla, William

Bridle, Russell
Dalrymple, Janeen
Doyle, Christopher
Flanders, John Sr
Gilbert, Karl
Holland, James Jr
Itse, Daniel
Katsakiores, Phyllis
Manning, John
O'Neil, Michael
Rausch, James
Smith, Paul
Weare, E Albert

STRAFFORD

Albert, Russell
Easson, Timothy
Scott, David

Bemis, Alan
Harrington, Michael
Twombly, James

Campbell, W Packy
Musler, George
Woods, Phyllis

Cataldo, Sam
Newton, Clifford

SULLIVAN

Jones, Constance

Leone, Richard

NAYS 161

BELKNAP

None

CARROLL

Babson, David Jr

CHESHIRE

Allen, Peter
Espieffs, Peter
Pratt, John
Tilton, Anna

Batchelder, Robert
Mitchell, McKim
Richardson, Barbara
Webber, Amy

Dunn, James
Parkhurst, Henry
Robertson, Timothy
Weed, Charles

Eaton, Daniel
Pratt, Irene
Slack, Pamela

COOS

Brady, Mark
Stohl, Eric

King, Frederick
Theberge, Robert

Poulin, Richard
Tholl, John Jr

Richardson, Herbert
Woodward, David

GRAFTON

Almy, Susan
Diamond, Estelle
Hammond, Lee
Solomon, Peter

Benn, Bernard
Gilman, G Michael
Nordgren, Sharon

Cooney, Mary
Gionet, Edmond
Scovner, Nancy

Densmore, Edward
Ham, Bonnie
Sokol, Hilda

HILLSBOROUGH

Allen, Timothy	Baroody, Benjamin	Bergeron, Jean-Guy	Brassard, Paul
Buckley, Raymond	Cail, Kenneth	Chabot, Robert	Clayton, William
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Desmarais, Vivian	Dokmo, Cynthia	Gibson, John	Gorman, Mary
Hagan, Barbara	Haley, Robert	Holden, Randolph	Irwin, Anne-Marie
Jean, Claudette	Johnson, Lionel	Katsiantonis, Thomas	Kerns, J Edward
Konys, Christine	Kopka, Angeline	Kudalis, Debra	LaFlamme, Paul
Lasky, Bette	Lefebvre, Roland	Malloy, Chris	Messier, Irene
Movesian, Lori	Palangas, Eric	Pappas, Christopher	Pilotte, Maurice
Price, Pamela	Scanlon, Michael	Schulze, Joan	Shaw, Barbara
Souza, Kathleen	Sullivan, Francis	Sullivan, Peter	Sweeney, Cynthia
Tate, Joan			

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	Davis, Frank	DeJoie, John	DeStefano, Stephen
French, Barbara	Gile, Mary	Hamm, Christine	Jacobson, Alf
Langer, Ray	Nutter, Edward	Osborne, Jessie	Owen, Derek
Perkins, Randy	Potter, Frances	Reardon, Tara	Rush, Deanna
Seldin, Gloria	Soltani, Tony	Wallner, Mary Jane	

ROCKINGHAM

Bishop, Franklin	Blanchard, MaryAnn	Casey, Kimberley	Coes, Betsy
Cooney, Richard	Corbin, Corey	Gleason, John	Gould, Kenneth
Hutchinson, Karen	Langley, Jane	Langone, John	McCann, Richard
McEachern, Paul	McMahon, Charles	Moore, Benjamin	Norelli, Terie
Pantelakos, Laura	Pitts, Jacqueline	Quandt, Matthew	Robertson, Carl
Shultis, Elizabeth	Vallone, Matthew	Weldy, Norman Jr	Weyler, Kenneth
Winchell, George			

STRAFFORD

Berube, Roger	Bickford, David	Callaghan, Frank	Creteau, Irene
Dunlap, Patricia	Grassie, Anne	Heon, Richard	Hofemann, Roland
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Miller, Joseph	Pelletier, Arthur	Rollo, Deanna	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
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 report was adopted.

Ordered to third reading.

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

SB 76, relative to the process for nonrenewal of teacher contracts. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Carter for the Majority of Education: This bill streamlines the process of appeal of non-renewal of teacher contracts by local school boards based on poor performance.

Currently teachers are in a special position, unlike any other employee in the state, because they have multiple avenues of review of non-renewal decisions. These multiple reviews are time consuming and expensive for local school boards and ultimately deter non-renewal decisions. School boards are required to hire attorneys and expend teacher and

administrator time (otherwise spent in the schools) in lengthy hearings appealing their decisions. The bill provides protections to school boards, parents and teachers. The bill continues to provide full due process rights to teachers. Superintendents are required to demonstrate at a local school board hearing that a teacher received written notice of unsatisfactory performance, had an opportunity to correct the performance, and that the teacher failed to correct the unsatisfactory performance. All decisions of local school boards may be appealed to the State Board of Education and shall be upheld unless they are shown to be clearly erroneous. This procedure provides great weight to decisions made by the local school boards. The bill also provides that non-renewal decisions shall not be subject to binding arbitration. Binding arbitration hearings are an additional cost to local taxpayers. This provision does not impact binding arbitration on any other teacher contract matters other than non-renewal for unsatisfactory performance. The House has overwhelmingly passed this legislation three times since 1999. This proposal has the support of the Speaker, the Governor, the NH School Boards Association, and the NH School Administrators Association. The passage of this bill will improve the quality of teaching in the state and is crucial to education reform. Vote 11-7.

Rep. James T. Dunn for the Minority of Education: This legislation is an egregious assault on local control by removing from existing collective bargaining agreements binding arbitration as those agreements expire. This legislation takes away from teacher's valuable protection from arbitrary and capricious dismissal. The minority thinks that if bad teachers exist in New Hampshire schools, perhaps administrators need further training in evaluation, and dismissal procedure as outlined in the collective bargaining agreement. Therefore the minority offers an amendment to clarify continuing contract non-renewal.

Rep. James Dunn offered a floor amendment (1305h).

Floor Amendment (1305h)

Amend the bill by replacing all after section 3 with the following:

4 Review of Nonrenewal Decision. RSA 189:14-b is repealed and reenacted to read as follows:

189:14-b Appeal of Nonrenewal Decision.

I. A teacher aggrieved by a nonrenewal decision may appeal to the school board and superintendent for review of such decision. The petition for appeal shall be in writing and submitted to the superintendent within 10 days of the nonrenewal decision. Upon receipt of such petition, the superintendent shall notify the school board and shall schedule a hearing within 10 days of receipt of the petition. A decision shall be issued in writing within 10 days after the hearing.

II. A teacher aggrieved by an unfavorable decision issued under paragraph I may, within 10 days of such decision, request binding arbitration. An arbitrator certified by the American Arbitration Association shall be agreed upon by the parties and the decision of the arbitrator shall be final and binding upon both parties. The parties involved shall share the costs of arbitration in equal measure.

III. The procedures set forth in this section constitute the exclusive remedy available on the issue of nonrenewal of a teacher's contract.

5 Applicability. Section 4 of this act shall not be construed to alter, amend, or modify any existing collective bargaining agreement in effect upon the effective date of this act, but shall apply upon the expiration and subsequent renegotiation of each collective bargaining agreement.

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

AMENDED ANALYSIS

This bill clarifies the process for nonrenewal of teacher contracts and the appeal of nonrenewal decisions.

Rep. Dunn spoke in favor.

Reps. Carson and Alger spoke against.

On a division vote, 124 members having voted in the affirmative and 229 in the negative, the minority amendment failed.

Reps. Sandra Harris, Souza, DiFruscia and Hagan spoke against.

Reps. Mark Carter and Carson spoke in favor.

Rep. Mark Carter requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

YEAS 226 NAYS 134

YEAS 226

BELKNAP

Ahern, Omer Jr
Dewhirst, Glenn
Lawton, David
Russell, David

Bartlett, Gordon
Flanders, Donald
Nedeau, Stephen
Wendelboe, Fran

Boyce, Laurie
Holbrook, Robert
Pilliod, James
Whalley, Michael

Clark, Charles
Laflam, Robert
Rice, Thomas

CARROLL

Babson, David Jr
Hatch, Paul
Mock, Henry

Brown, Carolyn
Kenney, Bettie
Patten, Betsey

Derby, Mark
McConkey, Mark
Philbrick, Donald

Dickinson, Howard
Merrow, Harry
Stevens, Stanley

CHESHIRE

Dexter, Judson
Liebl, George

Fish, Douglas
Manning, Joseph

Hunt, John
Smith, Edwin

Laurent, John

COOS

Guay, Lawrence
Tholl, John Jr

King, Frederick
Woodward, David

Richardson, Herbert

Stohl, Eric

GRAFTON

Akins, Ralph
Dudley, Terri
Giuda, Robert
Sorg, Gregory

Alger, John
Eaton, Stephanie
Ham, Bonnie
Williams, Burton

Barker, Robert
Gilman, G Michael
Ingbretson, Paul

Dorsett, Andrew
Gionet, Edmond
Maybeck, Margie

HILLSBOROUGH

Adams, Jarvis
Artz, Lawrence
Bergeron, Jean-Guy
Cail, Kenneth
Chabot, Robert

Allan, Nelson
Balboni, Michael
Brundige, Robert
Carlson, Donald
Christensen, D L
Chris

Allen, Timothy
Barry, J Gail
Bruno, Pierre
Carter, Jeffrey
Christiansen, Lars

Arnold, Thomas Jr
Beaton, William
Buhlman, David
Carter, Mark
Coughlin, Pamela

Crane, Elenore
Casey
Elliott, Larry
Furman, Christine
Goulet, Maurice
Hall, Charles
Holden, Randolph
Kurk, Neal
Leach, Edward
McRae, Karen
Moran, Edward
Pappas, Marc
Rowe, Robert
Stepanek, Stephen
Wheeler, Robert

Dionne, Kimberley
Emerton, Larry
Gargas, Carolyn
Goyette, Peter Jr
Hallyburton, Margaret
Infantine, William
L'Heureux, Robert
Luebker, Bernard
Mercer, Robert
Mosher, William
Pepino, Leo
Scanlon, Michael
Sullivan, Jeffrey

Dokmo, Cynthia
Fields, Dennis
Gibson, John
Graham, John
Hansen, Ryan
Jasper, Shawn
LaFlamme, Paul
McElroy, Henry Jr
Milligan, Robert
O'Brien, Lori
Reeves, Sandra
Slocum, Lee
Tate, Joan

Drisko, Richard
Fletcher, Richard
Gonzalez, Carlos
Greenberg, Gary
Harrington, Paul
Kerns, J Edward
Lawrence, James
McHugh, Claire
Mooney, Maureen
Ober, Russell III
Ross, Lawrence
Spiess, Paul
Wheeler, James

MERRIMACK

Anderson, Eric	Colcord, J D	Currier, David	Dunne, Christopher
Field, William	Foley, Albert	Hager, Elizabeth	Hess, David
Kenison, Leon	Kennedy, Richard	Langer, Ray	Leber, William
Lockwood, Priscilla	MacKay, James	Marple, Richard	Maxfield, Roy
McCormick, Tom	Nutter, Edward	Oliver, James	Ouellette, Robert
Reed, Dennis			

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bicknell, Elbert	Bishop, Franklin
Camm, Kevin	Carson, Sharon	Clark, Vivian	Cooney, Richard
Dalrymple, Janeen	Dearborn, Bruce	Dodge, Robert	Doyle, Christopher
Dumaine, Dudley	Dupuis, Roland	Fesh, Bob	Flanders, John Sr
Flayhan, Mary Lou	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Gleason, John	Gould, Kenneth	Griffin, Mary	Hamel, Albert
Headd, James	Holland, James Jr	Hutchinson, Karen	Ingram, Russell
Introne, Robert	Itse, Daniel	Johnson, Robert	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Letourneau, Robert	Major, Norman	Manning, John	McKinney, Betsy
McMahon, Charles	Moore, Benjamin	Morris, Richard	Noyes, Richard
O'Neil, Michael	Packard, Sherman	Priestley, Anne	Putnam, Ed II
Rausch, James	Roessner, Kurt	Scamman, Stella	Smith, Donald
Smith, Paul	Stone, Joseph	Tufts, J Arthur	Varrell, Thomas
Weare, E Albert	Welch, David	Weldy, Norman Jr	Weyler, Kenneth
Wiley, Robert	Zolla, William		

STRAFFORD

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

SULLIVAN

Jones, Constance	Leone, Richard
------------------	----------------

NAYS 134

BELKNAP

Allen, Janet	Fitzgerald, James
--------------	-------------------

CARROLL

None

CHESHIRE

Allen, Peter	Batchelder, Robert	Dunn, James	Eaton, Daniel
Espieffs, Peter	Mitchell, McKim	Parkhurst, Henry	Pratt, Irene
Pratt, John	Richardson, Barbara	Robertson, Timothy	Royce, H Charles
Slack, Pamela	Tilton, Anna	Webber, Amy	Weed, Charles

COOS

Brady, Mark	Poulin, Richard	Pratt, Leighton	Theberge, Robert
-------------	-----------------	-----------------	------------------

GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Densmore, Edward
Diamond, Estelle	Hammond, Lee	Nordgren, Sharon	Scovner, Nancy
Sokol, Hilda	Solomon, Peter		

HILLSBOROUGH

Baroody, Benjamin	Brassard, Paul	Buckley, Raymond	Clayton, William
Clemons, Jane	Cote, David	Cote, Peter	Craig, James

Desmarais, Vivian	Gorman, Mary	Hagan, Barbara	Haley, Robert
Hawkins, Ken	Irwin, Anne-Marie	Jean, Claudette	Johnson, Lionel
Katsiantonis, Thomas	Konys, Christine	Kopka, Angeline	Kudalis, Debra
Lasky, Bette	Lefebvre, Roland	Malloy, Chris	Messier, Irene
Movsesian, Lori	Palangas, Eric	Pappas, Christopher	Pilotte, Maurice
Price, Pamela	Schulze, Joan	Shaw, Barbara	Souza, Kathleen
Sullivan, Francis	Sullivan, Peter	Sweeney, Cynthia	Tahir, Saghir

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Davis, Frank	DeJoie, John	DeStefano, Stephen	Fraser, Leo Jr
French, Barbara	Gile, Mary	Hamm, Christine	Jacobson, Alf
Osborne, Jessie	Owen, Derek	Perkins, Randy	Potter, Frances
Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane	

ROCKINGHAM

Blanchard, MaryAnn	Bridle, Russell	Casey, Kimberley	Coes, Betsy
Corbin, Corey	DiFruscia, Anthony	Gillick, Thomas	Hughes, Daniel
Langone, John	McCann, Richard	McEachern, Paul	Norelli, Terie
Pantelakos, Laura	Pitts, Jacqueline	Quandt, Matthew	Robertson, Carl
Shultis, Elizabeth	Splaine, James	Vallone, Matthew	Winchell, George

STRAFFORD

Berube, Roger	Creteau, Irene	Grassie, Anne	Heon, Richard
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Miller, Joseph	Pelletier, Arthur	Rollo, Deanna
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Kathleen	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 report was adopted.

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

PROTEST

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

Under Part Second, Article 24 of the New Hampshire Constitution, I hereby register my protest of the vote of the New Hampshire House of Representatives by which it passed SB 76, relative to the process of non-renewal of teacher contracts and to have this protest entered on the journal of these proceedings.

SB 76 represents an unwarranted and unprecedented intrusion of the state into local control especially whereby it stipulates that non-renewal decisions shall not be subject to binding arbitration and where such a provision exists in collective bargaining agreements, upon their expiration, that provision may never be included in future agreements.

RECONSIDERATION

Having voted with the prevailing side, Rep. Alger moved that the House reconsider its action whereby it voted **SB 76**, relative to the process for nonrenewal of teacher contracts, Ought To Pass, and spoke against.

Reconsideration failed.

REGULAR CALENDAR (CONT'D.)

SB 123, establishing a commission to study structures for increased voter education and improved enforcement of campaign practices laws. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Howard C. Dickinson for the Majority of Election Law: The majority of the committee felt that this study commission was a duplicate of the voter/official educational and training process mandated by the Help America Vote Act (HAVA) and currently being developed as an ongoing program that will take place starting this summer and fall of this year. Yet, the amended version of SB 123 would not even have a preliminary report until December 01, 2004. It is important to move HAVA along in a schedule that meets federal law. All the provisions of SB 123 were composed prior to the passage of the Help America Vote Act. So, with the advent of HAVA, SB 123 is preempted as its contents are being addressed under HAVA. As of this date, New Hampshire has complied with the federal requirements and thus recently received the first \$5,000,000 installment to the election fund in the state treasury. We should not delay the process by calling for parallel study of a program that should and will be underway by the election of September–November 2004. Vote 6-5.

Rep. Charles F. Weed for the Minority of Election Law: The bi-partisan minority is concerned that leaving the education of voters and election officials to the unfolding of the implementation of the Help America Vote Act leaves this required education effort in a state of limbo. Although we recognize there is an advisory state plan committee, the draft preliminary state plan appears to leave education of voters and election officials to the secretary of state. Whereas the commission in SB 123 would have included 8 members of both parties from the House and the Senate to make recommendation regarding electoral education compliant with campaign practices law, and the establishment of a “clean” elections board.

Rep. Weed spoke against.

Rep. Dickinson spoke in favor and yielded to questions.

Rep. Weed requested a roll call; sufficiently seconded.

The question being Inexpedient to Legislate.

YEAS 223 NAYS 113

YEAS 223

BELKNAP

Ahern, Omer Jr
Clark, Charles
Lawton, David
Wendelboe, Fran

Allen, Janet
Fitzgerald, James
Pilliod, James
Whalley, Michael

Bartlett, Gordon
Holbrook, Robert
Rice, Thomas

Boyce, Laurie
Laflam, Robert
Russell, David

CARROLL

Babson, David Jr
Hatch, Paul
Mock, Henry

Brown, Carolyn
Kenney, Bettie
Patten, Betsey

Derby, Mark
McConkey, Mark

Dickinson, Howard
Morrow, Harry

CHESHIRE

Dexter, Judson
Liebl, George

Fish, Douglas
Manning, Joseph

Hunt, John
Royce, H Charles

Laurent, John
Smith, Edwin

COOS

Brady, Mark
Stohl, Eric

Guay, Lawrence
Tholl, John Jr

Pratt, Leighton
Woodward, David

Richardson, Herbert

GRAFTON

Alger, John
Eaton, Stephanie
Maybeck, Margie

Barker, Robert
Gilman, G Michael
Naro, Debra

Dorsett, Andrew
Giuda, Robert
Sorg, Gregory

Dudley, Terri
Ingbretson, Paul
Williams, Burton

HILLSBOROUGH

Adams, Jarvis
 Artz, Lawrence
 Brundige, Robert
 Carlson, Donald
 Christensen, D L
 Chris
 Desmarais, Vivian
 Fields, Dennis
 Gibson, John
 Greenberg, Gary
 Hansen, Ryan
 Infantine, William
 L'Heureux, Robert
 Luebker, Bernard
 Mercer, Robert
 Moran, Edward
 Pappas, Marc
 Ross, Lawrence
 Souza, Kathleen
 Tahir, Saghir

Allan, Nelson
 Balboni, Michael
 Bruno, Pierre
 Carter, Jeffrey
 Christiansen, Lars
 Dokmo, Cynthia
 Fletcher, Richard
 Gonzalez, Carlos
 Hagan, Barbara
 Harrington, Paul
 Jasper, Shawn
 LaFlamme, Paul
 McElroy, Henry Jr
 Messier, Irene
 Mosher, William
 Pepino, Leo
 Rowe, Robert
 Spiess, Paul
 Tate, Joan

Allen, Timothy
 Barry, J Gail
 Buhlman, David
 Carter, Mark
 Coughlin, Pamela
 Drisko, Richard
 Furman, Christine
 Goyette, Peter Jr
 Hall, Charles
 Hawkins, Ken
 Johnson, Lionel
 Lawrence, James
 McHugh, Claire
 Milligan, Robert
 O'Brien, Lori
 Price, Pamela
 Scanlon, Michael
 Stepanek, Stephen
 Wheeler, James

Arnold, Thomas Jr
 Bergeron, Jean-Guy
 Cail, Kenneth
 Chabot, Robert
 Crane, Elenore
 Casey
 Emerton, Larry
 Gargas, Carolyn
 Graham, John
 Hallyburton, Margaret
 Holden, Randolph
 Kurk, Neal
 Leach, Edward
 McRae, Karen
 Mooney, Maureen
 Ober, Russell III
 Reeves, Sandra
 Slocum, Lee
 Sullivan, Jeffrey
 Wheeler, Robert

MERRIMACK

Anderson, Eric
 Fraser, Leo Jr
 Kennedy, Richard
 Lockwood, Priscilla
 McCormick, Tom
 Reed, Dennis

Currier, David
 Hager, Elizabeth
 L'Heureux, Stephen
 MacKay, James
 Nutter, Edward

Field, William
 Hess, David
 Langer, Ray
 Marple, Richard
 Oliver, James

Foley, Albert
 Kenison, Leon
 Leber, William
 Maxfield, Roy
 Ouellette, Robert

ROCKINGHAM

Allen, Mary
 Camm, Kevin
 Dearborn, Bruce
 Dupuis, Roland
 Francoeur, Sheila
 Gould, Kenneth
 Holland, James Jr
 Itse, Daniel
 Katsakiores, Phyllis
 McCann, Richard
 Morris, Richard
 Priestley, Anne
 Roessner, Kurt
 Stone, Joseph
 Welch, David
 Winchell, George

Bicknell, Elbert
 Carson, Sharon
 DiFruscia, Anthony
 Fesh, Bob
 Gilbert, Jeffrey
 Griffin, Mary
 Hughes, Daniel
 Johnson, Robert
 Kobel, Rudolph
 McKinney, Betsy
 Noyes, Richard
 Putnam, Ed II
 Scamman, Stella
 Tufts, J Arthur
 Weldy, Norman Jr
 Zolla, William

Bishop, Franklin
 Cooney, Richard
 Dodge, Robert
 Flanders, John Sr
 Gillick, Thomas
 Hamel, Albert
 Hutchinson, Karen
 Johnson, Rogers
 Langley, Jane
 McMahon, Charles
 O'Neil, Michael
 Quandt, Matthew
 Smith, Donald
 Varrell, Thomas
 Weyler, Kenneth

Bridle, Russell
 Dalrymple, Janeen
 Dumaine, Dudley
 Flayhan, Mary Lou
 Gleason, John
 Headd, James
 Introne, Robert
 Katsakiores, George
 Major, Norman
 Moore, Benjamin
 Packard, Sherman
 Rausch, James
 Smith, Paul
 Weare, E Albert
 Wiley, Robert

STRAFFORD

Albert, Russell
 Cataldo, Sam
 Musler, George

Bemis, Alan
 Dunlap, Patricia
 Newton, Clifford

Bickford, David
 Easson, Timothy
 Scott, David

Campbell, W Packy
 Harrington, Michael

SULLIVAN

Flint, Gordon Sr

Leone, Richard

NAYS 113

BELKNAP

None

CARROLL

None

CHESHIRE

Allen, Peter	Batchelder, Robert	Dunn, James	Eaton, Daniel
Espiefs, Peter	Mitchell, McKim	Parkhurst, Henry	Pratt, Irene
Pratt, John	Richardson, Barbara	Robertson, Timothy	Slack, Pamela
Tilton, Anna	Webber, Amy	Weed, Charles	

COOS

Poulin, Richard	Theberge, Robert
-----------------	------------------

GRAFTON

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

HILLSBOROUGH

Baroody, Benjamin	Beaton, William	Brassard, Paul	Buckley, Raymond
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Dionne, Kimberley	Elliott, Larry	Gorman, Mary
Haley, Robert	Irwin, Anne-Marie	Jean, Claudette	Katsiantonis, Thomas
Konys, Christine	Kopka, Angeline	Kudalis, Debra	Lasky, Bette
Lefebvre, Roland	Malloy, Chris	Movsesian, Lori	Palangas, Eric
Pappas, Christopher	Pilotte, Maurice	Schulze, Joan	Shaw, Barbara
Sullivan, Francis	Sullivan, Peter	Sweeney, Cynthia	

MERRIMACK

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

ROCKINGHAM

Blanchard, MaryAnn	Casey, Kimberley	Coes, Betsy	McEachern, Paul
Norelli, Terie	Pitts, Jacqueline	Robertson, Carl	Shultis, Elizabeth
Splaine, James	Vallone, Matthew		

STRAFFORD

Berube, Roger	Creteau, Irene	Grassie, Anne	Heon, Richard
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Miller, Joseph	Rollo, Deanna	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Wall, Janet			

SULLIVAN

Burling, Peter	Cloutier, John	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Harris, Joseph	Harris, Sandra	Jones, Constance
Phinizy, James			

and the majority report was adopted.

Third reading and final passage

Reps. Hess and Burling moved that, without objection, all bills ordered to third reading by this time during this session day be read a third time by this motion, that titles be the same as adopted, and that they be passed at the present time.

Adopted.

SB 16-FN, establishing the governor's incentive and reward program.

SB 23-FN, allowing veterans the right to purchase credit in the retirement system for certain service in the armed forces.

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

SB 58-FN-A, relative to the net operating loss under the business profits tax..

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

SB 80, relative to vocational education and the automotive technology curriculum.

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

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

SB 90-FN, increasing the cap for relocation assistance for businesses in eminent domain proceedings.

SB 179-FN-A, relative to positions in the banking department.

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

SB 77, relative to bond votes in school districts with official ballot voting procedures, and relative to adoption of revisions and the budget process in city charters.

SB 21, relative to health insurance riders.

SB 110, relative to small group health insurance coverage.

SB 76, relative to the process for nonrenewal of teacher contracts.

The House recessed at 12:55 p.m.

RECESS

(Speaker Chandler in the Chair)

The Speaker reconvened the House at 2:00 p.m.

SENATE MESSAGES

ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE

HB 198, relative to the police powers of law enforcement officers called to respond to incidents in other jurisdictions.

The President appointed Sens. Roberge, Peterson and Foster.

HB 287, establishing a professional malpractice claims study commission.

The President appointed Sens. Prescott, Martel and Cohen.

HB 288-FN, imposing a criminal penalty for the dissemination of certain materials without consent.

The President appointed Sens. Clegg, Sapareto and Foster.

HB 316-FN, relative to insurance coverage for anesthesia for child dental care.

The President appointed Sens. Flanders, Martel and Cohen.

HB 387-FN, allowing free admission to the state park system for certain members of the New Hampshire national guard.

The President appointed Sens. Kenney, Morse and Below.

HB 543, relative to increasing the membership of the board of accountancy and relative to appeals of board decisions.

The President appointed Sens. Prescott, Kenney and Estabrook.

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

The President appointed Sens. D'Allesandro, Clegg and Gallus.

HB 654-FN, relative to criminal liability for the destruction or disconnection of a smoke detector by a tenant in a rental dwelling.

The President appointed Sens. Roberge, Barnes and Larsen.

HB 670-FN, establishing a procedure for release by a state agency of statistical information for research purposes.

The President appointed Sens. Boyce, O'Hearn and Larsen.

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

The President appointed Sens. Clegg, Foster and Roberge.

HB 718-FN, relative to endangering the welfare of a minor and relative to criminal responsibility for the commission of certain acts.

The President appointed Sens. Peterson, Roberge and Foster.

HB 798, relative to gifts by fiduciaries.

The President appointed Sens. Flanders, Barnes and D'Allesandro.

HB 817, relative to the regulation of first and second mortgage brokers and mortgage servicers.

The President appointed Sens. Flanders, Barnes and Foster.

REFUSES TO ACCEDE TO REQUEST FOR COMMITTEE OF CONFERENCE

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

NONCONCURS WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

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

The President appointed Sens. Peterson, Clegg and Foster.

Rep. Welch moved that the House accede.

The Speaker appointed Reps. Stevens, Nedeau, Tholl and Timothy Robertson.

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.

The President appointed Sens. Johnson, Barnes and Cohen.

Rep. Musler moved that the House accede.

The Speaker appointed Reps. Babson, Williams, Phinizy and Ahern.

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

The President appointed Sens. Clegg, Prescott and Cohen.

Rep. O'Neil moved that the House accede.

The Speaker appointed Reps. O'Neil, Dexter, Paul LaFlamme and DeJoie.

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

The President appointed Sens. Gallus, Roberge and Larsen.

Rep. O'Neil moved that the House accede.

The Speaker appointed Reps. O'Neil, Zolla, Paul LaFlamme and Fitzgerald.

SB 154, relative to landlord access to rental properties.

The President appointed Sens. Sapareto, Roberge and Larsen.

Rep. Mock moved that the House accede.

The Speaker appointed Reps. Craig, Woods, Lasky and Mock.

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

taxes.

The President appointed Sens. Boyce, Green and Below.

Rep. Patten moved that the House accede.

The Speaker appointed Reps. Patten, Stohl, Twombly and Theberge.

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

The President appointed Sens. Johnson, Prescott and below.

Rep. Royce moved that the House accede.

The Speaker appointed Reps. Richard Cooney, D. L. Christensen, Charles Laflamme and Spang.

REGULAR CALENDAR (CONT'D.)

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

INEXPEDIENT TO LEGISLATE

Rep. Robert K. Dodge for Finance: The committee has compassion for the City of Manchester's plight. However, since the Department of Revenue Administration does have rules to be followed to recoup taxes that have been paid inappropriately, the committee feels that this is an issue that should be handled at the local level under the existing rules. Vote 12-6.

Reps. Infantine and Pepino spoke against.

Rep. Peter Sullivan spoke against and yielded to questions.

Rep. Dodge spoke in favor and yielded to questions.

LAID ON THE TABLE

Rep. Pepino moved that **SB 29-FN-A-L**, refunding certain meals and rooms taxes paid by the city of Manchester, be laid on the table.

On a division vote, 183 members having voted in the affirmative and 152 in the negative, the motion was adopted.

REGULAR CALENDAR (CONT'D.)

SB 47-FN, relative to refunds for tolls paid on account of shrinkage or loss by evaporation of motor fuel. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: This bill reflects the advances in technology of the vapor recovery systems now installed at all gasoline stations. A one percent shrinkage allowance for evaporation is now paid to all retail gasoline dealers. The tax is collected from the wholesaler, so the allowance is a rebate to the retailer. This amount is close to one million dollars across the state. Reduction of the one percent to three-quarters of one percent means almost \$250,000 gain in revenue to the highway fund. A multi-part amendment added by the committee adds revenue to the highway fund and assigns that revenue to specific 2003 budget shortfalls. One million in revenue is added by taking \$200,000 from the fuel oil discharge cleanup fund; \$700,000 from the motor oil discharge cleanup fund; and \$100,000 from the oil pollution control fund. Of this million dollars, \$600,000 is appropriated to the highway bridge betterment fund, \$200,000 for state police overtime, and \$200,000 to purchase highway enforcement equipment. The three funds will be left with sufficient operating cash. The highways have been damaged by the winter weather, and the state police have already served the overtime, but would otherwise be required to substitute compensatory time. Vote 13-6.

Amendment (1817h)

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

AN ACT relative to refunds for tolls paid on account of shrinkage or loss by evaporation of motor fuel, relative to a transfer of funds to the highway fund, and relative to oil import and underground storage facility fees.

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

2 Transfer of Funds; Appropriations.

I. Notwithstanding any other provision of law, the sum of \$200,000 is hereby transferred from the fuel oil discharge cleanup fund established in RSA 146-E:3 to the highway fund.

II. Notwithstanding any other provision of law, the sum of \$700,000 is hereby transferred from the motor oil discharge cleanup fund established in RSA 146-F:3 to the highway fund.

III. Notwithstanding any other provision of law, the sum of \$100,000 is hereby transferred from the New Hampshire oil pollution control fund established in RSA 146-A:11-a to the highway fund.

IV. The sum of \$600,000 for the fiscal year ending June 30, 2003 is hereby appropriated to the highway and bridge betterment account established in RSA 235:23-a. Said appropriation shall be a charge against the highway fund.

V. The sum of \$200,000 for the fiscal year ending June 30, 2003 is hereby appropriated to the department of safety for the purpose of compensating state police officers for overtime worked. Said appropriation shall be a charge against the highway fund.

VI. The sum of \$200,000 for the fiscal year ending June 30, 2003 is hereby appropriated to the department of safety for the purpose of purchasing highway enforcement equipment. Said appropriation shall be a charge against the highway fund.

3 Oil Import Fee. Amend RSA 146-A:11-b, II to read as follows:

II. Any person who imports or causes to be imported oil into the state, except those using oil pipelines, railroads, and highways to transport oil products between states other than New Hampshire or for international transport of oil products, shall be licensed by the department of safety under this chapter. The annual fee for the license shall be ~~[\$.001]~~ **\$.00125** per gallon of oil imported into this state. The fee shall be paid monthly by such person to the department of safety. ~~[and then deposited by]~~ The department of safety ***shall deposit the first \$100,000 of fees paid in each fiscal year into the general fund. The remainder shall be deposited*** into the oil pollution control fund administered by the department of environmental services. Imposition of the fee shall be based on the records of the person and certified as accurate to the department of safety.

4 Interest Assessed on Overdue Oil Import Fees. Amend RSA 146-A:11-b, IV to read as follows:

IV. Every person who imports or causes to be imported oil shall file a monthly report for the preceding month and shall include all fees due for that reporting period with the department of safety on or before the twentieth day of the following calendar month. Failure to file by the required date or to enclose fees due shall result in the assessment of a 10 percent penalty to be added to the amount of fees due for that month. If no fees are due, a penalty of \$1 per day shall be assessed. Said penalty shall immediately accrue and thereafter the overdue fees and the penalty shall bear interest at the rate established by the ~~[Internal Revenue Service effective on the first business day of the calendar year. To this rate shall be added 2 percent. In determining the monthly rate, that figure shall be rounded off to the nearest quarter percent]~~ ***commissioner of safety under RSA 260:40-a.*** The department may waive all or any portion of penalties or interest for good cause.

5 Underground Storage Facility Permit. Amend RSA 146-C:4, II to read as follows:

II. The department shall issue or deny a permit to all facilities registered under RSA 146-C:3 within 90 days of the receipt of the complete registration information. A permit issued under this section shall be displayed on the premises of the underground storage facility at all times. Permits shall be valid for a period of 5 years~~[except as provided in paragraph III]~~.

6 Repeal. The following are repealed:

I. RSA 146-C:4, III, relative to underground storage facility permit fees.

II. RSA 146-C:9, IX, relative to collection of underground storage facility permit fees.

7 Effective Date.

I. Sections 1 and 3-6 of this act shall take effect July 1, 2003.

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

AMENDED ANALYSIS

This bill:

I. Modifies the eligibility and procedures for road toll refunds based on shrinkage or loss by evaporation of motor fuel.

II. Transfers a total of \$1,000,000 from certain dedicated funds to the highway fund and makes certain appropriations from the highway fund.

III. Increases the oil import license fee, changes the rate of interest assessed on overdue oil import fees, and repeals underground storage facility permit fees.

IV. Allocates the first \$100,000 of oil import license fees paid in each fiscal year to the general fund.

Rep. Timothy Robertson spoke against and yielded to questions.

Reps. Holbrook and Weyler spoke in favor and yielded to questions.

Rep. Burling requested a roll call; sufficiently seconded.

The question being adoption of the committee amendment.

YEAS 179 NAYS 146

YEAS 179

BELKNAP

Ahern, Omer Jr
Fitzgerald, James
Nedeau, Stephen
Whalley, Michael

Bartlett, Gordon
Holbrook, Robert
Rice, Thomas

Boyce, Laurie
Laflam, Robert
Russell, David

Clark, Charles
Lawton, David
Wendelboe, Fran

CARROLL

Brown, Carolyn
McConkey, Mark
Philbrick, Donald

Derby, Mark
Merrow, Harry
Stevens, Stanley

Hatch, Paul
Mock, Henry

Kenney, Bettie
Patten, Betsey

CHESHIRE

Dexter, Judson
Laurent, John

Eaton, Daniel
Liebl, George

Fish, Douglas
Royce, H Charles

Hunt, John
Smith, Edwin

COOS

Guay, Lawrence
Woodward, David

King, Frederick

Stohl, Eric

Tholl, John Jr

GRAFTON

Alger, John
Gilman, G Michael
Solomon, Peter

Barker, Robert
Giuda, Robert
Sorg, Gregory

Dorsett, Andrew
Ingbretson, Paul

Dudley, Terri
Naro, Debra

HILLSBOROUGH

Adams, Jarvis
Bergeron, Jean-Guy
Carter, Jeffrey

Allan, Nelson
Brundige, Robert
Chabot, Robert

Balboni, Michael
Buhlman, David
Christensen, D L
Chris

Beaton, William
Carlson, Donald
Coughlin, Pamela

Dionne, Kimberley
Fields, Dennis
Goulet, Maurice
Hansen, Ryan
Kurk, Neal
Mercer, Robert
Mosher, William
Price, Pamela

Dokmo, Cynthia
Furman, Christine
Greenberg, Gary
Infantine, William
Leach, Edward
Milligan, Robert
O'Brien, Lori
Reeves, Sandra

Drisko, Richard
Gargas, Carolyn
Hall, Charles
Jasper, Shawn
Luebker, Bernard
Mooney, Maureen
Ober, Russell III
Ross, Lawrence

Elliott, Larry
Gonzalez, Carlos
Hallyburton, Margaret
Johnson, Lionel
McHugh, Claire
Moran, Edward
Pappas, Marc
Rowe, Robert

Scanlon, Michael
Wheeler, Robert

Slocum, Lee

Stepanek, Stephen

Sullivan, Jeffrey

MERRIMACK

Anderson, Eric
Hager, Elizabeth
Kennedy, Richard
Marple, Richard

Currier, David
Hess, David
L'Heureux, Stephen
Nutter, Edward

Field, William
Jacobson, Alf
Leber, William
Oliver, James

Foley, Albert
Kenison, Leon
MacKay, James

ROCKINGHAM

Belanger, Ronald
Carson, Sharon
DiFruscia, Anthony
Flanders, John Sr
Gillick, Thomas
Holland, James Jr
Itse, Daniel
Katsakiores, Phyllis
Letourneau, Robert
McMahon, Charles
Putnam, Ed II
Smith, Paul
Weare, E Albert
Winchell, George

Bishop, Franklin
Cooney, Richard
Dodge, Robert
Francoeur, Sheila
Gleason, John
Hughes, Daniel
Johnson, Robert
Kobel, Rudolph
Major, Norman
Morris, Richard
Rausch, James
Stone, Joseph
Welch, David
Zolla, William

Bridle, Russell
Dalrymple, Janeen
Doyle, Christopher
Gilbert, Jeffrey
Griffin, Mary
Ingram, Russell
Johnson, Rogers
Langley, Jane
McCann, Richard
O'Neil, Michael
Roessner, Kurt
Tufts, J Arthur
Weldy, Norman Jr

Camm, Kevin
Dearborn, Bruce
Fesh, Bob
Gilbert, Karl
Hamel, Albert
Introne, Robert
Katsakiores, George
Langone, John
McKinney, Betsy
Priestley, Anne
Scamman, Stella
Varrell, Thomas
Weyler, Kenneth

STRAFFORD

Albert, Russell
Cataldo, Sam
Newton, Clifford

Bemis, Alan
Dunlap, Patricia
Twombly, James

Berube, Roger
Easson, Timothy
Woods, Phyllis

Bickford, David
Musler, George

SULLIVAN

Flint, Gordon Sr

Harris, Joseph

Harris, Sandra

Leone, Richard

NAYS 146

BELKNAP

Pilliod, James

CARROLL

Babson, David Jr

Dickinson, Howard

CHESHIRE

Allen, Peter
Manning, Joseph
Pratt, John
Webber, Amy

Batchelder, Robert
Mitchell, McKim
Richardson, Barbara
Weed, Charles

Dunn, James
Parkhurst, Henry
Robertson, Timothy

Espiefs, Peter
Pratt, Irene
Tilton, Anna

COOS

Brady, Mark

Poulin, Richard

Richardson, Herbert

Theberge, Robert

GRAFTON

Akins, Ralph
Densmore, Edward
Hammond, Lee
Sokol, Hilda

Almy, Susan
Diamond, Estelle
Maybeck, Margie
Williams, Burton

Benn, Bernard
Gionet, Edmond
Nordgren, Sharon

Cooney, Mary
Ham, Bonnie
Scovner, Nancy

HILLSBOROUGH

Allen, Timothy
Barry, J Gail
Carter, Mark
Cote, David

Arnold, Thomas Jr
Brassard, Paul
Christiansen, Lars
Cote, Peter

Artz, Lawrence
Bruno, Pierre
Clayton, William
Craig, James

Baroody, Benjamin
Buckley, Raymond
Clemons, Jane
Crane, Elenore

Fletcher, Richard	Gibson, John	Gorman, Mary	Casey
Graham, John	Haley, Robert	Hawkins, Ken	Goyette, Peter Jr
Irwin, Anne-Marie	Jean, Claudette	Katsiantonis, Thomas	Holden, Randolph
Kopka, Angeline	Kudalis, Debra	L'Heureux, Robert	Konys, Christine
Lasky, Bette	Lawrence, James	Lefebvre, Roland	LaFlamme, Paul
McRae, Karen	Messier, Irene	Movsesian, Lori	Malloy, Chris
Pappas, Christopher	Pilotte, Maurice	Schulze, Joan	Palangas, Eric
Spiess, Paul	Sullivan, Francis	Sullivan, Peter	Shaw, Barbara
Tahir, Saghir	Wheeler, James		Sweeney, Cynthia

MERRIMACK

Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	Davis, Frank
DeJoie, John	DeStefano, Stephen	French, Barbara	Gile, Mary
Hamm, Christine	Langer, Ray	Lockwood, Priscilla	Maxfield, Roy
Osborne, Jessie	Ouellette, Robert	Owen, Derek	Perkins, Randy
Potter, Frances	Rush, Deanna	Seldin, Gloria	Soltani, Tony
Wallner, Mary Jane			

ROCKINGHAM

Bicknell, Elbert	Blanchard, MaryAnn	Cady, Harriet	Casey, Kimberley
Clark, Vivian	Coes, Betsy	Corbin, Corey	Dumaine, Dudley
Dupuis, Roland	Flayhan, Mary Lou	Gould, Kenneth	McEachern, Paul
Norelli, Terie	Packard, Sherman	Quandt, Matthew	Robertson, Carl
Shultis, Elizabeth	Smith, Donald	Vallone, Matthew	

STRAFFORD

Campbell, W Packy	Creteau, Irene	Harrington, Michael	Hofemann, Roland
Johnson, Nancy	Keans, Sandra	Knowles, William	Rollo, Deanna
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Vachon, Dennis	Wall, Janet		

SULLIVAN

Burling, Peter	Cloutier, John	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Jones, Constance	Phinizy, James	

and the amendment was adopted.

Report adopted and ordered to third reading.

Rep. Scott did not vote and wished to be recorded against.

SB 63-FN-A-L, relative to establishing community reinvestment and opportunity zones and granting business tax credits for investments in projects in such zones. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elizabeth S. Hager for Finance: This is an important community development bill. It potentially costs the state up to \$825,000 in business tax credits each year, cumulating to a maximum of \$3.3 million in the fourth year, but it is the committee's belief that it will encourage business growth that will eventually result in more revenue. It should immediately aid in the creation of new jobs. The amendment simply removes a sentence that would have added the Fiscal Committee to the rule making process and says the Fiscal Committee will receive a report. Vote 18-1.

Amendment (1757h)

Amend RSA 162-N:8 as inserted by section 2 of the bill by replacing it with the following:

162-N:8 Rules. The commissioner of revenue administration shall adopt rules, under RSA 541-A, relative to documentation of the credits claimed under this chapter. The commissioner of resources and economic development shall, in consultation with the executive director of the community development finance authority, adopt rules, under RSA

541-A, relative to the administration and implementation of this chapter. The rules adopted by the commissioner of resources and economic development shall include provisions relative to:

- I. Establishment and certification of CROP zones.
- II. Criteria for and approval of projects in CROP zones, including jobs per dollar thresholds.
- III. Fees which the commissioner of resources and economic development may charge to each applicant to cover the reasonable costs of the state's administration of the applicant's participation in the CROP zone.

Amend RSA 162-N:9 as inserted by section 2 of the bill by replacing it with the following:

162-N:9 Reports. The commissioner of resources and economic development shall furnish a report annually to the governor, the senate president, the speaker of the house, and the fiscal committee which describes the results of the CROP zone program, and shall include any recommendations for further legislation regarding CROP zones.

Adopted.

Report adopted and ordered to third reading.

SB 107-FN-A-L, establishing a statewide education accountability system. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth L. Weyler for Finance: The concept of accountability for our public schools has been well supported in the past year by the NH House of Representatives. The former governor vetoed those bills after they passed the legislature. Our present governor agrees with educational accountability and the federal No Child Left Behind Act (NCLBA) also requires it. Further, that act requires annual testing, a measurement tool that was not available to us previously. The committee amended the funding source to substitute federal funds for general funds. The NCLBA allows flexibility in the funds provided, to a greater extent than earlier grants. The House also supported HB 786 by a wide majority. That bill was to assure that New Hampshire would only participate in NCLBA to the extent that each of its parts were federally funded. Its text is added to SB 107 as an amendment at the request of the House Education Committee. Vote 13-6.

Amendment (1840h)

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

AN ACT establishing a statewide education accountability system and relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001.

Amend RSA 193-C:9 as inserted by section 5 of the bill by replacing it with the following:

193-C:9 Local Education Improvement and Assessment; Funding.

I. The department of education is authorized to use any amounts appropriated for any of the following purposes:

- (a) To support and administer the local education improvement plan program.
- (b) To collect, analyze, and report the demographic and educational improvement data.
- © To assist local school staff with the analysis and use of school performance data.
- (d) To provide grants as available to school districts for local school improvement.
- (e) To provide a system of annual recognition to identify best practices and promote school improvement.

II. The priority for the use of any funds under this section shall be given to lower-performing schools.

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

8 New Program Appropriation Unit; Department of Education; School Accountability. Amend HB 1-A of the 2003 legislative session by inserting after PAU 06, 03, 02, 02, 04 the following:

06 EDUCATION		
03 DEPARTMENT OF EDUCATION		
02 OFFICE OF THE DEP COMMISSIONER		
02 FINANCIAL AID TO DISTRICTS- ST.		
05 SCHOOL ACCOUNTABILITY		
	90 SCHOOL ACCOUNTABILITY	394,000
394,000		
	TOTAL	394,000
394,000		
ESTIMATED SOURCE OF FUNDS		
FOR SCHOOL ACCOUNTABILITY		
	00 FEDERAL FUNDS	394,000
394,000		
	TOTAL	394,000
394,000		

9 Department of Education; Drug Free Schools; Class Line 93 Amended. Amend PAU 06, 03, 03, 01, 05, 93 of HB 1-A of the 2003 legislative session by making the following changes and changing subtotals and totals as hereinafter specified to reflect the following changes:

Strike out:		
	93 GRANTS TO LEA'S	3,716,339
4,700,000		
	TOTAL	3,980,718
4,979,747		
ESTIMATED SOURCE OF FUNDS FOR		
DRUG FREE SCHOOLS		
	00 FEDERAL FUNDS	3,980,718
4,979,747		
	TOTAL	3,980,718
4,979,747		
Insert in place thereof:		
	93 GRANTS TO LEA'S	3,322,339
4,306,000		
	TOTAL	3,586,718
4,585,747		
ESTIMATED SOURCE OF FUNDS FOR		
DRUG FREE SCHOOLS		
	00 FEDERAL FUNDS	3,586,718
4,585,747		
	TOTAL	3,586,718
4,585,747		

10 Purpose. The federal No Child Left Behind Act (NCLBA) of 2001 (H.R. 1) directs those states that participate in it to make many meritorious improvements in their system of public education. Furthermore, contrary to state experience with other federal laws, NCLBA was enacted as a fully-funded federal law as directed by federal Public Law 104-4 of 1995 and section 9527 of NCLBA which curb the practice of imposing unfunded federal mandates on states and local governments. Therefore, the general court hereby directs that general funds not be expended on the NCLBA and that school districts also prohibited from such expenditures.

11 New Subdivision; State Compliance with the No Child Left Behind Act of 2001; General Funds Prohibited. Amend RSA 21-N by inserting after section 11 the following new subdivision:

Compliance with the No Child Left Behind Act

21-N:12 Compliance with No Child Left Behind. Notwithstanding any provision of law to the contrary:

I. No general funds of the state or any of its political subdivisions shall be appropriated, expended, or encumbered to implement the federal No Child Left Behind Act of 2001 (NCLBA).

II. A school district or other political subdivision may, upon a majority vote of its legislative body, be exempt from all state administrative rules or regulations of any kind, adopted for the purpose of implementing NCLBA if the cost of compliance with such rules or regulations is not fully covered by the additional federal funds received by the school district or other political subdivision.

III. The state board of education and the commissioner of the department of education are hereby prohibited from adopting any new administrative rules or regulations, or amending existing administrative rules or regulations for the purpose of complying with NCLBA until 60 days after the submission of a written report detailing such new or amended rules or regulations to the house and senate education committees.

IV. No additional costs incurred by the state or any of its political subdivisions in implementing NCLBA shall be included in calculating the cost of an adequate education pursuant to RSA 198:40.

12 New Paragraph; Adequate Public Education; Statewide Testing. Amend RSA 193-E:3 by inserting after paragraph II the following new paragraph:

III. The results of any statewide testing required under the No Child Left Behind Act of 2001 shall be ranked by the commissioner of the department of education by individual school and grade level performance. The rankings shall be made available to the public arranged by numerical rank order and alphabetical order no later than 30 days after the results are available to the commissioner of the department of education. No test shall be ranked until the commissioner of the department of education submits to the house and senate education committees a written explanation of the ranking methodology to be used.

13 Report. No later than January 1 of each year, the commissioner of the department of education shall submit to the house and senate education and finance committees a statement of expenditures by the state and by school districts necessitated by the No Child Left Behind Act of 2001 in the immediately prior fiscal year, and the sources of funding used for such expenses.

14 Severability. If any provision of sections 10-13 of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

15 Contingency. If HB 1-A of the 2003 legislative session is enacted into law, sections 8-9 of this act shall take effect July 1, 2003 at 12:01 a.m. If HB 1-A of the 2003 legislative session is not enacted into law, sections 8-9 of this act shall not take effect.

16 Effective Date.

I. Paragraph II of section 6 of this act shall take effect June 30, 2005.

II. Section 8-9 of this act shall take effect as provided in section 15 of this act.

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

AMENDED ANALYSIS

This bill:

I. Establishes a statewide education accountability system which includes school performance standards, the creation of an education improvement fund, and the development of a local school improvement plan in each school district.

II. Prohibits the spending of state general funds for compliance with the federal No Child Left Behind Act of 2001 (NCLBA).

III. Allows school districts to exempt themselves from compliance with NCLBA by a majority vote of the legislative body if the cost of compliance is not fully covered by the additional federal funds received by the school district or other political subdivision.

IV. Directs the department of education to ensure that no costs associated with NCLBA shall be included in the calculation of the cost of an adequate education.

V. Requires the department of education to submit a financial report for expenditures and sources of funding to the house and senate education and finance committees on an annual basis.

Adopted.

Report adopted and ordered to third reading.

SB 115, increasing the fees for review of subdivisions and waste disposal systems by the department of environmental services and making an appropriation for implementing information technology and regulatory process improvements. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The current fees for sewage disposal system and subdivision plan review are inadequate to cover the costs of review and compliance. This bill brings the fees up to a level to cover the costs as well as implement the I.T. improvement. It appropriates \$931,000 to cover implementation costs. Subdivision of land goes from \$80 to \$150 per lot, sewage or waste disposal plans go from \$80 to \$140 and combined should produce nearly \$2 million per biennium. Vote 15-2.

Amendment (1650h)

Amend the bill by replacing section 3 with the following:

3 Appropriation. The sum of \$931,000 is hereby appropriated to the department of environmental services for the biennium ending June 30, 2005 for the purpose of implementing information technology and regulatory process improvements. This appropriation is in addition to any other funds appropriated to the department. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Adopted.

Report adopted and ordered to third reading.

SB 163-FN, relative to the procedures of the health services planning and review board.

OUGHT TO PASS WITH AMENDMENT

Rep. Fran Wendelboe for Finance: This bill reflects the House's position on HB 788 which repeals the Certificate of Need board and transfers a much limited scope of regulation to the Department of Health and Human Services. The committee made several housekeeping changes in the bill as it came from the policy committee. The extension of the nursing home bed moratorium in HB 663 is codified in this bill. The additional federal revenue available due to the transfer to Health and Human Services and the additional function of data analysis were clarified. The policy committee established a three member public advisory committee to be appointed by the Governor. With the policy committee's approval, Finance added approval by the Executive Council. A section was added to further clarify the confidentiality of personal identification in the data collection portion of the bill. Finally, the effective date was changed from July 1, 2003 to upon passage. Vote 13-6.

Amendment (1824h)

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

AN ACT transferring the duties of the health services planning and review board, adding a duty to the oversight committee on health and human services, relative to certain health care data, and making an appropriation.

Amend RSA 151-C:4, III(a) as inserted by section 1 of the bill replacing it with the following:

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

Amend RSA 151-C:15 as inserted by section 1 of the bill by replacing it with the following:

151-C:15 Fees.

I.(a) In addition to any other fees required of it, each acute care hospital, specialty hospital, nursing home, and ambulatory surgical center licensed under RSA 151 shall pay an annual administrative fee. The total amount collected shall be equal to the amount actually expended in that year for the health services planning and review component of the department of health and human services or \$700,000, whichever is less. This amount shall be reduced by federal funds available to the department for such purpose. The amount to be collected shall be prorated at the end of each fiscal year among all health care facilities licensed under RSA 151, except those operated by county and municipal governments. Any acute care hospital, specialty hospital, nursing home, or ambulatory surgical center which does not pay the fee required under this paragraph in a timely manner shall not have its license renewed under RSA 151 until such time as the fee is paid.

(b) The department of health and human services may use a portion of the funds collected under subparagraph (a) for the maintenance of the health care information system under RSA 420-G:11-a.

II. All persons filing an application in response to a request for applications shall pay a fee of one percent of the total capital cost of the project with a minimum fee of \$1,500, and a maximum of \$12,000. This paragraph shall not apply to health care facilities operated by counties or municipalities.

III. Persons requesting a standard development or standard review as outlined in RSA 151-C:6 shall pay a fee of \$1,000 if the department determines that a standard review or a standard development process shall occur.

Amend RSA 151-C:16, II as inserted by section 1 of the bill by replacing it with the following:

II. The advisory committee shall consist of 3 public members, appointed by the governor and council. The members shall serve for 3-year terms and until their successors are appointed and qualified; provided, that initially one member shall serve for one year, one member for 2 years, and one member for 3 years. No member of the committee shall serve more than 2 consecutive terms. Geographic diversity shall be maintained.

Amend the bill by replacing section 16 with the following:

16 New Section; Health Care Information System. Amend RSA 420-G by inserting after section 11 the following new section:

420-G:11-a Development of a Comprehensive Health Care Information System. The department and the department of health and human services shall enter into a memorandum of understanding for collaboration in the development of a comprehensive health care information system. The memorandum of understanding shall include a description of the data sets that will be included in the comprehensive health care information system, the criteria and procedures for the development of limited use data sets, the criteria and procedures to ensure that Health Information Privacy and Accountability Act (HIPAA) compliant limited use data sets are accessible, and a proposed time frame for the creation of a comprehensive health care information system. To the extent allowed by

HIPAA, the data shall be available as a resource for insurers, employers, providers, purchasers of health care, and state agencies to continuously review health care utilization, expenditures, and performance in New Hampshire and to enhance the ability of New Hampshire consumers and employers to make informed and cost-effective health care choices. User fees shall be assessed for persons and entities requesting data available under this paragraph. Fees collected under this paragraph shall be deposited into the general fund. In presenting data for public access, comparative considerations shall be made regarding geography, demographics, general economic factors, and institutional size. Notwithstanding HIPAA or any other provision of law, the comprehensive health care information system shall not include or disclose any data that contains direct personal identifiers. For the purposes of this section, "direct personal identifiers" include information relating to an individual that contains primary or obvious identifiers, such as the individual's name, street address, e-mail address, telephone number, and social security number. Amend the bill by replacing all after section 17 with the following:

18 Appropriation. The sum of \$200,000 is hereby appropriated to the department of health and human services for the biennium ending June 30, 2005, for the purposes of the certificate of review process under section 1 of this act and for the purposes of the health care information system under section 16 of this act. This appropriation shall be contingent on the receipt of federal funds in said amount by the department. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

AMENDED ANALYSIS

This bill transfers the duties of the health services planning and review board to the department of health and human services. The bill increases the standard amounts for which a review is necessary. This bill allows applicants to be notified by electronic mail.

This bill adds a new duty to the oversight committee on health and human services.

This bill requires the department of health and human services and the insurance department to collect encrypted health insurance claims data and to collaboratively develop a comprehensive health care information system.

This bill also makes an appropriation contingent upon the receipt of certain federal funds to the department of health and human services for the purposes of the bill.

Adopted.

Rep. Sokol spoke against.

Rep. Sandra Harris spoke in favor.

Rep. Clemons requested a roll call, sufficiently seconded.

The question being adoption of the committee report.

YEAS 237 NAYS 80

YEAS 237

BELKNAP

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

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

Boyce, Laurie
Laflam, Robert
Rice, Thomas

Clark, Charles
Lawton, David
Russell, David

CARROLL

Babson, David Jr
Hatch, Paul
Mock, Henry

Brown, Carolyn
Kenney, Bettie
Patten, Betsey

Derby, Mark
McConkey, Mark
Philbrick, Donald

Dickinson, Howard
Merrow, Harry
Stevens, Stanley

CHESHIRE

Allen, Peter
Laurent, John
Richardson, Barbara

Dexter, Judson
Liebl, George
Royce, H Charles

Fish, Douglas
Manning, Joseph
Smith, Edwin

Hunt, John
Pratt, John
Webber, Amy

COOS

Brady, Mark
Richardson, Herbert

Guay, Lawrence
Stohl, Eric

King, Frederick
Theberge, Robert

Poulin, Richard
Tholl, John Jr

GRAFTON

Alger, John
Gilman, G Michael
Ingbretson, Paul
Williams, Burton

Barker, Robert
Gionet, Edmond
Maybeck, Margie

Dorsett, Andrew
Giuda, Robert
Solomon, Peter

Dudley, Terri
Ham, Bonnie
Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis
Artz, Lawrence
Bergeron, Jean-Guy
Buhlman, David
Chabot, Robert

Allan, Nelson
Balboni, Michael
Brassard, Paul
Carlson, Donald
Christensen, D L
Chris
Dokmo, Cynthia

Allen, Timothy
Barry, J Gail
Brundige, Robert
Carter, Jeffrey
Christiansen, Lars

Arnold, Thomas Jr
Beaton, William
Bruno, Pierre
Carter, Mark
Coughlin, Pamela

Crane, Elenore
Casey
Furman, Christine
Goulet, Maurice
Hall, Charles
Infantine, William
Kurk, Neal
Leach, Edward
Messier, Irene
Mosher, William
Price, Pamela
Shaw, Barbara
Tahir, Saghir

Gargas, Carolyn
Goyette, Peter Jr
Hallyburton, Margaret
Jasper, Shawn
L'Heureux, Robert
Luebkert, Bernard
Milligan, Robert
Movsesian, Lori
Reeves, Sandra
Slocum, Lee
Wheeler, James

Fields, Dennis
Gibson, John
Graham, John
Hansen, Ryan
Jean, Claudette
LaFlamme, Paul
McHugh, Claire
Mooney, Maureen
Ober, Russell III
Rowe, Robert
Stepanek, Stephen

Fletcher, Richard
Gonzalez, Carlos
Greenberg, Gary
Holden, Randolph
Johnson, Lionel
Lawrence, James
McRae, Karen
Moran, Edward
Pappas, Marc
Scanlon, Michael
Sullivan, Peter

MERRIMACK

Anderson, Eric
Hamm, Christine
Kennedy, Richard
Lockwood, Priscilla
McCormick, Tom
Owen, Derek

Currier, David
Hess, David
L'Heureux, Stephen
MacKay, James
Nutter, Edward
Seldin, Gloria

Field, William
Jacobson, Alf
Langer, Ray
Marple, Richard
Oliver, James

Foley, Albert
Kenison, Leon
Leber, William
Maxfield, Roy
Ouellette, Robert

ROCKINGHAM

Allen, Mary
Cady, Harriet
Clark, Vivian
Dearborn, Bruce
Dumaine, Dudley
Flayhan, Mary Lou
Gillick, Thomas
Hamel, Albert
Itse, Daniel
Katsakiores, Phyllis
Letourneau, Robert
McKinney, Betsy
Packard, Sherman
Rausch, James
Smith, Donald
Vallone, Matthew
Weldy, Norman Jr

Belanger, Ronald
Camm, Kevin
Cooney, Richard
DiFruscia, Anthony
Dupuis, Roland
Francoeur, Sheila
Gleason, John
Holland, James Jr
Johnson, Robert
Kobel, Rudolph
Major, Norman
McMahon, Charles
Priestley, Anne
Robertson, Carl
Smith, Paul
Varrell, Thomas
Weyler, Kenneth

Bicknell, Elbert
Carson, Sharon
Corbin, Corey
Dodge, Robert
Fesh, Bob
Gilbert, Jeffrey
Gould, Kenneth
Ingram, Russell
Johnson, Rogers
Langley, Jane
McCann, Richard
Morris, Richard
Putnam, Ed II
Roessner, Kurt
Stone, Joseph
Weare, E Albert
Winchell, George

Bridle, Russell
Casey, Kimberley
Dalrymple, Janeen
Doyle, Christopher
Flanders, John Sr
Gilbert, Karl
Griffin, Mary
Introne, Robert
Katsakiores, George
Langone, John
McEachern, Paul
O'Neil, Michael
Quandt, Matthew
Scamman, Stella
Tufts, J Arthur
Welch, David
Zolla, William

STRAFFORD

Albert, Russell
Dunlap, Patricia
Schmidt, Peter
Woods, Phyllis

Bemis, Alan
Easson, Timothy
Scott, David

Bickford, David
Harrington, Michael
Spang, Judith

Cataldo, Sam
Newton, Clifford
Twombly, James

SULLIVAN

Cloutier, John
Harris, Joseph
Phinizy, James

Donovan, Thomas
Harris, Sandra

Ferland, Brenda
Jones, Constance

Flint, Gordon Sr
Leone, Richard

NAYS 80

BELKNAP

Flanders, Donald

CARROLL

None

CHESHIRE

Batchelder, Robert
Mitchell, McKim
Tilton, Anna

Dunn, James
Parkhurst, Henry
Weed, Charles

Eaton, Daniel
Pratt, Irene

Espieffs, Peter
Robertson, Timothy

COOS

None

GRAFTON

Akins, Ralph
Densmore, Edward
Scovner, Nancy

Almy, Susan
Diamond, Estelle
Sokol, Hilda

Benn, Bernard
Hammond, Lee

Cooney, Mary
Nordgren, Sharon

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Elliott, Larry
Irwin, Anne-Marie
Kudalis, Debra
O'Brien, Lori
Ross, Lawrence
Wheeler, Robert

Buckley, Raymond
Cote, Peter
Gorman, Mary
Katsiantonis, Thomas
Lasky, Bette
Palangas, Eric
Schulze, Joan

Clayton, William
Dionne, Kimberley
Haley, Robert
Konys, Christine
Lefebvre, Roland
Pappas, Christopher
Sullivan, Francis

Clemons, Jane
Drisko, Richard
Hawkins, Ken
Kopka, Angeline
Malloy, Chris
Pilotte, Maurice
Sweeney, Cynthia

MERRIMACK

Bouchard, Candace

Brueggemann,
Donald

Clarke, Claire

Davis, Frank

DeJoie, John
Osborne, Jessie
Wallner, Mary Jane

DeStefano, Stephen
Perkins, Randy

French, Barbara
Potter, Frances

Gile, Mary
Rush, Deanna

ROCKINGHAM

Blanchard, MaryAnn
Shultis, Elizabeth

Coes, Betsy

Hughes, Daniel

Norelli, Terie

STRAFFORD

Berube, Roger
Keans, Sandra
Vachon, Dennis

Creteau, Irene
Knowles, William
Wall, Janet

Hofemann, Roland
Smith, Marjorie

Johnson, Nancy
Taylor, Kathleen

SULLIVAN

Burling, Peter

Franklin, Peter

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

SENATE MESSAGES
REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2004, and June 30, 2005. (Amendment printed SJ 6/05/03)

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

Rep. Burling spoke against.

Rep. Kurk spoke in favor.

Rep. Burling requested a roll call; sufficiently seconded.

The question being the House nonconcur and request a Committee of Conference.

YEAS 221 NAYS 98

YEAS 221

BELKNAP

Ahern, Omer Jr
Fitzgerald, James
Lawton, David
Russell, David

Bartlett, Gordon
Flanders, Donald
Nedeau, Stephen
Wendelboe, Fran

Boyce, Laurie
Holbrook, Robert
Pilliod, James
Whalley, Michael

Clark, Charles
Laflam, Robert
Rice, Thomas

CARROLL

Babson, David Jr
Hatch, Paul
Mock, Henry

Brown, Carolyn
Kenney, Bettie
Patten, Betsey

Derby, Mark
McConkey, Mark
Philbrick, Donald

Dickinson, Howard
Morrow, Harry
Stevens, Stanley

CHESHIRE

Dexter, Judson
Laurent, John
Smith, Edwin

Eaton, Daniel
Liebl, George

Fish, Douglas
Mitchell, McKim

Hunt, John
Royce, H Charles

COOS

Brady, Mark
Stohl, Eric

Guay, Lawrence
Tholl, John Jr

King, Frederick

Richardson, Herbert

GRAFTON

Akins, Ralph
Dudley, Terri
Ham, Bonnie

Alger, John
Gilman, G Michael
Ingbretson, Paul

Barker, Robert
Gionet, Edmond
Sorg, Gregory

Dorsett, Andrew
Giuda, Robert
Williams, Burton

HILLSBOROUGH

Adams, Jarvis
Artz, Lawrence
Bergeron, Jean-Guy
Carlson, Donald
Christensen, D L
Chris
Dionne, Kimberley
Fields, Dennis
Goulet, Maurice
Hall, Charles
Holden, Randolph
Kurk, Neal
Leach, Edward
Mercer, Robert
Moran, Edward

Allan, Nelson
Balboni, Michael
Brundige, Robert
Carter, Jeffrey
Christiansen, Lars
Dokmo, Cynthia
Fletcher, Richard
Goyette, Peter Jr
Hallyburton, Margaret
Infantine, William
L'Heureux, Robert
Luebker, Bernard
Messier, Irene
Mosher, William

Allen, Timothy
Barry, J Gail
Bruno, Pierre
Carter, Mark
Coughlin, Pamela
Drisko, Richard
Furman, Christine
Graham, John
Hansen, Ryan
Jasper, Shawn
LaFlamme, Paul
McHugh, Claire
Milligan, Robert
O'Brien, Lori

Arnold, Thomas Jr
Beaton, William
Buhlman, David
Chabot, Robert
Crane, Elenore
Casey
Elliott, Larry
Gonzalez, Carlos
Greenberg, Gary
Hawkins, Ken
Johnson, Lionel
Lawrence, James
McRae, Karen
Mooney, Maureen
Ober, Russell III

Pappas, Marc
Rowe, Robert
Stepanek, Stephen

Price, Pamela
Scanlon, Michael
Tahir, Saghir

Reeves, Sandra
Slocum, Lee
Wheeler, Robert

Ross, Lawrence
Spiess, Paul

MERRIMACK

Anderson, Eric
Jacobson, Alf
Langer, Ray
Marple, Richard
Oliver, James

Currier, David
Kenison, Leon
Leber, William
Maxfield, Roy
Ouellette, Robert

Field, William
Kennedy, Richard
Lockwood, Priscilla
McCormick, Tom
Wallner, Mary Jane

Foley, Albert
L'Heureux, Stephen
MacKay, James
Nutter, Edward

ROCKINGHAM

Allen, Mary
Bridle, Russell
Clark, Vivian
DiFruscia, Anthony
Dupuis, Roland
Francoeur, Sheila
Gould, Kenneth
Ingram, Russell
Johnson, Rogers
Langley, Jane
McCann, Richard
O'Neil, Michael
Quandt, Matthew
Scamman, Stella
Tufts, J Arthur
Weldy, Norman Jr

Belanger, Ronald
Cady, Harriet
Cooney, Richard
Dodge, Robert
Fesh, Bob
Gilbert, Jeffrey
Griffin, Mary
Introne, Robert
Katsakiores, George
Langone, John
McKinney, Betsy
Packard, Sherman
Rausch, James
Smith, Donald
Varrell, Thomas
Weyler, Kenneth

Bicknell, Elbert
Camm, Kevin
Dalrymple, Janeen
Doyle, Christopher
Flanders, John Sr
Gilbert, Karl
Hamel, Albert
Itse, Daniel
Katsakiores, Phyllis
Letourneau, Robert
McMahon, Charles
Priestley, Anne
Robertson, Carl
Smith, Paul
Weare, E Albert
Winchell, George

Bishop, Franklin
Carson, Sharon
Dearborn, Bruce
Dumaine, Dudley
Flayhan, Mary Lou
Gleason, John
Holland, James Jr
Johnson, Robert
Kobel, Rudolph
Major, Norman
Morris, Richard
Putnam, Ed II
Roessner, Kurt
Stone, Joseph
Welch, David
Zolla, William

STRAFFORD

Albert, Russell
Cataldo, Sam
Newton, Clifford
Woods, Phyllis

Bemis, Alan
Dunlap, Patricia
Scott, David

Berube, Roger
Easson, Timothy
Smith, Marjorie

Bickford, David
Harrington, Michael
Twombly, James

SULLIVAN

Donovan, Thomas

Flint, Gordon Sr

Jones, Constance

Leone, Richard

NAYS 98

BELKNAP

None

CARROLL

None

CHESHIRE

Allen, Peter
Manning, Joseph
Richardson, Barbara
Weed, Charles

Batchelder, Robert
Parkhurst, Henry
Robertson, Timothy

Dunn, James
Pratt, Irene
Tilton, Anna

Espieffs, Peter
Pratt, John
Webber, Amy

COOS

Poulin, Richard

Theberge, Robert

GRAFTON

Almy, Susan
Diamond, Estelle
Scovner, Nancy

Benn, Bernard
Hammond, Lee
Sokol, Hilda

Cooney, Mary
Maybeck, Margie

Densmore, Edward
Nordgren, Sharon

HILLSBOROUGH

Baroody, Benjamin	Brassard, Paul	Buckley, Raymond	Clayton, William
Clemons, Jane	Cote, David	Cote, Peter	Gargasz, Carolyn
Gibson, John	Gorman, Mary	Haley, Robert	Irwin, Anne-Marie
Jean, Claudette	Katsiantonis, Thomas	Konys, Christine	Kopka, Angeline
Kudalis, Debra	Lasky, Bette	Lefebvre, Roland	Malloy, Chris
Movsesian, Lori	Palangas, Eric	Pappas, Christopher	Pilotte, Maurice
Schulze, Joan	Shaw, Barbara	Sullivan, Francis	Sullivan, Peter
Sweeney, Cynthia	Wheeler, James		

MERRIMACK

Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	Davis, Frank
DeJoie, John	DeStefano, Stephen	French, Barbara	Gile, Mary
Hamm, Christine	Osborne, Jessie	Owen, Derek	Perkins, Randy
Potter, Frances	Rush, Deanna	Seldin, Gloria	

ROCKINGHAM

Blanchard, MaryAnn	Casey, Kimberley	Coes, Betsy	Corbin, Corey
Gillick, Thomas	Hughes, Daniel	McEachern, Paul	Norelli, Terie
Shultis, Elizabeth	Vallone, Matthew		

STRAFFORD

Creteau, Irene	Hofemann, Roland	Johnson, Nancy	Keans, Sandra
Knowles, William	Rollo, Deanna	Schmidt, Peter	Spang, Judith
Taylor, Kathleen	Vachon, Dennis	Wall, Janet	

SULLIVAN

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

and the motion was adopted.

The Speaker appointed Reps. Kurk, Whalley, Weyler, Rogers Johnson and Wallner.

Alternates: Wendelboe, Emerton, Stone, Major and Marjorie Smith.

Rep. Maybeck voted nay and intended to vote yea.

Rep. Solomon did not vote and wished to be recorded against.

HB 2-FN-A, relative to state fees, funds, revenues, and expenditures.

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

Adopted.

The Speaker appointed Reps. Kurk, Weyler, Whalley, Giuda and Wallner. Alternates:

Emerton, Wendelboe, Stone, Rogers Johnson and Marjorie Smith.

HB 25-FN-A, making appropriations for capital improvements.

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

Adopted.

The Speaker appointed Reps. Edwin Smith, Leber, Rauch, Weyler and Candace Bouchard.

Alternates: Francoeur, Holland, Dodge and Cloutier.

CONCURRENCES

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

SB 119, relative to medical and hospital liability insurance.

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

SB 136, relative to liability for hazardous materials accidents.

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

reencoder to defraud.

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

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

SB 162, establishing a committee to study water resources.

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

SB 184, relative to reinsurance.

REGULAR CALENDAR (CONT'D.)

SB 223-FN-A, relative to fees for copies of motor vehicle records and relative to the fire standards and training and emergency medical services fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Frederick W. King for Finance: This bill increases the fees charged to insurance companies for motor vehicle records by \$1.00 – from \$7.00 to \$8.00. The increased revenue will pay expenses of the Division of Fire Safety and Emergency Management. The amendment provides that any funds in excess of budgetary amounts will not be spent without the approval of the Fiscal Committee. Vote 16-2.

Amendment (1676h)

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

AN ACT relative to fees for copies of motor vehicle records, relative to the fire standards and training and emergency medical services fund, and relative to the fire standards and training and emergency medical services report and budget.

Amend the bill by replacing section 1 with the following:

1 Fire Standards and Training and Emergency Medical Services Fund. Amend RSA 21-P:12-d to read as follows:

21-P:12-d Fire Standards and Training and Emergency Medical Services Fund. There is established in the office of the state treasurer a separate, nonlapsing~~[-and continually appropriated]~~ fund to be known as the fire standards and training and emergency medical services fund from which the state treasurer shall pay expenses ~~[as determined by the commissioner of safety]~~ incurred in the administration of the division of fire standards and training, under RSA 21-P:12-a, ~~[and]~~ the division of emergency medical services, under RSA 21-P:12-b, **and the division of fire safety and emergency management, under RSA 21-P:12. If the expenditure of additional funds over budget estimates is necessary for the proper functioning of the division of fire standards and training, the division of emergency medical services, or the division of fire safety and emergency management, the department of safety may request, with prior approval of the fiscal committee of the general court, the transfer of funds from the fire standards and training and emergency medical services funds to the department of safety for such purposes.**

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

3 Fire Standards and Training and Emergency Medical Services Report and Budget; Fire Safety and Emergency Management Added. Amend RSA 21-P:12-e to read as follows:

21-P:12-e Fire Standards and Training, ~~[and]~~ Emergency Medical Services, **and Fire Safety and Emergency Management** Report and Budget.

I. The department of safety shall submit an annual report, ~~[beginning on July 1, 2002]~~ **by October 1 of each year**, to the speaker of the house **of representatives**, president of the senate, and the governor and council which shall include, but not be limited to, training and educational programs offered or contracted by the divisions of fire standards and training, ~~[and]~~ emergency medical services, **and fire safety and emergency management**, the development of the technological advancements in division programs, the revenue generated from the sale of motor vehicle records, the budget and revenue projections of ~~[both]~~ **the 3** divisions, the degree of coordination with municipal fire and emergency

medical services departments, and the extent of direct aid to municipalities and mutual aid associations.

II. In addition to or in conjunction with the operating budget of the department of safety, the department shall submit a budget for the biennium beginning July 1, 2003, and for each biennium thereafter, which shall include financial responsibility for and the costs of all training and educational programs offered or contracted by the divisions of fire standards and training, ~~and~~ emergency medical services, **and fire safety and emergency management**, the development of technological advancements in division programs, the revenue generated from the sale of motor vehicle records, the extent of direct aid to municipalities and mutual aid associations, and all revenues and expenditures of the dedicated fund established in RSA 21-P:12-d.

AMENDED ANALYSIS

This bill:

I. Deletes the continual appropriation of the fire standards and training and emergency medical services fund.

II. Authorizes use of the fire standards and training and emergency medical services fund to pay the expenses of administration of the division of fire safety and emergency management.

III. Increases the fee charged to insurance companies and other authorized agents for copies of motor vehicle records.

IV. Adds the division of fire safety and emergency management to the department of safety's fire standards and training and emergency medical services report and budget requirements, and specifies that such reports shall be submitted by October 1 of each year.

This bill is a request of the department of safety.

Adopted.

Rep. Buckley requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 206 NAYS 113

YEAS 206

BELKNAP

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

Boyce, Laurie
Holbrook, Robert
Pilliod, James

Clark, Charles
Laflam, Robert
Rice, Thomas

Fitzgerald, James
Lawton, David
Russell, David

CARROLL

Babson, David Jr
Hatch, Paul
Patten, Betsey

Brown, Carolyn
Kenney, Bettie
Philbrick, Donald

Derby, Mark
McConkey, Mark
Stevens, Stanley

Dickinson, Howard
Merrow, Harry

CHESHIRE

Allen, Peter
Hunt, John
Parkhurst, Henry

Dexter, Judson
Laurent, John
Royce, H Charles

Eaton, Daniel
Liebl, George
Smith, Edwin

Fish, Douglas
Manning, Joseph

COOS

Brady, Mark
Stohl, Eric

Guay, Lawrence
Theberge, Robert

King, Frederick
Tholl, John Jr

Richardson, Herbert

GRAFTON

Akins, Ralph
Dorsett, Andrew
Ham, Bonnie
Sokol, Hilda

Almy, Susan
Dudley, Terri
Hammond, Lee
Solomon, Peter

Barker, Robert
Gilman, G Michael
Maybeck, Margie
Williams, Burton

Cooney, Mary
Giuda, Robert
Nordgren, Sharon

HILLSBOROUGH

Allan, Nelson	Arnold, Thomas Jr	Artz, Lawrence	Barry, J Gail
Beaton, William	Bergeron, Jean-Guy	Brassard, Paul	Brundige, Robert
Bruno, Pierre	Buhlman, David	Carlson, Donald	Carter, Mark
Chabot, Robert	Christensen, D L	Coughlin, Pamela	Dokmo, Cynthia
	Chris		
Drisko, Richard	Fields, Dennis	Fletcher, Richard	Furman, Christine
Gargas, Carolyn	Gibson, John	Gonzalez, Carlos	Goulet, Maurice
Goyette, Peter Jr	Graham, John	Greenberg, Gary	Hall, Charles
Hallyburton, Margaret	Irwin, Anne-Marie	Jasper, Shawn	Johnson, Lionel
Katsiantonis, Thomas	Konys, Christine	Kurk, Neal	L'Heureux, Robert
LaFlamme, Paul	Leach, Edward	McHugh, Claire	Mercer, Robert
Messier, Irene	Milligan, Robert	Mooney, Maureen	Moran, Edward
Mosher, William	O'Brien, Lori	Pappas, Christopher	Pappas, Marc
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Ross, Lawrence
Rowe, Robert	Scanlon, Michael	Schulze, Joan	Spiess, Paul
Stepanek, Stephen	Tahir, Saghir	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Clarke, Claire	Currier, David	Field, William
Hess, David	Jacobson, Alf	Kenison, Leon	Kennedy, Richard
L'Heureux, Stephen	Leber, William	Lockwood, Priscilla	MacKay, James
Marple, Richard	Maxfield, Roy	McCormick, Tom	Nutter, Edward
Oliver, James	Perkins, Randy		

ROCKINGHAM

Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn	Bridle, Russell
Camm, Kevin	Carson, Sharon	Clark, Vivian	Cooney, Richard
Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony	Dodge, Robert
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Gillick, Thomas	Gleason, John	Gould, Kenneth
Griffin, Mary	Hamel, Albert	Holland, James Jr	Hughes, Daniel
Ingram, Russell	Introne, Robert	Johnson, Robert	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langone, John
Letourneau, Robert	Major, Norman	McCann, Richard	McKinney, Betsy
Morris, Richard	Norelli, Terie	O'Neil, Michael	Priestley, Anne
Rausch, James	Roessner, Kurt	Scamman, Stella	Smith, Donald
Stone, Joseph	Tufts, J Arthur	Varrell, Thomas	Weare, E Albert
Welch, David	Weldy, Norman Jr	Weyler, Kenneth	Winchell, George
Zolla, William			

STRAFFORD

Bemis, Alan	Berube, Roger	Bickford, David	Cataldo, Sam
Creteau, Irene	Dunlap, Patricia	Johnson, Nancy	Knowles, William
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Twombly, James	Wall, Janet		

SULLIVAN

Burling, Peter	Donovan, Thomas	Ferland, Brenda	Flint, Gordon Sr
Leone, Richard			

NAYS 113

BELKNAP

Ahern, Omer Jr	Wendelboe, Fran
----------------	-----------------

CARROLL

Mock, Henry

CHESHIRE

Batchelder, Robert	Dunn, James	Espieffs, Peter	Mitchell, McKim
Pratt, Irene	Richardson, Barbara	Robertson, Timothy	Tilton, Anna
Webber, Amy	Weed, Charles		

COOS

Poulin, Richard

GRAFTON

Alger, John	Benn, Bernard	Densmore, Edward	Diamond, Estelle
Gionet, Edmond	Ingretson, Paul	Scovner, Nancy	Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis	Allen, Timothy	Balboni, Michael	Baroody, Benjamin
Buckley, Raymond	Carter, Jeffrey	Christiansen, Lars	Clayton, William
Clemons, Jane	Cote, David	Cote, Peter	Crane, Elenore
			Casey
Dionne, Kimberley	Elliott, Larry	Gorman, Mary	Haley, Robert
Hansen, Ryan	Hawkins, Ken	Holden, Randolph	Infantine, William
Jean, Claudette	Kopka, Angeline	Kudalis, Debra	Lasky, Bette
Lawrence, James	Lefebvre, Roland	Luebker, Bernard	Malloy, Chris
McRae, Karen	Movsesian, Lori	Ober, Russell III	Palangas, Eric
Shaw, Barbara	Slocum, Lee	Sullivan, Francis	Sullivan, Peter
Sweeney, Cynthia	Wheeler, James		

MERRIMACK

Bouchard, Candace	Brueggemann, Donald	Davis, Frank	DeJoie, John
DeStefano, Stephen	Foley, Albert	French, Barbara	Gile, Mary
Hamm, Christine	Langer, Ray	Osborne, Jessie	Owen, Derek
Potter, Frances	Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane

ROCKINGHAM

Allen, Mary	Bicknell, Elbert	Cady, Harriet	Casey, Kimberley
Coes, Betsy	Corbin, Corey	Doyle, Christopher	Dupuis, Roland
Flayhan, Mary Lou	Gilbert, Karl	Itse, Daniel	Langley, Jane
McEachern, Paul	McMahon, Charles	Packard, Sherman	Putnam, Ed II
Quandt, Matthew	Robertson, Carl	Shultis, Elizabeth	Smith, Paul
Vallone, Matthew			

STRAFFORD

Albert, Russell	Easson, Timothy	Harrington, Michael	Hofemann, Roland
Keans, Sandra	Newton, Clifford	Rollo, Deanna	Scott, David
Vachon, Dennis	Woods, Phyllis		

SULLIVAN

Cloutier, John	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Phinizy, James		

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

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

OUGHT TO PASS WITH AMENDMENT

Rep. James E. Twombly for Municipal and County Government: The committee considered and debated existing and proposed legislation concerning property tax exemptions and credits having to do with veterans, the elderly and the disabled. The original SB 45 had all the exemptions and credits in RSA 72 in one bill instead of the separate bills that were

passed by the House: HB 108 - relative to the adoption of an optional veterans' property tax credit; HB 424 - relative to a net asset qualification for the elderly property tax exemption, and clarifying certain references in property tax exemptions; HB 466 – relative to the adoption procedure for property tax exemptions and credits; and HB 467 - allowing towns or cities to increase the property tax credit for service-connected total disability, and relative to the date for filing for exemptions and tax credits. Currently there are differences in the enactment procedures for all exemptions and credits. The committee researched this issue and determined that having a uniform enactment procedure for adopting or modifying property tax exemptions or credits in RSA 72 would simplify the procedure at the local level. Throughout SB 45, these enactment procedures are referenced and codified. The filing date for exemptions and credits has been changed from March 1 or August 15 prior to the setting of the tax rate to April 15 preceding the setting of the tax rate. This bill enables the political subdivisions to increase the optional veterans tax credits from \$51 up to \$500, the optional service-connected total disabled veterans tax credit from \$701 up to \$2,000 and states that it is either the standard or the optional tax credit that the veteran can receive, not both. This bill also lowers the residency requirement for a disabled person applying for a deferral of property taxes from five years to one year. This bill also enables the political subdivisions to change the elderly exemption income and asset requirement by allowing differing age groups to have different assets and income. This amendment is a conscientious effort to codify and clarify this complicated subject regarding exemptions, credits and deferrals Vote 15-0.

Amendment (1831h)

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

AN ACT relative to the adoption procedure, eligibility, and amounts of property tax exemptions and credits and the property tax deferral program.

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

1 New Section; Procedure for Adoption, Modification, or Recission. Amend RSA 72 by inserting after section 27 the following new section:

72:27-a Procedure for Adoption, Modification, or Recission.

I. Any town or city may adopt the optional provisions of RSA 72:28, RSA 72:29-a, RSA 72:35, RSA 72:37, RSA 72:37-b, RSA 72:39-a, RSA 72:62, RSA 72:66, or RSA 72:70 in the following manner:

(a) In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition pursuant to RSA 39:3.

(b) In a city or town that has adopted a charter pursuant to RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such municipality may vote to place the question on the official ballot for any regular municipal election.

II. The vote shall specify the provisions of the property tax exemption or credit, the amount or such exemption or credit, and the manner of its determination, as listed in paragraph I. The exemption or credit shall take effect in the tax year beginning April 1 following its adoption.

III. A municipality may modify, if applicable, or rescind the exemption or credits provided in paragraph I in the manner described in this section.

IV. An amendment to a statutory provision listed in paragraph I related to an exemption or credit amount or to the eligibility or application of an exemption or credit, shall apply in a municipality which previously adopted the provision only after the municipality complies with the procedure in this section, unless otherwise expressly required by law.

2 Veterans' Tax Credit; Optional Credit Changed. RSA 72:28 is repealed and reenacted to read as follows:

72:28 Standard and Optional Veterans' Tax Credit.

- I. The standard veterans' tax credit shall be \$50.
- II. The optional veterans' tax credit, upon adoption by a city or town pursuant to RSA 72:27-a, shall be an amount from \$51 up to \$500. The optional veterans' tax credit shall replace the standard veterans' tax credit in its entirety and shall not be in addition thereto.
- III. Either the standard veterans' tax credit or the optional veterans' tax credit shall be subtracted each year from the property tax on the veteran's residential property. However, the surviving spouse of a resident who suffered a service-connected death may have the amount subtracted from the property tax on any real property in the same municipality where the surviving spouse is a resident.
- IV. The following persons shall qualify for the standard veterans' tax credit or the optional veterans' tax credit:
 - (a) Every resident of this state who served not less than 90 days in the armed forces of the United States in any qualifying war or armed conflict listed in this section and was honorably discharged or an officer honorably separated from service; or the spouse or surviving spouse of such resident;
 - (b) Every resident of this state who was terminated from the armed forces because of service-connected disability; or the surviving spouse of such resident; and
 - © The surviving spouse of any resident who suffered a service-connected death.
- V. Service in a qualifying war or armed conflict shall be as follows:
 - (a) "Spanish War" between April 21, 1898 and April 11, 1899;
 - (b) "Philippine Insurrection" between April 12, 1899 and July 4, 1902, extended to July 15, 1903 for service in the Moro Provinces;
 - © "Boxer Rebellion" between June 16, 1900 and May 2, 1901;
 - (d) "World War I" between April 6, 1917 and November 11, 1918, extended to April 1, 1920 for service in Russia; provided that military or naval service on or after November 12, 1918 and before July 2, 1921, where there was prior service between April 6, 1917 and November 11, 1918 shall be considered as World War I service;
 - (e) "World War II" between December 7, 1941 and December 31, 1946;
 - (f) "Korean Conflict" between June 25, 1950 and January 31, 1955;
 - (g) "Vietnam Conflict" between December 22, 1961 and May 7, 1975;
 - (h) "Vietnam Conflict" between July 1, 1958 and December 22, 1961, if the resident earned the Vietnam service medal or the armed forces expeditionary medal; and
 - (i) Any other war or armed conflict that has occurred since May 8, 1975, and in which the resident earned an armed forces expeditionary medal or theater of operations service medal.

3 Veterans' Credit; Surviving Spouse; Reference Changed. Amend RSA 72:29-a, II to read as follows:

II. Upon the adoption of this paragraph by a city or town as provided in RSA ~~[72:29-b]~~ **72:27-a**, the surviving spouse of any person who was killed or died while on active duty in the armed forces of the United States or any of the armed forces of any of the governments associated with the United States in the wars, conflicts or armed conflicts, or combat zones set forth in RSA 72:28, shall receive a tax credit in the amount ~~[of \$1,400]~~ **from \$701 up to \$2,000** for the taxes due upon the surviving spouse's real and personal property, whether residential or not, in the same municipality where the surviving spouse is a resident.

4 Reference Changed; Proration of Credit. Amend RSA 72:30 to read as follows:

72:30 Proration of Tax Credit. If any entitled person or persons shall own a fractional interest in residential real estate, each such entitled person shall be granted a tax credit in proportion to his **or her** interest therein with other persons so entitled, but in no case shall the total tax credit exceed the tax credit allowed under RSA 72:28, **I or II** ~~[or V]~~, except as provided in RSA 72:31.

5 Reference Changed; Husband and Wife. Amend RSA 72:31 to read as follows:

72:31 Husband and Wife. A husband and wife, each qualifying for a tax credit, shall each be granted a tax credit upon their residential real estate as provided under RSA 72:28, **I or II [and V]**.

6 Application for Exemptions or Tax Credits; Filing Date Changed in 2005. Amend RSA 72:33 to read as follows:

72:33 Application for Exemption or Tax Credit.

I. ~~[Except as provided in RSA 72:33 b,]~~ No person shall be entitled to the exemptions~~[- deferrals,]~~ or tax credits provided by RSA 72:28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, ~~[38-a,]~~ 39-b, 62, 66, and 70 unless the person has filed with the selectmen or assessors, by ~~[March 1 following the date of notice of tax under RSA 72:1 d]~~ **April 15 preceding the setting of the tax rate**, a permanent application therefor, signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing that the applicant is the true and lawful owner of the property on which the exemption~~[- deferral,]~~ or tax credit is claimed and that the applicant was duly qualified upon April 1 of the year in which the exemption~~[- deferral,]~~ or tax credit is first claimed, or, in the case of financial qualifications, that the applicant is duly qualified at the time of application. The form shall include the following and such other information deemed necessary by the commissioner:

(a) Instructions on completing and filing the form, including an explanation of the grounds for requesting tax exemptions~~[- deferrals,]~~ and credits pursuant to RSA 72.

(b) Sections for information concerning the applicant, the property for which the relief is sought, and other properties owned by the person applying.

© A section explaining the appeal procedure and stating the appeal deadline in the event the municipality denies the tax relief request in whole or in part.

(d) A place for the applicant's signature with a certification by the person applying that the application has a good faith basis and the facts in the application are true.

I-a. If any person, otherwise qualified to receive an exemption or credit, shall satisfy the selectmen or assessors that he or she was prevented by accident, mistake, or misfortune from filing a permanent application or amended permanent application on or before April 15 of the year in which he or she desires the exemption to begin, said officials may receive the application at a later date and grant an exemption or credit for that year; but no such application shall be received or exemption or credit granted after the local tax rate has been approved for that year.

II. Any person who changes residence after filing such a permanent application shall file an amended permanent application on or before December 1 immediately following the change of residence. The filing of the permanent application shall be sufficient for said persons to receive these exemptions or tax credits on an annual basis so long as the applicant does not change residence~~[- provided, however, that towns and cities may require an annual application for the tax deferral authorized for the elderly and disabled by RSA 72:38 a].~~

III. If the selectmen or assessors are satisfied that the applicant has willfully made any false statement in the application to obtain an exemption or tax credit, they may refuse to grant the exemption or tax credit.

IV. ~~[Repealed.]~~

V. In addition to the above requirements, applicants for exemption who claim ownership pursuant to RSA 72:29, V shall file with their application an additional statement signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing they meet the requirements of RSA 72:29, V.

VI. The assessing officials may require applicants for any exemption or tax credit to file the information listed in RSA 72:34, or the statement required by RSA 72:33, V periodically but no more frequently than annually. Failure to file such periodic statements may, at the discretion of the assessing officials, result in a loss of the exemption or tax credit for that year.

7 Investigation of Application. Amend the introductory paragraph of RSA 72:34, I to read as follows:

I. On receipt of an application provided for in RSA 72:33 **or RSA 72:38-a**, the selectmen or assessors shall examine it as to the right to the tax exemption, tax deferral or tax credit, the ownership of the property listed, and, if necessary, the encumbrances reported.

8 Tax Credit for Service-Connected Disability; Optional Amount Increased. Amend RSA 72:35 to read as follows:

72:35 Tax Credit for Service-Connected Total Disability.

I. Any person who has been honorably discharged or an officer honorably separated from the military service of the United States and who has total and permanent service-connected disability, or who is a double amputee or paraplegic because of service-connected injury, or the surviving spouse of such a person, shall receive a **standard** yearly tax credit in the amount of \$700 of property taxes on the person's residential property.

I-a. The optional tax credit for service-connected total disability, upon adoption by a city or town pursuant to RSA 72:27-a, shall be an amount from \$701 up to \$2,000. The optional tax credit for service-connected total disability shall replace the standard tax credit in its entirety and shall not be in addition thereto.

I-b. Either the standard tax credit for service-connected total disability or the optional tax credit for service-connected total disability shall be subtracted each year from the property tax on the person's residential property.

II. The **standard or optional** tax credit ~~[in paragraph I]~~ **under this section** may be applied only to property which is occupied as the principal place of abode by the disabled person or the surviving spouse. The tax credit may be applied to any land or buildings appurtenant to the residence or to manufactured housing if that is the principal place of abode.

III.(a) Any person applying for the **standard or optional** tax credit ~~[granted in paragraph I]~~ **under this section** shall furnish to the assessors or selectmen certification from the United States Department of Veterans' Affairs that the applicant is rated totally and permanently disabled from service connection. The assessors or selectmen shall accept such certification as conclusive on the question of disability unless they have specific contrary evidence and the applicant, or the applicant's representative, has had a reasonable opportunity to review and rebut that evidence. The applicant shall also be afforded a reasonable opportunity to submit additional evidence on the question of disability.

(b) Any decision to deny an application shall identify the evidence upon which the decision relied and shall be made within the time period provided by law.

© Any tax credit shall be divided evenly among the number of tax payments required annually by the town or city so that a portion of the tax credit shall apply to each tax payment to be made.

~~[IV.(a) Upon its adoption by a city or town as provided in RSA 72:35 a, any person who has been honorably discharged or an officer honorably separated from the military service of the United States and who has total and permanent service connected disability, or who is a double amputee or paraplegic because of service connected injury, or the surviving spouse of such a person, shall receive a yearly tax credit in the amount of \$1,400 of property taxes on the person's residential property.~~

~~(b) The tax credit in subparagraph (a) may be applied only to property which is occupied as the principal place of abode by the disabled person or the surviving spouse. The tax credit may be applied to the taxes due on any land or buildings appurtenant to the residence or to manufactured housing, if that is the principal place of abode.~~

~~© Applications for this credit shall be made in the manner prescribed by paragraph III. Any tax credit shall be divided evenly among the number of tax payments required annually by the town or city so that a portion of the tax credit shall apply to each tax payment to be made.]~~

9 Interpretation; Rules. Amend RSA 72:36, I to read as follows:

I. ~~[His]~~ **The commissioner's** interpretation of RSA 72:28, ~~[72:28-a]~~ 72:29, 72:29-a, ~~[72:29-b]~~ 72:30, 72:31, 72:32, 72:33, 72:33-a, 72:34, 72:34-a, 72:35, ~~[72:35-a]~~ and 72:36-a; and

10 Exemption for the Blind; Reference Changed. Amend RSA 72:37 to read as follows:

72:37 Exemption for the Blind. Every inhabitant who is legally blind as determined by the blind services program, bureau of vocational rehabilitation, department of education shall be exempt each year on the assessed value, for property tax purposes, of his or her residential real estate to the value of \$15,000, and a city or town may exempt any amount it may determine is appropriate to address significant increases in property values in accordance with the procedures in RSA ~~[72:36-b]~~ **72:27-a**. The term "residential real estate" as used in this section shall mean the same as defined in RSA 72:29. All applications made under this section shall be subject to the provisions of RSA 72:33 and RSA 72:34.

11 Exemption for the Disabled; Optional Extension Added. Amend RSA 72:37-b to read as follows:

72:37-b Exemption for the Disabled.

I. Upon its adoption by a city or town as provided in RSA ~~[72:37-e]~~ **72:27-a**, any person who is eligible under Title II or Title XVI of the federal Social Security Act for benefits to the disabled shall receive a yearly exemption in an amount to be chosen by the town or city.

I-a. Upon the adoption of this paragraph by a city or town as provided in RSA 72:27-a, a person eligible under Title II or Title XVI of the federal Social Security Act on his or her sixty-fifth birthday shall remain eligible for a yearly exemption either in the amount of the exemption applicable under paragraph I or the amount of the elderly exemption granted to the person under RSA 72:39-b, whichever is greater.

II. The ~~[exemption]~~ **exemptions** in paragraph I **and I-a** may be applied only to property which is occupied as the principal place of abode by the disabled person. The exemption may be applied to any land or buildings appurtenant to the residence or to manufactured housing if that is the principal place of abode. ***Nothing in this section shall preclude a qualified applicant from earning an income.***

III. No exemption shall be allowed under paragraph I or I-a unless the person applying for an exemption:

(a) Had, in the calendar year preceding said April 1, a net income from all sources, or if married, a combined net income from all sources, of not more than the respective amount determined by the city or town for purposes of paragraph I or I-a. Under no circumstances shall the amount determined by the city or town be less than \$13,400 for a single person or \$20,400 for married persons. The net income shall be determined by deducting from all moneys received, from any source including social security or pension payments, the amount of any of the following or the sum thereof:

(1) Life insurance paid on the death of an insured.

(2) Expenses and costs incurred in the course of conducting a business enterprise.

(3) Proceeds from the sale of assets.

(b) Owns net assets not in excess of the amount determined by the city or town for purposes of paragraph I, excluding the value of the person's actual residence and the land upon which it is located up to the greater of 2 acres or the minimum single family residential lot size specified in the local zoning ordinance. The amount determined by the city or town shall not be less than \$35,000 or, if married, combined net assets in such greater amount as may be determined by the town or city. "Net assets" means the value of all assets, tangible and intangible, minus the value of any good faith encumbrances. "Residence" means the housing unit, and related structures such as an unattached garage or woodshed, which is

the person's principal home, and which the person in good faith regards as home to the exclusion of any other places where the person may temporarily live. "Residence" shall exclude attached dwelling units and unattached structures used or intended for commercial or other nonresidential purposes.

IV. Additional requirements for an exemption under paragraph I or I-a shall be that the property is:

- (a) Owned by the resident;**
- (b) Owned by a resident jointly or in common with the resident's spouse, either of whom meets the requirements for the exemption claimed;**
- © Owned by a resident jointly or in common with a person not the resident's spouse, if the resident meets the applicable requirements for the exemption claimed; or**
- (d) Owned by a resident, or the resident's spouse, either of whom meets the requirements for the exemption claimed, and when they have been married to each other for at least 5 consecutive years.**

12 Tax Deferral for Elderly and Disabled; Residency for Disabled Applicant. Amend RSA 72:38-a, I(b) to read as follows:

(b) Has owned the homestead for at least 5 **consecutive** years **if the person qualifies as an elderly applicant, or has owned the homestead for at least one year if the person qualifies as a disabled applicant;** and

13 New Paragraph; Tax Deferral for the Elderly or Disabled. Amend RSA 72:38-a by inserting after paragraph II the following new paragraph:

II-a. No person shall be entitled to the deferral under this section unless the person has filed with the selectmen or assessors, by March 1 following the date of notice of tax under RSA 72:1-d a permanent application therefor, signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing that the applicant is the true and lawful owner of the property on which the deferral is claimed and that the applicant is duly qualified at the time of application. Any person who changes residence after filing such a permanent application shall file an amended permanent application on or before December 1 immediately following the change of residence. The filing of the permanent application shall be sufficient for said persons to receive a deferral on an annual basis so long as the applicant does not change residence; provided, however, that towns and cities may require an annual application for the tax deferral authorized for the elderly and disabled by this section. The form shall include the following and such other information deemed necessary by the commissioner:

(a) Instructions on completing and filing the form, including an explanation of the grounds for requesting a deferral.

(b) Sections for information concerning the applicant, the property for which the relief is sought, and other properties owned by the person applying.

© A section explaining the appeal procedure and stating the appeal deadline in the event the municipality denies the tax relief request in whole or in part.

(d) A place for the applicant's signature with a certification by the person applying that the application has a good faith basis and the facts in the application are true.

14 Conditions for Elderly Exemption; Consecutive Years of Residence; Net Income and Assets for Married Persons. Amend RSA 72:39-a, I to read as follows:

I. No exemption shall be allowed under RSA 72:39-b unless the person applying therefor:

(a) Has resided in this state for at least 5 **consecutive** years preceding April 1 in the year in which the exemption is claimed.

(b) Had in the calendar year preceding said April 1 a net income from all sources, or if married, a combined net income from all sources, of not more than the respective amount **applicable to each age group as** determined by the city or town for purposes of RSA 72:39-b. Under no circumstances shall the amount determined by the city or town be

less than \$13,400 for a single person or \$20,400 for married persons. The net income shall be determined by deducting from all moneys received, from any source including social security or pension payments, the amount of any of the following or the sum thereof:

- (1) Life insurance paid on the death of an insured;
- (2) Expenses and costs incurred in the course of conducting a business enterprise;
- (3) Proceeds from the sale of assets.

© Owns net assets not in excess of the amount determined by the city or town for purposes of RSA 72:39-b, excluding the value of the person's actual residence and the land upon which it is located up to the greater of 2 acres or the minimum single family residential lot size specified in the local zoning ordinance. The amount determined by the city or town shall not be less than \$35,000. ***A city or town may set a combined net assets amount for married persons in such greater amount as the legislative body of the city or town may determine.*** "Net assets" means the value of all assets, tangible and intangible, minus the value of any good faith encumbrances. "Residence" means the housing unit, and related structures such as an unattached garage or woodshed, which is the person's principal home, and which the person in good faith regards as home to the exclusion of any other places where the person may temporarily live. "Residence" shall exclude attached dwelling units and unattached structures used or intended for commercial or other nonresidential purposes.

15 New Paragraph; Exemption for Surviving Spouse; Combined Net Asset Amount. Amend RSA 72:39-a by inserting after paragraph II the following new paragraph:

III. Upon the death of an owner residing with a spouse pursuant to paragraph II(b) or II(d), the combined net asset amount for married persons determined by the city or town shall continue to apply to the surviving spouse for the purpose of the exemption granted under RSA 72:39-b until the sale or transfer of the property by the surviving spouse or until the remarriage of the surviving spouse.

16 Procedure for Adoption and Modification of the Elderly Exemption. RSA 72:39-b is repealed and reenacted to read as follows:

72:39-b Procedure for Adoption and Modification of Elderly Exemption.

I. A town or city may adopt or modify elderly exemptions by the procedure in RSA 72:27-a.

II. An elderly exemption, based on assessed value for qualified taxpayers, shall be granted for a different dollar amount determined by the town or city, to a person 65 years of age up to 75 years, to a person 75 years of age up to 80 years, and to a person 80 years of age or older. To qualify, the person must have been a New Hampshire resident for at least 5 consecutive years, own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married to each other for at least 5 consecutive years. In addition, the taxpayer must have a net income in each applicable age group of not more than a dollar amount determined by the town or city of not less than \$13,400 or, if married, a combined net income of not more than a dollar amount determined by the town or city of not less than \$20,400; and own net assets not in excess of a dollar amount determined by the town or city of not less than \$35,000 excluding the value of the person's residence or, if married, combined net assets not in excess of a dollar amount determined by the town or city of not less than \$35,000 excluding the value of the residence. Under no circumstances shall the amounts of the exemption for any age category be less than \$5,000. The combined net asset amount for married persons shall apply to a surviving spouse until the sale or transfer of the property by the surviving spouse or until the remarriage of the surviving spouse.

17 Exemption for the Solar Energy Systems; Reference Changed. Amend RSA 72:62 to read as follows:

72:62 Exemption for Solar Energy Systems. Each city and town may adopt under RSA ~~[72:63]~~ **72:27-a** an exemption from the assessed value, for property tax purposes, for persons owning real property which is equipped with a solar energy system as defined in RSA 72:61.

18 Exemption for the Wind-Powered Energy Systems; Reference Changed. Amend RSA 72:66 to read as follows:

72:66 Exemption for Wind-Powered Energy Systems. Each city and town may adopt under RSA ~~[72:67]~~ **72:27-a** an exemption from the assessed value, for property tax purposes, for persons owning real property which is equipped with a wind-powered energy system.

19 Exemption for the Woodheating Energy Systems; Reference Changed. Amend RSA 72:70 to read as follows:

72:70 Exemption for Woodheating Energy Systems. Each city and town may adopt under RSA ~~[72:71]~~ **72:27-a** an exemption from the assessed value, for property tax purposes, for persons owning real property which is equipped with a woodheating energy system

20 Reference Changed; Special Number Plates. Amend RSA 261:86, I© and (d) to read as follows:

© Is a former prisoner of war and was captured and incarcerated while serving in a qualifying war or armed conflict as defined in RSA ~~[72:28, IV]~~ **72:28, V**, and who was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances. The plates shall be transferable upon death to the surviving spouse of the prisoner of war. The surviving spouse shall be entitled to the plate as long as he or she lives, unless he or she remarries.

(d) Was awarded the Purple Heart medal in a qualifying war or armed conflict as defined in RSA ~~[72:28, IV]~~ **72:28, V**, and who was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances.

21 Reference Changed; Motor Vehicles; Exemption for Prisoners of War. Amend RSA 261:157-a to read as follows:

261:157-a Exemption for Prisoners of Wars. The legislative body of a city or town may adopt an ordinance waiving the fee to be charged for a permit to register one motor vehicle owned by any person who was captured and incarcerated for 30 days or more while serving in a qualifying war or armed conflict as defined in RSA ~~[72:28, IV]~~ **72:28, V**, and who was honorably discharged, provided the person has provided the city or town clerk with satisfactory proof of these circumstances.

22 Reference Changed; Veterans Preference. Amend RSA 283:8, I and II to read as follows:

I. The term “armed forces” shall include those forces listed in RSA ~~[72:28, I]~~ **72:28, IV**.

II. The terms “in time of war” and “during any war” shall include all the terms used in RSA ~~[72:28, III]~~ **72:28, V**.

23 Contingent Amendment; HB 806. Amend the introductory paragraph of RSA 72:27-a, I to read as follows

I. Any town or city may adopt the provisions of RSA 72:28, RSA 72:29-a, RSA 72:35, RSA 72:37, RSA 72:37-b, **RSA 72:38-b**, RSA 72:39-a, RSA 72:62, RSA 72:66, or RSA 72:70 in the following manner:

24 Contingent Amendment; HB 806. RSA 72:38-b, VI is repealed and reenacted to read as follows:

VI. Any town or city may adopt, modify, or rescind the provisions of this section in the manner provided in RSA 72:27-a.

25 Contingent Amendment; HB 806 Application for Exemptions or Tax Credits. Amend the introductory paragraph of RSA 72:33, I to read as follows:

I. Except as provided in RSA 72:33-b, no person shall be entitled to the exemptions, deferrals, or tax credits provided by RSA 72:28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, 38-a, **38-b**, 39-b, 62, 66, and 70 unless the person has filed with the selectmen or assessors, by March 1 following the date of notice of tax under RSA 72:1-d, a permanent application therefor, signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing that the applicant is the true and lawful owner of the property on which the exemption, deferral, or tax credit is claimed and that the

applicant was duly qualified upon April 1 of the year in which the exemption, deferral, or tax credit is first claimed, or, in the case of financial qualifications, that the applicant is duly qualified at the time of application. The form shall include the following and such other information deemed necessary by the commissioner:

26 Contingent Amendment 2005; HB 806 Application for Exemptions or Tax Credits. Amend the introductory paragraph of RSA 72:33, I is repealed and reenacted to read as follows:

I. No person shall be entitled to the exemptions or tax credits provided by RSA 72:28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, 38-b, 39-b, 62, 66, and 70 unless the person has filed with the selectmen or assessors, by April 15 preceding the setting of the tax rate, a permanent application therefor, signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing that the applicant is the true and lawful owner of the property on which the exemption or tax credit is claimed and that the applicant was duly qualified upon April 1 of the year in which the exemption or tax credit is first claimed, or, in the case of financial qualifications, that the applicant is duly qualified at the time of application. The form shall include the following and such other information deemed necessary by the commissioner:

27 Contingent Effective Date; HB 806; Exemption for Deaf. If HB 806 of the 2003 legislative session becomes law, sections 23, 24, and 25 of this act shall take effect April 1, 2003 at 12:01 a.m. and section 26 of this act shall take effect April 1, 2005 at 12:01 a.m. If HB 806 does not become law, sections 23–26 of this act shall not take effect.

28 Application. The provisions of this act shall not affect any validly adopted or modified property tax credit or exemption by any town or city in effect before the effective date of this act.

29 Repeal. The following are repealed:

- I. RSA 72:28-a, relative to adoption of the optional veterans' credit.
- II. RSA 72:29-b, relative to adoption of the veterans' surviving spouse credit.
- III. RSA 72:35-a, relative to adoption of the credit for service-connected disability.
- IV. RSA 72:36-b, relative to adoption of the exemption for the blind.
- V. RSA 72:37-c, relative to adoption of the exemption for the disabled.
- VI. RSA 72:63, relative to adoption of the exemption for solar energy systems.
- VII. RSA 72:67, relative to adoption of the exemption for wind-powered energy systems.
- VIII. RSA 72:71, relative to adoption of the exemption for woodheating energy systems.

30 Repeal; 2005. RSA 72:33-b, relative to the optional date for filing for elderly exemptions, is repealed.

31 Effective Date.

- I. Sections 6, 7, 13 and 30 of this act shall take effect April 1, 2005.
- II. Sections 23-26 of this act shall take effect as provided in section 27 of this act.
- III. The remainder of this act shall take effect April 1, 2003.

AMENDED ANALYSIS

This bill:

I. Clarifies the procedure for adopting or modifying property tax exemptions or credits in RSA 72 and repeals various existing provisions which are obsolete or duplicative.

II. Allows towns and cities to adopt an amount of the optional veterans' property tax credit from \$51 to \$500.

III. Effective April 1, 2005, changes the filing date for applications for all exemptions or tax credits, and repeals the additional optional filing date for the elderly exemption.

IV. Allows towns and cities to adopt an optional property tax credit for service-connected total disability in an amount from \$701 up to \$2,000.

V. Allows municipalities to adopt an extension of the property tax exemption for disabled persons who are 65 years of age or older.

VI. Lowers the residency requirement for a disabled person applying for a deferral of property taxes pursuant to the tax deferral program for the elderly and disabled.

VII. Allows for the adoption by municipalities of a married persons' combined net income and net asset qualification for purposes of the elderly exemption. Such combined net asset qualification shall apply to a surviving spouse until the sale or transfer of the property, or until the remarriage of the surviving spouse.

VIII. Clarifies references to consecutive years of residence and married persons in certain property tax exemption statutes.

Adopted.

Report adopted and ordered to third reading.

SB 62, relative to the application and enforcement of the state building code. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert W. Brundige for the Majority of Municipal and County Government: This bill as introduced attends to details that were causing some problems at the local level with respect to 1) adopting codes by reference instead of having to include the entire language of those codes into an ordinance; 2) clarifying that any enforcement procedures adopted prior to the effective date of the new state building code would remain in effect, unless in conflict with the state building code; and 3) allowing the building code of Review Board to update or change the state building code, not just the manuals. The amendment identifies the National Electric Code of 2002, not 1999, as part of the definition of "New Hampshire building code and adds a master electrician licensed in this state for a minimum of 5 years, nominated by the New Hampshire Electrical Contractors Business Association. Vote 12-3.

Rep. Robert L. Theberge for the Minority of Municipal and County Government: The minority asks you to vote against the majority amendment. Although it is progressive for the members of the Building Code Review Board to adopt rules, any update or changes to the State Building Code is a legislative function. The Building Code Review Board should not have the authority to adopt rules prior to the adoption of appropriate legislation. This is a clear violation of separation of powers.

Majority Amendment (1833h)

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

AN ACT relative to the application and enforcement of the state building code and the membership of the state building code review board.

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

1 State Building Code; Definition. Amend RSA 155-A:1, IV to read as follows:

IV. "New Hampshire building code" or "state building code" means the adoption by reference of the International Building Code 2000, the International Plumbing Code 2000, the International Mechanical Code 2000, the International Energy Conservation Code 2000, as published by the International Code Council, and the National Electric Code [1999] **2002**. The provisions of any other national code or model code referred to within a code listed in this definition shall not be included in the state building code unless specifically included in the codes listed in this definition.

2 State Building Code; Enforcement. Amend RSA 155-A:2, VII to read as follows:

VII. For any municipality which has not adopted an enforcement mechanism ~~[for the state building code]~~ under RSA 674:51, the contractor of the building, building component, or structure shall notify the state fire marshal concerning the type of construction before construction begins excluding one- and 2-family dwellings.

3 Building Code Review Board; Number Deleted. Amend introductory paragraph of RSA 155-A:10, I to read as follows:

I. There is established a state building code review board consisting of the commissioner of safety or the commissioner's designee, and ~~[15]~~ additional members appointed by the commissioner of safety as follows:

4 New Subparagraph; Review Board Member Added. Amend RSA 155-A:10, I by inserting after subparagraph (o) the following new subparagraph:

(p) One master electrician licensed in this state for a minimum of 5 years, nominated by Electrical Contractors Business Association.

5 Initial Term of New Member. The initial term of the master electrician appointed under RSA 155-A:10, I(p) as inserted by this act shall coincide with the remaining term for the master electrician appointed under RSA 155-A:10, I(n). Subsequent terms shall be for 3 years.

6 Building Code Review Board; Rulemaking. Amend RSA 155-A:10, V to read as follows:

V. The board may adopt rules to update or change the state building code ~~[manuals]~~ for the codes described in RSA 155-A:1, IV, to the extent the board deems that such updates or changes are necessary, provided that any such updates or changes are ratified by the adoption of appropriate legislation within 2 years of their adoption. If such updates or changes are not ratified, then the rules shall expire, notwithstanding RSA 541-A:17, I, at the end of the 2-year period. With the approval of the commissioner of safety, the board shall be authorized, pursuant to RSA 541-A, to adopt rules relative to procedures of its operation and appeals to the board.

7 Planning and Zoning; State Building Code Enforcement. Amend RSA 674:51, I to read as follows:

I. The local legislative body may enact as an ordinance or adopt, pursuant to the procedures of RSA 675:2-4, additional provisions of the state building code for the construction, remodeling, and maintenance of all buildings and structures in the municipality, provided that such additional regulations are not less stringent than the requirements of the state building code. The local legislative body may also enact a process for the enforcement of the state building code and any additional regulations thereto, and the provisions of a nationally recognized code that are not included in and are not inconsistent with the state building code. ***Any local enforcement process adopted prior to the effective date of this paragraph shall remain in effect unless it conflicts with the state building code or is amended or repealed by the municipality.***

8 New Section; Planning and Zoning; Local Adoption of Building Codes by Reference. Amend RSA 674 by inserting after section 51 the following new section:

674:51-a Local Adoption of Building Codes by Reference. In addition to the local powers under RSA 674:51 a municipality may adopt by reference any of the codes promulgated by the International Code Conference which are not included in the state building code under RSA 155-A.

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

AMENDED ANALYSIS

This bill clarifies the definition and application of the state building code, and the enforcement by local authorities. The bill also adds a member to the state building code review board.

Rep. Balboni spoke against.

Majority amendment adopted.

Report adopted and ordered to third reading.

SB 67, relative to a report on municipal water needs. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Richard T. Cooney for the Majority of Resources, Recreation and Development: This bill would require the Office of State Planning (OSP) and the Department of Environmental Services (DES) to prepare a report on current and future municipal water requirements when permitting groundwater withdrawals. These issues are addressed by a study

commission formed by SB 155 and by a legislative study committee formed by SB 162. These studies involve establishing important water policies of the state of New Hampshire and therefore should be formulated by elected legislators and not by members of a state agency. In addition, duplicate effort would be expended by the departments in satisfying both initiatives. The majority of the committee felt that these important water policy decisions belong in the study process of SB 155 and SB 162. Therefore, this bill is not necessary. Vote 11-4.

Rep. Judith T. Spang for the Minority of Resources, Recreation and Development: This bill, unanimously passed by the Senate, as a companion to SB 155 and SB 162, would provide, the research necessary for those policy-making committees to move forward. For this reason, it is an essential complement, not duplication, of SB 162. The state needs to develop a fact-based methodology for determining how much water a municipality will need to accommodate its future growth. The lack of this methodology has hampered groundwater permitting, and policy-making for water management on state, regional and local levels. With SB 67, the Department of Environmental Services will be able to provide the information necessary to support the legislatively overseen policy-making of SB 155 and SB 162.

Reps. Brueggeman, McEachern and Spang spoke against.

Reps. Chris Christensen and Richard Cooney spoke in favor.

Rep. Spang requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 204 NAYS 103

YEAS 204

BELKNAP

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

CARROLL

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

CHESHIRE

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

COOS

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

GRAFTON

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

HILLSBOROUGH

Adams, Jarvis	Allan, Nelson	Allen, Timothy	Arnold, Thomas Jr
Barry, J Gail	Beaton, William	Bergeron, Jean-Guy	Brundige, Robert
Bruno, Pierre	Buhlman, David	Carlson, Donald	Carter, Jeffrey
Carter, Mark	Chabot, Robert	Christensen, D L	Christiansen, Lars
		Chris	
Coughlin, Pamela	Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard

Elliott, Larry
Gonzalez, Carlos
Hawkins, Ken
L'Heureux, Robert
Luebker, Bernard
Mooney, Maureen
Ober, Russell III
Rowe, Robert
Stepanek, Stephen

Fields, Dennis
Goulet, Maurice
Holden, Randolph
LaFlamme, Paul
McRae, Karen
Moran, Edward
Pappas, Marc
Scanlon, Michael
Tahir, Saghir

Fletcher, Richard
Goyette, Peter Jr
Jasper, Shawn
Lawrence, James
Mercer, Robert
Mosher, William
Price, Pamela
Slocum, Lee
Wheeler, James

Gargas, Carolyn
Hall, Charles
Kurk, Neal
Lefebvre, Roland
Milligan, Robert
O'Brien, Lori
Reeves, Sandra
Spiess, Paul
Wheeler, Robert

MERRIMACK

Anderson, Eric
Hess, David
L'Heureux, Stephen
MacKay, James
Nutter, Edward

Currier, David
Jacobson, Alf
Langer, Ray
Marple, Richard
Oliver, James

Field, William
Kenison, Leon
Leber, William
Maxfield, Roy
Osborne, Jessie

Foley, Albert
Kennedy, Richard
Lockwood, Priscilla
McCormick, Tom

ROCKINGHAM

Allen, Mary
Bridle, Russell
Cooney, Richard
Dodge, Robert
Flanders, John Sr
Gilbert, Karl
Griffin, Mary
Ingram, Russell
Johnson, Rogers
Langley, Jane
McCann, Richard
Packard, Sherman
Rausch, James
Smith, Paul
Weare, E Albert
Winchell, George

Belanger, Ronald
Camm, Kevin
Dalrymple, Janeen
Dumaine, Dudley
Flayhan, Mary Lou
Gillick, Thomas
Hamel, Albert
Introne, Robert
Katsakiores, George
Langone, John
McKinney, Betsy
Priestley, Anne
Robertson, Carl
Stone, Joseph
Welch, David
Zolla, William

Bicknell, Elbert
Carson, Sharon
Dearborn, Bruce
Dupuis, Roland
Francoeur, Sheila
Gleason, John
Holland, James Jr
Itse, Daniel
Katsakiores, Phyllis
Letourneau, Robert
Morris, Richard
Putnam, Ed II
Roessner, Kurt
Tufts, J Arthur
Weldy, Norman Jr

Bishop, Franklin
Clark, Vivian
DiFruscia, Anthony
Fesh, Bob
Gilbert, Jeffrey
Gould, Kenneth
Hughes, Daniel
Johnson, Robert
Kobel, Rudolph
Major, Norman
O'Neil, Michael
Quandt, Matthew
Smith, Donald
Varrell, Thomas
Weyler, Kenneth

STRAFFORD

Albert, Russell
Dunlap, Patricia
Twombly, James

Bemis, Alan
Harrington, Michael
Woods, Phyllis

Bickford, David
Newton, Clifford

Cataldo, Sam
Scott, David

SULLIVAN

Flint, Gordon Sr

Jones, Constance

Leone, Richard

NAYS 103

BELKNAP

None

CARROLL

None

CHESHIRE

Allen, Peter
Mitchell, McKim
Robertson, Timothy

Batchelder, Robert
Parkhurst, Henry
Tilton, Anna

Dunn, James
Pratt, Irene
Webber, Amy

Eaton, Daniel
Richardson, Barbara
Weed, Charles

COOS

Poulin, Richard

Theberge, Robert

GRAFTON

Akins, Ralph	Almy, Susan	Benn, Bernard	Cooney, Mary
Densmore, Edward	Diamond, Estelle	Hammond, Lee	Nordgren, Sharon
Scovner, Nancy	Sokol, Hilda		

HILLSBOROUGH

Artz, Lawrence	Balboni, Michael	Baroody, Benjamin	Brassard, Paul
Buckley, Raymond	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Crane, Elenore Casey	Furman, Christine	Gibson, John
Gorman, Mary	Graham, John	Hallyburton, Margaret	Irwin, Anne-Marie
Jean, Claudette	Johnson, Lionel	Katsiantonis, Thomas	Konys, Christine
Kopka, Angeline	Kudalis, Debra	Lasky, Bette	Leach, Edward
Malloy, Chris	McHugh, Claire	Movsesian, Lori	Palangas, Eric
Pappas, Christopher	Pilotte, Maurice	Ross, Lawrence	Schulze, Joan
Shaw, Barbara	Sullivan, Francis	Sullivan, Peter	Sweeney, Cynthia

MERRIMACK

Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	Davis, Frank
DeJoie, John	DeStefano, Stephen	French, Barbara	Hamm, Christine
Owen, Derek	Perkins, Randy	Potter, Frances	Rush, Deanna
Wallner, Mary Jane			

ROCKINGHAM

Blanchard, MaryAnn	Cady, Harriet	Casey, Kimberley	Coes, Betsy
McEachern, Paul	Norelli, Terie	Scamman, Stella	Shultis, Elizabeth
Vallone, Matthew			

STRAFFORD

Berube, Roger	Creteau, Irene	Easson, Timothy	Hofemann, Roland
Johnson, Nancy	Keans, Sandra	Knowles, William	Rollo, Deanna
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Vachon, Dennis	Wall, Janet		

SULLIVAN

Burling, Peter	Cloutier, John	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Harris, Sandra	Phinizy, James	

and the majority report was adopted.

BILLS REMOVED FROM CONSENT CALENDAR

SB 161, relative to procedures in eminent domain proceedings. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert K. Dodge for Finance: This bill allows condemnees subject to property acquisition to have a reasonable opportunity to have their property appraised by an independent qualified appraiser, employed by the condemnees, and reimbursed by the condemnor up to \$1,000 for each property. The condemnors shall review any independent appraisals before formulating a notice of offer. The amendments made by the committee were for clarity and legal interpretation. Vote 19-0.

Amendment (1764h)

Amend RSA 498-A:4, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Condemnees who are the subject of a property acquisition shall have a reasonable opportunity to have their property appraised by an independent, qualified appraiser, employed by the condemnees. The condemnor shall reimburse the usual and customary cost of the appraisal up to \$1,000 for each property.

Amend RSA 498-A:4, II(e) as inserted by section 1 of the bill by replacing it with the following:

(e) The condemnor shall review any independent appraisals prepared under this paragraph for accuracy before formulating a notice of offer.

Amend RSA 498-A:4, III© as inserted by section 1 of the bill by replacing it with the following:

© The offer shall remain outstanding and may be accepted by the condemnee until such time as either the condemnor or the condemnee files a petition in the superior court to have the damages reassessed under RSA 498-A:27.

Adopted.

Rep. Edwin Smith offered a floor amendment (1896h).

Floor Amendment (1896h)

Amend RSA 498-A:4, III(a) as inserted by section 1 of the bill by replacing it with the following:

(a) The condemnor shall make its notice of offer within a reasonable time after the governmental entity, with the statutory authority to condemn, votes to acquire a property.

Amend RSA 498-A:4, III(b)(5) as inserted by section 1 of the bill by replacing it with the following:

(5) That an action to condemn the property in the manner provided by this chapter will be commenced if the offer is not accepted within 30 days after service of the notice. Just compensation for the taking shall be based on the value of the property as of the date of taking or at the sole election of all condemnees, compensation may be based upon the property's value based upon the date the governmental entity, with the statutory authority to condemn, votes to acquire the condemnee's property. Any such election shall occur not later than 30 days from the date of taking by written notice to the board of tax and land appeals and the condemnor.

Reps. Edwin Smith and Dodge spoke in favor.

Floor amendment (1896h) adopted.

Report adopted and ordered to third reading.

RESOLUTION

Rep. Hess offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, June 24, 2003 at 9:30 a.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 47-FN, relative to refunds for tolls paid on account of shrinkage or loss by evaporation of motor fuel.

SB 63-FN-A-L, relative to establishing community reinvestment and opportunity zones and granting business tax credits for investments in projects in such zones.

SB 107-FN-A-L, establishing a statewide education accountability system.

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

SB 163-FN, relative to the procedures of the health services planning and review board.

SB 223-FN-A, relative to fees for copies of motor vehicle records and relative to the fire standards and training and emergency medical services fund.

SB 45, relative to property tax exemptions and credits for the elderly, veterans, and the

disabled, and allowing municipalities to adopt an optional date for filing exemptions.
SB 62, relative to the application and enforcement of the state building code.
SB 161, relative to procedures in eminent domain proceedings.

SUSPENSION OF RULES

Reps. Hess and Burling move that the Rules be suspended to allow the June 13, 2003 deadline, the last day to sign-off all supplemental bills, including redrafts, to be moved one week to Friday, June 20, 2003.
Adopted by the necessary two-thirds.

The House recessed at 4:50 p.m.

RECESS

(Speaker in the Chair)

The Speaker reconvened the House at 5:15 p.m.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 577-FN-A-L, relative to implementing the Help America Vote Act of 2002 and relative to rulemaking by the secretary of state. (Amendments printed SJ 5/22/03 and 6/05/03)
Rep. Whalley moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Dickinson, Whalley, Rodeschin and Drisko.

HB 615-FN, relative to the requirements for registration of sexual offenders. (Amendments printed SJ 5/22/03)
Rep. Welch moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Karl Gilbert, Stevens, Knowles and Movsesian.

HB 608-FN-L, reducing the education property tax rate and relative to the calculation of adequate education grants. (Amendments printed SJ 5/22/03 and 6/05/03)
Rep. Kurk moved that the House nonconcur and request a Committee of Conference.
Rep. Burling spoke against.
Rep. Kurk spoke in favor.
Rep. Burling requested a roll call; sufficiently seconded.
The question being the House nonconcur and request a Committee of Conference.

YEAS 178 NAYS 89

YEAS 178

BELKNAP

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

CARROLL

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

CHESHIRE

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

COOS

Guay, Lawrence

Richardson, Herbert Stohl, Eric

Tholl, John Jr

GRAFTON

Alger, John
Gilman, G Michael
Maybeck, Margie

Barker, Robert Dorsett, Andrew
Gionet, Edmond Giuda, Robert
Sorg, Gregory Williams, Burton

Dudley, Terri
Ingbertson, Paul

HILLSBOROUGH

Adams, Jarvis
Artz, Lawrence
Bergeron, Jean-Guy
Carlson, Donald
Christensen, D L
Chris
Dokmo, Cynthia
Fields, Dennis
Goulet, Maurice
Hawkins, Ken
Kurk, Neal
McRae, Karen
Moran, Edward
Price, Pamela
Scanlon, Michael
Tahir, Saghir

Allan, Nelson
Balboni, Michael
Brundige, Robert
Carter, Jeffrey
Christiansen, Lars

Drisko, Richard
Fletcher, Richard
Graham, John
Holden, Randolph
Lawrence, James
Mercer, Robert
Mosher, William
Reeves, Sandra
Slocum, Lee
Wheeler, James

Allen, Timothy
Barry, J Gail
Bruno, Pierre
Carter, Mark
Crane, Elenore
Casey
Elliott, Larry
Furman, Christine
Hall, Charles
Jasper, Shawn
Luebkert, Bernard
Milligan, Robert
O'Brien, Lori
Ross, Lawrence
Spiess, Paul
Wheeler, Robert

Arnold, Thomas Jr
Beaton, William
Buhlman, David
Chabot, Robert
Dionne, Kimberley

Emerton, Larry
Gonzalez, Carlos
Hallyburton, Margaret
Johnson, Lionel
McHugh, Claire
Mooney, Maureen
Ober, Russell III
Rowe, Robert
Stepanek, Stephen

MERRIMACK

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

Foley, Albert
Kennedy, Richard
Marple, Richard

Hess, David
Langer, Ray
Maxfield, Roy

Jacobson, Alf
Leber, William
McCormick, Tom

ROCKINGHAM

Allen, Mary
Bridle, Russell
Clark, Vivian
Doyle, Christopher
Flanders, John Sr
Gilbert, Karl
Hamel, Albert
Johnson, Robert
Major, Norman
Packard, Sherman
Robertson, Carl
Smith, Paul
Weyler, Kenneth

Belanger, Ronald
Cady, Harriet
Dalrymple, Janeen
Dumaine, Dudley
Flayhan, Mary Lou
Gillick, Thomas
Holland, James Jr
Johnson, Rogers
McCann, Richard
Priestley, Anne
Roessner, Kurt
Stone, Joseph
Winchell, George

Bicknell, Elbert
Camm, Kevin
DiFruscia, Anthony
Dupuis, Roland
Francoeur, Sheila
Gleason, John
Ingram, Russell
Kobel, Rudolph
Morris, Richard
Quandt, Matthew
Scamman, Stella
Welch, David
Zolla, William

Bishop, Franklin
Carson, Sharon
Dodge, Robert
Fesh, Bob
Gilbert, Jeffrey
Griffin, Mary
Itse, Daniel
Letourneau, Robert
O'Neil, Michael
Rausch, James
Smith, Donald
Weldy, Norman Jr

STRAFFORD

Albert, Russell
Scott, David

Cataldo, Sam Dunlap, Patricia
Twombly, James Woods, Phyllis

Harrington, Michael

SULLIVAN

Jones, Constance

Leone, Richard

NAYS 89

BELKNAP

None

CARROLL

Philbrick, Donald

CHESHIRE

Allen, Peter
Manning, Joseph
Richardson, Barbara
Weed, Charles

Batchelder, Robert
Mitchell, McKim
Robertson, Timothy
Dunn, James
Parkhurst, Henry
Tilton, Anna

Eaton, Daniel
Pratt, Irene
Webber, Amy

COOS

Theberge, Robert

GRAFTON

Almy, Susan
Diamond, Estelle
Sokol, Hilda

Benn, Bernard
Ham, Bonnie
Cooney, Mary
Hammond, Lee

Densmore, Edward
Nordgren, Sharon

HILLSBOROUGH

Brassard, Paul
Konys, Christine
Leach, Edward
Pilotte, Maurice
Sullivan, Peter

Buckley, Raymond
Kopka, Angeline
Lefebvre, Roland
Schulze, Joan
Sweeney, Cynthia
Gorman, Mary
Kudalis, Debra
Movsesian, Lori
Shaw, Barbara

Irwin, Anne-Marie
Lasky, Bette
Pappas, Christopher
Sullivan, Francis

MERRIMACK

Bouchard, Candace
French, Barbara
Owen, Derek
Wallner, Mary Jane

Clarke, Claire
Hamm, Christine
Perkins, Randy
Davis, Frank
Lockwood, Priscilla
Potter, Frances

DeStefano, Stephen
Osborne, Jessie
Rush, Deanna

ROCKINGHAM

Blanchard, MaryAnn
Gould, Kenneth
McEachern, Paul
Vallone, Matthew

Casey, Kimberley
Hughes, Daniel
McKinney, Betsy
Coes, Betsy
Langley, Jane
Norelli, Terie

Cooney, Richard
Langone, John
Shultis, Elizabeth

STRAFFORD

Berube, Roger
Keans, Sandra
Smith, Marjorie
Wall, Janet

Creteau, Irene
Newton, Clifford
Spang, Judith
Hofemann, Roland
Rollo, Deanna
Taylor, Kathleen

Johnson, Nancy
Schmidt, Peter
Vachon, Dennis

SULLIVAN

Burling, Peter
Franklin, Peter

Cloutier, John
Harris, Joseph

Donovan, Thomas
Harris, Sandra

Ferland, Brenda
Phinizy, James

and the motion to nonconcur and request a Committee of Conference was adopted.
The Speaker appointed Reps. King, Hess, Major and Karl Gilbert.

HB 796-FN-L, relative to the taxation of manufactured housing. (Amendment printed SJ 5/22/03)

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

Rep. Hunt spoke in favor and yielded to questions.

Adopted.

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

HB 646-FN, relative to liquor licenses and fees. (Amendments printed SJ 5/22/03)

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

Adopted.

HB 302-FN, relative to the funding and use of the retirement system special account. (Amendment printed SJ 5/22/03)
Rep. O'Neil moved that the House concur and spoke in favor.
Adopted.

HB 621-FN-A-L, establishing an early childhood literacy program. (Amendment printed SJ 5/22/03)
Rep. Kurk moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Carson, Colcord, Kurk and Claire Clarke.

HB 677-FN, increasing the number of reserved student slots in medical programs, and establishing a loan forgiveness program for physicians who practice in underserved areas, and making an appropriation therefor. (Amendment printed SJ 5/22/03)
Rep. Dalrymple moved that the House concur and spoke in favor.
Adopted.

HB 724-FN-L, extending the effective date of the Skyhaven airport transfer plan. (Amendments printed SJ 5/22/03)
Rep. Edwin Smith moved that the House concur and spoke in favor.
Adopted.

ADDITIONAL CONFEREES

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2004, and June 30, 2005, and **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.
Speaker Chandler to serve as an alternate member.

UNANIMOUS CONSENT

Rep. Barbara French addressed the House.

RECESS MOTION

Rep. Hess moved that the House stand in recess for the purpose of enrolled bill amendments, enrolled bill reports, receiving Senate messages and forming Committees of Conference only.
Adopted.
The House recessed at 5:55 p.m.

RECESS

(Rep. Hess in the Chair)

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 357-FN, relative to child support insurance settlement intercept. (Amendments printed SJ 5/33/03 & 6/05/03)
Rep. Wall moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Arnold, Hallyburton, Dokmo and Barbara Richardson.

ENROLLED BILL AMENDMENTS

SB 94-FN, requiring criminal conviction record checks for employees working in long-term care facilities and in home health care and for applicants for a license from the board of nursing. (Amendment printed SJ / /)

Adopted.

SB 113, changing the name of Plymouth state college to Plymouth state university and amending the responsibilities of the postsecondary education commission. (Amendment printed SJ / /)
Adopted.

SB 114, implementing an unsafe school choice option for pupils attending schools which have been classified as persistently dangerous and authorizing the state board of education to implement a complaint process to address school safety and school violence issues in nonpublic schools. (Amendment printed SJ / /)
Adopted.

SB 178, relative to guaranty funds. (Amendment printed SJ / /)
Adopted.

RECESS

(Speaker Chandler in the Chair)
CONFEREE CHANGES

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2004, and June 30, 2005.
Alternate member Rep. Stone replaced Rep. Wheeler.

HB 2-FN-A, relative to state fees, funds, revenues, and expenditures.
Alternate member Rep. Stone replaced Rep. Wheeler.

HB 387-FN, allowing free admission to the state park system for certain members of the New Hampshire national guard.
Rep. McCann replaced Easson.

HB 577-FN-A-L, relative to implementing the Help America Vote Act of 2002 and relative to rulemaking by the secretary of state.
Rep. Weed to serve as an alternate member.

RECESS

Rep. Batula in the Chair)
ENROLLED BILL AMENDMENTS

HB 368, making technical corrections to the statutory list of dedicated funds.

Amendment (1990-EBA)

Amend RSA 6:12, I(b)(4) as inserted by section 1 of the bill by replacing line 1 with the following:

[~~(e)~~] **(4)** Fees collected by the department of safety under

Amend RSA 6:12, I(b)(5) as inserted by section 1 of the bill by replacing lines 7-8 with the following:

motor vehicles, which shall be credited to the [~~public works and highways~~] department **of transportation** for maintenance of highways[;].

Amend RSA 6:12, I(b)(7) as inserted by section 1 of the bill by replacing line 3 with the following:

[~~public works and highways~~] department **of transportation** for the maintenance of

highways.

Amend RSA 6:12, I(b)(14) as inserted by section 1 of the bill by replacing line 2 with the following:

~~[Philbrook]~~ **youth services** center ~~[for children and youth]~~ pursuant to RSA 186-C:20.

Amend RSA 6:12, I(b)(19) as inserted by section 1 of the bill by replacing lines 1-2 with the following:

~~[(+)]~~ **(19)** Money received under RSA 318-B:17-b, ~~[IV]~~ **V**, which shall be credited as specified in RSA 318-B:17-b, ~~[IV]~~ **V** to:

Amend RSA 6:12, I(b)(20) as inserted by section 1 of the bill by replacing line 2 with the following:

radiation long-term care fund.

Amend RSA 6:12, I(b)(27) as inserted by section 1 of the bill by replacing line 2 with the following:

wastewater ~~[treatment]~~ plant operator certification fund established in RSA 485-A:7-a, II.

Amend RSA 6:12, I(b)(65) as inserted by section 1 of the bill by replacing line 1 with the following:

~~[(www)]~~ **(65)** Money received under **RSA** 77-A, RSA 77-E, RSA 78, RSA 78-A, RSA 78-B,

Amend RSA 6:12, I(b)(92) as inserted by section 1 of the bill by replacing line 2 with the following:

assessments fund under RSA 21-I:11, VIII~~[(b)]~~.

Amend RSA 6:12, I(b)(112) as inserted by section 1 of the bill by replacing line 2 with the following:

RSA 471-A:20, established in 1965, ~~[214:9]~~ **214:1** and repealed in 1986, 204:2.

Amend RSA 6:12, I(b)(141) as inserted by section 1 of the bill by replacing line 2 with the following:

activity center ~~[fund]~~ **account** under 1995, 52:1.

Amend RSA 6:12, I(b)(143) as inserted by section 1 of the bill by replacing line 2 with the following:

recovery fund ~~[under RSA 107-C:15]~~ **established by RSA 21-P:46.**

Amend RSA 6:12, I(b)(191) as inserted by section 1 of the bill by replacing line 1 with the following:

~~[(ssssss)]~~ **(191)** Moneys deposited in the disabled ~~[person's]~~ **persons'** employment fund under

Amend RSA 6:12, I(b)(211) as inserted by section 1 of the bill by replacing it with the following:

(211) Moneys deposited in the laboratory accreditation fund under RSA 485:46.

Amend RSA 6:12, I(b)(212) as inserted by section 1 of the bill by replacing line 1 with the following:

(212) Moneys deposited in the drug-free school zone sign fund under
Amend RSA 6:12, I(b) as inserted by section 1 of the bill by deleting RSA 6:12, I(b)(218) and renumbering the original RSA 6:12, I(b)(219)-(223) to read as RSA 6:12, I(b)(218)-(222), respectively.

Amend RSA 6:12, I(b)(221) as inserted by section 1 of the bill by it with the following:

(221) Moneys deposited in the Connecticut Lakes headwaters natural areas stewardship endowment account under RSA 216:9.

Adopted.

HB 507, relative to certain statutes that set minimum requirements for employee benefit plan procedures pertaining to the filing of benefit claims, notification of benefit determinations, and appeal of adverse benefit determinations

.

Amendment (1961-EBA)

Amend section 5 of the bill by replacing line 2 with the following:
415-A:4-b to read as follows:
Adopted.

HB 601, relative to the long-term care insurance act.

Amendment (2027-EBA)

Amend the bill by replacing lines 1-3 following the enacting clause with the following:
1 Long-Term Care Insurance Act. RSA 415-D is repealed and reenacted to read as follows:

**CHAPTER 415-D
LONG-TERM CARE INSURANCE ACT**

Amend RSA 415-D:3, IV(d) as inserted by section 1 of the bill by replacing line 1 with the following:

(d) A group, other than as described in (c)(1) subject to a finding by the
Amend RSA 415-D:3, VII as inserted by section 1 of the bill by replacing lines 3 and 4 with the following:

benefit society; nonprofit health, hospital, or medical service corporation; prepaid health plan; health maintenance organization or any similar organization.

Amend RSA 415-D:3, VIII-IX as inserted by section 1 of the bill by replacing them with the following:

VIII. "Qualified long-term care insurance contract" or "federally tax-qualified long-term care insurance contract" means:

(a) An individual or group insurance contract that meets the requirements of Section 7702B(b) of the Internal Revenue Code of 1986, as amended, as follows:

(1) The only insurance protection provided under the contract is coverage of qualified long-term care services. A contract shall not fail to satisfy the requirements of this subparagraph by reason of payments being made on a per diem or other periodic basis without regard to the expenses incurred during the period to which the payments relate;

(2) The contract does not pay or reimburse expenses incurred for services or items to the extent that the expenses are reimbursable under Title XVIII of the Social Security Act, as amended, or would be so reimbursable but for the application of a deductible or coinsurance amount. The requirements of this subparagraph do not apply to expenses that are reimbursable under Title XVIII of the Society Security Act only as a secondary payor. A contract shall not fail to satisfy the requirements of this subparagraph by reason of payments being made on a per diem or other periodic basis without regard to the expense incurred during the period to which the payments relate;

(3) The contract is guaranteed renewable, within the meaning of Section 7702B(b)(1)(C) of the Internal Revenue Code of 1986, as amended;

(4) The contract does not provide for a cash surrender value or other money that can be paid, assigned, pledged as collateral for a loan, or borrowed except as provided in subparagraph (e);

(5) All refunds of premiums, and all policyholder dividends or similar amounts, under the contract are to be applied as a reduction in future premiums or to increase future benefits, except that a refund on the event of death of the insured or a complete surrender or cancellation of the contract cannot exceed the aggregate premiums paid under the contract; and

(6) The contract meets the consumer protection provisions set forth in Section 7702(b)(g) of the Internal Revenue Code of 1986, as amended.

(b) The portion of a life insurance contract that provides long-term care insurance coverage by rider or as part of the contract and that satisfies the requirements of Sections 7702B(b) and (e) of the Internal Revenue Code of 1986, as amended.

Amend RSA 415-D:5, III(a) as inserted by section 1 of the bill by replacing line 2 with the following:

condition that is more restrictive than the following: "Preexisting condition" means a condition for

Amend RSA 415-D:6,II as inserted by section 1 of the bill by replacing line 2 with the following:

policyholder, each certificate holder shall be entitled to have issued to him or her an individual policy or

Amend RSA 415-D:8, IV(g) as inserted by section 1 of the bill by replacing line 2 with the following:

is intended to be a federally tax-qualified long-term care insurance contract under Section 7702B(b) of the

Adopted.

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

Amendment (1989-EBA)

Amend section 2 of the bill by replacing line 1 with the following:

2 New Paragraphs; Certification Inspections; Funds Established. Amend RSA 426:6-b by

Amend RSA 6:12, I(mmmmmmmmm) as inserted by section 4 of the bill by replacing line 2 with the following:

the organic processors and handlers certification inspection fund established in RSA 426:6-b, IV.

Amend section 7 of the bill by replacing lines 2-3 with the following:

I. RSA 426:6-b, IV and V, relative to the organic processors and handlers certification inspection fund.

II. RSA 6:12, I(mmmmmmmmm), relative to the organic processors and handlers certification inspection fund.

Adopted.

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

Amendment (2013-EBA)

Amend RSA 486-A:2, I(c) as inserted by section 2 of the bill by replacing line 2 with the following:

including the scientific evaluation of the groundwater contributing area of public wells

Amend section 3 of the bill by replacing line 1 with the following:

3 New Paragraphs; Definitions; Eligible Regional Water System Costs; Eligible Evaluation of the Groundwater Contribution Area of Public Wells That Have Recorded Levels of Chemical Contaminants Excluding MTBE. Amend RSA 486-A:2 by

Amend section 4 of the bill by replacing line 1 with the following:

4 New Paragraphs; Definitions; Regional Water System; Groundwaters. Amend Amend RSA 486-A:2, V-b as inserted by section 4 of the bill by replacing line 1 with the following:

V-b. "Groundwaters" means all areas below the top of the water table, including aquifers,

Amend the section heading of RSA 486-A:3 as inserted by section 5 of the bill by replacing line 2 with the following:

Costs; ***Regional Water System Costs***.

Amend RSA 486-A:7, I(c) as inserted by section 9 of the bill by replacing line 7 with the

following:

of the facilities in accordance with department instructions or both[-];

Amend RSA 486-A:7, I(d) as inserted by section 9 of the bill by replacing lines 4-5 with the following:

planning initiatives and to consider the results of such initiatives for purposes of long-term water supply planning and infrastructure development.

Amend section 16 of the bill by replacing lines 1-2 with the following:

16 New Section; Repayment Responsibility. Amend RSA 486-A by inserting after section 14 the following new section:
Adopted.

HB 753, establishing the fourth Monday in April as General John Stark Day.

Amendment (2012-EBA)

Amend line 2 of paragraph I of section 1 of the bill by replacing it with the following: accomplishments of those New Hampshire citizens who risked their lives and property to establish a
Adopted.

HB 763-FN, requiring parental notification before abortions may be performed on unemancipated minors.

Amendment (2015-EBA)

Amend section 2 of the bill by replacing line 2 with the following:

section 23 the following new subdivision:

Amend section 2 of the bill by replacing line 4 with the following:

132:24 Definitions. In this subdivision:

Amend section 2 of the bill by replacing line 20 with the following:

132:25 Notification Required.

Amend section 2 of the bill by replacing lines 32-33 with the following:

132:26 Waiver of Notice.

I. No notice shall be required under RSA 132:25 if:

Amend section 2 of the bill by replacing line 67 with the following:

132:27 Penalty. Performance of an abortion in violation of this subdivision shall be a

Amend section 2 of the bill by replacing line 74 with the following:

132:28 Severability. If any provision of this subdivision or the application thereof to any person
Adopted.

SENATE MESSAGES

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 109, relative to telemarketing practices.

The President appointed Sens. Gatsas, Johnson and Estabrook.

HB 139, relative to the collection and reporting of school drop-out, suspension, and expulsion data and relative to the deadlines for submitting certain reports to the department of education.

The President appointed Sens. O'Hearn, Green and Foster.

HB 303, relative to life, accident, and health technicals.

The President appointed Sens. Flanders, Roberge and Cohen.

HB 332-FN, relative to the use of prerecorded telephone messages by candidates and political committees.

The President appointed Sens. Gatsas, Johnson and Estabrook.

HB 420, relative to state-owned trails and parking lots in the town of Windham.
The President appointed Sens. Morse, Barnes and Cohen.

HB 606, establishing a right-to-know study commission.
The President appointed Sens. Flanders, O'Neil and Cohen.

HB 627-FN, relative to domicile for voting purposes and penalties for voter fraud.
The President appointed Sens. Roberge, Boyce and Larsen.

HB 702-FN, relative to payment of medical benefits costs for disabled group II members of the retirement system.
The President appointed Sens. Flanders, Prescott and Cohen.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 81-FN-A, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2005. (Amendment printed SJ 6/05/03)
Rep. McKay moved that the House nonconcur and request a Committee of Conference.
Adopted
The Speaker appointed Reps. Roessner, Griffin, Christopher Pappas, Daniel Eaton.

HB 751-FN-L, implementing an alternative school building aid grant formula, establishing size and cost standards for the construction of new school facilities, and permitting high school vocational technical education programs which lease space to be eligible for school building aid grants. (Amendment printed SJ 5/22/03)
Rep. McKay moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Alger, Laurent, Snyder and Mercer.

HB 280-FN, relative to the poison information center. (Amendment printed SJ 6/05/03)
Rep. McKay moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Thomas, Maxfield, Major and Elliott.

HB 135-FN-L, relative to charter schools. (Amendments printed SJ 5/22/03 & 6/05/03)
Rep. McKay moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Alger, Laurent, Snyder and Dodge.

HB 242, relative to the number of members on, and quorum necessary for, the assessing standards board. (Amendment printed SJ 6/05/03)
Rep. McKay moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Patten, Lockwood, Stohl and Theberge.

relative to membership of attorneys in the New Hampshire Bar Association and lobbying by the Bar Association. (Amendment printed SJ 6/05/03)
Rep. McKay moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Rowe, Haytayan, John Pratt and Mock.

HB 389, relative to victim impact statements and deleting the prohibition on funding certain

positions in the office of victim/witness assistance with funds from the victims' assistance fund (Amendment printed SJ 6/05/03)

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

Adopted.

The Speaker appointed Reps. Stevens, Nedeau, Tholl and Timothy Robertson.

RECESS