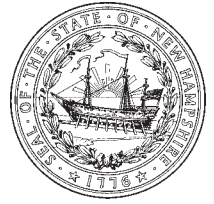


STATE OF NEW HAMPSHIRE

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SENATE JOURNAL 11 (*Cont.*)



April 3, 2003

Out of Recess.

**April 4, 2003
2003-1169-EBA
05/09**

Enrolled Bill Amendment to HB 128

The Committee on Enrolled Bills to which was referred HB 128

AN ACT relative to the treatment of horses.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 128

This enrolled bill amendment makes a technical correction by inserting a gender neutral reference.

Enrolled Bill Amendment to HB 128

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

mutilate or abandon any horse, or aid in such abuse, or permit any horse in his *or her* care to be subject to
Senator Eaton moved adoption.

Adopted.

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 121, relative to grounds for modification of a permanent child custody order.

HB 153-FN, relative to grounds for termination of parental rights.

HB 214, relative to discovery deposition of minors in criminal cases.

HB 269-FN, relative to claims arising from clinical services provided to the department of health and human services.

HB 323, relative to the task force on family law.

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

HB 633-FN, establishing the interstate compact for adult offender supervision.

HB 766, relative to the information required for a license to carry a pistol or revolver.

INTRODUCTION OF HOUSE BILLS

Senator Clegg offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill(s) numbered **121 - 766** shall be by this resolution read a first and second time by the therein listed title(s), and referred to the therein designated committee(s).

Adopted.

First and Second Reading and Referral

HB 121, relative to grounds for modification of a permanent child custody order. (Judiciary)

HB 153-FN, relative to grounds for termination of parental rights. (Judiciary)

HB 214, relative to discovery deposition of minors in criminal cases. (Judiciary)

HB 269-FN, relative to claims arising from clinical services provided to the department of health and human services. (Insurance)

HB 323, relative to the task force on family law. (Judiciary)

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

HB 633-FN, establishing the interstate compact for adult offender supervision. (Interstate Cooperation)

HB 766, relative to the information required for a license to carry a pistol or revolver. (Wildlife and Recreation)

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 81-FN-A, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2005.

HB 213, relative to reporting requirements for dedicated funds.

HB 303, relative to life, accident, and health technicals.

HB 368, making technical corrections to the statutory list of dedicated funds.

HB 394, relative to incompatible offices.

HB 528, establishing a commission to study computer standards used in public schools in New Hampshire.

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

HB 598-FN-A, relative to the agriculture nutrient management program and making an appropriation therefor.

HB 606, establishing a right-to-know study commission.

HB 616-FN-L, relative to the Hampton real estate trust fund.

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

HB 720-FN-L, extending the kindergarten aid program.

HB 752, relative to the distribution of business tax revenues to the education trust fund.

HB 770-FN-A, establishing a committee to study using tax policy to create incentives to encourage employers to hire disabled persons.

HB 773, establishing a committee to study a tuition tax credit program.

HB 805, establishing a consensus revenue estimating panel.

INTRODUCTION OF HOUSE BILLS

Senator Clegg offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill(s) numbered **81 - 805** shall be by this resolution read a first and second time by the therein listed title(s), and referred to the therein designated committee(s).

Adopted.

First and Second Reading and Referral

HB 81-FN-A, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2005. (Ways and Means)

HB 213, relative to reporting requirements for dedicated funds. (Executive Departments and Administration)

HB 303, relative to life, accident, and health technicals. (Insurance)

HB 368, making technical corrections to the statutory list of dedicated funds. (Executive Departments and Administration)

HB 394, relative to incompatible offices. (Internal Affairs)

HB 528, establishing a commission to study computer standards used in public schools in New Hampshire. (Education)

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

HB 598-FN-A, relative to the agriculture nutrient management program and making an appropriation therefor. (Environment)

HB 606, establishing a right-to-know study commission. (Internal Affairs)

HB 616-FN-L, relative to the Hampton real estate trust fund. (Energy and Economic Development)

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

HB 720-FN-L, extending the kindergarten aid program. (Finance)

HB 752, relative to the distribution of business tax revenues to the education trust fund. (Ways and Means)

HB 770-FN-A, establishing a committee to study using tax policy to create incentives to encourage employers to hire disabled persons. (Insurance)

HB 773, establishing a committee to study a tuition tax credit program. (Ways and Means)

HB 805, establishing a consensus revenue estimating panel. (Ways and Means)

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

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

HB 546, relative to uniform prescription drug information cards.

HB 699-FN, relative to abandoned vehicles.

INTRODUCTION OF HOUSE BILLS

Senator Clegg offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill(s) numbered **259 - 699** shall be by this resolution read a first and second time by the therein listed title(s), and referred to the therein designated committee(s).

Adopted.

First and Second Reading and Referral

HB 259, relative to the regulation of gift certificates under the consumer protection act. (Public Affairs)

HB 546, relative to uniform prescription drug information cards. (Insurance)

HB 699-FN, relative to abandoned vehicles. (Transportation)

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 261, relative to lucky 7 licenses.

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

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

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

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

INTRODUCTION OF HOUSE BILLS

Senator Clegg offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill(s) numbered **261 - 778** shall be by this resolution read a first and second time by the therein listed title(s), and referred to the therein designated committee(s).

Adopted.

First and Second Reading and Referral

HB 261, relative to lucky 7 licenses. (Ways and Means)

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

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

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

HB 778-LOCAL, relative to the city of Manchester school district. (Public Affairs)

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

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

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

HB 558, relative to financial reports on bingo and lucky 7 operations.

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

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

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

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

HB 605-FN, relative to prohibited election day activity.

HB 615-FN, relative to the requirements for registration of sexual offenders.

HB 617-FN, relative to the licensure of dentists and regulation by the board of dental examiners.

HB 620-FN, providing a right to counsel for indigent parents and other protections in cases involving the guardianship of minors.

HB 630-FN, relative to enhanced penalties for assault on law enforcement officers, firefighters, emergency medical care providers, and national guard members.

HB 674-FN, relative to legal representation for indigent parties and notification requirements under the Child Protection Act.

HB 676-FN, relative to lake level investigations.

HB 690-FN, relative to agricultural crop damage.

HB 694-FN, relative to tobacco product manufacturers not entering master settlement agreements.

INTRODUCTION OF HOUSE BILLS

Senator Clegg offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill(s) numbered **543 - 694** shall be by this resolution read a first and second time by the therein listed title(s), and referred to the therein designated committee(s).

Adopted.

First and Second Reading and Referral

HB 543, relative to increasing the membership of the board of accountancy and relative to appeals of board decisions. (Executive Departments and Administration)

HB 547, relative to the duties of the oversight committee on telecommunications and relative to the membership of the Mount Washington Commission. (Energy and Economic Development)

HB 558, relative to financial reports on bingo and lucky 7 operations. (Ways and Means)

HB 562, relative to an additional duty of the air pollution advisory committee. (Energy and Economic Development)

HB 568-LOCAL, relative to legal residency for the purpose of public school education. (Education)

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

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

HB 605-FN, relative to prohibited election day activity. (Internal Affairs)

HB 615-FN, relative to the requirements for registration of sexual offenders. (Judiciary)

HB 617-FN, relative to the licensure of dentists and regulation by the board of dental examiners. (Executive Departments and Administration)

HB 620-FN, providing a right to counsel for indigent parents and other protections in cases involving the guardianship of minors. (Judiciary)

HB 630-FN, relative to enhanced penalties for assault on law enforcement officers, firefighters, emergency medical care providers, and national guard members. (Judiciary)

HB 674-FN, relative to legal representation for indigent parties and notification requirements under the Child Protection Act. (Judiciary)

HB 676-FN, relative to lake level investigations. (Environment)

HB 690-FN, relative to agricultural crop damage. (Wildlife and Recreation)

HB 694-FN, relative to tobacco product manufacturers not entering master settlement agreements. (Ways and Means)

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

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

HB 418, relative to annulment of arrest records for defendants whose cases result in acquittal, dismissal, or failure to prosecute.

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

HB 423, relative to safe deposit boxes.

HB 424, relative to a net asset qualification for the elderly property tax exemption, and clarifying certain references in property tax exemptions.

HB 446, relative to building permits.

HB 447, limiting retroactive child support awards under the uniform act on paternity.

HB 455, relative to residency requirements for disabled persons applying for a tax deferral of property taxes.

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

HB 466, relative to the adoption procedure for property tax exemptions and credits.

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.

HB 468, relative to enforcement of the labor protection statutes.

HB 470, relative to health insurance providers.

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

HB 486, relative to access to child support enforcement records.

HB 495, relative to unauthorized access to a wireless computer network.

HB 506, relative to health club membership initiation fees and renewal practices.

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 509, relative to access to motor vehicle records.

HB 529, relative to the New Hampshire seed law.

INTRODUCTION OF HOUSE BILLS

Senator Clegg offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill(s) numbered **413 - 529** shall be by this resolution read a first and second time by the therein listed title(s), and referred to the therein designated committee(s).

Adopted.

First and Second Reading and Referral

HB 413-LOCAL, relative to certain appeals proceedings when the taxpayer prevails. (Public Affairs)

HB 418, relative to annulment of arrest records for defendants whose cases result in acquittal, dismissal, or failure to prosecute. (Judiciary)

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

HB 423, relative to safe deposit boxes. (Banks)

HB 424, relative to a net asset qualification for the elderly property tax exemption, and clarifying certain references in property tax exemptions. (Ways and Means)

HB 446, relative to building permits. (Energy and Economic Development)

HB 447, limiting retroactive child support awards under the uniform act on paternity. (Judiciary)

HB 455, relative to residency requirements for disabled persons applying for a tax deferral of property taxes. (Ways and Means)

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

HB 466, relative to the adoption procedure for property tax exemptions and credits. (Ways and Means)

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. (Ways and Means)

HB 468, relative to enforcement of the labor protection statutes. (Insurance)

HB 470, relative to health insurance providers. (Insurance)

HB 481, establishing a committee to study the pricing of milk products. (Wildlife and Recreation)

HB 486, relative to access to child support enforcement records. (Judiciary)

HB 495, relative to unauthorized access to a wireless computer network. (Judiciary)

HB 506, relative to health club membership initiation fees and renewal practices. (Public Affairs)

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. (Insurance)

HB 509, relative to access to motor vehicle records. (Transportation)

HB 529, relative to the New Hampshire seed law. (Wildlife and Recreation)

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 60, changing the name of the advisory committee on shore fisheries and relative to the definition of shell-fish and a rulemaking exemption for certain rules relating to marine species.

HB 107, relative to bingo.

HB 112-FN, establishing a point system for the annual moose permit lottery.

HB 122, relative to an informed jury.

HB 123, relative to notice given to putative fathers in adoption proceedings.

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

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.

HB 162, relative to remedies and penalties for injuries to domestic animals caused by dogs.

HB 175, relative to membership of attorneys in the New Hampshire Bar Association and lobbying by the Bar Association.

HB 177, excluding stepchildren from the definition of "child" in the context of support orders.

HB 184, relative to distribution upon intestacy.

HB 185, relative to pretermitted heirs.

HB 205, relative to the use of criminal records and reports.

HB 208, relative to name changes for inmates and parolees.

HB 210-FN-A, relative to passenger tramway registration fees and relative to carnival or amusement ride fees.

INTRODUCTION OF HOUSE BILLS

Senator Clegg offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill(s) numbered **60 - 210** shall be by this resolution read a first and second time by the therein listed title(s), and referred to the therein designated committee(s).

Adopted.

First and Second Reading and Referral

HB 60, changing the name of the advisory committee on shore fisheries and relative to the definition of shell-fish and a rulemaking exemption for certain rules relating to marine species. (Wildlife and Recreation)

HB 107, relative to bingo. (Ways and Means)

HB 112-FN, establishing a point system for the annual moose permit lottery. (Wildlife and Recreation)

HB 122, relative to an informed jury. (Judiciary)

HB 123, relative to notice given to putative fathers in adoption proceedings. (Judiciary)

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

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. (Education)

HB 162, relative to remedies and penalties for injuries to domestic animals caused by dogs. (Wildlife and Recreation)

HB 175, relative to membership of attorneys in the New Hampshire Bar Association and lobbying by the Bar Association. (Judiciary)

HB 177, excluding stepchildren from the definition of "child" in the context of support orders. (Judiciary)

HB 184, relative to distribution upon intestacy. (Judiciary)

HB 185, relative to pretermitted heirs. (Judiciary)

HB 205, relative to the use of criminal records and reports. (Judiciary)

HB 208, relative to name changes for inmates and parolees. (Executive Departments and Administration)

HB 210-FN-A, relative to passenger tramway registration fees and relative to carnival or amusement ride fees. (Transportation)

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 178, relative to detention for violations of protective orders.

HB 192, relative to disposal of controlled drugs in possession of law enforcement officers.

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

HB 215, relative to expungement of records contained in the DNA database.

HB 248, requiring the disclosure of information to victims in juvenile delinquency cases.

HB 258, relative to the community-technical college system.

HB 299, removing judicial discretion to order a divorced parent to contribute to an adult child's college expenses.

HB 320, relative to permitting additional contributions in the city of Manchester employees contributory retirement system.

HB 461, establishing a commission to study financial exploitation of the elderly and persons with disabilities.

HB 487, relative to protective custody of a person impaired by drugs.

INTRODUCTION OF HOUSE BILLS

Senator Clegg offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill(s) numbered **178 - 487** shall be by this resolution read a first and second time by the therein listed title(s), and referred to the therein designated committee(s).

Adopted.

First and Second Reading and Referral

HB 178, relative to detention for violations of protective orders. (Judiciary)

HB 192, relative to disposal of controlled drugs in possession of law enforcement officers. (Judiciary)

HB 194, relative to appeals in landlord/tenant actions. (Public Affairs)

HB 215, relative to expungement of records contained in the DNA database. (Judiciary)

HB 248, requiring the disclosure of information to victims in juvenile delinquency cases. (Judiciary)

HB 258, relative to the community-technical college system. (Executive Departments and Administration)

HB 299, removing judicial discretion to order a divorced parent to contribute to an adult child's college expenses. (Judiciary)

HB 320, relative to permitting additional contributions in the city of Manchester employees contributory retirement system. (Executive Departments and Administration)

HB 461, establishing a commission to study financial exploitation of the elderly and persons with disabilities. (Public Affairs)

HB 487, relative to protective custody of a person impaired by drugs. (Judiciary)

LATE SESSION

Senator Clegg moved that the Senate adjourn from the late session.

Adopted.

Adjournment.

SENATE JOURNAL 12

April 10, 2003

The Senate met at 10:00 a.m.

A quorum was present.

The Reverend David P. Jones, Chaplain to the Senate, offered the prayer.

Gracious God of the gigantic heart, expand each one of us into more and more of what You want us to be, that, with the stretching power of Your love, we may have the capacity, in the face of our own successes and triumphs, to become Great Souled victors, whose actions brings dignity to each and to all. Amen.

Senator Clegg led the Pledge of Allegiance.

INTRODUCTION OF GUESTS COMMITTEE REPORTS

SB 114, implementing an unsafe school choice option for pupils attending schools which have been classified as persistently dangerous and authorizing the state board of education to implement a complaint process to address school safety and school violence issues in nonpublic schools. Education Committee. Ought to pass with amendment, Vote 4-0. Senator O'Hearn for the committee.

Senate Education
April 3, 2003
2003-1119s
04/09

Amendment to SB 114

Amend the bill by replacing section 1 with the following:

1 New Chapter; Persistently Dangerous Schools. Amend RSA 193 by inserting after chapter 193-F the following new chapter:

CHAPTER 193-G PERSISTENTLY DANGEROUS SCHOOLS

193-G:1 Persistently Dangerous Schools.

I. A persistently dangerous school is a school in which 3 of the following acts have occurred, while classes are in session and while on school grounds, as separate incidents during the period of one school year for 3 consecutive years:

- (a) Homicide under RSA 630.
- (b) First or second degree assault under RSA 631:1 and RSA 631:2.
- (c) Aggravated felonious sexual assault under RSA 632-A:1.
- (d) Arson under RSA 634:1.
- (e) Robbery as a class A felony under RSA 636:1, III; or
- (f) Unlawful possession or sale of a firearm or other dangerous weapon under RSA 159.

II. The incident as defined in paragraph I must occur within the school or on school grounds, during regular school hours or during a school-sponsored event.

193-G:2 Citizen's Advisory Committee. If a school is classified as a persistently dangerous school, the local school board shall establish a citizen's advisory committee to examine the conditions which led to the designation and offer input to the school board and administrators on steps which might be taken to remedy the

designation and prevent further incidents. The committee shall be appointed by the local school board chairman with the advice of the local school board members. It shall include but not be limited to the principal of the designated school, the superintendent of the designated school, one member of the school board, one teacher employed at the designated school, and one law enforcement official from the police department having jurisdiction in the district in which the designated school is located. The committee shall serve until the designation of a persistently dangerous school is removed.

193-G:3 Removal of Designation. Any school which is designated a persistently dangerous school, which for 2 consecutive years has operated as a safe school, shall be decertified as a persistently dangerous school. For the purposes of this section, a safe school is a school which has not had the number or frequency of qualifying events set forth in this section.

193-G:4 School Choice.

I. Any school which is designated a persistently dangerous school shall, within 20 days of being notified of such designation, notify the parents or guardians of students attending the school of their option to transfer their children from the school to a school within the same school district, consistent with local school board policy.

II. If a student is the victim of any offense set forth in paragraph I, the school district shall, within 20 days of being notified of the incident, notify the parents or guardian of the student of the option to transfer the student to another school within the same school district, consistent with local school board policy.

193-G:5 Department of Education Authority. The commissioner of the department of education shall be the certifying authority under this chapter.

2003-1119s

AMENDED ANALYSIS

This bill establishes persistently dangerous school policy in compliance with the No Child Left Behind Act of 2001, and authorizes the state board of education to implement a complaint process to address school safety and school violence issues in nonpublic schools.

Amendment adopted.

Senator O'Hearn offered a floor amendment.

Sen. O'Hearn, Dist. 12

April 8, 2003

2003-1203s

04/10

Floor Amendment to SB 114

Amend RSA 193-G:4, II as inserted by section 1 of the bill by replacing it with the following:

II. If a student is the victim of any offense set forth in RSA 193-G:1, I, the school district shall, within 20 days of being notified of the incident, notify the parents or guardian of the student of the option to transfer the student to another school within the same school district, consistent with local school board policy.

Floor amendment adopted.

Senator Larsen offered a floor amendment.

Sen. Larsen, Dist. 15

Sen. Cohen, Dist. 24

April 10, 2003

2003-1259s

04/10

Floor Amendment to SB 114

Amend RSA 193-G as inserted by section 1 of the bill by inserting after RSA 193-G:5 the following new section:

193-G:6 School Safety. Schools shall be authorized to implement policies promoting school safety.

Question is on the adoption of the floor amendment.

A roll call was requested by Senator Larsen.

Seconded by Senator Estabrook.

The following Senators voted Yes: Below, Green, Flanders, Odell, Peterson, Foster, Larsen, Gatsas, Martel, Sapareto, D'Allesandro, Estabrook, Morse, Cohen.

The following Senators voted No: Gallus, Johnson, Kenney, Boyce, Roberge, O'Hearn, Clegg, Barnes, Prescott.

Yeas: 14 - Nays: 9

Floor amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 116, establishing a committee to study methods to prevent or reduce the high school dropout rate. Education Committee. Ought to Pass, Vote 3-0. Senator Johnson for the committee.

Adopted.

Ordered to third reading.

SB 136, relative to liability for hazardous materials accidents. Environment Committee. Ought to Pass, Vote 5-0. Senator Prescott for the committee.

Adopted.

Ordered to third reading.

SCR 4, urging the New Hampshire congressional delegation to take appropriate action against modification of the Clean Air act if the result jeopardizes New Hampshire's ability to safeguard public health and protect environmental quality. Environment Committee. Ought to Pass, Vote 5-0. Senator Below for the committee.

Adopted.

Ordered to third reading.

HB 361-L, permitting municipalities to form regional water districts. Environment Committee. Ought to pass with amendment, Vote 4-1. Senator Cohen for the committee.

Environment

April 2, 2003

2003-1096s

08/09

Amendment to HB 361-LOCAL

Amend RSA 362:4, VI as inserted by section 12 of the bill by replacing it with the following:

VI.(a) For purposes of this chapter, a municipal corporation shall include a regional water district.

(b) During the initial 4 years of its operation, if a regional water district seeks to alter rates other than in a manner that uniformly impacts all customers within the district, any municipality that is a member of the regional water district may seek commission review of the proposed rate change. In order for the proposed rate change to take effect, the commission must determine that the proposed rates are cost-based and that they are not unduly discriminatory.

(c) A regional water district shall adopt and enforce quality of water service standards consistent with the commission's administrative rules.

(d) With respect to regional water districts, the 15 percent benchmark employed in this section shall be calculated in relation to an average of the regional water district's relevant rates as determined by the public utilities commission.

MOTION TO TABLE

Senator Boyce moved to have **HB 361-L** laid on the table.

Adopted.

LAI D ON THE TABLE

HB 361-L, permitting municipalities to form regional water districts.

Senator Foster Rule #42 on HB 361-L.

HB 166, relative to employees of the New Hampshire retirement system. Executive Departments and Administration Committee. Ought to Pass, Vote 4-0. Senator Prescott for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

HB 223, relative to the temporary removal of inmates. Executive Departments and Administration Committee. Ought to Pass, Vote 4-0. Senator Prescott for the committee.

Adopted.

Ordered to third reading.

HB 263, establishing an oversight committee to review the allocation of funds disbursed for the developmental disabilities waitlist. Executive Departments and Administration Committee. Ought to Pass, Vote 4-0. Senator Prescott for the committee.

Adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Flanders moved to have **SB 101-FN**, relative to unemployment compensation taken off the table.

Adopted.

SB 101-FN, relative to unemployment compensation.

Question is on the adoption of the committee amendment (0922).

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

HB 321, relative to ordinary and accidental death benefits in the city of Manchester employees contributory retirement system. Executive Departments and Administration Committee. Ought to Pass, Vote 4-0. Senator Prescott for the committee.

Adopted.

Ordered to third reading.

SB 54-FN-L, relative to the local inventory of property values for assessment of property taxes. Finance Committee. Ought to pass with amendment, Vote 6-0. Senator Boyce for the committee.

Senate Finance

April 2, 2003

2003-1099s

01/04

Amendment to SB 54-FN-LOCAL

Amend RSA 74:1 as inserted by section 3 of the bill by replacing it with the following:

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

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 55-FN, raising the age at which a child may terminate his or her public education. Finance Committee. Inexpedient to Legislate, Vote 4-3. Senator Boyce for the committee.

Question is on the committee report of inexpedient to legislate.

A roll call was requested by Senator Peterson.

Seconded by Senator O'Hearn.

The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Green, Flanders, Roberge, Peterson, Clegg, Gatsas, Barnes, Martel, Sapareto, Morse, Prescott.

The following Senators voted No: Below, Odell, O'Hearn, Foster, Larsen, D'Allesandro, Estabrook, Cohen.

Yeas: 15 - Nays: 8

Committee report of inexpedient to legislate is adopted.

SB 58-FN-A, relative to the net operating loss under the business profits tax. Finance Committee. Inexpedient to Legislate, Vote 4-3. Senator D'Allesandro for the committee.

Motion failed.

Senator Below moved ought to pass.

Senator Foster offered a floor amendment.

Sen. Foster, Dist. 13

April 8, 2003

2003-1201s

08/09

Floor Amendment to SB 58-FN-A

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

1 Business Profits Tax; Net Operating Loss; Requirement to Carry-Back Losses Eliminated. Amend RSA 77-A:4, XIII to read as follows:

XIII. A deduction *from taxable business profits* for the amount of the net operating loss carryover determined under section 172 of the United States Internal Revenue Code [~~in effect on December 31, 1996 provided, however, that in calculating such net operating loss carryover, the election permitted under section 172(b)(3) of the United States Internal Revenue Code in effect on December 31, 1996, shall not be allowed~~]. A net operating loss shall be apportioned in the year incurred according to RSA 77-A:3. Net operating losses may only be carried forward for the 10 years following the loss year. For taxable periods ending:

(a) On or before June 30, 2003, the amount of net operating loss generated in a tax year that may be carried forward may not exceed \$250,000.

(b) On or after July 1, 2003 and on or before June 30, 2004, the amount of net operating loss generated in a tax year that may be carried forward may not exceed \$500,000.

(c) On or after July 1, 2004 and on or before June 30, 2005, the amount of net operating loss generated in a tax year that may be carried forward may not exceed \$750,000.

(d) On or after July 1, 2005, the amount of net operating loss generated in a tax year that may be carried forward may not exceed \$1,000,000.

In the case of a business organization not qualifying for treatment as a subchapter C corporation under the United States Internal Revenue Code, such deduction shall be the amount that would be determined under section 172 of the United States Internal Revenue Code in effect on December 31, 1996 if the business organization were a subchapter C corporation and as limited by this section. A deduction for the amount of the net operating loss carryover shall be limited to losses incurred on or after July 1, 1997.

2 Revenue Rule Rescinded. The department of revenue administration's rule Rev 303.03 shall be rescinded and the commissioner of the department of revenue administration shall adopt new rules consistent with this chapter.

3 Effective Date. This act shall take effect July 1, 2005 for taxable periods ending on or after July 1, 2005.

2003-1201s

AMENDED ANALYSIS

This bill eliminates the requirement to carryback losses for net operating loss under the business profits tax.

Question is on the adoption of the floor amendment.

A roll call was requested by Senator Barnes.

Seconded by Senator Sapareto.

The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Below, Green, Flanders, Odell, Roberge, Peterson, O'Hearn, Foster, Clegg, Larsen, Gatsas, Barnes, Martel, Sapareto, D'Allesandro, Estabrook, Morse, Prescott, Cohen.

The following Senators voted No: None.

Yeas: 23- Nays: 0

Floor amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 63-FN-A-L, relative to establishing community reinvestment areas and granting business tax credits for investments in community reinvestment area projects. Finance Committee. Ought to pass with amendment, Vote 4-2. Senator Odell for the committee.

Senate Finance

April 2, 2003

2003-1107s

09/10

Amendment to SB 63-FN-A-LOCAL

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

AN ACT relative to establishing community reinvestment and opportunity zones and granting business tax credits for investments in projects in such zones.

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

1 Purpose. The general court finds that establishment of community reinvestment and opportunity ("CROP") zones and tax incentives for CROP zone projects which are available to qualifying new and existing businesses in the state are effective ways to meet certain state economic objectives, such as stimulating economic redevelopment, expanding the industrial base, creating new jobs, reducing sprawl, and increasing tax revenue. Therefore, to further these economic objectives, the general court in this act authorizes the commissioner of resources and economic development to adopt rules relating to the establishment of CROP zones, providing for the designation of CROP zones, eligibility for projects within the CROP zones, tax incentives for such projects, reporting requirements, and other provisions as may be necessary for the establishment and operation of CROP zones.

2 New Chapters; CROP Zones. Amend RSA by inserting after chapter 162-M the following new chapter:

CHAPTER 162-N

COMMUNITY REINVESTMENT AND OPPORTUNITY ZONES

162-N:1 Definitions. In this chapter:

I. Unless otherwise specified, "commissioner" means the commissioner of resources and economic development.

II. "Community reinvestment and opportunity zone" or "CROP zone" means a zone designated by the commissioner as a CROP zone in accordance with the provisions of this chapter.

162-N:2 Designation of CROP Zone.

I. CROP zone shall mean a zone with a single continuous boundary designated in accordance with the rules adopted under RSA 162-N:5, and certified by the commissioner as being a brownfields site as defined under RSA 147-F, or having at least 2 of the following characteristics:

(a) At least 30 percent of the commercial or industrial space in the zone is vacant or demolished and certification of the zone as a CROP zone would likely result in the reduction of the rate of vacant or demolished structures or the rate of tax delinquency in the zone.

(b) The population of the municipality or municipalities in which the zone is located or the census tracts comprising the zone, according to the most recent federal census, decreased by at least 8 percent during the preceding 20 years prior to the census.

(c) At least 51 percent of the residents of the zone have incomes of less than 80 percent of the median income of residents of the municipal corporation or municipal corporations in which the zone is located.

(d) The zone contains unused or underutilized industrial parks, or structures previously used for industrial, commercial, or retail purposes but currently not so used due to age, obsolescence, deterioration, relocation of the former occupant's operations, or cessation of operation resulting from unfavorable economic conditions either generally or in a specific economic sector.

II. CROP zones shall be designated by the commissioner only upon petition by the local governing body, as defined by RSA 672:6. The commissioner shall certify that the proposed zone meets the criteria required in paragraph I.

III. The commissioner is authorized to establish an advisory board for each CROP zone established under this chapter.

162-N:3 Eligibility Requirements For Business Tax Credits. No CROP zone credits shall be allowed to any taxpayer unless the taxpayer's project receives written certification from the commissioner that it will expand the commercial or industrial base of the state, will create new jobs in the state, and will meet at least one of the following criteria:

I. The project is the creation of a facility which is determined to the satisfaction of the commissioner to entail significant investment in real and/or personal property other than inventory at a location where the business has not previously operated.

II. The project will make expenditures to add buildings, machinery, equipment, or other materials, except inventory, to a facility that equal at least 50 percent of the market value of the facility prior to such expenditures, as determined for the purposes of local property taxation.

III. The project will make expenditures to alter or repair a facility that equal at least 50 percent of the market value of the facility prior to such expenditures, as determined for the purposes of local property taxation.

IV. The project will make expenditures to alter or repair a vacant facility equal to at least 20 percent of the market value of the facility prior to such expenditures, as determined for the purposes of local property taxation.

162-N:4 CROP Zone Tax Credits.

I. A taxpayer which establishes an eligible project in a CROP zone, as certified by the commissioner under RSA 162-N:3, shall be allowed a credit equal to 100 percent of the taxpayer's investment in that project. The credit shall be allowed against any of the following individually or in combination:

(a) Taxes imposed by RSA 77-A.

(b) Taxes imposed by RSA 77-E.

II. Where the project involves the remediation of an environmentally contaminated facility and the taxpayer will be expending at least 250 percent of the existing value of the facility on a new investment project including at least 20 percent investment in remediation activities, the credit allowed shall be equal to 150 percent of the taxpayer's investment in that project.

III. The credit or any unused portion thereof may be carried forward for no more than 5 succeeding years.

IV. For purposes of this section, "investment" shall not include any moneys furnished by any governmental entity.

V. The commissioner shall enter into a written agreement with each taxpayer which has been certified by the commissioner under this section. The agreement shall include such provisions as the commissioner determines to be in the public interest, including:

(a) Quality and quantity of jobs to be created.

(b) Duration of the taxpayer's commitments with respect to the CROP zone.

(c) Penalties in the event that the taxpayer fails to comply with the agreement. Such penalties shall include repayment by the taxpayer of sums equal to the value of some or all tax credits previously claimed by the taxpayer, depending on the degree of noncompliance.

(d) The amount of the taxpayer's investment in the project.

162-N:5 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 the department of resources and economic development shall 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 dealing with:

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 may charge to each applicant to cover the reasonable costs of the state's administration of the applicant's participation in the CROP zone.

162-N:6 Reports. The commissioner shall furnish a report annually to the governor, the senate president, and the speaker of the house which describes the results of the CROP zone program, and shall include any recommendations for further legislation regarding CROP zones.

3 New Paragraph; Business Profits Tax; CROP Zone Tax Credit. Amend RSA 77-A:5 by inserting after paragraph XI the following new paragraph:

XII. The CROP zone tax credit, as computed in RSA 162-N:3.

4 New Section; Business Enterprise Tax; CROP Zone Tax Credit. Amend RSA 77-E by inserting after section 3 the following new section:

77-E:3-a Credit. The CROP zone tax credit, as computed in RSA 162-N:3, shall be allowed against the tax due under this chapter.

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

2003-1107s

AMENDED ANALYSIS

This bill establishes procedures for designation of community reinvestment and opportunity ("CROP") zones by the department of resources and economic development and grants the commissioner of resources and economic development rulemaking authority to develop and implement such procedures. The bill also establishes credits against the business profits tax and the business enterprise tax for investments CROP zones determined to be eligible by the commissioner of resources and economic development. The bill grants the commissioner of revenue administration the authority to adopt rules relative to the documentation of tax credits claimed.

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 78-FN, establishing the New Hampshire health care information council. Finance Committee. Inexpedient to Legislate, Vote 5-1. Senator Boyce for the committee.

Motion failed.

Senator O'Hearn moved ought to pass.

Senator O'Hearn offered a floor amendment.

Sen. O'Hearn, Dist. 12
April 8, 2003
2003-1210s
01/09

Floor Amendment to SB 78-FN

Amend RSA 420-K:4, II(a) as inserted by section 1 of the bill by replacing it with the following:

- (a) The commissioner, or designee, shall serve in an ex-officio capacity.

Amend RSA 420-K:4, III as inserted by section 1 of the bill by replacing it with the following:

III. The board of directors shall:

- (a) Prepare a plan of operation for submission to the commissioner for approval.
- (b) Fulfill the duties and responsibilities outlined in the plan of operation.
- (c) Prepare an annual budget.
- (d) Enter into a contract or memorandum of understanding for the compilation, storage and processing of data.
- (e) Make the data available for analysis of data and the preparation of reports.
- (f) Develop and disseminate health care cost and other information designed to assist businesses and consumers in purchasing health insurance, health care, and long-term care services.
- (g) Prepare and make public summaries, compilations and reports based on the data.
- (h) Work collaboratively with the department of health and human services to establish a standard format for the submission of claims data.
- (i) Develop a fee schedule for providing technical assistance and access to the council's data and information.
- (j) Design, operate, and maintain facilities for public and state researchers' use of health care data.
- (k) Retain an executive director and other staff to the extent allowed by available revenues to administer the council's activities.
- (l) Approve and submit an annual report of its activities to the governor, the legislative oversight committee, the commissioner of the department of health and human services, and the commissioner of the insurance department.
- (m) Evaluate biennially the impact and effectiveness of the data collection, the information needs of consumers and businesses, and the relevance and usefulness of the information developed by the council.

Amend RSA 420-K:5, I as inserted by section 1 of the bill by replacing it with the following:

I. The board of directors of the council shall adopt a plan of operation that shall require the approval of the commissioner. The plan of operation shall include the following:

- (a) A proposal for the development of a comprehensive information system;
- (b) A description of the data sets that the council intends to include in its comprehensive health care information system;
- (c) A description of the criteria that the council intends to use to determine the data included in the public use data sets;
- (d) The council's procedures for handling and accounting for funds;
- (e) The council's requirements for keeping financial and other records of its activities;
- (f) The procedures that the council intends to use to establish and maintain public awareness of the council and the data and information available; and
- (g) The regular times and places for meetings of the board.

Amend RSA 420-K:7, II as inserted by section 1 of the bill by replacing it with the following:

II. The council shall enter into a memorandum of understanding with the department of health and human services for services necessary to carry out the data collection, analysis, processing and storage activities and reporting activities required under this chapter. The memorandum of understanding shall require that the department annually collect the hospital discharge data, Medicaid, and claims data, and obtain the Medicare data set for New Hampshire. The department shall provide each of these data sets on a timely basis to the council. The data sets provided to the council shall not include patient names, street addresses, e-mail addresses, telephone numbers, or social security numbers.

Amend RSA 420-K:8 as inserted by section 1 of the bill by inserting after paragraph IV the following new paragraph:

V. The council shall pursue available funding opportunities, including grants, to fund its operations. The department of health and human services shall provide assistance to the council in obtaining grants and other funds.

Amend RSA 420-K:9, I as inserted by section 1 of the bill by replacing it with the following:

I. The council may retain an executive director, other staff, and professional consultants as necessary to perform its functions.

Amend RSA 420-K:10 as inserted by section 1 of the bill by replacing it with the following:

420-K:10 Funding.

I. The council shall establish an annual budget by July 1 of each year, and all revenues from fees and other funding sources shall be used to defray the costs incurred by the council.

II. The council may charge reasonable fees for duplicating, mailing, producing, and publishing information and data.

MOTION TO TABLE

Senator Gatsas moved to have **SB 78-FN** laid on the table.

A division vote was requested.

Yeas: 11 - Nays: 11

Motion failed.

Question is on the adoption of the floor amendment (1210).

A roll call was requested by Senator Larsen.

Seconded by Senator Estabrook.

The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Below, Green, Flanders, Odell, Roberge, Peterson, O'Hearn, Foster, Clegg, Gatsas, Barnes, Martel, Morse, Prescott.

The following Senators voted No: Larsen, D'Allesandro, Estabrook, Cohen.

Yeas: 18 - Nays: 4

Floor amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

Senator Sapareto is excused for the day.

SB 80, relative to vocational education and the automotive technology curriculum. Finance Committee. Ought to Pass, Vote 5-1. Senator Odell for the committee.

Adopted.

Ordered to third reading.

SB 95-FN-L, relative to the development of workforce housing within municipalities. Finance Committee. Ought to pass with amendment, Vote 5-1. Senator Gatsas for the committee.

Senate Finance

April 3, 2003

2003-1121s

06/09

Amendment to SB 95-FN-LOCAL

Amend RSA 36:47, II-a as inserted by section 3 of the bill by replacing it with the following:

II-a. Subject to available funding, each regional planning commission shall review the local land use regulations of any municipality in its region within 6 months of receiving a written request from the planning board, selectmen, or city council and make suggestions concerning the exclusionary effects of the ordinances and the ordinances' compliance with the municipality's obligation under RSA 674-A:2. As part of such review the regional planning commissioner shall make recommendations concerning ways in which the ordinances could be changed to bring the municipality into compliance.

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 96-FN, establishing a pharmacy discount program for seniors and disabled persons and making an appropriation therefor. Finance Committee. Ought to pass with amendment, Vote 6-0. Senator Gatsas for the committee.

Senate Finance

April 2, 2003

2003-1111s

04/09

Amendment to SB 96-FN

Amend RSA 167:100 as inserted by section 1 of the bill by inserting after paragraph III the following new paragraph:

IV. The department shall hold harmless, from any financial costs, all pharmacies participating in the program. At a minimum, the state shall reimburse pharmacies for their actual costs for participating in the program.

Amend the bill by replacing section 2 with the following:

2 Appropriation. There is hereby appropriated the sum of \$10 for the fiscal year ending June 30, 2004, and the sum of \$10 for the fiscal year ending June 30, 2005, to the department of health and human services to implement the pharmacy discount program established by this act. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 107-FN-A-L, establishing a statewide education accountability system. Finance Committee. Ought to Pass, Vote 6-0. Senator Boyce for the committee.

Senator O'Hearn offered a floor amendment.

Sen. O'Hearn, Dist 12

April 10, 2003

2003-1257s

04/10

Floor Amendment to SB 107-FN-A-LOCAL

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

1 Policy and Purpose. The general court hereby establishes a statewide accountability system to ensure that public schools are providing all students an opportunity to receive an adequate public education as set forth in RSA 193-E:1-2. A comprehensive, statewide educational accountability system should include:

I. Statewide targets for all schools.

II. Systematic measurement of school performance at the state and local level using multiple valid measures.

III. Reporting on pupil performance at the school, school district, and state levels.

IV. The opportunity for schools that are not making satisfactory progress toward statutory targets to receive assistance from the state, including assistance with the development, implementation, and evaluation of local education improvement plans designed to meet state targets and any performance goals developed locally to meet identified educational needs.

V. A statewide system of recognition of achievement for schools that meet or exceed statewide targets and strategic responses for schools that do not meet these targets.

2 Adequate Public Education; Reporting on the Delivery of Education. RSA 193-E:3 is repealed and reenacted to read as follows:

193-E:3 Reporting on the Delivery of Education.

I. By August 1, 2003, and annually thereafter, each school district shall report data to the department of education, at the school and district levels for the previous school year, on the following indicators, provided that the department shall develop a reasonable schedule to phase-in the reporting of data that is not being collected systematically during school year 2002-2003:

(a) Numbers and percentages of pupils with disabilities, limited English proficient pupils, pupils in advanced placement programs, economically disadvantaged pupils, and pupils of major racial and ethnic groups.

(b) Attendance and dropout rates.

(c) Performance on statewide tests administered pursuant to RSA 193-C:3, IV(i) including the percentage of pupils reading at grade level on the reading component of the grade 3 statewide educational assessment.

(d) Percentage of graduating pupils going on to post-secondary education and military service.

(e) Number and percentage of classes taught by highly qualified teachers.

(f) Teacher and administrator turnover rates at the school and district levels.

II. By August 1, 2003, and annually thereafter, each school district shall report to the department of education data at the school and district levels for the previous school year.

III. The department of education, with the approval of the legislative oversight committee established in RSA 193-C:7, may implement and report data on any additional indicators deemed relevant to the purposes of this section.

IV. In order to reduce school districts' administrative time and costs, the department of education shall develop and utilize user-friendly, computer forms and programs to collect the data set forth in paragraph I and all enrollment and cost data related to determining the cost of an adequate education. The department shall request funds as part of its biennial operating budget to develop, update, and maintain the required forms and programs.

V. Not later than December 1, 2003, and annually thereafter, the department of education shall issue a public report on the condition of education statewide and on a district-by-district and school-by-school basis. This report shall be entitled "New Hampshire School District Profiles." It shall include demographic and pupil performance data reported in paragraph I and other relevant statistics as determined by the department of education. Comparisons with state averages shall be provided for all data reported. Comparisons of each district and school to itself based on its own performance for the prior school year and its most recent 3-year rolling averages shall be provided. Statewide rankings of each district and school shall be provided, including a statewide ranking of each school and school district based on the percentage increase of improvement as compared with the same school district's performance in the previous year. The report shall be organized and presented in a manner that is easily understood by the public and that assists each school district with the identification of trends, strengths, and weaknesses and the development of its local school education improvement plan. The local school district shall provide a copy of the report to the public upon request.

3 New Chapter; School Performance and Accountability. Amend RSA by inserting after chapter 193-F the following new chapter:

CHAPTER 193-G
SCHOOL PERFORMANCE AND ACCOUNTABILITY

193-G:1 Definitions. In this chapter:

I. "Adequate yearly progress" means that measure of school performance as defined in 34 C.F.R sections 200.13 through 200.18.

II. "Commissioner" means the commissioner of the department of education.

III. "Department" means the department of education.

IV. "Highly qualified teacher" means a person who is certified by the department of education and who has demonstrated, through a process approved by the department of education, teaching skills in the core subjects of instruction.

V. "Statewide assessment" means the New Hampshire education improvement and assessment program as established under RSA 193-C.

193-G:2 Statewide Targets.

I. On or before the 2013-2014 school year, schools shall ensure that all pupils are performing at the basic level or above on the statewide assessment as established in RSA 193-C.

II. In addition to the requirements of paragraph I, schools shall meet statewide targets as established in rules adopted by the state board of education pursuant to RSA 541-A, relative to 3rd grade reading.

III. Schools shall meet statewide targets as established in rules adopted pursuant to RSA 541-A, relative to the statewide assessment.

IV. Schools shall meet statewide targets as established in rules, adopted pursuant to RSA 541-A, relative to retention rate.

V. Schools shall meet statewide targets as established in rules, adopted pursuant to RSA 541-A, relative to the percentage of pupils who graduate with a regular diploma from an approved high school.

193-G:3 Identification and Public Disclosure.

I. The commissioner shall annually compile and disseminate to the governor and council, the president of the senate, the speaker of the house, local school boards, superintendents of schools, the public, and shall make available on the department website, a list of schools that are not meeting the statewide targets set forth in RSA 193-G:2.

II. The department shall notify schools identified under this section of the availability of technical assistance. The department shall provide technical assistance to the school districts upon request.

193-G:4 State Assistance to Local School Districts; Education Improvement Fund Established.

I. There is hereby established a local education improvement fund in the state treasury for the purpose of providing assistance to local school districts. This fund shall be non-lapsing.

II.(a) The department of education is authorized to use the amount transferred to the education improvement fund, in addition to any available federal funds for similar purposes, for any of the following purposes:

(1) To support and administer the local education improvement plan program.

(2) To collect, analyze, and report the demographic and educational improvement data.

(3) To administer the grade 3 reading component of the assessment program.

(4) To assist local school staff with the analysis and use of school performance data.

(5) To provide grants as available to school districts for local school improvement.

(6) To provide a system of annual recognition to identify best practices and promote school improvement.

(b) For the biennium beginning July 1, 2003, and every biennium thereafter, appropriations from the fund shall be authorized by the legislative fiscal committee and the governor and council.

(c) Moneys transferred to the education improvement fund shall not be transferred, diverted, or used for any purpose not specified in this section.

III. The priority for the use of any state funds shall be given to lower-performing non Title I schools.

193-G:5 Local Education Improvement Plan and Strategic Responses.

I. (a) Each school district appearing on the list required under RSA 193-G:3, shall develop and implement a local education improvement plan. The plan shall be reviewed annually and shall be included in the school district's annual report. The development and implementation of the plan and review shall be carried out with input from administrators, teachers, parents, employers, and other community members. The plan shall be approved by the local school board by December 31 of the year in which a school is identified for disclosure and a copy shall be forwarded to the department of education.

(b) At a minimum, each plan shall:

(1) Identify the area in which the school failed to meet the annual statewide targets established under RSA 193-G:2.

(2) Identify and describe the strategy the school intends to implement to improve its performance.

(3) Establish and explain a strategy designed to promote family and community involvement.

(4) Detail how the school district budget reflects the goals of the local education improvement plan.

II. In addition to the provisions of subparagraph I(b), each plan may include the following elements:

(a) The school's curriculum including curricular priorities and instructional materials.

(b) Instructional models that incorporate research-based practices that have been proven to be effective in improving student achievement.

(c) Formal and informal opportunities to assess and monitor each child's progress.

(d) Evidence of data-based decisions.

(e) Structural reform strategies that may include schedule, organization, support mechanisms, and resources.

(f) Shared leadership structure to support school improvement.

(g) Professional development that is aligned with school improvement goals.

(h) External support and resources based on their effectiveness and alignment with school improvement plan.

(i) Extended learning activities for students.

193-G:6 Education Improvement Fund Established.

I. There is hereby established a local education improvement fund in the state treasury for the purpose of providing assistance to local school districts. This fund shall be non-lapsing.

II.(a) The department of education is authorized to use the amount transferred to the education improvement fund, in addition to any available federal funds for similar purposes, for any of the following purposes:

(1) To support and administer the local education improvement plan program.

(2) To collect, analyze, and report the demographic and educational improvement data.

(3) To assist local school staff with the analysis and use of school performance data.

(4) To provide grants as available to school districts for local school improvement.

(5) To provide a system of annual recognition to identify best practices and promote school improvement.

(b) For the biennium beginning July 1, 2003, and every biennium thereafter, appropriations from the fund shall be authorized by the legislative fiscal committee and the governor and council.

(c) Moneys transferred to the education improvement fund shall not be transferred, diverted, or used for any purpose not specified in this section.

III. The priority for the use of any state funds shall be given to lower-performing non Title I schools.

193-G:7 Powers of the Department of Education. Nothing in this chapter shall be construed to permit either the department of education or the state board of education to take control of the daily operations of any local public school.

4 New Subparagraphs; Statewide Education Improvement and Assessment Program; Program Goals Amended. Amend RSA 193-C:3, IV by inserting after subparagraph (h) the following new subparagraphs:

(i) At the end of grade 3, to determine if pupils are reading at grade level on a standardized reading test to be developed by the department as part of a statewide assessment system.

(j) At the school, district, and state levels, to provide performance reports on specific subgroups of pupils as required by federal law.

5 New Subparagraph; State Board of Education; Rulemaking. Amend RSA 21-N:9, II by inserting after subparagraph (bb) the following new subparagraph:

(cc) School accountability, performance standards, strategic responses, and statewide targets as required by applicable federal law and in accordance with RSA 193-G.

6 Statewide Education Improvement and Assessment; Duties of the Legislative Oversight Committee. RSA 193-C:8 is repealed and reenacted to read as follows:

193-C:8 Duties of the Legislative Oversight Committee. The committee shall:

I. Review the development and implementation of the program to ensure that they are in accordance with legislative policy. Implementation of the program shall be in conjunction with the committee's review.

II. Review the provisions of RSA 193-G and submit a report of such review every 2 years after the effective date of this section to the speaker of the house of representatives, the president of the senate, the governor, and the chairpersons of the house and senate education committees.

III. Prepare legislation that is needed as a result of the review of the progress and results of the policies implemented under this chapter, including any changes necessitated by federal law.

IV. Confer with the commissioner and the state board of education to identify operational principles, which should guide the work of the department of education in supporting improved school performance and accountability.

V. Analyze existing department of education programs and initiatives which support improved school performance and accountability.

VI. Receive reports from the commissioner regarding the status of public education in New Hampshire, updates on the improvement made by local school districts toward achieving satisfactory progress in statewide student performance under RSA 193-G:2 and status reports on the on-going issues and implications of school accountability at the state and federal level. Reports by the commissioner shall occur at least once annually and more frequently as needed, as determined by the committee and the commissioner.

VII. Receive reports from the state board of education regarding any rules proposed pursuant to RSA 193-G:2 prior to the submission of those rules to the joint legislative committee on administrative rules.

7 Repeal. The following are repealed:

I. RSA 194:23-d, relative to state financial aid.

II. Section 8 of this act, relative to the department of education investigation of gains-based testing.

8 Department of Education; Gains-Based Testing. The commissioner of the department of education shall investigate the feasibility of gains-based testing in meeting the needs of a statewide testing program. The commissioner shall report all findings and recommendations to the house and senate education committees no later than November 1 of each year.

9 Effective Date.

I. Paragraph II of section 7 of this act shall take effect June 30, 2005.

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

2003-1257s

AMENDED ANALYSIS

This bill 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.

Floor amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 117-FN-A-L, authorizing video lottery administered by a gaming oversight authority, and establishing a pharmacy benefit program. Finance Committee. Re-refer to committee, Vote 5-1. Senator D'Allesandro for the committee.

Question is on the committee report of re-refer.

A roll call was requested by Senator Roberge.

Senator Roberge withdrew her request for a roll call.

Question is on the committee report of re-refer.

Committee report of re-refer is adopted.

Senator Gatsas Rule #42.

Senators Boyce, Johnson, Peterson and Roberge are in opposition to the motion of re-refer on SB 117-FN-A-L.

SB 132-FN-A, extending the Parents as Teachers program in Sullivan county and making an appropriation therefor. Finance Committee. Ought to Pass, Vote 5-1. Senator Odell for the committee.

Adopted.

Ordered to third reading.

SB 138-FN, clarifying the exemption from the interest and dividends tax for distributions from qualified tuition savings programs. Finance Committee. Ought to Pass, Vote 6-0. Senator Below for the committee.

Adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator D'Allesandro moved to have **SB 35** taken of the table.

Adopted.

SB 35, relative to the transfer and exchange of certain state-owned land for certain land owned by the Manchester water works.

Question is on the adoption of the committee amendment (0885).

Amendment adopted.

Question is on the adoption of the bill as amended.

A roll call was requested by Senator Gatsas.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Johnson, Kenney, Below, Green, Odell, Roberge, Larsen, Martel, D'Allesandro, Estabrook, Cohen.

The following Senators voted No: Boyce, Flanders, Peterson, O'Hearn, Clegg, Gatsas, Barnes, Morse, Prescott.

Yeas: 12 - Nays: 9

Adopted.

Ordered to third reading.

Senator Foster Rule #42 on SB 35.

SB 144-FN, relative to the lease agreement between the department of regional community-technical colleges and Pease development authority. Finance Committee. Ought to Pass, Vote 6-0. Senator Green for the committee.

MOTION TO TABLE

Senator Green moved to have **SB 144-FN** laid on the table.

Adopted.

LAIID ON THE TABLE

SB 144-FN, relative to the lease agreement between the department of regional community-technical colleges and Pease development authority.

SB 148-FN, relative to the regulation of water treatment equipment installers by the plumber's board. Finance Committee. Ought to Pass, Vote 6-0. Senator Green for the committee.

Adopted.

Ordered to third reading.

SB 159-FN, relative to milfoil and other exotic aquatic weeds. Finance Committee. Re-refer to committee, Vote 6-0. Senator Green for the committee.

Question is on the committee report of re-refer.

A division vote was requested.

Yeas: 9 - Nays: 13

Motion failed.

Senator Green moved inexpedient to legislate.

Question is on the motion of inexpedient to legislate.

A roll call was requested by Senator Green.

Seconded by Senator Below.

The following Senators voted Yes: Gallus, Green, Flanders, Clegg, Gatsas, D'Allesandro, Morse.

The following Senators voted No: Johnson, Kenney, Boyce, Below, Odell, Roberge, Peterson, O'Hearn, Foster, Larsen, Barnes, Martel, Estabrook, Prescott, Cohen.

Yeas: 7 - Nays: 15

Motion failed.

Senator Barnes moved ought to pass.

Senator Odell offered a floor amendment.

Sen. Odell, Dist. 8

Sen. Below, Dist. 5

Sen. Johnson, Dist. 2

April 9, 2003

2003-1240s

06/09

Floor Amendment to SB 159-FN

Amend RSA 270-F:5, V as inserted by section 4 of the bill by replacing it with the following:

V. \$4 for each permit required by this section shall be paid into the navigation safety fund established under RSA 270-E:6-a.

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

13 Disposition of Revenues. Amend RSA 270-E:7 to read as follows:

I. Except as provided in paragraph II, all fines collected under this chapter and the amount of fees generated by RSA 270-E:5, I and III **and \$4 of each fee generated by RSA 270-E:5, II(b)** shall be deposited in the navigation safety fund established under RSA 270-E:6-a.

II. All fees collected under RSA 270-E:5, I and III **and \$4 of each fee generated by RSA 270-E:5, II(b)** for vessels registered for tidal and coastal waters shall be made available to the Pease development authority, division of ports and harbors for the purposes of safety, navigation, training, and administration. Such sums shall be nonlapsing and shall be continually appropriated to the Pease development authority, division of ports and harbors.

14 Disposition of Revenues. Amend RSA 270-E:7 to read as follows:

I. Except as provided in paragraph II, all fines collected under this chapter and the amount of fees generated by RSA 270-E:5, I and III shall be deposited in the navigation safety fund established under RSA 270-E:6-a.

II. All fees collected under RSA 270-E:5, I and III for vessels registered for tidal and coastal waters shall be made available to the Pease development authority, division of ports and harbors for the purposes of safety, navigation, training, and administration. Such sums shall be nonlapsing and shall be continually appropriated to the Pease development authority, division of ports and harbors.

Amend the bill by replacing paragraph I of section 16 with the following:

I. Sections 3, 6, 8, 10, 12, 14, and 15 of this act shall take effect January 1, 2008.

Floor amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

Senator Kenney in the Chair.

HB 101, relative to qualifications for state offices. Internal Affairs Committee. Ought to Pass, Vote 3-0. Senator Boyce for the committee.

Senator Eaton offered a floor amendment.

Sen. Eaton, Dist. 10

Sen. Below, Dist. 5

Sen. Boyce, Dist. 4

Sen. Barnes, Dist. 17

Sen. Clegg, Dist. 14

Sen. Cohen, Dist. 24

Sen. D'Allesandro, Dist. 20

Sen. Estabrook, Dist. 21

Sen. Flanders, Dist. 7

Sen. Foster, Dist. 13

Sen. Gallus, Dist. 1

Sen. Gatsas, Dist. 16

Sen. Green, Dist. 6

Sen. Johnson, Dist. 2

Sen. Larsen, Dist. 15

Sen. Martel, Dist. 18

Sen. Morse, Dist. 22

Sen. O'Hearn, Dist. 12

Sen. Odell, Dist. 8

Sen. Peterson, Dist. 11

Sen. Prescott, Dist. 23

Sen. Roberge, Dist. 9

Sen. Sapareto, Dist. 19

April 8, 2003

2003-1207s

03/04

Floor Amendment to HB 101

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

AN ACT relative to qualifications for state offices and relative to vacancies in public offices.

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

1 Elections; Nominations; Qualifications by Office. Amend RSA 655:5-655:8 to read as follows:

655:5 Governor. To hold the office of governor, a person must be qualified as provided in Part 2, Article 42 of the state constitution: ***at the time of the election, the person must have been an inhabitant of this state for 7 years next preceding, and be of the age of 30 years.***

655:6 Councilor. To hold the office of councilor, a person must be qualified as provided in Part 2, Article 61 of the state constitution: ***the person must be of the age of 30 years, and shall have been an inhabitant of this state for 7 years immediately preceding the election, and at the time thereof shall be an inhabitant of the district for which he or she shall be chosen. Should such person, after election, cease to be an inhabitant of the district for which he or she was chosen, he or she shall be disqualified to hold said position and a vacancy shall be declared therein.***

655:7 State Senator. To hold the office of state senator, a person must be qualified as provided in Part 2, Article 29 of the state constitution: ***the person must be of the age of 30 years, and shall have been an inhabitant of this state for 7 years immediately preceding the election, and at the time thereof shall be an inhabitant of the district for which he or she shall be chosen. Should such person, after election, cease to be an inhabitant of the district for which he or she was chosen, he or she shall be disqualified to hold said position and a vacancy shall be declared therein.***

655:8 State Representative. To hold the office of state representative, a person must be at least 18 years of age and must be qualified as provided in Part 2, Article 14 of the state constitution: ***for 2 years, at least, next preceding the election shall have been an inhabitant of this state; and shall be, at the time of the election, an inhabitant of the town, ward, place, or district he or she may be chosen to represent, and shall cease to represent such town, ward, place, or district immediately on his or her ceasing to be qualified as aforesaid.***

2 Elections; Vacancy. Amend RSA 652:12 to read as follows:

652:12 Vacancy. A "vacancy" shall occur in a public office if, subsequent to his ***or her*** election and prior to the completion of his ***or her*** term, the person elected to that office:

I. Either dies, resigns, or ceases to have domicile in the state or the district from which he ***or she*** was elected; or

II. Is determined by a court having jurisdiction to be insane or mentally incompetent; or

III. Is convicted of a crime which disqualifies him ***or her*** from holding office; or

IV. Fails or refuses to take the oath of office within the period prescribed in RSA 42:6 or to give or renew an official bond if required by law; or

V. Has his ***or her*** election voided by court decision or ballot law commission decision; or

VI. Is a member of the general court of New Hampshire and a member of a military reserve or national guard unit; and

(a) [~~Such unit~~] ***The member*** was called to serve in an emergency; and

(b) Service in such unit causes the member to be unable to perform his ***or her*** legislative duties, ***as determined by the house of representatives in the case of a member of the house of representatives and by the senate in the case of a member of the senate,*** for longer than 180 consecutive days; and

(c) The selectmen of any town or ward in the district from which the member is elected request of the governor and council that the office be declared vacant.

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

2003-1207s

AMENDED ANALYSIS

This bill codifies certain constitutional qualifications for state elective offices. This bill also requires that the house of representatives or the senate determine that a member is unable to perform his or her legislative duties because of service in a military reserve or national guard unit in order for such service to create a vacancy. This bill also makes certain gender-neutral changes.

Question is on the adoption of the floor amendment.

A roll call was requested by Senator Barnes.

Seconded by Senator Clegg.

The following Senators voted Yes: Gallus, Johnson, Boyce, Below, Green, Flanders, Odell, Roberge, Eaton, Peterson, O'Hearn, Foster, Clegg, Larsen, Gatsas, Barnes, Martel, D'Allesandro, Estabrook, Morse, Prescott, Cohen.

The following Senators voted No: None.

Yeas: 22- Nays: 0

Floor amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 214-FN-A, establishing new positions in the department of health and human services and making an appropriation therefor. Finance Committee. Ought to Pass, Vote 5-1. Senator Below for the committee.

MOTION TO TABLE

Senator Below moved to have **SB 214-FN-A** laid on the table.

Adopted.

LAID ON THE TABLE

SB 214-FN-A, establishing new positions in the department of health and human services and making an appropriation therefor.

SB 217-FN, relative to the calculation of average daily membership in residence for the purpose of calculating the cost of an adequate education. Finance Committee. Inexpedient to Legislate, Vote 5-2. Senator Green for the committee.

MOTION TO TABLE

Senator Green moved to have **SB 217-FN** laid on the table.

Question is on the motion to table.

A roll call was requested by Senator Below.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Johnson, Boyce, Green, Flanders, Odell, Roberge, Peterson, O'Hearn, Clegg, Gatsas, Barnes, Martel, Morse, Prescott.

The following Senators voted No: Below, Foster, Larsen, D'Allesandro, Estabrook, Cohen.

Yeas: 15 - Nays: 6

Motion is adopted.

LAID ON THE TABLE

SB 217-FN, relative to the calculation of average daily membership in residence for the purpose of calculating the cost of an adequate education.

SB 221-FN, relative to the offense of obstructing government administration by the use of simulated legal process. Finance Committee. Ought to Pass, Vote 6-0. Senator Boyce for the committee.

Adopted.

Ordered to third reading.

SB 222-FN-A, relative to motor vehicle fees. Finance Committee. Ought to pass with amendment, Vote 5-1. Senator Green for the committee.

Senate Finance
April 2, 2003
2003-1086s
03/01

Amendment to SB 222-FN-A

Amend the bill by replacing section 2 with the following:

2 New Paragraphs; Emission Control Equipment; On-Board Diagnostic and Vehicle Safety Inspection Program. Amend RSA 266:59-b by inserting after paragraph IV the following new paragraphs:

V. The director shall, with the approval of the commissioner, adopt rules pursuant to RSA 541-A relative to:

(a) The efficient administration of this section.

(b) Reasonable fees to cover the operation of an approved electronic on-board diagnostic and vehicle safety inspection program. All fees collected pursuant to this subparagraph shall be deposited in the highway fund.

VI. The department of safety shall submit an annual report, beginning on July 1, 2004, to the speaker of the house of representatives, the president of the senate, and the governor and council which shall include, but not be limited to, a description of inspection services offered by the electronic on-board diagnostic and vehicle safety inspection program, the development of the technological advancements in division programs related to the vehicle safety inspection process, the revenue generated from the fees established in RSA 266:59-b, V(b), the degree of coordination with vehicle inspection stations, and the extent to which the vehicle inspection safety program is enhanced.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 5:

3 Appropriation. The sum of \$925,859 for the fiscal year ending June 30, 2004 and \$999,479 for the fiscal year ending June 30, 2005 are hereby appropriated to the department of safety for the purpose of funding the expenses of operating the electronic on-board diagnostic and vehicle safety inspection program established pursuant to RSA 266:59-b. Said appropriations shall be a charge against the highway fund to be expended as follows:

	FY 2004	FY 2005
Personal services - permanent	\$354,964	\$491,494
Overtime	\$ 24,366	\$ 37,566
Current expenses	\$ 75,067	\$ 86,850
Organizational dues	\$ 1,000	\$ 1,000
Equipment new/replacement	\$295,830	\$137,415
Benefits	\$140,352	\$195,754
In-state travel	<u>\$ 34,280</u>	<u>\$ 49,400</u>
Total	\$925,859	\$999,479

4 Positions Established. There are hereby created within the department of safety the following new positions:

I. Six full-time highway patrol officers, at labor grade 19, for the fiscal year ending June 30, 2004.

II. Three full-time highway patrol officers, at labor grade 19, for the fiscal year ending June 30, 2005.

III. One program specialist II, at labor grade 21, for the fiscal year ending June 30, 2004.

IV. One auditor II, at labor grade 21, for the fiscal year ending June 30, 2004.

V. Two secretaries II, at labor grade 9, for the fiscal year ending June 30, 2004.

Amendment adopted.

Senator Boyce offered a floor amendment.

Sen. Boyce, Dist. 4
April 2, 2003
2003-1103s
03/10

Floor Amendment to SB 222-FN-A

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

AN ACT relative to motor vehicle fees and prohibiting the sale of gasoline containing MTBE.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 New Section; Sale of Gasoline Containing MTBE Prohibited. Amend RSA 485 by inserting after section 16-d the following new section:

485:16-e Sale of Gasoline Containing MTBE Prohibited.

I. Gasoline containing MTBE shall not be sold in this state.

II. Retail sellers of gasoline and the suppliers to such retail sellers shall comply with the provisions of paragraph I or be subject to the enforcement provisions of RSA 485:58.

2003-1103s

AMENDED ANALYSIS

This bill:

I. Inserts provisions for the administration of the electronic on-board diagnostic and vehicle safety inspection program.

II. Increases registration fees for motor vehicles.

III. Prohibits the sale of gasoline containing MTBE.

Floor amendment failed.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Green moved to have **SB 70** taken of the table.

Adopted.

SB 70, creating the Great Bay Estuary district and making an appropriation therefor.

Question is on the adoption of the committee amendment (1063).

Amendment failed.

Senator Green offered a floor amendment.

Sen. Green, Dist. 6

April 9, 2003

2003-1225s

06/01

Floor Amendment to SB 70

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

AN ACT establishing a commission to study implementing a recommendation of the New Hampshire estuaries project management plan.

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

1 Commission Established.

I. There is established a commission to study:

(a) The feasibility of implementing a recommendation of the estuaries project management plan that the discharge from area wastewater treatment plants be combined for discharge further offshore.

(b) Ways to aid in achieving restoration of the estuary habitat in a manner that is compatible with the National Estuary Restoration Act of 2000.

(c) Creation of a watershed district in the Great Bay Estuary area and the rivers that flow into it.

(d) Funding strategies for creating and maintaining effective partnerships between the federal government, the state government, local community governments and the private sector to fund and assist in the Great Bay estuary habitat restoration project.

(e) The need for joint public wastewater facilities for collection and discharge of treated wastewater and ways to achieve the construction, maintenance and management of these facilities.

II. Participation in this commission shall be voluntary.

2 Membership and Compensation.

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

- (a) One member of the senate, appointed by the president of the senate.
- (b) One member of the house of representatives, appointed by the speaker of the house.
- (c) One member, appointed by the governor.
- (d) One member from each participating town or city along the Great Bay estuary, river basin, and the estuarine watersheds, appointed by the governing body of the town or city.
- (e) One member of the Strafford Regional Planning Commission, appointed by the commission.
- (f) One member of the Rockingham Regional Planning Commission, appointed by the commission.
- (g) One Strafford County commissioner, appointed by the county commission.
- (h) One Rockingham County commissioner, appointed by the county commission.
- (i) The commissioner of the department of environmental services, or designee.
- (j) The reserve manager of the Great Bay National Estuarine Research Reserve.
- (k) The director of the office of state planning, or designee.

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

3 Duties. The commission shall study:

I. The feasibility of implementing a recommendation of the estuaries project management plan that the discharge from area wastewater treatment plants be combined for discharge further offshore.

II. Ways to aid in achieving restoration of the estuary habitat in a manner that is compatible with the National Estuary Restoration Act of 2000.

III. Creation of a watershed district in the Great Bay Estuary area and the rivers that flow into it.

IV. Funding strategies for creating and maintaining effective partnerships between the federal government, the state government, local community governments, and the private sector to fund and assist in the Great Bay estuary habitat restoration project.

V. The need for joint public wastewater facilities for collection and discharge of treated wastewater and ways to achieve the construction, maintenance, and management of these facilities.

VI. The merits of forming a watershed district among area towns to provide for the collection, conveyance, and disposal of treated wastewater into the deep waters of the Piscataqua River or the Atlantic Ocean and for other water-related purposes and an appropriate name for any districts recommended.

VII. Funding strategies that a watershed district might use in conjunction with the state and federal governments for the benefit of the Great Bay Estuary and its environment.

4 Notice of First Meeting; Chairperson; Quorum. The senate member shall create a list of commission members and shall call the first meeting of the commission. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be held within 45 days of the effective date of this act. Eight members of the commission shall constitute a quorum.

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

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

2003-1225s

AMENDED ANALYSIS

This bill establishes a commission to study certain recommendations of the New Hampshire estuaries project management plan and other issues related to the Great Bay estuary.

Floor amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Boyce moved to have **HB 361** taken of the table.

Adopted.

HB 361-L, permitting municipalities to form regional water districts.

Question is on the adoption of the committee amendment (1096).

Amendment adopted.

Senator Boyce offered a floor amendment.

Sen. Clegg, Dist. 14

April 10, 2003

2003-1262s

10/04

Floor Amendment to HB 361-LOCAL

Amend RSA 33-B:2 as inserted by section 6 of the bill by replacing it with the following:

33-B:2 Issuance of Revenue Bonds. A municipality *or regional water district* may issue bonds or notes under this chapter for construction of revenue-producing facilities. Bonds issued by a municipality *or regional water district* under this chapter shall not be deemed to be a pledge of the faith and credit of the state or of the municipality *or municipalities that are members of a regional water district*. Except as otherwise provided in this chapter, the principal of, premium, if any, and interest on all bonds shall be payable solely from the particular funds provided therefor under this chapter. ~~[The bonds]~~ *Bonds issued by a municipality* shall be issued in such amounts as the legislative body may authorize by a 2/3 vote as required under RSA 33:8 or 9, as applicable. *Bonds issued by regional water districts shall be issued in such amounts as the governing body may authorize pursuant to the regional water districts charter.* Bonds of each issue shall be dated, shall bear interest at such rate or rates, including rates variable from time to time as determined by such index, banker's loan rate or other method as may be determined by the authorized officers, and shall mature at such time or times as may be determined by the authorized officers, except that no bond shall mature more than 40 years from the date of its issue or beyond the expiration of the expected useful life of the facilities being financed by the bonds as determined by the authorized officers. Bonds may be made redeemable before maturity at the option of the municipality *or regional water district* at such price or prices and under such terms and conditions as may be fixed by the authorized officers prior to the issue of bonds. The authorized officers shall determine the form and details and the manner of execution of bonds. The municipality *or regional water district* may sell its bonds in such manner, either at public or private sale, for such price, at such rate or rates of interest, or at such discount in lieu of interest, as the authorized officers may determine. The provisions of RSA 33:11-a, 14 and 15 shall apply to bonds issued under this chapter.

Floor amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator **Martel** moved to have **HB 151** taken of the table.

Adopted.

HB 151, authorizing the county convention to contract and fund performance audits of county departments.

Senator Martel offered a floor amendment.

Sen. Martel, Dist. 18

April 10, 2003

2003-1261s

10/04

Floor Amendment to HB 151

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

AN ACT authorizing the county convention to contract and fund performance audits of county departments, authorizing employees of the Hillsborough and Rockingham county delegations, and relative to adoption of revisions and the budget process in city charters.

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

4 Adoption of Charter Revisions. Amend RSA 49-B:4, VI to read as follows:

VI. Upon the filing of the final report, the municipal officers shall order, *as determined by the charter commission*, the proposed new charter or charter revision to be submitted to the voters at the next [regular] *primary or general* municipal election or, in the case of municipalities with biennial elections, at the next regular state biennial election held at least 45 days after the filing of the final report.

5 Budget Process. Amend RSA 49-C:23, I to read as follows:

I. A budget submission date and a date by which an annual budget shall be finally adopted by the elected body. Failing final adoption by the established date, the budget *shall be determined as provided in the city charter; or* as originally submitted by the chief administrative officer [~~shall become the budget~~] *if no such provision is made in the city charter.*

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

2003-1261s

AMENDED ANALYSIS

This bill allows the county convention of any county to contract for a performance audit of a county department, institution, or office. The cost of an audit is to be paid from a contingency fund expended by the county convention.

This bill allows the Hillsborough and Rockingham county delegations to hire employees.

This bill also clarifies the process for voting on city charter revisions and permits a city charter to provide for a default city budget.

Floor amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Clegg moved to have **SB 23-FN** taken off the table.

Adopted.

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

Question is on the adoption of the floor amendment (1097).

Floor amendment failed.

Question is on the motion of ought to pass.

Adopted.

Ordered to third reading.

SB 42, relative to charitable contributions by insurance agents. Insurance Committee. Ought to pass with amendment, Vote 3-0. Senator Flanders for the committee.

Insurance
April 1, 2003
2003-1075s
01/05

Amendment to SB 42

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

1 Insurance; Rebating; Exceptions. RSA 402:41 is repealed and reenacted to read as follows:

402:41 Exceptions. RSA 402:39, RSA 402:40, and RSA 417:4, IX shall not prohibit:

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

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

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

IV. A producer, who is serving as a governing board member of a nonprofit organization, from donating all of the commission to which the producer is entitled for the procurement of insurance by the nonprofit organization. For the purposes of this paragraph, a nonprofit organization is listed as an exempt organization under Section 501(c)(3), (4), (6) or (7) and exempt from the federal income tax under Section 501(a) of the Internal Revenue Code of 2002 and its subsequent amendments. Any producer who elects to make a distribution of commission under this section shall:

(a) File a written description of its distribution program with the insurance commissioner for approval before the first distribution is made. If the commissioner does not act on the applicant's distribution program within 5 days of its receipt, the distribution plan or program is considered approved; and notify the insurance commissioner, in writing, of each distribution made under the program within 14 days of when the distribution is made; and

(b) Notify the director of charitable trusts pursuant to RSA 7:28 and in compliance with RSA 7:19-a, II.

V. An insurance company or producer from providing a service, activity or product without a fee, or with a reduced fee; provided, that the provision of such service, activity or product is not unfairly discriminatory under RSA 417:4, VIII or any other applicable statute or rule and such service, activity or product is:

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

(b) A service, activity or product related to the firm's marketing, distributing or servicing of such insurance contract or a risk control activity offered to or undertaken for the benefit of the client.

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

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 119, relative to medical and hospital liability insurance. Insurance Committee. Ought to pass with amendment, Vote 5-0. Senator Flanders for the committee.

Insurance
April 3, 2003
2003-1139s
01/04

Amendment to SB 119

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

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

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

3 Applicability. This act shall apply to all actions for medical injury arising on or after the effective date of this act.

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

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 14, relative to vacancies in county offices.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 14, relative to vacancies in county offices.

Senator Boyce moved to concur.

Adopted.

SB 184, relative to reinsurance. Insurance Committee. Ought to pass with amendment, Vote 3-0. Senator Martel for the committee.

Insurance

April 1, 2003

2003-1076s

01/05

Amendment to SB 184

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

1 Counterclaims Deleted. Amend the section heading of RSA 402-C:34 to read as follows:

402-C:34 Setoffs [~~and Counterclaims~~].

2 Counterclaims Deleted. Amend the introductory paragraph of RSA 402-C:34, II to read as follows:

II. EXCEPTIONS. No setoff [~~or counterclaim~~] shall be allowed in favor of any person where:

3 Liability of Insurer. RSA 402-C:36 is repealed and reenacted to read as follows:

402-C:36 Liability of Insurer. The amount recoverable by the liquidator from a reinsurer shall not be reduced as a result of delinquency proceedings unless the reinsurance contract provides, in substance, that in the event of the insolvency of the ceding insurer, the reinsurance shall be payable by the assuming insurer on the basis of the claims allowed against the ceding insurer in the insolvency proceedings, under contract or contracts reinsured without diminution because of the insolvency of the ceding insurer directly to the ceding insurer or to its domiciliary liquidator or receiver except:

I. Where the contract specifically provides another payee of such reinsurance in the event of the insolvency of the ceding insurer; or

II. Where the assuming insurer with the consent of the direct insured or insured has assumed such policy obligations of the ceding insurer as direct obligations of the assuming insurer to the payees under such policies and in substitution for the obligations of the ceding insurer to such payees.

4 Repeal. RSA 402-C:34, II(d), relative to disallowing certain setoffs and claims, is repealed.

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

2003-1076s**AMENDED ANALYSIS**

This bill deletes the provision in current law which disallows setoffs of premiums payable to an insolvent insurer. This bill also clarifies the liability of the insurer.

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 189, relative to certain automobile accidents. Insurance Committee. Re-refer to committee, Vote 3-0. Senator Martel for the committee.

MOTION TO TABLE

Senator Flanders moved to have **SB 189** laid on the table.

Adopted.

LAIID ON THE TABLE

SB 189, relative to certain automobile accidents.

HB 126, relative to posting statutes at polling places. Internal Affairs Committee. Ought to Pass, Vote 3-0. Senator Boyce for the committee.

Adopted.

Ordered to third reading.

HB 275, establishing a committee to study ballot reform. Internal Affairs Committee. Inexpedient to Legislate, Vote 3-0. Senator Boyce for the committee.

Committee report of inexpedient to legislate is adopted.

HB 305, relative to time allowed for voting. Internal Affairs Committee. Ought to Pass, Vote 5-0. Senator Flanders for the committee.

Adopted.

Ordered to third reading.

SB 168, allowing school boards to adjourn to nonpublic session to consider pupil disciplinary matters. Judiciary Committee. Ought to pass with amendment, Vote 3-0. Senator Clegg for the committee.

Senate Judiciary

April 1, 2003

2003-1078s

04/01

Amendment to SB 168

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

1 New Subparagraph; Access to Public Records and Meetings; Nonpublic Sessions. Amend RSA 91-A:3, II by inserting after subparagraph (i) the following new subparagraph:

(j) Consideration by a school board of any matters that would reveal the content of education records maintained by the school district or disclose personally identifiable information about a student, contrary to 20 United States Code section 1232g.

2 Access to Public Records and Meetings; Nonpublic Sessions. Amend RSA 91-A:3, III to read as follows:

III. Minutes of proceedings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present, it is determined that divulgence of the information likely would affect

adversely the reputation of any person other than a member of the body or agency itself, or render the proposed action ineffective, or pertain to terrorism, more specifically, to matters relating to the preparation for and the carrying out of all emergency functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life. This shall include training to carry out such functions. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply. ***Minutes of proceedings that would reveal the content of education records maintained by the school district or disclose personally identifiable information about a student shall not be publicly disclosed at any time, except as permitted by 20 United States Code section 1232g.***

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

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 211, relative to the expungement of DNA records and multiple qualifying convictions. Judiciary Committee. Inexpedient to Legislate, Vote 4-0. Senator Foster for the committee.

Committee report of inexpedient to legislate is adopted.

SB 218, establishing a study committee to examine child custody and support laws and practices in New Hampshire. Judiciary Committee. Inexpedient to Legislate, Vote 3-0. Senator Roberge for the committee.

Committee report of inexpedient to legislate is adopted.

HB 277-FN, relative to an extended term of imprisonment for manslaughter and relative to jury findings which warrant an extended term of imprisonment. Judiciary Committee. Ought to Pass, Vote 3-0. Senator Peterson for the committee.

Adopted.

Ordered to third reading.

HB 310, establishing a commission to study child support issues. Judiciary Committee. Ought to pass with amendment, Vote 3-0. Senator Roberge for the committee.

Senate Judiciary

April 1, 2003

2003-1080s

05/10

Amendment to HB 310

Amend the bill by replacing all after section 5 with the following:

6 Reports. The commission shall submit a preliminary report of its findings and recommendations on or before November 1, 2003, and a final report of its findings and recommendations on or before December 1, 2004, to the speaker of the house of representatives, the senate president, the governor, the house clerk, the senate clerk, and the state library.

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

Amendment adopted.

Senator Below offered a floor amendment.

Sen. Below, Dist. 5

April 9, 2003

2003-1239s

04/10

Floor Amendment to HB 310

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

AN ACT establishing a commission to study child support and related child custody issues.

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

There is established a commission to study child support and related child custody issues. The commission shall consist of the following members:

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

II. Two members of the senate, appointed by the president of the senate.

Amend the bill by replacing section 2 with the following:

2 Duties of the Commission. The commission shall:

I. Review RSA 458:17 and RSA 458-C, including RSA 458-C:5, addressing special circumstances warranting adjustments to the application of the child support guidelines, to determine their effectiveness and fairness and to minimize incentives for unnecessary adversarial proceedings between parents, and to promote better outcomes for children and families.

II. Review RSA 639:3, I and RSA 639:4, regarding criminal sanctions for non-support, to determine their effectiveness and fairness.

III. Study the impact of the costs of providing medical insurance and dental care for the non-custodial parent and as part of a child support order.

IV. Study federal and other states' child support guidelines, statutes, and legislation with a view toward improving New Hampshire's child support formula. Specifically, the commission shall determine the amount of financial support necessary to adequately support a child in New Hampshire.

V. Study joint and shared custody arrangements with a view toward making recommendations for changes to the child support guidelines formula.

VI. Consider the establishment of minimum standards of behavior and responsibility which, if met by a parent, would entitle the parent or parents to legal custody or joint legal custody, barring extraordinary findings by a judge that such custody would be harmful to a child.

VII. Hold 4 public hearings at separate geographic locations around the state for the purpose of obtaining testimony from the public on child support issues.

VIII. Study the relationships between visitation, custody, and child support and consider improved and more specific standards for the sharing of child support costs such as a pro ration of costs based on the number of days in each month when a parent has physical custody rights, whether during visitation or otherwise.

IX. Review the self-support level necessary and determine appropriate minimum and maximum levels for both self-support and support.

X. Make recommendations for any proposed legislation that the commission deems necessary.

2003-1239s

AMENDED ANALYSIS

This bill establishes a commission to study child support and related child custody issues.

Floor amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 187, relative to designating local emergency management directors. Public Affairs Committee. Inexpedient to Legislate, Vote 4-0. Senator Morse for the committee.

Committee report of inexpedient to legislate is adopted.

HB 86, relative to the membership of the permissible fireworks review committee. Public Affairs Committee. Ought to Pass, Vote 4-0. Senator Roberge for the committee.

Adopted.

Ordered to third reading.

HB 127, establishing a committee to study the effectiveness and fairness of county government. Public Affairs Committee. Ought to pass with amendment, Vote 4-0. Senator Barnes for the committee.

Public Affairs

April 2, 2003

2003-1090s

10/09

Amendment to HB 127

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

AN ACT establishing a committee to study the effectiveness, fairness, and feasibility of continuing county government.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the effectiveness, fairness, and feasibility of continuing county government.

Amend section 3 of the bill by inserting after paragraph III the following new paragraph:

IV. Determine the feasibility of continuing county government.

2003-1090s

AMENDED ANALYSIS

This bill establishes a committee to study the effectiveness, fairness, and feasibility of continuing county government.

Amendment adopted.

Senator Flanders offered a floor amendment.

Sen. Flanders, Dist. 7

April 8, 2003

2003-1199s

10/04

Floor Amendment to HB 127

Amend the bill by replacing section 2 with the following:

2 Membership and Compensation.

I. The members of the committee shall be five members of the house of representatives, appointed by the speaker of the house.

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

Amend the bill by replacing section 4 with the following:

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

Floor amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled Bills sent down from the Senate:

HB 101, relative to qualifications for state offices and relative to vacancies in public offices.

SB 131, establishing a committee to study promoting the establishment of free clinics for uninsured and underinsured persons. Public Institutions, Health and Human Services Committee. Ought to pass with amendment, Vote 3-1. Senator Estabrook for the committee.

Public Institutions, Health and Human Services

April 3, 2003

2003-1135s

01/04

Amendment to SB 131

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

AN ACT establishing a committee to study the system of health care safety net providers in New Hampshire, and options for improving access to primary and preventive care for the uninsured and underinsured.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the system of health care safety net providers in New Hampshire, and options for improving access to primary and preventive care for the uninsured and underinsured. Currently, there are a number of health centers, clinics, and community services that address the health care needs of underserved populations a variety of ways. The committee shall study the current system and make recommendations for improving access to primary and preventive care for uninsured and underinsured residents of this state.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study promoting providers of affordable primary and preventive health care services to the uninsured and underinsured. Issues the committee shall study shall include but not be limited to:

I. Identifying current primary and preventive health care safety net providers and where such providers are located.

II. The affordability, cost effectiveness, and quality of services provided by such health care safety net providers.

III. Ways to increase federal sources or grant sources that could create new or expanded access points for primary and preventive health care services to the uninsured and underinsured.

IV. Improvement of linkages between and among community health care providers to increase primary care access for the uninsured and underinsured.

V. Liability insurance for health care providers who volunteer their time in clinics.

2003-1135s

AMENDED ANALYSIS

This bill establishes a committee to study the system of health care safety net providers in New Hampshire and options for improving access to primary and preventive care for the uninsured and underinsured.

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 190, relative to community living facilities. Public Institutions, Health and Human Services Committee. Ought to pass with amendment, Vote 4-0. Senator O'Hearn for the committee.

Public Institutions, Health and Human Services

April 3, 2003

2003-1130s

05/10

Amendment to SB 190

Amend the bill by replacing section 1 with the following:

1 Standards and Certification for Community Living Facilities; Imposition of Administrative Fines. Amend RSA 126-A:20 to read as follows:

126-A:20 Standards and Certification for Community Living Facilities.

I. The commissioner shall adopt rules pursuant to RSA 541-A to govern the establishment and operation of community living facilities. The certification of community living facilities shall be based on these rules. ***Certification of such community living facilities shall be on a permanent, temporary, or emergency basis in accordance with these rules.*** No placements shall occur in the absence of such certification. The commissioner may withdraw certification at any time the commissioner has reasonable cause to believe that there exist violations of federal, state, or local law or of department rules adopted pursuant to RSA 541-A pertaining to community living facilities.

II. Certifications shall be subject to periodic review and renewal by the commissioner.

III. ***The commissioner of the department of health and human services, after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this subdivision or rules adopted under this subdivision. Rehearings and appeals from a decision of the commissioner shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this subdivision. The commissioner shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this subdivision shall be forwarded to the state treasurer to be deposited into the general fund.***

2003-1130s

AMENDED ANALYSIS

This bill authorizes the department of health and human services to certify community living facilities on a permanent, temporary, or emergency basis. The bill also authorizes the department to impose administrative fines for violations of the chapter or regulations implemented under this chapter.

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 193, extending the report date for the commission on the education of the deaf and hard of hearing in New Hampshire. Public Institutions, Health and Human Services Committee. Ought to pass with amendment, Vote 3-0. Senator Martel for the committee.

Public Institutions, Health and Human Services

April 3, 2003

2003-1133s

04/10

Amendment to SB 193

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

AN ACT extending the report date for the commission on the education of the deaf and hard of hearing in New Hampshire and the commission on architecturally secure facilities and community shelter care facilities for juveniles.

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

2 Commission on Architecturally Secure Facilities and Community Shelter Care Facilities for Juveniles; Report Date Extended. Amend 2001, 97:6 as amended by 2002, 50:2 to read as follows:

97:6 Report. The commission shall report its findings, which shall include any reports from any independent consultants, and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, [2002] **2004**.

2003-1133s**AMENDED ANALYSIS**

This bill extends the report date for the commission on the education of the deaf and hard of hearing in New Hampshire, established in 2000, 43, from November 1, 2002 to November 1, 2005. The bill also extends the report date for the commission on architecturally secure facilities and community shelter care facilities for juveniles to November 1, 2004.

Amendment adopted.**Question is on the adoption of the bill as amended.****Adopted.****Ordered to third reading.**

HB 253, relative to the design build concept for certain projects. Transportation Committee. Ought to pass with amendment, Vote 5-0. Senator Morse for the committee.

Senate Transportation**March 27, 2003****2003-1023s****06/01****Amendment to HB 253**

Amend RSA 228:4, I(f) as inserted by section 1 of the bill by replacing it with the following:

(f) Projects may be built through lease purchase arrangements based on a request for proposal provided that selection and award is based on an objective standard and that there are measurable criteria for evaluation. ***Capital budget*** projects may be built under the design build concept based on a request for proposal provided that selection and award is based on an objective standard and that there are measurable criteria for evaluation only if such projects are expressly designated as design build and authorized as such by the capital budget while the general court is in session or by the fiscal committee when the general court is out of session. ***The commissioner shall report the results of any capital budget project using the design build concept to the capital budget overview committee within 90 days after the completion of the project.***

Amendment adopted.

Senator Morse offered a floor amendment.

Sen. Morse, Dist. 22**April 9, 2003****2003-1242s****06/01****Floor Amendment to HB 253**

Amend RSA 228:4, I(g) as inserted by section 2 of the bill by replacing it with the following:

(g) Statewide transportation improvement program projects with a cost not to exceed \$1,000,000 and which are related to transportation enhancement, congestion mitigation and air quality, or intelligent transportation systems, may be developed and constructed utilizing the design build concept based on a request for proposal, provided that selection is based on an objective standard and measurable criteria for evaluation of the proposals. The commissioner shall report the results of any statewide transportation improvement program project using the design build concept to the capital budget overview committee within 90 days after the completion of the project.

Floor amendment adopted.**Question is on the adoption of the bill as amended.****Adopted.****Ordered to third reading.**

HB 498, relative to 20-day vehicle registrations. Transportation Committee. Ought to Pass, Vote 4-0. Senator Kenney for the committee.

Adopted.**Ordered to third reading.**

HB 571-FN-L, relative to Old Newport Road and the end of Main Street in the town of Marlow. Transportation Committee. Ought to Pass, Vote 4-0. Senator Martel for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

HB 833-L, relative to Shaker Road and Bay Hill Road in the town of Northfield. Transportation Committee. Ought to Pass, Vote 4-0. Senator Flanders for the committee.

Adopted.

Ordered to third reading.

HB 834-L, relative to River Road and Nimble Hill Road in the town of Newington. Transportation Committee. Ought to Pass, Vote 4-0. Senator Morse for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

HB 61, relative to the taking of migratory game birds in the Connecticut River zone. Wildlife and Recreation Committee. Ought to Pass, Vote 2-0. Senator Roberge for the committee.

Adopted.

Ordered to third reading.

HB 156, relative to weights and measures. Wildlife and Recreation Committee. Ought to Pass, Vote 2-0. Senator Roberge for the committee.

Adopted.

Ordered to third reading.

HB 469, relative to areas of the state for hunting by crossbow. Wildlife and Recreation Committee. Ought to Pass, Vote 2-0. Senator Roberge for the committee.

Adopted.

Ordered to third reading.

HB 678-FN, relative to penalties for operation of OHRVs after suspension of driving privileges for certain motor vehicle offenses. Wildlife and Recreation Committee. Ought to Pass, Vote 2-0. Senator Roberge for the committee.

Adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Below moved to have **SB 209**, relative to permissible campaign contributions by business organizations and labor unions taken off the table.

Question is on the motion to take off the table.

A roll call was requested by Senator Below.

Seconded by Senator Barnes.

The following Senators voted Yes: Below, Foster, Larsen, D'Allesandro, Estabrook, Cohen.

The following Senators voted No: Gallus, Johnson, Boyce, Green, Flanders, Odell, Roberge, Peterson, O'Hearn, Clegg, Gatsas, Barnes, Martel, Morse, Prescott.

Yeas: 6 - Nays: 15

Motion failed.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill(s):

SB 14, relative to vacancies in county offices and the powers of the Belknap County Recreation Area Commission.

Senator D'Allesandro moved adoption.

Adopted.

RESOLUTION

Senator Clegg moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that all bills and resolutions ordered to third reading be by this resolution read a third time and all titles be same as adopted, and that they be passed at the present time

Adopted.

LATE SESSION

Third Reading and Final Passage

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

SB 35, relative to the transfer and exchange of certain state-owned land for certain land owned by the Manchester water works.

SB 42, relative to charitable contributions by insurance agents.

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

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

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

SB 78-FN, establishing the New Hampshire health care information council.

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

SB 95-FN-L, relative to the development of workforce housing within municipalities.

SB 96-FN, establishing a pharmacy discount program for seniors and disabled persons and making an appropriation therefor.

SB 101-FN, relative to unemployment compensation.

SB 107-FN-A-L, establishing a statewide education accountability system.

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

SB 119, relative to medical and hospital liability insurance.

SB 131, establishing a committee to study the system of health care safety net providers in New Hampshire, and options for improving access to primary and preventive care for the uninsured and underinsured.

SB 132-FN-A, extending the Parents as Teachers program in Sullivan county and making an appropriation therefor.

SB 136, relative to liability for hazardous materials accidents.

SB 138-FN, clarifying the exemption from the interest and dividends tax for distributions from qualified tuition savings programs.

SB 148-FN, relative to the regulation of water treatment equipment installers by the plumber's board.

SB 159-FN, relative to milfoil and other exotic aquatic weeds.

SB 168, allowing school boards to adjourn to nonpublic session to consider pupil disciplinary matters.

SB 184, relative to reinsurance.

SB 190, relative to community living facilities.

SB 193, extending the report date for the commission on the education of the deaf and hard of hearing in New Hampshire and the commission on architecturally secure facilities and community shelter care facilities for juveniles.

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

SB 222-FN-A, relative to motor vehicle fees.

SCR 4, urging the New Hampshire congressional delegation to take appropriate action against modification of the Clean Air act if the result jeopardizes New Hampshire's ability to safeguard public health and protect environmental quality.

HB 61, relative to the taking of migratory game birds in the Connecticut River zone.

HB 86, relative to the membership of the permissible fireworks review committee.

HB 101, relative to qualifications for state offices and relative to vacancies in public offices.

HB 126, relative to posting statutes at polling places.

HB 127, establishing a committee to study the effectiveness and fairness of county government.

HB 151, authorizing the county convention to contract and fund performance audits of county departments.

HB 156, relative to weights and measures.

HB 223, relative to the temporary removal of inmates.

HB 253, relative to the design build concept for certain projects.

HB 263, establishing an oversight committee to review the allocation of funds disbursed for the developmental disabilities waitlist.

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

HB 305, relative to time allowed for voting.

HB 310, establishing a commission to study child support issues.

HB 321, relative to ordinary and accidental death benefits in the city of Manchester employees contributory retirement system.

HB 361-L, permitting municipalities to form regional water districts.

HB 469, relative to areas of the state for hunting by crossbow.

HB 498, relative to 20-day vehicle registrations.

HB 678-FN, relative to penalties for operation of OHRVs after suspension of driving privileges for certain motor vehicle offenses.

HB 833-L, relative to Shaker Road and Bay Hill Road in the town of Northfield.

ANNOUNCEMENTS

Senator Peterson (Rule #44).

RESOLUTION

Senator Clegg moved that the Senate recess to the Call of the Chair for the sole purpose of introducing legislation, processing Enrolled Bill Reports and Amendments, and receiving House Messages, and that when we adjourn, we adjourn to the Call of the Chair.

Adopted.

In recess to the Call of the Chair.