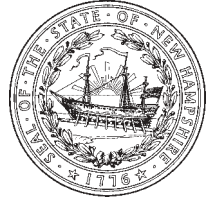


# SENATE JOURNAL 20 – Part 2



***June 24, 2003***

**June 4, 2003**  
**2003-1983-CofC**  
**09/01**

Committee of Conference Report on HB 195, an act prohibiting all part-time district court judges and district court clerks from practicing law in the district courts.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 195, an act prohibiting all part-time district court judges and district court clerks from practicing law in the district courts.

*Conferees on the Part of the Senate*

Sen. Peterson, Dist. 11

Sen. Clegg, Dist. 14

Sen. Foster, Dist. 13

*Conferees on the Part of the House*

Rep. Rowe, Hills. 47

Rep. J. Pratt, Ches. 24

Rep. Wall, Straf. 72

Rep. Haytayan, Hills. 46

Senator Peterson moved adoption.

**Adopted.**

**June 12, 2003**  
**2003-2077-CofC**  
**09/10**

Committee of Conference Report on HB 198, an act relative to the police powers of law enforcement officers called to respond to incidents in other jurisdictions.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Purpose. Section 3 of this act is enacted for the purpose of enhancing the ability of Maine and New Hampshire law enforcement authorities on the Piscataqua River and Portsmouth Harbor to investigate potential terrorist activities by extending the authority of any duly certified Maine marine patrol officer to the waters of New Hampshire on the river and harbor, for the limited purpose of responding to and investigating suspected terrorist activities on the water. It is not the purpose of section 3 either to suggest or establish the location of the border between New Hampshire and Maine.

The signatures below attest to the authenticity of this Report on HB 198, an act relative to the police powers of law enforcement officers called to respond to incidents in other jurisdictions.

*Conferees on the Part of the Senate*

Sen. Roberge, Dist. 9

Sen. Peterson, Dist. 11

Sen. Foster, Dist. 13

*Conferees on the Part of the House*

Rep. Welch, Rock. 79

Rep. Weare, Rock. 84

Rep. Bicknell, Rock. 73

Rep. Pantelakos, Rock. 86

Senator Roberge moved adoption.

**Adopted.**

**June 12, 2003**  
**2003-2099-CofC**  
**04/09**

Committee of Conference Report on HB 204, an act relative to venue in juvenile proceedings.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 204, an act relative to venue in juvenile proceedings.

*Conferees on the Part of the Senate*

Sen. Peterson, Dist. 11

Sen. Sapareto, Dist. 19

Sen. Foster, Dist. 13

*Conferees on the Part of the House*

Rep. Moran, Hills. 57

Rep. McRae, Hills. 48

Rep. Arnold, Hills. 46

Rep. Gile, Merr. 38

Senator Peterson moved adoption.

**Adopted.**

**June 16, 2003**  
**2003-2138-CofC**  
**08/09**

Committee of Conference Report on HB 242, an act relative to the number of members on, and quorum necessary for, the assessing standards board.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

1 Assessing Standards Board. Amend RSA 21-J:14-a, II(a) to read as follows:

(a) [~~Five~~] **Four** members nominated by the New Hampshire Association of Assessing Officials and appointed by the governor with the consent of the council, one of whom shall be an assessing official for a town with a population of less than 5,000; one of whom shall be an assessing official for a town with a population of more than 5,000; and one of whom shall be an assessing official for a city. Each member shall hold office for the term of such member's position for 2 years and until a successor shall have been appointed and qualified. Any vacancy shall be filled for the unexpired term by the governor with the consent of the council.

2 Assessing Standards Board. Amend RSA 21-J:14-a, II(e) to read as follows:

(e) Three members of the public appointed by the governor with the consent of the council, **none of whom shall be an assessor nor a municipal official.**

3 New Subparagraph; Assessing Standards Board; Additional Members. Amend RSA 21-J:14-a, II by inserting after subparagraph (e) the following new subparagraph:

(f) Three members appointed by the governor with the consent of council, one of whom shall be a municipal governing body official for a town with a population of less than 5,000; one of whom shall be a municipal governing body official for a town with a population of more than 5,000; and one of whom shall be a municipal governing body official for a city. Each member shall hold office for the term of such member's position for 2 years and until a successor shall have been appointed and qualified. Any vacancy shall be filled for the unexpired term by the governor with the consent of the council.

4 Assessing Standards Board; Powers and Duties. Amend RSA 21-J:14-b, II to read as follows:

II. All standards and practices developed or identified by the board, pursuant to this section, shall be reviewed and updated annually. The board shall hold a series of at least 3 public forums annually through-

out the state to receive general comment through verbal and written testimony on assessing standards and practices. ***A quorum of the board shall not be required to hold such public forums.*** After the public forums are concluded and the board has made its recommended changes, in accordance with paragraph III, the board shall proceed to adopt any proposed rules.

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

The signatures below attest to the authenticity of this Report on HB 242, an act relative to the number of members on, and quorum necessary for, the assessing standards board.

*Conferees on the Part of the Senate*

Sen. Boyce, Dist. 4  
Sen. Flanders, Dist. 7  
Sen. Larsen, Dist. 15

*Conferees on the Part of the House*

Rep. Patten, Carr. 7  
Rep. Lockwood, Merr. 35  
Rep. Stohl, Coos 1  
Rep. Theberge, Coos 3

Senator Boyce moved adoption.

**Adopted.**

**June 17, 2003**

**2003-2191-CofC**

**05/09**

Committee of Conference Report on HB 248, an act requiring the disclosure of information to victims in juvenile delinquency cases.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 248, an act requiring the disclosure of information to victims in juvenile delinquency cases.

*Conferees on the Part of the Senate*

Sen. Peterson, Dist. 11  
Sen. Roberge, Dist. 9  
Sen. Foster, Dist. 13

*Conferees on the Part of the House*

Rep. Moran, Hills. 57  
Rep. J. Allen, Belk. 31  
Rep. Arnold, Hills. 46  
Rep. L. Johnson, Hills. 51

Senator Peterson moved adoption.

**Adopted.**

**June 13, 2003**

**2003-2117-CofC**

**04/09**

Committee of Conference Report on HB 261, an act relative to lucky 7 licenses.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 261, an act relative to lucky 7 licenses.

*Conferees on the Part of the Senate*

Sen. D'Allesandro, Dist. 20  
Sen. Boyce, Dist. 4  
Sen. Gallus, Dist. 1

*Conferees on the Part of the House*

Rep. Griffin, Rock. 76  
Rep. Gibson, Hills. 58  
Rep. McCormick, Merr. 32  
Rep. C. Pappas, Hills. 49

Senator D'Allesandro moved adoption.

**Adopted.**

**June 12, 2003**  
**2003-2089-CofC**  
**03/01**

Committee of Conference Report on HB 262, an act relative to operators of bingo and games of chance.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 262, an act relative to operators of bingo and games of chance.

*Conferees on the Part of the Senate*  
 Sen. D'Allesandro, Dist. 20  
 Sen. Boyce, Dist. 4  
 Sen. Gallus, Dist. 1

*Conferees on the Part of the House*  
 Rep. Gibson, Hills. 58  
 Rep. Griffin, Rock. 76  
 Rep. McCormick, Merr. 32  
 Rep. C. Pappas, Hills. 49

Senator D'Allesandro moved adoption.

**Adopted.**

**June 10, 2003**  
**2003-2054-CofC**  
**01/09**

Committee of Conference Report on HB 287, an act establishing a professional malpractice claims study commission.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Commission Established. There is established a commission to study professional malpractice claims under RSA 519-A.

Amend the bill by replacing section 3 with the following:

3 Duties. The commission shall study professional malpractice claims under RSA 519-A. The commission's study shall include an examination of the panel established pursuant to RSA 519-A and determine how this panel can become a tool to be utilized in keeping the cost of liability insurance down.

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

6 Commission Established. There is established a commission to identify medical errors and their causes.

7 Membership and Compensation.

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

(a) Three members of the house of representatives, at least one of whom shall be from the house health, human services and elderly affairs committee, appointed by the speaker of the house.

(b) One member of the senate, appointed by the president of the senate.

(c) Two representatives of hospitals, appointed by the New Hampshire Hospital Association.

(d) Two pharmacists, appointed by the New Hampshire board of pharmacy.

(e) Two physicians, appointed by the New Hampshire Medical Society.

(f) Two nurses, appointed by the New Hampshire Nurses Association.

(g) Two attorneys, appointed by the New Hampshire Bar Association, one of whom shall be a member of the New Hampshire Trial Lawyers Association.

(h) The commissioner of the department of insurance, or designee.

(i) Three public members, appointed by the governor.

(j) Two members of the New Hampshire Association for Healthcare Quality, appointed by such association.

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

8 Duties. The commission shall identify medical errors and their causes and shall determine methods relative to fixing such causes.

9 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member.

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

10 Report. The commission shall make an interim report on or before January 3, 2004 and a final report on or before December 31, 2005 together with its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library.

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

The signatures below attest to the authenticity of this Report on HB 287, an act establishing a professional malpractice claims study commission.

*Conferees on the Part of the Senate*

Sen. Prescott, Dist. 23

Sen. Martel, Dist. 18

Sen. Cohen, Dist. 24

*Conferees on the Part of the House*

Rep. Mock, Carr. 4

Rep. Craig, Hills. 50

Rep. Batula, Hills. 58

Rep. MacKay, Merr. 39

## **2003-2054-CofC**

### **AMENDED ANALYSIS**

This bill establishes a commission to study professional malpractice claims.

This bill also establishes a commission to identify medical errors and their causes.

Senator Prescott moved adoption.

**Adopted.**

**June 16, 2003**

**2003-2142-CofC**

**04/03**

Committee of Conference Report on HB 288-FN, an act imposing a criminal penalty for the dissemination of certain materials without consent.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 288-FN, an act imposing a criminal penalty for the dissemination of certain materials without consent.

*Conferees on the Part of the Senate*

Sen. Clegg, Dist. 14

Sen. Sapareto, Dist. 19

Sen. Foster, Dist. 13

*Conferees on the Part of the House*

Rep. Knowles, Straf. 69

Rep. Tholl, Coos 2

Rep. Stevens, Carr. 7

Rep. Kurk, Hills. 48

Senator Clegg moved adoption.

**Adopted.**

**June 12, 2003**  
**2003-2101-CofC**  
**01/10**

Committee of Conference Report on HB 303, an act relative to life, accident, and health technicals.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the section heading and amending language of section 6 of the bill by replacing it with the following:

6 Minimum Standards for Claim Review; Accident and Health Insurance. Amend RSA 415-A:4-a, II(a) and (b) to read as follows:

Amend the section heading and amending language of section 7 of the bill by replacing it with the following:

7 Minimum Standards for Claim Review; Accident and Health Insurance. RSA 415-A:4-a, II(c) is repealed and reenacted to read as follows:

Amend the bill by replacing all after section 11 with the following:

12 Individual Health Insurance Market; Eligibility. Amend RSA 404-G:5-e, I(c) and (d) to read as follows:

(c) The individual has a history of any medical or health condition that is on a list adopted by the association; ~~or~~

(d) The individual is an "eligible individual" as defined in section 2741(b) of the Public Health Service Act; **or**

***(e) The individual has been certified as eligible for either federal trade adjustment assistance or for pension benefit guarantee corporation, as prescribed by the federal Trade Adjustment Assistance Reform Act of 2002 and the association, in accordance with procedures set forth in its plan of operation, is offering coverage in the high risk pool to such eligible persons at the time of the individual's application.***

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

The signatures below attest to the authenticity of this Report on HB 303, an act relative to life, accident, and health technicals.

*Conferees on the Part of the Senate*  
 Sen. Flanders, Dist. 7  
 Sen. Roberge, Dist. 9  
 Sen. Cohen, Dist. 24

*Conferees on the Part of the House*  
 Rep. Hunt, Ches. 28  
 Rep. Fraser, Merr. 37  
 Rep. Spiess, Hills. 47  
 Rep. Meader, Ches. 25

Senator Flanders moved adoption.

**Adopted.**

**May 28, 2003**  
**2003-1851-CofC**  
**05/01**

Committee of Conference Report on HB 310, an act establishing a commission to study child support issues.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend paragraphs VI - X of section 2 of the bill by replacing them with the following:

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

VII. Study the relationships between visitation, custody, and child support and consider the merits of 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.

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

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

The signatures below attest to the authenticity of this Report on HB 310, an act establishing a commission to study child support issues.

*Conferees on the Part of the Senate*

Sen. Roberge, Dist. 9  
Sen. Peterson, Dist. 11  
Sen. Foster, Dist. 13

*Conferees on the Part of the House*

Rep. Arnold, Hills. 46  
Rep. Hallyburton, Hills. 45  
Rep. Bickford, Straf. 68  
Rep. E. Blanchard, Merr. 38

Senator Roberge moved adoption.

**Adopted.**

**June 12, 2003**

**2003-2091-CofC**

**01/09**

Committee of Conference Report on HB 316-FN, an act relative to insurance coverage for anesthesia for child dental care.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on HB 316-FN, an act relative to insurance coverage for anesthesia for child dental care.

*Conferees on the Part of the Senate*

Sen. Flanders, Dist. 7  
Sen. Martel, Dist. 18  
Sen. Cohen, Dist. 24

*Conferees on the Part of the House*

Rep. Hunt, Ches. 28  
Rep. Fraser, Merr. 37  
Rep. Quandt, Rock. 83  
Rep. Meader, Ches. 25

Senator Flanders moved adoption.

**Adopted.**

**June 13, 2003**

**2003-2110-CofC**

**05/09**

Committee of Conference Report on HB 323, an act relative to the task force on family law.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 323, an act relative to the task force on family law.

*Conferees on the Part of the Senate*

Sen. Roberge, Dist. 9  
Sen. Peterson, Dist. 11  
Sen. Foster, Dist. 13

*Conferees on the Part of the House*

Rep. Moran, Hills. 57  
Rep. McRae, Hills. 48  
Rep. Arnold, Hills. 46  
Rep. Gile, Merr. 38

Senator Roberge moved adoption.

**Adopted.**



**June 18, 2003**  
**2003-2227-CofC**  
**03/05**

Committee of Conference Report on HB 332-FN, an act relative to the use of prerecorded telephone messages by candidates and political committees.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

1 New Section; Political Advertising; Prerecorded Political Messages. Amend RSA 664 by inserting after section 14 the following new section:

664:14-a Prerecorded Political Messages.

I. In this section, "prerecorded political message" means a prerecorded audio message delivered by telephone by:

(a) A candidate or political committee; or

(b) Any person when the content of the message expressly or implicitly advocates the success or defeat of any party, measure, or person at any election, or contains information about any candidate or party.

II. No person shall deliver or knowingly cause to be delivered a prerecorded political message unless the message contains, or a live operator provides, within the first 30 seconds of the message, the following information:

(a) The name of the candidate or of any organization or organizations the person is calling on behalf of.

(b) The name of the person or organization paying for the delivery of the message and the name of the fiscal agent, if applicable.

III. No person shall deliver or knowingly cause to be delivered a prerecorded political message to any telephone number on any federal do not call list.

IV.(a) A violation of this section shall result in a civil penalty of \$5,000 per violation.

(b) Any person injured by another's violation of this section may bring an action for damages and for such equitable relief, including an injunction, as the court deems necessary and proper. If the court finds for the plaintiff, recovery shall be in the amount of actual damages or \$1,000, whichever is greater. If the court finds that the act or practice was a willful or knowing violation of this section, it shall award as much as 3 times, but not less than 2 times, such amount. In addition, a prevailing plaintiff shall be awarded the costs of the suit and reasonable attorney's fees, as determined by the court. Any attempted waiver of the right to the damages set forth in this paragraph shall be void and unenforceable. Injunctive relief shall be available to private individuals under this section without bond, subject to the discretion of the court. Upon commencement of any action brought under this section, the clerk of the court shall mail a copy of the complaint or other initial pleadings to the attorney general and, upon entry of any judgment or decree in the action, shall mail a copy of such judgment or decree to the attorney general.

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

The signatures below attest to the authenticity of this Report on HB 332-FN, an act relative to the use of prerecorded telephone messages by candidates and political committees.

*Conferees on the Part of the Senate*  
Sen. Gatsas, Dist. 16  
Sen. Johnson, Dist. 2  
Sen. Estabrook, Dist. 21

*Conferees on the Part of the House*  
Rep. Spiess, Hills. 47  
Rep. Cady, Rock. 73  
Rep. Drisko, Hills. 46  
Rep. Clemons, Hills. 62



**2003-2227-CofC****AMENDED ANALYSIS**

This bill requires that certain identifying information accompany prerecorded political telephone messages. Senator Gatsas moved adoption.

**Adopted.**

**June 13, 2003**

**2003-2115-CofC**

**04/09**

Committee of Conference Report on HB 336, an act relative to the development and adoption of the school administrative unit budget.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 336, an act relative to the development and adoption of the school administrative unit budget.

*Conferees on the Part of the Senate*

Sen. Johnson, Dist. 2

Sen. O'Hearn, Dist. 12

Sen. Larsen, Dist. 15

*Conferees on the Part of the House*

Rep. Alger, Graf. 14

Rep. Laurent, Ches. 24

Rep. Snyder, Straf. 67

Rep. Leone, Sull. 21

Senator Johnson moved adoption.

**Adopted.**

**June 13, 2003**

**2003-2111-CofC**

**05/09**

Committee of Conference Report on HB 357-FN, an act relative to child support insurance settlement intercept.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 161-C:3-e as inserted by section 1 of the bill by replacing it with the following:

161-C:3-e Child Support Insurance Settlement Intercept. The department may provide certain information to public agencies or its contracted agents in order to intercept insurance settlement payments or judgments claimed by individuals who are subject to a child support lien pursuant to RSA 161-C and who owe past-due support. The department may identify such individuals by name, last 4 digits of the individual's social security number or other taxpayer identification number, date of birth, last known address, employer, or any combination thereof. Any information provided by the department in accordance with this section shall remain the property of the state of New Hampshire and shall be purged by any public agency or contracted agent receiving said information upon completion of the data match exchange. The department may perform an audit to insure that any public agency or contracted agent has purged said information. The specific penalty for failure to purge the information shall be set forth in any contract or agreement between the department and any public agency or contracted agent made pursuant to this section. Any transaction cost incurred by the department related to the data match exchange shall be directly recovered by the department from any insurance settlement or judgment proceeds. Insurance settlement payments for casualty loss to personal or real property, past or future medical treatment, and a pro-rated amount equal to 185 percent of the self-support reserve defined in RSA 458-C:2, X for the period of lost work for which the settlement or judgment constitutes recovery shall be exempt from this section. Reasonable attorney fees and expenses related to obtain-

ing the insurance settlement or judgment shall be exempt from this section pursuant to RSA 311:13. Any settlement, payment, or judgment received under the provision of this section shall be held by the department for 60 days prior to its release or distribution unless otherwise agreed to by the parties.

Amend RSA 161-C:11, I as inserted by section 2 of the bill by replacing it with the following:

I. Except as provided in paragraph II of this section, any property otherwise exempt from trustee process, attachment and execution shall be exempt from an order to withhold and deliver, administrative seizure and disposition, and lien and foreclosure. ***Insurance settlement payments for casualty loss to personal or real property and past or future medical treatment shall be exempt from this section. Reasonable attorney fees and expenses related to obtaining the insurance settlement or judgment shall be exempt from this section pursuant to RSA 311:13.***

The signatures below attest to the authenticity of this Report on HB 357-FN, an act relative to child support insurance settlement intercept.

*Conferees on the Part of the Senate*

Sen. Sapareto, Dist. 19

Sen. Peterson, Dist. 11

Sen. Foster, Dist. 13

*Conferees on the Part of the House*

Rep. Arnold, Hills. 46

Rep. Hallyburton, Hills. 45

Rep. Dokmo, Hills. 47

Rep. Gile, Merr. 38

Senator Sapareto moved adoption.

**Adopted.**

**June 10, 2003**

**2003-2049-CofC**

**08/01**

Committee of Conference Report on HB 361-LOCAL, an act permitting municipalities to form regional water districts.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 6 with the following:

6 Issuance of Revenue Bonds. Amend RSA 33-B:2 to read as follows:

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.

Amend the bill by replacing section 9 with the following:

9 New Section; Regional Water Districts. Amend RSA 38 by inserting after section 2 the following new section:

38:2-a Establishment, Acquisition, and Expansion of Plants; Regional Water Districts. Any regional water district may:

I. Establish, expand, purchase, lease, or otherwise acquire and maintain and operate in accordance with the provisions of this chapter, one or more suitable plants for the manufacture and distribution of water for the use of municipalities that are members of the regional water district and for such other purposes as may be permitted, authorized, or directed by the commission.

II. For these purposes, purchase and hold in fee simple or otherwise lease or otherwise acquire and maintain any real or personal estate and any rights therein, including water rights.

III. Do all other things necessary for carrying into effect the purposes of this chapter.

IV. Excavate and dig conduits and ditches in any highway or other land or place, and erect poles, place wires, and lay pipes for the distribution of water in such places as may be deemed necessary and proper.

V. Change, enlarge, and extend the same from time to time when the regional water district shall deem necessary, and maintain the same, having due regard for the safety and welfare of the citizens of the member municipalities and security of the public travel.

VI. No regional water district shall have the authority to take property by eminent domain.

The signatures below attest to the authenticity of this Report on HB 361-LOCAL, an act permitting municipalities to form regional water districts.

*Conferees on the Part of the Senate*

Sen. Prescott, Dist. 23

Sen. O'Hearn, Dist. 12

Sen. Cohen, Dist. 24

*Conferees on the Part of the House*

Rep. Brundige, Hills. 58

Rep. Lockwood, Merr. 35

Rep. Patten, Carr. 7

Rep. N. Johnson, Straf. 68

Senator Prescott moved adoption.

**Adopted.**

**June 17, 2003**

**2003-2176-CofC**

**04/09**

Committee of Conference Report on HB 387-FN, an act allowing free admission to the state park system for certain members of the New Hampshire national guard.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 New Paragraph; Fees for Park System; Free Day-Use Admission for Certain Members of the New Hampshire National Guard. Amend RSA 216-A:3-g by inserting after paragraph III the following new paragraph:

IV.(a) Any active member of a federally recognized unit of the New Hampshire national guard who is a legal resident of this state, and who meets the minimum requirements for satisfactory membership, as defined in the United States Department of the Army and the United States Department of the Air Force regulations, and is serving in pay grades E1 through E6 shall not be charged a fee for admission to the state park system. This section shall apply to members of the Active Guard and Reserve program in the New Hampshire national guard.

(b) Any New Hampshire national guard member who retired in pay grade E6 or below shall not be charged a fee for day-use admission to the state park system.

(c) Any fees for the use of enterprise activities as described in paragraph II of this section shall be charged.

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

The signatures below attest to the authenticity of this Report on HB 387-FN, an act allowing free admission to the state park system for certain members of the New Hampshire national guard.

*Conferees on the Part of the Senate*

Sen. Kenney, Dist. 3  
Sen. Morse, Dist. 22  
Sen. Below, Dist. 5

*Conferees on the Part of the House*

Rep. Coughlin, Hills. 45  
Rep. P. Sullivan, Hills. 56  
Rep. Headd, Rock. 75  
Rep. McCann, Rock. 84

Senator Kenney moved adoption.

**Adopted.**

**June 13, 2003**

**2003-2112-CofC**

**04/10**

Committee of Conference Report on HB 389, an act relative to victim impact statements and deleting the prohibition on funding certain positions in the office of victim/witness assistance with funds from the victims' assistance fund.

**Recommendation:**

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 389, an act relative to victim impact statements and deleting the prohibition on funding certain positions in the office of victim/witness assistance with funds from the victims' assistance fund.

*Conferees on the Part of the Senate*

Sen. Prescott, Dist. 23  
Sen. Boyce, Dist. 4  
Sen. Cohen, Dist. 24

*Conferees on the Part of the House*

Rep. Stevens, Carr. 7  
Rep. Nedeau, Belk. 30  
Rep. Tholl, Coos 2  
Rep. T. Robertson, Ches. 25

Senator Prescott moved adoption.

**Adopted.**

**June 12, 2003**

**2003-2086-CofC**

**04/10**

Committee of Conference Report on HB 415, an act raising the age of the speedy trial requirement from 13 years of age to 16 years of age in sexual assault cases involving minors and relative to the exclusive authority of the state over the regulation of firearms, ammunition, and components thereof.

**Recommendation:**

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 159:26, I as inserted by section 2 of the bill by replacing it with the following:

I. To the extent consistent with federal law, the state of New Hampshire shall have authority and jurisdiction over the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, or other matter pertaining to firearms, firearms components, ammunition, or firearms supplies in the state. Except as otherwise specifically provided by statute, no ordinance or regulation of a political subdivision may regulate the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, or other matter pertaining to firearms, firearms components, ammunition, or firearms supplies in the state. Nothing in this section shall be construed as affecting a political subdivision's right to adopt zoning ordinances for the purpose of regulating firearms businesses in the same manner as other businesses or to take any action allowed under RSA 207:59.

The signatures below attest to the authenticity of this Report on HB 415, an act raising the age of the speedy trial requirement from 13 years of age to 16 years of age in sexual assault cases involving minors and relative to the exclusive authority of the state over the regulation of firearms, ammunition, and components thereof.

*Conferees on the Part of the Senate*

Sen. Roberge, Dist. 9

Sen. Clegg, Dist. 14

Sen. Foster, Dist. 13

*Conferees on the Part of the House*

Rep. Stevens, Carr. 7

Rep. Welch, Rock. 79

Rep. Bicknell, Rock. 73

Rep. Knowles, Straf. 69

Senator Roberge moved adoption.

**Question is on the adoption of the Committee of Conference Report.**

**A roll call was requested by Senator Sapareto.**

**Seconded by Senator D'Allesandro.**

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

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

**Yeas: 20 - Nays: 3**

**Adopted.**

**June 13, 2003**

**2003-2104-CofC**

**03/01**

Committee of Conference Report on HB 420, an act relative to state-owned trails and parking lots in the town of Windham.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

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

The signatures below attest to the authenticity of this Report on HB 420, an act relative to state-owned trails and parking lots in the town of Windham.

*Conferees on the Part of the Senate*

Sen. Sapareto, Dist. 19

Sen. Barnes, Dist. 17

Sen. Cohen, Dist. 24

*Conferees on the Part of the House*

Rep. Royce, Ches. 28

Rep. Lawton, Belk. 30

Rep. Bruno, Hills. 45

Rep. Donovan, Sull. 22

Senator Sapareto moved adoption.

**Question is on the adoption of the Committee of Conference Report.**

**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, Gatsas, Barnes, Martel, Sapareto, D'Allesandro, Estabrook, Morse, Prescott, Cohen.**

**The following Senators voted No: Larsen.**

**Yeas: 22 - Nays: 1**

**Adopted.**

**June 12, 2003**  
**2003-2078-CofC**  
**01/09**

Committee of Conference Report on HB 461, an act establishing a commission to study financial exploitation of the elderly and persons with disabilities.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 461, an act establishing a commission to study financial exploitation of the elderly and persons with disabilities.

*Conferees on the Part of the Senate*  
Sen. Barnes, Dist. 17  
Sen. Martel, Dist. 18  
Sen. Larsen, Dist. 15

*Conferees on the Part of the House*  
Rep. Joseph Manning, Ches. 28  
Rep. MacKay, Merr. 39  
Rep. Seldin, Merr. 39  
Rep. Batula, Hills. 58

Senator Barnes moved adoption.

**Adopted.**

**June 18, 2003**  
**2003-2224-CofC**  
**01/09**

Committee of Conference Report on HB 470, an act relative to health insurance providers.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

2 Provider Contract Standards; Continued Access. RSA 420-J:8, XI is repealed and reenacted to read as follows:

XI. Every contract entered into after July 1, 2003 between a health carrier and any physician or facility shall contain a provision that ensures that covered persons will have continued access to the provider in the event that the contract is terminated for any reason other than unprofessional behavior. The continued access to providers shall be made available for 60 days from the date of termination of the contract and shall be provided and paid for in accordance with the terms and conditions of the covered person's health benefit plan and the prior contract between a health carrier and a health care provider. Within 5 business days of the contract termination, the health carrier shall provide written notice to affected covered persons explaining their continued access rights.

3 New Section; Continued Access to Care Subsequent to a Provider Contract Termination. Amend RSA 420-J by inserting after section 7-c the following new section:

420-J:7-d Continued Access to Care Subsequent to a Provider Contract Termination. The commissioner may extend the period of continued access to care subsequent to a provider contract termination provided for under RSA 420-J:8, XI for up to an additional 60-day period.

4 Committee Established. There is established a committee to study the contracting process between managed care insurers and health care providers in the state.

5 Membership and Compensation.

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

- (a) Three members of the house of representatives, appointed by the speaker of the house.
- (b) Three members of the senate, appointed by the president of the senate.



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

6 Duties. The committee shall study the contracting process between managed care insurers and health care providers in the state and shall, to the extent practicable:

I. Determine the cause or causes of the recent spate of contracting disputes.

II. Evaluate potential policies to prevent or decrease the incidence of contract disputes and promote a more equitable compensation scheme for health care providers while not adding to the cost of health insurance, including so called "any willing provider" legislation.

III. Evaluate potential policies for protecting covered persons when contract disputes occur while not adding to the cost of health insurance, including the question whether existing laws providing a period of continued access to health care providers for covered persons in the event of a provider contract termination are sufficient to ensure continuity of care for covered persons.

IV. Determine whether any statutory or regulatory changes are needed to achieve a better balance between the interests of increasing competition, controlling health insurance premium increases, promoting choice of health care providers, ensuring quality of care and continuity of care, and achieving a more equitable compensation scheme for health care providers.

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

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

9 Repeal. RSA 420-J:8, XII, relative to certain continued access, is repealed.

10 Effective Date.

I. Section 1 of this act shall take effect January 1, 2004.

II. Sections 2, 3, and 9 of this act shall take effect July 1, 2003.

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

The signatures below attest to the authenticity of this Report on HB 470, an act relative to health insurance providers.

*Conferees on the Part of the Senate*  
Sen. Flanders, Dist. 7  
Sen. Martel, Dist. 18  
Sen. Cohen, Dist. 24

*Conferees on the Part of the House*  
Rep. Hunt, Ches. 28  
Rep. Fraser, Merr. 37  
Rep. Liebl, Ches. 27  
Rep. Kathleen Taylor, Straf. 70

**2003-2224-CofC**

#### AMENDED ANALYSIS

This bill:

I. Requires health insurers to keep a provider's personal information confidential.

II. Ensures continued access to care subsequent to a provider contract termination for a certain period of time.

III. Establishes a committee to study the contracting process between managed care insurers and health care providers in the state.

Senator Flanders moved adoption.

**Adopted.**

**June 13, 2003**

**2003-2109-CofC**

**05/09**

Committee of Conference Report on HB 481, an act establishing a committee to study the pricing of milk products.



## Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on HB 481, an act establishing a committee to study the pricing of milk products.

*Conferees on the Part of the Senate*

Sen. Barnes, Dist. 17

Sen. Odell, Dist. 8

Sen. Cohen, Dist. 24

*Conferees on the Part of the House*

Rep. Hunt, Ches. 28

Rep. Quandt, Rock. 83

Rep. Holden, Hills. 48

Rep. Meader, Ches. 25

Senator Barnes moved adoption.

**Adopted.**

**June 17, 2003**

**2003-2207-CofC**

**03/04**

Committee of Conference Report on HB 509, an act relative to motor vehicle records.

## Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Motor Vehicle Records; Access by Life Insurance Companies. Amend RSA 260:14, V(a)(10) to read as follows:

(10) For use by life insurance companies authorized to write life insurance policies [~~in this state~~], or their authorized agents, on a case-by-case basis, [~~and upon representation by the company or authorized agent, on a form satisfactory to the department, that the named person's written consent to the release of the record has been obtained and that the record will be used solely~~] in connection with claims investigation, rating, and underwriting, ***provided that the insurance company has provided written notice to the named person that the person's motor vehicle records will be accessed.***

The signatures below attest to the authenticity of this Report on HB 509, an act relative to motor vehicle records.

*Conferees on the Part of the Senate*

Sen. Kenney, Dist. 3

Sen. Morse, Dist. 22

Sen. Below, Dist. 5

*Conferees on the Part of the House*

Rep. Packard, Rock. 75

Rep. J. Flanders, Rock. 79

Rep. Letourneau, Rock. 77

Rep. Ferland, Sull. 23

Senator Kenney moved adoption.

**Adopted.**

**June 12, 2003**

**2003-2080-CofC**

**10/04**

Committee of Conference Report on HB 543, an act relative to increasing the membership of the board of accountancy and relative to appeals of board decisions.

## Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Board of Accountancy; Appeals. Amend RSA 309-B:12, X to read as follows:

X. Any person or firm adversely affected by any order of the board entered after a hearing under this section may appeal such order by filing a written petition with the superior court in the county in which the respondent resides or, if not a resident of this state, in the county in which the respondent has a place of business or resident agent. ~~[The petition shall be filed within 30 days after the entry of the order. The respondent shall exhaust all applicable administrative procedures before periodical review may commence. The procedures for review and the scope of the review shall be as specified in RSA 541-A, the New Hampshire Administrative Procedure Act.]~~ ***An appeal shall not suspend the order of the board unless the court orders otherwise. The record of the hearing of the board's action shall be presented to the superior court for its review pursuant to the procedures and standards of RSA 541. The superior court may affirm, reverse, or modify the board's order or may order a trial de novo. A trial de novo shall be pursuant to the board's rules and the rules of evidence shall not apply.***

The signatures below attest to the authenticity of this Report on HB 543, an act relative to increasing the membership of the board of accountancy and relative to appeals of board decisions.

*Conferees on the Part of the Senate*

Sen. Prescott, Dist. 23

Sen. Kenney, Dist. 3

Sen. Estabrook, Dist. 21

*Conferees on the Part of the House*

Rep. Bergin, Hills. 47

Rep. Goulet, Hills. 57

Rep. Hamel, Rock. 79

Rep. DeJoie, Merr. 39

Senator Prescott moved adoption.

**Adopted.**

**June 17, 2003**

**2003-2212-CofC**

**01/04**

Committee of Conference Report on HB 546, an act relative to uniform prescription drug information cards.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on HB 546, an act relative to uniform prescription drug information cards.

*Conferees on the Part of the Senate*

Sen. Flanders, Dist. 7

Sen. Martel, Dist. 18

Sen. Cohen, Dist. 24

*Conferees on the Part of the House*

Rep. Hunt, Ches. 28

Rep. Fraser, Merr. 37

Rep. Liebl, Ches. 27

Rep. Kathleen Taylor, Straf. 70

Senator Flanders moved adoption.

**Adopted.**

**June 12, 2003**

**2003-2092-CofC**

**05/01**

Committee of Conference Report on HB 558, an act relative to financial reports on bingo and lucky 7 operations.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 558, an act relative to financial reports on bingo and lucky 7 operations.

*Conferees on the Part of the Senate*

Sen. Gallus, Dist. 1  
 Sen. D'Allesandro, Dist. 20  
 Sen. Boyce, Dist. 4

*Conferees on the Part of the House*

Rep. Jasper, Hills. 66  
 Rep. Griffin, Rock. 76  
 Rep. Gibson, Hills. 58  
 Rep. C. Pappas, Hills. 49

Senator Gallus moved adoption.

**Adopted.**

**June 17, 2003**

**2003-2154-CofC**

**03/05**

Committee of Conference Report on HB 577-FN-A-LOCAL, an act relative to implementing the Help America Vote Act of 2002 and relative to rulemaking by the secretary of state.

**Recommendation:**

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by deleting section 13 and renumbering the original section 14 to read as 13.

The signatures below attest to the authenticity of this Report on HB 577-FN-A-LOCAL, an act relative to implementing the Help America Vote Act of 2002 and relative to rulemaking by the secretary of state.

*Conferees on the Part of the Senate*

Sen. Boyce, Dist. 4  
 Sen. Roberge, Dist. 9  
 Sen. Flanders, Dist. 7

*Conferees on the Part of the House*

Rep. Dickinson, Carr. 4  
 Rep. Whalley, Belk. 31  
 Rep. Rodeschin, Sull. 20  
 Rep. Drisko, Hills. 46

**2003-2154-CofC**

**AMENDED ANALYSIS**

This bill:

I. Establishes an election fund for moneys appropriated to the state pursuant to the Help America Vote Act of 2002 and requires that certain fees and fines be deposited in the fund.

II. Authorizes a statewide centralized voter registration database and communications network.

Senator Boyce moved adoption.

**Adopted.**

**June 10, 2003**

**2003-2048-CofC**

**05/09**

Committee of Conference Report on HB 590-FN, an act relative to highway fund budget reporting requirements.

**Recommendation:**

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 9:9-b as inserted by section 1 of the bill by replacing it with the following:

9:9-b Allocation of Unrestricted Revenue from Highway Fund. In each biennium, all unrestricted revenue from the highway fund, including any surplus but excluding any betterment funds and highway block grant aid, as estimated by the commissioner of the department of administrative services in RSA 9:6, and subject to the requirements of RSA 9:4-d, shall be allocated in the operating budget as follows:

I. Department of transportation: Not less than 74 percent of unrestricted revenue.

II. Department of safety: Not to exceed 24 percent of unrestricted revenue.

III. Other projects that comply with part 2, article 6-a of the New Hampshire constitution, relative to the use of highway funds: Not to exceed 2 percent of unrestricted revenue.

The signatures below attest to the authenticity of this Report on HB 590-FN, an act relative to highway fund budget reporting requirements.

*Conferees on the Part of the Senate*  
Sen. D'Allesandro, Dist. 20  
Sen. Clegg, Dist. 14  
Sen. Gallus, Dist. 1

*Conferees on the Part of the House*  
Rep. Leber, Merr. 35  
Rep. C. Bouchard, Merr. 39  
Rep. Graham, Hills. 57  
Rep. Weyler, Rock. 79

Senator D'Allesandro moved adoption.

**Adopted.**

**June 17, 2003**  
**2003-2203-CofC**  
**01/03**

Committee of Conference Report on HB 606, an act establishing a right-to-know study commission.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 91-A:2, I(d) as inserted by section 7 of the bill by replacing it with the following:

(d) A caucus consisting of elected members of a public body of the same political party who were elected on a partisan basis at a state general election or elected on a partisan basis by a town or city which has adopted a partisan ballot system pursuant to RSA 669:12 or RSA 44:2.

The signatures below attest to the authenticity of this Report on HB 606, an act establishing a right-to-know study commission.

*Conferees on the Part of the Senate*  
Sen. Flanders, Dist. 7  
Sen. Odell, Dist. 8  
Sen. Boyce, Dist. 4

*Conferees on the Part of the House*  
Rep. Mock, Carr. 4  
Rep. Haytayan, Hills. 46  
Rep. Thomas, Belk. 31  
Rep. Dudley, Graf. 18

Senator Flanders moved adoption.

**Question is on the adoption of the Committee of Conference Report.**

**A roll call was requested by Senator Larsen.**

**Seconded by Senator Cohen.**

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

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

**Yeas: 17 - Nays: 6**

**Adopted.**

**June 12, 2003**  
**2003-2100-CofC**  
**04/01**

Committee of Conference Report on HB 615-FN, an act relative to the requirements for registration of sexual offenders.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 651-B:7, II as inserted by section 3 of the bill by replacing it with the following:

II.(a) The division shall maintain a separate list of all individuals registered pursuant to this chapter who have been convicted of any violation or attempted violation of one of the following offenses, or of any law of another state or the federal government reasonably equivalent to one of the following offenses:

(1) RSA 632-A:2, I(l).

(2) RSA 632-A:2, II-III.

(3) RSA 632-A:3, II, provided that the age difference between the convicted individual and the victim was more than 3 years at the time of the offense.

(4) RSA 632-A:3, III.

(5) RSA 645:1, II-III.

(6) Any offense described in RSA 651-B:1, V.

(b)(1) The list described in subparagraph (a) shall include:

(A) The name, address, and date of birth of the registered individual.

(B) The offense for which the individual was convicted.

(C) The date and court of the conviction for which the individual is registered.

(D) Outstanding arrest warrants, and the information listed in subparagraphs (b)(1)(A)-(C), for any sexual offender or offender against children who has not complied with the obligation to register under this chapter.

(E) A photograph or physical description of the individual, if available.

(2) Where such information is available, the list may also include:

(A) The date and court of the individual's other convictions, if any.

(B) Information on the profile of the victim or victims of the individual's offense or offenses.

(C) The method of approach utilized by the individual.

(3) In no event shall the list include the identity of any victim.

Amend RSA 651-B:7, VI (a) as inserted by section 4 of the bill by replacing it with the following:

VI.(a) Notwithstanding the provisions of this section, any individual required to be registered whose name and information is contained on the list described in subparagraph II(a) and who has been convicted of any violation or attempted violation of RSA 632-A:2, III or RSA 632-A:3, II, provided that the age difference between the convicted individual and the victim was more than 3 years at the time of the offense and the person has no prior convictions requiring registration under RSA 651-B:2, may file with the clerk of the superior court for the county in which the judgment was rendered an application for review of the public registration requirement contained in RSA 651-B:7. This application shall not be filed prior to the completion of all the terms and conditions of the sentence and in no case earlier than 10 years after the date of release following conviction. After review of the application, the court may schedule a hearing.

Amend the bill by replacing all after section 6 with the following:

7 Sexual Assault and Related Offenses; Sexual Assault. RSA 632-A:4 is repealed and reenacted to read as follows:

632-A:4 Sexual Assault.

I. A person is guilty of a class A misdemeanor under any of the following circumstances:

(a) When the actor subjects another person who is 13 years of age or older to sexual contact under any of the circumstances named in RSA 632-A:2.

(b) In the absence of any of the circumstances set forth in RSA 632-A:2, when the actor engages in sexual penetration with a person, other than the actor's legal spouse, who is 13 years of age or older and under 16 years of age where the age difference between the actor and the other person is 3 years or less.

II. A person found guilty under subparagraph I(b) of this section shall not be required to register as a sexual offender under RSA 651-B.

8 Registration of Criminal Offenders; Exception Inserted. Amend RSA 651-B:1, III (a) to read as follows:

(a) RSA 632-A:2, 632-A:3, ~~[632-A:4]~~ **632-A:4, I(a)**, 645:1, II, or 645:1, III; or

9 Registration of Sexual Offenders; Duration of Registration; Exception Inserted. Amend RSA 651-B:6, II to read as follows:

II. Any sexual offender convicted of a violation or attempted violation of RSA ~~[632-A:4]~~ **632-A:4, I(a)** or RSA 645:1, II, and any offender against children convicted of a violation or attempted violation of RSA 633:3 or 645:2, I, or of an equivalent offense in an out-of-state jurisdiction, shall be registered for a 10-year period from the date of release following conviction, provided that any such registration period shall not run concurrently with any registration period resulting from a subsequent conviction.

10 Effective Date.

I. Sections 7-9 of this act shall take effect January 1, 2004.

II. The remainder of this act shall take effect 60 days after its passage.

The signatures below attest to the authenticity of this Report on HB 615-FN, an act relative to the requirements for registration of sexual offenders.

*Conferees on the Part of the Senate*

Sen. Peterson, Dist. 11

Sen. Sapareto, Dist. 19

Sen. Foster, Dist. 13

*Conferees on the Part of the House*

Rep. K. Gilbert, Rock. 82

Rep. Stevens, Carr. 7

Rep. Knowles, Straf. 69

Rep. Movsesian, Hills. 60

**2003-2100-CofC**

#### AMENDED ANALYSIS

This bill:

I. Requires certain information to be included in the sexual offender database and provides that other information such as a photograph or physical description of the offender shall be included, if available.

II. Provides a procedure for an individual required to be registered to review such requirement.

III. Prohibits the department of safety from maintaining records of individuals who access or attempt to access the LENS system database.

IV. Provides that an actor is guilty of class A misdemeanor sexual assault when, absent any act that would constitute aggravated felonious sexual assault, such actor engages in sexual penetration with a person other than a legal spouse who is 13 years of age or older and under 16 years of age where the age difference between the actor and the victim is 3 years or less.

Senator Peterson moved adoption.

**Adopted.**

**June 17, 2003**

**2003-2165-CofC**

**04/03**

Committee of Conference Report on HB 619-FN-A, an act expanding opportunities for dropout prevention and dropout recovery.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 619-FN-A, an act expanding opportunities for dropout prevention and dropout recovery.



*Conferees on the Part of the Senate*

Sen. O'Hearn, Dist. 12

Sen. Odell, Dist. 8

Sen. D'Allesandro, Dist. 20

*Conferees on the Part of the House*

Rep. Carson, Rock. 75

Rep. Naro, Graf. 15

Rep. Jean, Hills. 65

Rep. Hager, Merr. 40

Senator O'Hearn moved adoption.

**Adopted.****June 17, 2003****2003-2177-CofC****04/09**

Committee of Conference Report on HB 621-FN-A-LOCAL, an act establishing an early childhood literacy program.

**Recommendation:**

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

5 Federal Funds. The commissioner of the department of education shall expend federal funds received for the biennium ending June 30, 2005 for the Parents as Teachers program. If such federal funds are not available, then the commissioner is authorized to expend general funds appropriated under section 1 of this act for the Parents as Teachers program.

The signatures below attest to the authenticity of this Report on HB 621-FN-A-LOCAL, an act establishing an early childhood literacy program.

*Conferees on the Part of the Senate*

Sen. Odell, Dist. 8

Sen. O'Hearn, Dist. 12

Sen. Foster, Dist. 13

*Conferees on the Part of the House*

Rep. Carson, Rock. 75

Rep. Colcord, Merr. 34

Rep. Kurk, Hills. 48

Rep. C. Clarke, Merr. 35

Senator Odell moved adoption.

**Adopted.****June 16, 2003****2003-2155-CofC****03/01**

Committee of Conference Report on HB 627-FN, an act relative to domicile for voting purposes and penalties for voter fraud.

**Recommendation:**

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 County Attorneys; Election, Temporary Vacancies. Amend RSA 7:33 to read as follows:

7:33 Election; ~~[Vacancies]~~ **Temporary Vacancies**. There shall be a county attorney for each county, who shall be a member of the New Hampshire bar, elected biennially by the ~~[inhabitants]~~ **voters** of the county. If the county attorney is absent at any term of court or unable to discharge the duties of the office, the superior court, acting as a body, shall appoint a county attorney, who shall be a member of the New Hampshire bar, for the time being and allow said appointee such compensation for his ~~or her~~ services as ~~[they think reasonable]~~ **set by the county delegation**.



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

4 Town Meetings; Posting Warrant. Amend RSA 39:5 to read as follows:

39:5 Posting Warrant. The selectmen may address their warrant to the ~~[inhabitants]~~ **voters** of the town ~~[qualified to vote in town affairs]~~, in which case they shall post an attested copy of such warrant at the place of meeting, and a like copy at one other public place in the town, at least 14 days before the day of meeting. The 14 days shall not include the day of posting nor the day of the meeting, but shall include any Saturdays, Sundays, and legal holidays within the said period.

5 Town Meetings; Warrant to Constable. Amend RSA 39:6 to read as follows:

39:6 Warrant to Constable. Warrants for town meetings may be directed to a constable of the town, requiring ~~[him]~~ **the constable** to notify the ~~[inhabitants]~~ **voters**; and such constable shall post an attested copy of such warrant, as provided in ~~[the preceding section]~~ **RSA 39:5**.

Amend the bill by replacing sections 8 and 9 with the following:

8 Powers of City Councils; Aldermen; General Meeting. Amend RSA 47:16 to read as follows:

47:16 General Meeting. The mayor and aldermen shall issue their warrant for a general meeting of the ~~[inhabitants]~~ **voters**, for any constitutional or legal purpose, whenever requested to do so, in writing, by 100 legal voters.

9 Municipal Charters; Scope of Authorization. Amend RSA 49-B:2, I to read as follows:

I. Any incorporated town or city, regardless of population, shall be entitled to exercise the home rule powers recognized by article 39, part first, of the New Hampshire constitution, and implemented through this chapter, to create a charter commission and to present to its ~~[inhabitants]~~ **voters** by referendum a municipal charter, in which they may establish either a town or city government.

Amend the bill by replacing sections 14-16 with the following:

14 Village Districts; Establishment. Amend RSA 52:1 to read as follows:

52:1 Establishment.

I. Upon the petition of 10 or more ~~[legal]~~ voters, ~~[inhabitants of]~~ **persons domiciled in** any village situated in one or more towns, the selectmen of the town or towns shall fix, by suitable boundaries, a district including such parts of the town or towns as may seem convenient, for any of the following purposes:

- (a) The extinguishment of fires;
- (b) The lighting or sprinkling of streets;
- (c) The planting and care for shade and ornamental trees;
- (d) The supply of water for domestic and fire purposes, which may include the protection of sources of supply;
- (e) The construction and maintenance of sidewalks and main drains or common sewers;
- (f) The construction, operation, and maintenance of sewage and waste treatment plants;
- (g) The construction, maintenance, and care of parks or commons;
- (h) The maintenance of activities for recreational promotion;
- (i) The construction or purchase and maintenance of a municipal lighting plant;
- (j) The control of pollen, insects, and pests;
- (k) The impoundment of water;
- (l) The appointing and employment of watchmen and police officers;
- (m) The layout, acceptance, construction, and maintenance of roads; and
- (n) The maintenance of ambulance services.

II. The ~~[legal]~~ voters ~~[and inhabitants of]~~ **who are domiciled in** any village shall cause a record of the petition, pursuant to paragraph I, and their proceedings thereon to be recorded in the records of the towns in which the district is situate.

15 Village Districts; Meeting to Consider. Amend RSA 52:2 to read as follows:

52:2 Meeting to Consider. Such selectmen shall also forthwith call a meeting of the ~~[legal]~~ voters ~~[residing]~~ **domiciled** in the district to see if they will vote to establish the district, and if so to choose necessary officers therefor. They shall call the meeting and give notice thereof as town meetings are called and warned, excepting that the warrant shall be posted at 2 or more public places in the district.

16 Village Districts; Appropriations. Amend RSA 52:4 to read as follows:

52:4 Appropriations.

I. No village district shall raise or appropriate money, or reduce or rescind any appropriation of money previously authorized, at any special meeting of the ~~[inhabitants]~~ **voters** thereof except by vote by ballot, nor unless the ballots cast at such meeting shall be equal in number to at least 1/2 of the number of ~~[legal]~~ voters of such district at the regular meeting next preceding such special meeting; and if a checklist was used at the last preceding regular meeting the same shall be used to ascertain the number of ~~[legal]~~ voters in the district; and such checklist, corrected according to law, shall be used at such special meeting upon request of 10 ~~[legal]~~ voters. In case of an emergency arising in a district for which immediate expenditure of money is necessary, the district through its commissioners may appeal to the superior court for permission to hold a special district meeting which, if granted, shall give said meeting the same authority as the annual district meeting.

II. Ten days prior to petitioning the superior court, the district commissioners shall notify, by certified mail, the commissioner of the department of revenue administration that an emergency exists by providing ~~[him]~~ **the commissioner** with a copy of the explanation of the emergency, the warrant article or articles and the petition to be submitted to the superior court. The petition to the superior court shall include a certification that the commissioner of the department of revenue administration has been notified pursuant to this paragraph.

Amend the bill by replacing section 18 with the following:

18 Cooperative School Districts; Powers; Checklists. Amend RSA 195:4, III to read as follows:

III. CHECKLISTS. At the meetings held in the preexisting districts for the purpose of accepting the articles of agreement, or any existing arrangements, and at the organization meeting of the cooperative school district the checklist for each preexisting district shall be used. The school board of any preexisting district which does not have a checklist shall make, post, and correct a list of the ~~[legal]~~ voters in the district for use at such meetings as supervisors are required to do in regard to the list of voters in their towns. Thereafter the cooperative school board shall make, post, and correct a list of the ~~[legal]~~ voters of the cooperative school district acting as supervisors are required to do, except that such list shall indicate with respect to each voter the preexisting district in which the voter ~~[resides]~~ **is domiciled**. Any 2 members of the cooperative school board shall constitute a quorum at sessions for the correction of the checklist. Notwithstanding the foregoing provisions whenever each of the preexisting school districts is coextensive with the town in which it is located the cooperative school district may, at an annual cooperative school district meeting, under an article in the warrant for such meeting, vote that the supervisors of each town, acting as the supervisors of the cooperative school district, shall make, post and correct in each preexisting district a checklist of the voters in each preexisting district and shall certify the making, posting, and correction of the checklist acting as supervisors of the cooperative school district. At each annual meeting for the election of officers of the cooperative district the checklists prepared by the supervisors in each preexisting district in accordance with the provisions of this paragraph shall be used and the town supervisors from each preexisting district shall attend such annual meeting. The voters of the cooperative district shall be those whose names appear on the checklists as provided by this paragraph. The supervisors shall be paid such compensation as the district may provide.

Amend the bill by replacing sections 20 and 21 with the following:

20 School Meetings; Warning. Amend RSA 197:5 to read as follows:

197:5 Warning. School district meetings shall be warned by the school board, or, in cases authorized by law, by a justice of superior court, by a warrant addressed to the ~~[inhabitants]~~ **voters** of the district ~~[qualified to vote in district affairs]~~, stating the time and place of the meeting and the subject matter of the business to be acted upon. In all districts which have not adopted the provisions of this title providing for medical inspection in schools the warrant shall contain an article relating thereto.

21 Mosquito Control; Districts Established; Members. Amend RSA 430:14, I to read as follows:

I. Each mosquito control district shall be governed by a board or committee, consisting of 3 ~~[qualified]~~ voters ~~[residing]~~ **domiciled** in the district, appointed by the local governing body, one each for terms of one, 2, and 3 years. At the expiration of the terms of the members of the first board or committee, all appointments shall be for terms of 3 years and until their successors are appointed and qualified, but the individuals holding the appointment shall do so at the pleasure of the local governing body. At least one board or committee member should be a local governing body member; however, this one membership may be assigned. Vacancies shall be filled by the local governing body. Vacancies resulting for cause other than expiration of term shall be filled for the unexpired term.

Amend the bill by replacing section 23 with the following:

23 Voter; Office Holder. Amend RSA 654:1 to read as follows:

654:1 ~~[Legal]~~ Voter; Office Holder.

I. Every inhabitant of the state, having a ~~[fixed and permanent]~~ **single** established domicile **for voting purposes**, being a citizen of the United States, of the age provided for in Article 11 of Part First of the Constitution of New Hampshire, shall have a right at any meeting or election, to vote in the town, ward, or unincorporated place in which he **or she** is domiciled. ~~[The determinant of one's domicile is a question of factual physical presence incorporating an intention to reside for an indefinite period. This domicile is the voter's residence to which, upon temporary absence, he has the intention of returning. This domicile is that place in which he dwells on a continuing basis for a significant portion of each year]~~ **An inhabitant's domicile for voting purposes is that one place where a person, more than any other place, has established a physical presence and manifests an intent to maintain a single continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government. A person has the right to change domicile at any time, however a mere intention to change domicile in the future does not, of itself, terminate an established domicile before the person actually moves.**

II. Any elected or appointed official for whom one of the qualifications for his **or her** position is eligibility to be a ~~[legal]~~ voter in the area represented or served shall be considered to have resigned if ~~[he]~~ **the official** moves his **or her** ~~[residence]~~ **domicile** so that he **or she** can no longer qualify to be a ~~[legal]~~ voter in the area represented or served. Any vacancy so created shall be filled as prescribed by law.

Amend the bill by replacing section 25 with the following:

25 Voter Registration Form. Amend RSA 654:7 to read as follows:

654:7 Voter Registration Form. A standard registration application form shall be used throughout the state. The registration form shall be ~~[4]~~ **no larger than 8 ½ inches** by ~~[6]~~ **11 inches** ~~[and shall be made in triplicate]~~. The secretary of state shall ~~[provide for the preparation]~~ **prescribe the form** of the voter registration form, which shall be in substantially the following form:

Date \_\_\_\_\_

#### VOTER REGISTRATION ~~[CARD]~~ FORM

(Please print or type)

1. Name	_____		
	Last	( <i>suffix</i> )	First <i>Full</i> Middle <del>[Initial]</del> <i>Name</i>
2. Address	_____		
	Street		Ward Number
	_____		_____
	Town or City		Zip Code
3. Mailing Address if	_____		
different than in 2	Street		Ward Number
	_____		_____
	Town or City		Zip Code
4. Place and Date of Birth	_____		
	Town or City		State

Date \_\_\_\_\_

5. If a naturalized citizen, give name of court where and date when naturalized \_\_\_\_\_

6. Place last registered to vote \_\_\_\_\_

Town or City

Street

Ward Number

7. Name under which previously registered, if different from above \_\_\_\_\_

8. Party Affiliation (if any) \_\_\_\_\_

[I hereby swear, under penalty of perjury, that my permanent established domicile is at the above address, that I am a United States citizen, that I will be 18 years of age or older on election day, and that the information above is true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
(Signature of Applicant)]

9. Driver's License Number \_\_\_\_\_ State \_\_\_\_\_

*If you do not have a valid driver's license, provide the last four digits of your social security number \_\_\_\_\_*

*My name is \_\_\_\_\_ . I am today registering to vote in the city/town of \_\_\_\_\_ , New Hampshire.*

*I understand that to vote in this city/town, I must be 18 years of age, I must be a United States citizen, and I must be domiciled in this city/town.*

*I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled in any other state or any other city/town. I understand that if I am domiciled in another state or city/town, I may be entitled to vote in elections held within that state or city/town by absentee ballot.*

*In declaring New Hampshire as my domicile, I am subject to the laws of the State of New Hampshire which apply to all residents, including laws requiring me to register my motor vehicles and apply for a New Hampshire driver's license within 60 days of becoming a resident.*

*In declaring New Hampshire as my domicile, I realize that I may be forfeiting benefits or rights, including the right to vote in another state.*

*If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a supervisor of the checklist is available to address my questions or concerns.*

*I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election."*

\_\_\_\_\_  
Date\_\_\_\_\_  
Signature

*In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.*

Amend the bill by replacing section 27 with the following:

27 Voter Registration in Cities. Amend RSA 654:8-a, I to read as follows:

I. Any **person** qualified **as a** voter in a city whose name does not appear on the checklist where registration is required because the voter's voting [residence] **domicile** has changed from one ward in the city to

another ward in the same city, and who is otherwise registered to vote in the election, may change voter registration at the office of the city clerk. A change in voter registration under this section shall be made no later than the final date set for correcting the checklist in the city. The city clerk may require the voter to provide acceptable proof of identification and acceptable proof of ~~[residence]~~ **domicile**.

Amend the bill by replacing section 30 with the following:

30 Absentee Registration Affidavit. Amend RSA 654:17 to read as follows:

654:17 Absentee Registration Affidavit.

I. The absentee registration affidavit shall be prepared by the secretary of state and shall be in substantially the following form:

Affidavit (Absence from town)

I, \_\_\_\_\_ do hereby swear or affirm, under ~~[penalty of perjury]~~ **the penalties for voting fraud set forth below**, the following:

1)~~[(a)]~~ That my legal domicile is in the town of \_\_\_\_\_, New Hampshire, I will be of the age of 18 years or over on election day and am entitled to vote in the election to be held in said town on \_\_\_\_\_, [19] \_\_\_\_\_ **(date)**, except for the fact that my name does not appear on the checklist to be used in said town at such election;

~~[(b) That if I were personally to appear before the supervisors of the checklist of said town in their regular session for the correction of the checklist for said election, I would present the following as proof of domicile \_\_\_\_\_ (including but not limited to a drivers license, electric bill, passport, or cancelled check)];~~

2) That I do not intend to be present within said town at such time prior to said election as shall enable me personally to appear before the supervisors of the checklist of said town in their regular sessions for the correction of the checklist for said election;

3) That I am temporarily residing in \_\_\_\_\_ (city and state or city, province, and country);

**4) That I hereby enclose one of the following as proof of identity and domicile:**

**(a) A copy of a current and valid New Hampshire driver's license or an armed services identification or other photo identification issued by the United States government that shows the name and address of the voter; or**

**(b) A copy of a current and valid photo identification and a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter;**

**5) That I acknowledge that if I do not provide a copy of proof of identity and domicile as required by section 4) above, this application may not be approved; and**

~~[(4)]~~ **6) That I hereby make application for the addition of my name to the checklist of said town to be used at said election.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

Affidavit (Physical Disability)

I, \_\_\_\_\_ do hereby swear or affirm, under ~~[penalty of perjury]~~ **the penalties for voting fraud set forth below**, the following:

1)~~[(a)]~~ That my legal domicile is in the town of \_\_\_\_\_, New Hampshire, I will be of the age of 18 years or over on election day, and am entitled to vote in the election to be held in said town on \_\_\_\_\_, [19] \_\_\_\_\_ **(date)**, except for the fact that my name does not appear on the checklist to be used in said town at such election;



~~[(b) That if I were personally to appear before the supervisors of the checklist of said town in their regular session for the correction of the checklist for said election, I would present the following as proof of domicile \_\_\_\_\_ (including but not limited to a drivers license, electric bill, passport, or cancelled check);]~~

2) That I am unable by reason of physical disability personally to appear before the supervisors of the checklist of said town in their regular sessions for the correction of the checklist for said election;

**3) That I hereby enclose one of the following as proof of identity and domicile:**

**(a) A copy of a current and valid New Hampshire driver's license or an armed services identification or other photo identification issued by the United States government that shows the name and address of the voter; or**

**(b) A copy of a current and valid photo identification and a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter;**

**4) That I acknowledge that if I do not provide a copy of proof of identity and domicile as required by section 3) above, this application may not be approved; and**

~~[3)]~~ **5) That I hereby make application for the addition of my name to the checklist of said town to be used at said election.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
**Date**

**In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.**

II. There shall be printed below each of the foregoing affidavits the following affirmation:

Affirmation

I, \_\_\_\_\_, the undersigned witness, do hereby swear or affirm, under ~~[penalty of perjury]~~ **the penalties for voting fraud set forth below**, that on the \_\_\_\_\_ day of \_\_\_\_\_, [19]\_\_\_\_\_ (**date**), the above named, \_\_\_\_\_, having satisfied me as to his **or her** identity, signed the foregoing affidavit in my presence, and did before me swear to (or affirm) the truth of the statements therein contained.

\_\_\_\_\_  
Signature of Witness

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

Amend the bill by replacing sections 35-39 with the following:

35 Qualifications of Candidates. Amend RSA 655:29 to read as follows:

655:29 Qualifications of Candidates. The form of the affidavit provided for in RSA 655:28 shall be the following:

I. (For use by candidate for governor): I, \_\_\_\_\_, candidate for the office of governor, hereby swear (or affirm) that I have been ~~[an inhabitant of]~~ **domiciled in** the state of New Hampshire for at least 7 years immediately preceding the election for which I am a candidate, that I am a registered voter, that I will be at least 30 years of age on the day of said election, that I am not a candidate for incompatible offices as defined in RSA 655:10, and that I am not a federal employee.

II. (For use by candidate for councilor): I, \_\_\_\_\_, candidate for the office of councilor from the \_\_\_\_\_ district, hereby swear (or affirm) that I have been ~~[an inhabitant of]~~ **domiciled in** the state of New Hampshire for at least 7 years immediately preced-

ing the election for which I am a candidate, that I am now domiciled in councilor district no. \_\_\_\_\_ at the present time, that I will be at least 30 years of age on the day of said election, that I am not a candidate for incompatible offices as defined in RSA 655:10, and that I am not a federal employee.

III. (For use by candidate for state senate): I, \_\_\_\_\_, candidate for the office of senator from the \_\_\_\_\_ district, hereby swear (or affirm) that I have been ~~[an inhabitant of]~~ **domiciled in** the state of New Hampshire for at least 7 years immediately preceding the election for which I am a candidate, that my domicile is in senatorial district no. \_\_\_\_\_ at the present time, that I will be at least 30 years of age on the day of said election, and that I am not a candidate for incompatible offices as defined in RSA 655:10, and that I am not a federal employee.

IV. (For use by candidate for state representative): I, \_\_\_\_\_, candidate for the office of representative from district no. \_\_\_\_\_ of \_\_\_\_\_ county, hereby swear (or affirm) that I have been ~~[an inhabitant of]~~ **domiciled in** the state of New Hampshire for at least 2 years immediately preceding the election for which I am a candidate, that I am now domiciled in district no. \_\_\_\_\_ of \_\_\_\_\_ county, the district I seek to represent, that I will be at least 18 years of age on the day of said election, that I am not a candidate for incompatible offices as defined in RSA 655:10, and that I am not a federal employee. I further recognize that, if elected, I will serve as a delegate to the county convention.

36 Voters in Unincorporated Places; Preparation of Special Ballots. Amend RSA 656:39 to read as follows:

656:39 Preparation of Special Ballots. The secretary of state shall prepare special state election ballots for ~~[inhabitants]~~ **voters** of unincorporated places as provided in RSA 668.

37 Absence, Religious Observance, and Disability. Amend RSA 657:7, II to read as follows:

II. Affidavit envelopes of sufficient size to contain the ballots on which shall be printed the following:

(a) Absence from City or Town. A person voting by absentee ballot because of absence from the city or town in which he **or she** is entitled to vote shall fill out and sign the following certificate:

I do hereby certify under the penalties ~~[of perjury]~~ **for voting fraud set forth below** that I am a ~~[duly qualified]~~ voter in the city or town of \_\_\_\_\_, New Hampshire, in ward \_\_\_\_\_; that I will be absent on election day from said city or town and will be unable to vote in person; that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind).

(Signature) \_\_\_\_\_

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

(b) Absence Because of Religious Observance or Physical Disability. A person voting by absentee ballot because of religious observance or physical disability shall fill out and sign the following certificate:

I do hereby certify under the penalties ~~[of perjury]~~ **for voting fraud set forth below** that I am a ~~[duly qualified]~~ voter in the city or town of \_\_\_\_\_, New Hampshire, in ward \_\_\_\_\_; that I will be observing a religious commitment which prevents me from voting in person or that on account of physical disability I am unable to vote in person; that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind).

(Signature) \_\_\_\_\_

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

38 Overseas Voting. Amend RSA 657:8 to read as follows:

657:8 Overseas Voting. Prior to any federal election, the secretary of state shall prepare the following forms in such quantity as he **or she** deems necessary:



I. Overseas citizens federal election absentee ballots as provided in RSA 656:34 for citizens who are domiciled [~~in Canada or Mexico or in any country~~] outside the [~~continental~~] United States.

II. Affidavit envelopes of sufficient size to contain the ballots on which shall be printed the following:

(a) For Voters Who Are Registered.

Overseas Citizen. A person desiring to vote by overseas citizens federal election absentee ballot who is a registered voter in the town or city in which he *or she* desires to vote shall fill out and sign the following certificate:

I do hereby certify under the penalties [~~of perjury~~] **for voting fraud set forth below** that I am [~~a duly qualified~~] **an** overseas citizen voter registered as such in the city or town of \_\_\_\_\_, New Hampshire; that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the overseas citizens federal election ballot herein enclosed, and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind).

(Signature) \_\_\_\_\_

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

(b) For Voters Not Registered. A person desiring to vote by overseas citizens federal election absentee ballot who is not registered as such in the town or city in which he *or she* desires to vote shall fill out and sign the following certificate:

I do hereby certify under [~~penalty of perjury~~] **the penalties for voting fraud set forth below** that I am a [~~qualified~~] federal overseas voter, that I am at least 18 years of age and a citizen of the United States; and that my last domicile within the United States was in New Hampshire at the following address:

street and number \_\_\_\_\_

city or town \_\_\_\_\_

I am not registered to vote in any state and am not voting in any other manner in this election.

\_\_\_\_\_  
Signature of Voter

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

III. Other forms as provided for in RSA 657:7, III, IV and V.

39 Armed Services Voting. Amend RSA 657:9, II to read as follows:

II. Affidavit envelopes of sufficient size to contain the ballots on which shall be printed the following:

(a) For Voters Who Are Registered. A person voting by armed services absentee ballot who is a registered voter in the town or city in which he *or she* desires to vote shall fill out and sign the following certificate:

I do hereby certify under the penalties [~~of perjury~~] **for voting fraud set forth below** that I am a [~~duly qualified~~] voter in the city or town of \_\_\_\_\_, New Hampshire, in ward \_\_\_\_\_; that I will be absent on election day from said city or town and will be unable to vote in person; that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind).

(Signature) \_\_\_\_\_

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

(b) For Voters Not Registered. A person voting by armed services absentee ballot who is not registered in the town or city in which he **or she** desires to vote shall fill out and sign the following certificate:

I do hereby certify under ~~[penalty of perjury]~~ **the penalties for voting fraud set forth below** that I am ~~[a qualified]~~ **an** armed services voter under the laws of the state of New Hampshire, that I am at least 18 years of age and a citizen of the United States; and that, immediately prior to my service, my domicile was in New Hampshire at the following address:

street and number \_\_\_\_\_

city or town \_\_\_\_\_

I am not registered to vote in any state and am not voting in any other manner in this election.

\_\_\_\_\_  
Signature of Voter

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

Amend the bill by replacing sections 42-48 with the following:

42 Vacancies Among County Officers; County Commissioner. Amend RSA 661:9, II(a) to read as follows:

(a) If a vacancy occurs in the office of a county commissioner, the members of the county convention shall fill the vacancy by majority vote until the next biennial election of county officers. If the term filled is less than the unexpired term, then notwithstanding any provisions of RSA 653:1, VI, the commissioner district filled pursuant to this paragraph shall be added to the next biennial election ballot to be chosen by the ~~[inhabitants]~~ **voters** of the county for a 2-year term.

43 Constitutional Conventions; Declaration of Candidacy. Amend RSA 667:10 to read as follows:

667:10 Declaration of Candidacy. On or before the closing date for filing declarations of candidacy with the town or city clerk as provided by RSA 667:8, any candidate for delegate shall file with the town or city clerk a declaration of candidacy in substantially the following form, which shall be prepared and furnished by the secretary of state:

I, \_\_\_\_\_, candidate for office of delegate to the constitutional convention from District No. \_\_\_\_\_ of \_\_\_\_\_ county hereby certify that I am at least 18 years of age; that I am domiciled in ward \_\_\_\_\_ of the city of \_\_\_\_\_ (or town or unincorporated place of \_\_\_\_\_) county of \_\_\_\_\_ state of New Hampshire; that I am a ~~[qualified]~~ voter ~~[therein and at the present time am an inhabitant of]~~ **in** District No. \_\_\_\_\_ of \_\_\_\_\_ county.

44 Resignation, Death, or Removal. Amend RSA 667:18 to read as follows:

667:18 Resignation, Death, or Removal. A delegate to a constitutional convention may resign his **or her** office as such by filing his **or her** intention of resignation in writing with the secretary of state. The resignation shall become effective when approved in writing by the president of the constitutional convention. Whenever a delegate to a constitutional convention dies or moves from the district, town, or ward in which he **or she** was elected, the clerk of the town or of the city in which the delegate is ~~[an inhabitant]~~ **a voter**, or if the delegate is from an unincorporated place the clerk of the town in which he **or she** is registered, shall notify the secretary of state of the death or removal.

45 Provisions for Unincorporated Places; Organization for Voting. Amend RSA 668:1 to read as follows:

668:1 Organization for Voting. The offices for which the ~~[inhabitants]~~ **voters** of an unincorporated place are entitled to vote shall include: President and Vice-President of the United States, United States senator, United States representative, governor, executive councilor, state senator, state representative, and county offices. The provisions of the election laws relating to town meetings for the choice of election officers and the conduct of state elections shall apply to unincorporated places organized as provided by RSA 53:1.

46 Provisions for Unincorporated Places. Amend RSA 668:2-668:7 to read as follows:

668:2 Designation of Towns. If an unincorporated place is not organized for voting, the secretary of state shall designate a town in the same representative district where all ~~[inhabitants of]~~ **persons domiciled in** the unincorporated place may register, vote, file for office, and exercise all other procedures to which they are entitled under the election laws.

668:3 Registration and Checklists. The procedure for registration ~~[of inhabitants of]~~ **by persons domiciled in** an unincorporated place in a town designated pursuant to RSA 668:2 shall be the same as provided in RSA 654, except that a separate checklist shall be maintained for the ~~[inhabitants]~~ **voters** of each unincorporated place. The supervisors shall prepare, revise, and post said checklist along with the checklist for the town as provided in RSA 654.

668:4 Offices Voted for. The offices for which ~~[inhabitants]~~ **voters** of unincorporated places are entitled to vote shall include: President and Vice-President of the United States, United States senator, United States representative, governor, executive councilor, state senator, state representative, and county offices. The ~~[inhabitants]~~ **voters** of the unincorporated places are not entitled to vote for any town or ward offices or on any questions concerning the towns in which they vote.

668:5 Preparation of Special Ballots. For any state election, the secretary of state shall prepare special ballots for the ~~[inhabitants]~~ **voters** of all unincorporated places. For purposes of this section, "special ballots" shall mean the ballots to be used by all unincorporated places in the same state representative district as opposed to separate ballots for each unincorporated place. These special ballots shall have no location printed on them, but shall have a space where the name of an unincorporated place shall be entered by the town clerk of the designated town. The secretary of state shall print only the names of candidates for offices for which the ~~[inhabitants]~~ **voters** of the unincorporated place are entitled to vote, as provided in RSA 668:4. It shall be the duty of the town clerk to make ready in advance a sufficient number of ballots for each person on the official checklist of the unincorporated places. If it is necessary because of election day registrations, extra ballots shall be prepared and the number attested to at the end of the voting. In all other respects, such special ballots shall be printed and forwarded to the town clerk in the same manner as the other ballots for the designated town.

668:6 Establishing Procedures for Voting. The secretary of state shall issue regulations within the scope of the election laws to establish the procedures for voting and filing for office by ~~[inhabitants]~~ **voters** of unincorporated places. The regulations so issued shall have the force of law.

668:7 Return of Votes Cast. The town clerk of the town designated pursuant to RSA 668:2 shall make a return of the votes cast in his town by the ~~[inhabitants]~~ **voters** of each unincorporated place in the same manner as provided for in RSA 659.

47 Town Elections; Absentee Ballot Forms. Amend RSA 669:27, III to read as follows:

III. Envelopes of sufficient size to contain the ballots specified in paragraph I, on which shall be printed the following affidavit:

Absence. A person voting by absentee ballot because of absence from the place in which he **or she** is entitled to vote shall fill out and sign the following certificate:

I do hereby certify, under the penalties ~~[of perjury]~~ **for voting fraud set forth below**, that I am a ~~[duly qualified]~~ voter in the town (city, village district, school district) of \_\_\_\_\_, New Hampshire, that I will be absent on election day from said town (city, village district, school district) and will be unable to vote in person; that I have carefully read the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the within ballot and enclosed and sealed it in this envelope.

(Signature) \_\_\_\_\_

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

Absence Because of Religious Observance or Physical Disability. A person voting by absentee ballot because of religious observance or physical disability shall fill out and sign the following certificate:

I do hereby certify, under the penalties ~~[of perjury]~~ **for voting fraud set forth below**, that I am a ~~[duly qualified]~~ voter in the town (city, village district, school district) of \_\_\_\_\_, New Hampshire, that I will be observing a religious commitment which prevents me from voting in person, or that on account of physical disability I am unable to vote in person; that I have carefully read the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the within ballot and sealed it in this envelope.

(Signature) \_\_\_\_\_

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

48 Election Officer. Amend RSA 652:14 to read as follows:

652:14 Election Officer. "Election officer" shall mean any moderator, **deputy moderator, assistant moderator**, town clerk, **deputy town clerk, city clerk, deputy city clerk, ward clerk**, selectman, supervisor of the checklist, **registrar, or deputy registrar** [~~or inspector of election~~].

Amend the bill by replacing section 53 with the following:

53 New Section; Right to Know Exemption. Amend RSA 654 by inserting after section 31 the following new section:

654:31-a Right to Know Exemption. The information contained on the checklist of a town or city, specifically, the name, street address, town or city, and party affiliation, if any, of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A. All other information on the voter registration form, absentee registration affidavit, and application for absentee ballot shall be treated as confidential information and the records containing this information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A. Election officials and law enforcement personnel in furtherance of their official duties may access and may disclose information from the voter registration form, absentee registration affidavits, and applications for absentee ballots, if necessary to resolve a challenge to an individual registering to vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law enforcement access and use of such records for the investigation or prosecution of crimes unrelated to election law violations shall be limited to the records of the specific individuals who are the subject of the investigation or prosecution.

Amend the bill by replacing section 60 with the following:

60 Voter Registration in Cities; Proof of Identification and Residence. Amend RSA 654:8-a, I to read as follows:

I. Any **person** qualified **as a** voter in a city whose name does not appear on the checklist where registration is required because the voter's voting residence has changed from one ward in the city to another ward in the same city, and who is otherwise registered to vote in the election, may change voter registration at the office of the city clerk. A change in voter registration under this section shall be made no later than the final date set for correcting the checklist in the city. The city clerk [~~may~~] **shall** require the voter to provide acceptable proof of identification and acceptable proof of residence.

Amend the bill by replacing all after section 63 with the following:

64 Voters Confined in Penal Institutions; Address. Amend RSA 654:2-a, III to read as follows:

III. In completing a voter registration [~~card~~] **form**, as specified in RSA 654:7, a person confined in a penal institution shall list the address of his or her domicile in the address section, and the address of the penal institution in the mailing address section.

65 Registering at the Polling Place, Election Day Registration. Amend RSA 654:7-a, I to read as follows:

I. The provisions of this section and those of RSA 654:7-b shall be used as an additional procedure for voter registration. For the purposes of this section and RSA 654:7-b, the term "election day" shall refer to state primary and to state general elections, to all town, city, school district, and village district elections, and to all official ballot meetings where persons may vote by absentee ballot. A person who registers to vote on election day according to the provisions of this section shall also be required to complete the voter registration [~~card~~] **form** provided for in RSA 654:7. The provisions of this section and those of RSA 654:7-b shall apply notwithstanding any provision of RSA 654 to the contrary.

66 Effective Date. This act shall take effect September 1, 2003.

The signatures below attest to the authenticity of this Report on HB 627-FN, an act relative to domicile for voting purposes and penalties for voter fraud.

*Conferees on the Part of the Senate*  
Sen. Roberge, Dist. 9  
Sen. Boyce, Dist. 4  
Sen. Flanders, Dist. 7

*Conferees on the Part of the House*  
Rep. Drisko, Hills. 46  
Rep. Whalley, Belk. 31  
Rep. Cady, Rock. 73  
Rep. Reeves, Hills. 49

Senator Roberge moved adoption.

**Question is on the adoption of the Committee of Conference Report.**

**A roll call was requested by Senator Larsen.**

**Seconded by Senator Barnes.**

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

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

**Yeas: 17 - Nays: 6**

**Adopted.**

**June 12, 2003**

**2003-2096-CofC**

**04/05**

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

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on HB 654-FN, an act relative to criminal liability for the destruction or disconnection of a smoke detector by a tenant in a rental dwelling.

*Conferees on the Part of the Senate*

Sen. Roberge, Dist. 9

Sen. Barnes, Dist. 17

Sen. Larsen, Dist. 15

*Conferees on the Part of the House*

Rep. Weare, Rock. 84

Rep. Bicknell, Rock. 73

Rep. Welch, Rock. 79

Rep. Pantelakos, Rock. 86

Senator Roberge moved adoption.

**Adopted.**

**June 16, 2003**

**2003-2149-CofC**

**10/09**

Committee of Conference Report on HB 669-FN, an act relative to dental insurance benefits and eligibility for medical benefits for retired state employees

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by deleting section 1 and renumbering the original sections 2 and 3 to read as 1 and 2, respectively.

The signatures below attest to the authenticity of this Report on HB 669-FN, an act relative to dental insurance benefits and eligibility for medical benefits for retired state employees

*Conferees on the Part of the Senate*

Sen. Prescott, Dist. 23

Sen. Martel, Dist. 18

Sen. Estabrook, Dist. 21

*Conferees on the Part of the House*

Rep. O'Neil, Rock. 85

Rep. Zolla, Rock. 77

Rep. Irwin, Hills. 44

Rep. R. Wheeler, Hills. 48

**2003-2149-CofC**

#### AMENDED ANALYSIS

The bill changes the years of service required for retired state employees to be eligible for medical benefits.

Senator Prescott moved adoption.

**Adopted.**



**June 18, 2003**  
**2003-2228-CofC**  
**01/10**

Committee of Conference Report on HB 670-FN, an act establishing a procedure for release by a state agency of statistical information for research purposes.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 670-FN, an act establishing a procedure for release by a state agency of statistical information for research purposes.

*Conferees on the Part of the Senate*

Sen. Boyce, Dist. 4  
 Sen. O'Hearn, Dist. 12  
 Sen. Larsen, Dist. 15

*Conferees on the Part of the House*

Rep. O'Neil, Rock. 85  
 Rep. Hunt, Ches. 28  
 Rep. Batula, Hills. 58  
 Rep. Schulze, Hills. 65

Senator Boyce moved adoption.

**Adopted.**

**June 13, 2003**  
**2003-2118-CofC**  
**10/01**

Committee of Conference Report on HB 671-FN-A, an act establishing a contributory defined benefit judicial retirement plan.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 671-FN-A, an act establishing a contributory defined benefit judicial retirement plan.

*Conferees on the Part of the Senate*

Sen. Gatsas, Dist. 16  
 Sen. Morse, Dist. 2  
 Sen. Cohen, Dist. 24

*Conferees on the Part of the House*

Rep. O'Neil, Rock. 85  
 Rep. Hamel, Rock. 79  
 Rep. R. Wheeler, Hills. 48  
 Rep. Mitchell, Ches. 29

Senator Gatsas moved adoption.

**Adopted.**

**June 17, 2003**  
**2003-2208-CofC**  
**01/09**

Committee of Conference Report on HB 680-FN, an act establishing a committee to study service contracts and repealing the law regarding legal services insurance.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 8 with the following:

9 Repeal. The following are repealed:

- I. RSA 415-C, relative to prepaid legal services contracts.
- II. RSA 400-A:29, VIII-a, relative to prepaid legal services.

10 Effective Date.

I. Section 9 shall take effect September 30, 2004.

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

The signatures below attest to the authenticity of this Report on HB 680-FN, an act establishing a committee to study service contracts and repealing the law regarding legal services insurance.

*Conferees on the Part of the Senate*

Sen. Clegg, Dist. 14

Sen. Foster, Dist. 13

Sen. Roberge, Dist. 9

*Conferees on the Part of the House*

Rep. Hunt, Ches. 28

Rep. Fraser, Merr. 37

Rep. Spiess, Hills. 47

Rep. Meader, Ches. 25

Senator Clegg moved adoption.

**Adopted.**

**June 13, 2003**

**2003-2108-CofC**

**10/01**

Committee of Conference Report on HB 702-FN, an act relative to payment of medical benefits costs for disabled group II members of the retirement system.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as passed by the House.

The signatures below attest to the authenticity of this Report on HB 702-FN, an act relative to payment of medical benefits costs for disabled group II members of the retirement system.

*Conferees on the Part of the Senate*

Sen. Flanders, Dist. 7

Sen. Prescott, Dist. 23

Sen. Cohen, Dist. 24

*Conferees on the Part of the House*

Rep. Zolla, Rock. 77

Rep. O'Neil, Rock. 85

Rep. Irwin, Hills. 44

Rep. R. Wheeler, Hills. 48

Senator Flanders moved adoption.

**Adopted.**

**June 18, 2003**

**2003-2242-CofC**

**09/10**

Committee of Conference Report on HB 705, an act establishing a committee to study the application of the communications services tax to the provision of Internet services and relative to the rate of the communications services tax and the property tax exemption for wooden poles and conduits.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 705, an act establishing a committee to study the application of the communications services tax to the provision of Internet services and relative to the rate of the communications services tax and the property tax exemption for wooden poles and conduits.

*Conferees on the Part of the Senate*

Sen. Green, Dist. 6

Sen. Odell, Dist. 8

Sen. D'Allesandro, Dist. 20

*Conferees on the Part of the House*

Rep. Hess, Merr. 37

Rep. Roessner, Rock. 83

Rep. Thomas, Belk. 31

Rep. Hager, Merr. 40

Senator Green moved adoption.

**Adopted.**



**June 16, 2003**  
**2003-2141-CofC**  
**01/04**

Committee of Conference Report on HB 709-FN, an act relative to nursing homes in receivership.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 709-FN, an act relative to nursing homes in receivership.

*Conferees on the Part of the Senate*

Sen. Martel, Dist. 18

Sen. Johnson, Dist. 2

Sen. Estabrook, Dist. 21

*Conferees on the Part of the House*

Rep. Wendelboe, Belk. 29

Rep. Shultis, Rock. 86

Rep. P. Katsakiores, Rock. 77

Rep. Dalrymple, Rock. 76

Senator Martel moved adoption.

**Adopted.**

**June 12, 2003**  
**2003-2095-CofC**  
**04/10**

Committee of Conference Report on HB 718-FN, an act relative to endangering the welfare of a minor and relative to criminal responsibility for the commission of certain acts.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-3 to read as 3-4:

2 New Paragraph; Criminal Responsibility; Immaturity. Amend RSA 628:1 by inserting after paragraph II the following new paragraph:

III.(a) If a person is charged prior to his or her 17<sup>th</sup> birthday for an offense set forth in paragraph II which is alleged to have been committed when such person was 13 years of age but less than 15 years of age, the provisions of RSA 169-B:24 shall apply.

(b) If a person is charged after his or her 17<sup>th</sup> birthday for an offense set forth in paragraph II which is alleged to have been committed when such person was 13 years of age but less than 15 years of age, the provisions of RSA 169-B:24 shall not apply. In such cases, the superior court shall hold a hearing prior to trial to determine, based on a preponderance of the evidence, whether the defendant may be held criminally responsible. In making such determination, the court shall consider, but shall not be limited to, the following criteria:

- (1) The seriousness of the alleged offense to the community;
- (2) The aggressive, violent, premeditated, or willful nature of the alleged offense;
- (3) Whether the alleged offense was committed against persons or property;
- (4) The prosecutorial merit of the charge;
- (5) The sophistication and maturity of the defendant at the time of the alleged offense; and
- (6) The defendant's prior record and prior contacts with law enforcement as of the date of the hearing.

The signatures below attest to the authenticity of this Report on HB 718-FN, an act relative to endangering the welfare of a minor and relative to criminal responsibility for the commission of certain acts.

*Conferees on the Part of the Senate*

Sen. Peterson, Dist. 11  
Sen. Roberge, Dist. 19  
Sen. Foster, Dist. 13

*Conferees on the Part of the House*

Rep. Knowles, Straf. 69  
Rep. Tholl, Coos 2  
Rep. Stevens, Carr. 7  
Rep. Bicknell, Rock. 73

Senator Peterson moved adoption.

**Adopted.**

**June 17, 2003**

**2003-2206-CofC**

**03/01**

Committee of Conference Report on HB 733-FN, an act relative to drivers' licenses held by members of the national guard or military reserve.

**Recommendation:**

having considered the same, report the committee is unable to reach agreement.

The signatures below attest to the authenticity of this Report on HB 733-FN, an act relative to drivers' licenses held by members of the national guard or military reserve.

*Conferees on the Part of the Senate*

Sen. Kenney, Dist. 3  
Sen. Barnes, Dist. 17  
Sen. Below, Dist. 5

*Conferees on the Part of the House*

Rep. Packard, Rock. 75  
Rep. J. Flanders, Rock. 79  
Rep. Letourneau, Rock. 77  
Rep. Ferland, Sull. 23

Senator Kenney moved adoption.

**Adopted.**

**June 16, 2003**

**2003-2146-CofC**

**10/01**

Committee of Conference Report on HB 748, an act making changes to the laws governing off highway recreational vehicles and the multi-use statewide trail system.

**Recommendation:**

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 15 with the following:

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

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

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

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

The signatures below attest to the authenticity of this Report on HB 748, an act making changes to the laws governing off highway recreational vehicles and the multi-use statewide trail system.

*Conferees on the Part of the Senate*

Sen. Odell, Dist. 8  
 Sen. Johnson, Dist. 2  
 Sen. Cohen, Dist. 24

*Conferees on the Part of the House*

Rep. Lawton, Belk. 30  
 Rep. Royce, Ches. 28  
 Rep. R. Cooney, Rock. 76  
 Rep. Brueggemann, Merr. 40

**2003-2146-CofC**

## AMENDED ANALYSIS

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

Senator Odell moved adoption.

**Question is on the adoption of the Committee of Conference Report.**

**A roll call was requested by Senator Sapareto.**

**Seconded by Senator Barnes.**

**The following Senators voted Yes: Johnson, Boyce, Below, Green, Flanders, Odell, Peterson, O'Hearn, Foster, Clegg, Larsen, Martel, Estabrook, Morse, Prescott, Cohen.**

**The following Senators voted No: Gallus, Kenney, Roberge, Gatsas, Barnes, Sapareto, D'Allesandro.**

**Yeas: 16 - Nays: 7**

**Adopted.**

**June 13, 2003**

**2003-2116-CofC**

**04/09**

Committee of Conference Report on HB 751-FN-LOCAL, an act implementing an alternative school building aid grant formula, establishing size and cost standards for the construction of new school facilities, and permitting high school vocational technical education programs which lease space to be eligible for school building aid grants.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 751-FN-LOCAL, an act implementing an alternative school building aid grant formula, establishing size and cost standards for the construction of new school facilities, and permitting high school vocational technical education programs which lease space to be eligible for school building aid grants.

*Conferees on the Part of the Senate*

Sen. O'Hearn, Dist. 12  
 Sen. Boyce, Dist. 4  
 Sen. Foster, Dist. 13

*Conferees on the Part of the House*

Rep. Alger, Graf. 14  
 Rep. Laurent, Ches. 24  
 Rep. Snyder, Graf. 67  
 Rep. Mercer, Hills. 59

Senator O'Hearn moved adoption.

**Adopted.**

**June 11, 2003**

**2003-2067-CofC**

**06/01**

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

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the flow in the Connecticut River, the effect of the flow on water levels in Lake Francis and the Connecticut Lakes, and options for the use of certain state property along the south branch of the Baker River in Wentworth.

Amend the bill by replacing section 3 with the following:

3 Duties.

I. The committee shall study the flow in the Connecticut River, its effect on Lake Francis and the Connecticut Lakes, and its effect on the dams that generate power from the flow in the river. The committee shall develop a recommendation for the minimum water level to be maintained at the Murphy Dam on Lake Francis to balance the competing needs of conservation, recreation, agriculture, and power production.

II. The committee shall also study the options available for ownership and management of certain state property known as the "Baker River Watershed Multiple Use Project Site 7" which is located on the south branch of the Baker River in Wentworth. The committee shall develop a recommendation for the future management of the site which takes into consideration options for private, state, or local municipal ownership of these lands.

The signatures below attest to the authenticity of this Report on HB 768, an act establishing a committee to study the flow in the Connecticut River and the effect of the flow on water levels in Lake Francis and the Connecticut Lakes, and to study the use of certain state-owned property along the Baker River.

*Conferees on the Part of the Senate*

Sen. Johnson, Dist. 2

Sen. Gallus, Dist. 1

Sen. Below, Dist. 5

*Conferees on the Part of the House*

Rep. Lawton, Belk. 30

Rep. C. Christensen, Hills. 58

Rep. C. LaFlamme, Hills. 50

Rep. Brueggemann, Merr. 40

**2003-2067-CofC**

AMENDED ANALYSIS

This bill establishes a committee to study the flow in the Connecticut River, the effect of the flow on water levels in Lake Francis and the Connecticut Lakes, and options for the use of certain state property along the Baker River.

Senator Johnson moved adoption.

**Adopted.**

**June 17, 2003**

**2003-2200-CofC**

**10/03**

Committee of Conference Report on HB 773, an act establishing a committee to study a tuition tax credit program.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

The signatures below attest to the authenticity of this Report on HB 773, an act establishing a committee to study a tuition tax credit program.

*Conferees on the Part of the Senate*

Sen. Peterson, Dist. 11

Sen. Odell, Dist. 8

Sen. Below, Dist. 5

*Conferees on the Part of the House*

Rep. Major, Rock. 79

Rep. Mock, Carr. 4

Rep. Packard, Rock. 75

Rep. Ferland, Sull. 23

Senator Peterson moved adoption.

**Adopted.**

**June 13, 2003**  
**2003-2103-CofC**  
**10/09**

Committee of Conference Report on HB 796-FN-LOCAL, an act relative to the taxation of manufactured housing.  
 Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 8 with the following:

8 New Section; Recreational Campgrounds; Notice Required Before Sale. Amend RSA 216-I by inserting after section 15 the following new section:

216-I:16 Notice Required Before Sale of Recreational Campground.

I. No recreational campground owner shall make a final unconditional acceptance of any offer for the sale or transfer of a recreational campground without first giving 60 days' notice to each owner of a recreational trailer, as defined in RSA 216-I:1, VIII(c), who pays property taxes to the municipality in which the recreational campground is located and to each owner of a manufactured home who pays property taxes to the municipality for a home used seasonally in a recreational campground. The notice shall include:

(a) That the owner intends to sell the recreational campground; and

(b) The price, terms, and conditions of an acceptable offer the campground owner has received to sell the campground, or the price, terms, and conditions for which the campground owner intends to sell the recreational campground. This notice shall include a copy of the signed written offer which sets forth a description of the property to be purchased and the price, terms, and conditions of the acceptable offer.

II. During the notice period required under paragraph I, the campground owner shall consider any offer received from the owner of the recreational trailer, owner of a manufactured home, or the owner's association, if any, and the campground owner shall negotiate in good faith with the owner of the recreational trailer, the owner of a manufactured home, or the owner's association concerning a potential purchase. If during the notice period, the owner of a recreational trailer, owner of a manufactured home, or owner's association decides to make an offer to purchase the recreational campground, such offer shall be evidenced by a purchase and sale agreement; however, the owner of the recreational trailer, owner of a manufactured home, or owner's association shall have a reasonable time beyond the 60-day period, if necessary, to obtain financing for the purchase.

III. The notice required by paragraph I shall be served by certified mail, return receipt requested, to each owner of a recreational trailer or owner of a manufactured home at such owner's abode. A receipt from the United States Postal Service that is signed by any adult member of the household to which it was mailed, or a notation on the letter that the letter was refused by any adult member of the owner's household or that the addressee no longer resides there, or a letter which is returned to the post office unclaimed, shall constitute a conclusive presumption that service was made in any court action in this state.

The signatures below attest to the authenticity of this Report on HB 796-FN-LOCAL, an act relative to the taxation of manufactured housing.

*Conferees on the Part of the Senate*

Sen. Roberge, Dist. 9

Sen. Barnes, Dist. 17

Sen. Larsen, Dist. 15

*Conferees on the Part of the House*

Rep. Hunt, Ches. 28

Rep. Fraser, Merr. 37

Rep. Spiess, Hills. 47

Rep. Meader, Ches. 25

Senator Roberge moved adoption.

**Adopted.**

**June 12, 2003**  
**2003-2097-CofC**  
**01/09**

Committee of Conference Report on HB 798, an act relative to gifts by fiduciaries.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 798, an act relative to gifts by fiduciaries.

*Conferees on the Part of the Senate*

Sen. Flanders, Dist. 7

Sen. Barnes, Dist. 17

Sen. D'Allesandro, Dist. 20

*Conferees on the Part of the House*

Rep. Hunt, Ches. 28

Rep. Stepanek, Hills. 47

Rep. Quandt, Rock. 83

Rep. Meader, Ches. 25

Senator Flanders moved adoption.

**Adopted.**

**June 5, 2003**

**2003-2028-CofC**

**04/09**

Committee of Conference Report on HB 811, an act relative to limiting the liability of manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from misuse.

**Recommendation:**

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on HB 811, an act relative to limiting the liability of manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from misuse.

*Conferees on the Part of the Senate*

Sen. Clegg, Dist. 14

Sen. Gallus, Dist. 1

Sen. D'Allesandro, Dist. 20

*Conferees on the Part of the House*

Rep. Rowe, Hills. 47

Rep. J. Wheeler, Hills. 47

Rep. Dudley, Graf. 18

Rep. Haytayan, Hills. 46

Senator Clegg moved adoption.

**Adopted.**

**June 12, 2003**

**2003-2075-CofC**

**06/09**

Committee of Conference Report on HB 817, an act relative to the regulation of first and second mortgage brokers and mortgage servicers.

**Recommendation:**

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 397-A:17, VI as inserted by section 14 of the bill by replacing it with the following:

VI. If a licensee is a partnership, association, corporation, or entity however organized, it shall be sufficient cause for the suspension or revocation of a license that any officer, director, or trustee of a licensed association or corporation or any member of a licensed partnership has so acted or failed to act in behalf of said licensee as would be cause for suspending or revoking a license to such party as an individual. Each licensee shall be responsible for supervision of its branch offices and for the acts of any or all of its employees and originators while acting as its agent if such licensee, after actual knowledge of said acts, retained the benefits, proceeds, profits, or advantages accruing from said acts or otherwise ratified said acts.



Amend RSA 398-A:1-b, III as inserted by section 31 of the bill by replacing it with the following:

III. If a licensee is a partnership, association, corporation, or entity however organized, it shall be sufficient cause for the suspension or revocation of a license that any officer, director, or trustee of a licensed association or corporation or any member of a licensed partnership has so acted or failed to act in behalf of said licensee as would be cause for suspending or revoking a license to such party as an individual. Each licensee shall be responsible for supervision of its branch offices and for the acts of any or all of its employees and originators while acting as its agent if such licensee, after actual knowledge of said acts, retained the benefits, proceeds, profits, or advantages accruing from said acts or otherwise ratified said acts.

The signatures below attest to the authenticity of this Report on HB 817, an act relative to the regulation of first and second mortgage brokers and mortgage servicers.

*Conferees on the Part of the Senate*

Sen. Flanders, Dist. 7

Sen. Barnes, Dist. 17

Sen. Boyce, Dist. 4

*Conferees on the Part of the House*

Rep. Hunt, Ches. 28

Rep. Fraser, Merr. 37

Rep. Stepanek, Hills. 47

Rep. Meader, Ches. 25

Senator Flanders moved adoption.

**Adopted.**

**Senator Foster Rule #42 on HB 817.**

**June 18, 2003**

**2003-2241-CofC**

**05/10**

Committee of Conference Report on SB 41-FN, an act relative to the installation of airbags.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 41-FN, an act relative to the installation of airbags.

*Conferees on the Part of the Senate*

Sen. Peterson, Dist. 11

Sen. Sapareto, Dist. 19

Sen. Foster, Dist. 13

*Conferees on the Part of the House*

Rep. Packard, Rock. 75

Rep. Dodge, Rock. 80

Rep. Ferland, Sull. 23

Rep. Letourneau, Rock. 77

Senator Peterson moved adoption.

**Adopted.**

**June 16, 2003**

**2003-2134-CofC**

**01/05**

Committee of Conference Report on SB 42, an act relative to charitable contributions by insurance agents.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 42, an act relative to charitable contributions by insurance agents.

*Conferees on the Part of the Senate*

Sen. Odell, Dist. 8

Sen. Flanders, Dist. 7

Sen. Cohen, Dist. 24

*Conferees on the Part of the House*

Rep. Hunt, Ches. 28

Rep. Fraser, Merr. 37

Rep. D. Flanders, Belk. 30

Rep. Meader, Ches. 25

Senator Odell moved adoption.

**Adopted.**

**June 17, 2003**  
**2003-2213-CofC**  
**03/05**

Committee of Conference Report on SB 44, an act relative to penalties for vehicle dealers.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by deleting sections 4 and 5 and renumbering section 6 to read as 4.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Conway Branch Railroad Study; Department of Transportation. The department of transportation shall study the cost and feasibility of reactivating the Conway Branch railroad line between Ossipee and Conway. The department may consult with the affected railroads, the regional planning agencies, potential shippers and other interested parties. The department shall make a report to the president of the senate and the speaker of the house of representatives on the results of this study on or before June 30, 2004.

The signatures below attest to the authenticity of this Report on SB 44, an act relative to penalties for vehicle dealers.

*Conferees on the Part of the Senate*  
 Sen. Kenney, Dist. 3  
 Sen. Morse, Dist. 22  
 Sen. Below, Dist. 5

*Conferees on the Part of the House*  
 Rep. Packard, Rock. 75  
 Rep. J. Flanders, Rock. 79  
 Rep. Letourneau, Rock. 77  
 Rep. Ferland, Sull. 23

**2003-2213-CofC**

#### AMENDED ANALYSIS

This bill:

I. Establishes additional penalties for dealers, utility dealers, auto recycling dealers, transporters, and repairers who violate RSA 261 and orders made pursuant to RSA 261.

II. Deletes the limitation on the number of sets of special number plates for certain veterans that may be issued to an individual.

III. Requires the department of transportation to study the Conway Branch railroad line.

Senator Kenney moved adoption.

**Adopted.**

**Senator Foster Rule #42 on SB 44.**

**June 12, 2003**  
**2003-2087-CofC**  
**10/09**

Committee of Conference Report on SB 45, an act relative to property tax exemptions and credits for the elderly, veterans, and the disabled, and allowing municipalities to adopt an optional date for filing exemptions.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 45, an act relative to property tax exemptions and credits for the elderly, veterans, and the disabled, and allowing municipalities to adopt an optional date for filing exemptions.

*Conferees on the Part of the Senate*  
 Sen. Roberge, Dist. 9  
 Sen. Barnes, Dist. 17  
 Sen. D'Allesandro, Dist. 20

*Conferees on the Part of the House*  
 Rep. Brundige, Hills. 58  
 Rep. Twombly, Straf. 67  
 Rep. Boyce, Belk. 31  
 Rep. Theberge, Coos 3

Senator Roberge moved adoption.

**Adopted.**

**June 16, 2003**  
**2003-2136-CofC**  
**03/01**

Committee of Conference Report on SB 47-FN, an act relative to refunds for tolls paid on account of shrinkage or loss by evaporation of motor fuel.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 47-FN, an act relative to refunds for tolls paid on account of shrinkage or loss by evaporation of motor fuel.

*Conferees on the Part of the Senate*  
 Sen. Flanders, Dist. 7  
 Sen. Morse, Dist. 22  
 Sen. D'Allesandro, Dist. 20

*Conferees on the Part of the House*  
 Rep. E. Smith, Ches. 26  
 Rep. Kenison, Merr. 41  
 Rep. J. Gilbert, Rock. 83  
 Rep. Weyler, Rock. 79

Senator Flanders moved adoption.

**Question is on the adoption of the Committee of Conference Report.**

**A roll call was requested by Senator Peterson.**

**Seconded by Senator Barnes.**

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

**The following Senators voted No: Below, Peterson, Larsen, Barnes, Sapareto, Estabrook, Cohen.**

**Yeas: 16 - Nays: 7**

**Adopted.**

**June 11, 2003**  
**2003-2068-CofC**  
**10/09**

Committee of Conference Report on SB 54-FN-LOCAL, an act relative to the local inventory of property values for assessment of property taxes.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

5 Findings and Intent; Sections 6-16. The general court recognizes all the work in creating a set of proposed standards for the certification of assessments. There is reason for concern, however, that these standards may have an inequitable impact on municipalities within the state due to differences between municipalities in such characteristics as size, parcel count, number of sales, and geographic location. Therefore, the general court finds that in order for the state to continue to implement fair and equitable assessing practices, it is necessary to further analyze the assessing practices of the state's political subdivisions. This analysis can be accomplished by using the assessing standards board's recommended standards as guidelines for a measurement tool, rather than as certification requirements, in the first 4 years of the process. The results of measuring these guidelines can then be analyzed for the state's large and small political subdivisions, with a report to be made to the municipalities and through the assessing standards board to the general court.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I. The assessing standards board shall ~~[adopt rules, pursuant to RSA 541-A, and]~~ recommend ***guidelines*** ***and*** appropriate legislation relative to:

(a) The annual update and publication of an assessing procedures manual for selectmen and boards of assessors. Such manual shall include the department of revenue administration's appraisal manual, a calendar of tasks to be completed on a periodic basis including those tasks required by state statute, and such other information as the board deems necessary. The board shall examine the report of the expert hired by the department of revenue administration.

(b) ~~[Standards]~~ ***Guidelines*** to be followed by assessors, selectmen, and boards of assessors throughout the state, relating to the administration of the property tax and assessment of real property used in any state property tax system.

(c) The establishment of certification, continuing education, and revocation and suspension standards for assessing officials. The commissioner of the department of revenue administration shall be responsible for enforcement of those standards.

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

(e) The identification of practices which constitute sales-chasing and penalties to be adopted by the legislature regarding such practices.

(f) Forms and procedures necessary to fulfill the duties of the board consistent with board recommendations and to assure a fair opportunity for public comment.

(g) Any study conducted for the purpose of determining the status of assessing practices or the improvement of assessing in the state.

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

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

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

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

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

11 Five-Year Valuation. Amend RSA 75:8-a to read as follows:

75:8-a Five-Year Valuation. At least as often as every fifth year, beginning with the first year the commissioner of the department of revenue administration ~~[certifies]~~ ***reviews*** a municipality's assessments pursuant to RSA 21-J:3, XXVI, the assessors and/or selectmen shall value all real estate within the municipality so that the assessments are valued in accordance with RSA 75:1.



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

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

13 Appraisal of Taxable Property; Revised Inventory; Guidelines. Amend RSA 75:8, I to read as follows:

I. Annually, and in accordance with state assessing ~~[standards]~~ **guidelines**, the assessors and selectmen shall adjust assessments to reflect changes so that all assessments are reasonably proportional within that municipality. All adjusted assessments shall be included in the inventory of that municipality and shall be sworn to in accordance with RSA 75:7.

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

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

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

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

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

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

The signatures below attest to the authenticity of this Report on SB 54-FN-LOCAL, an act relative to the local inventory of property values for assessment of property taxes.

*Conferees on the Part of the Senate*

Sen. Boyce, Dist. 4

Sen. Green, Dist. 6

Sen. Below, Dist. 5

*Conferees on the Part of the House*

Rep. Patten, Carr. 7

Rep. Stohl, Coos 1

Rep. Twombly, Straf. 67

Rep. Theberge, Coos 3

**2003-2068-CofC**

#### AMENDED ANALYSIS

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

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

Senator Boyce moved adoption.

**Adopted.**

**June 16, 2003**

**2003-2132-CofC**

**08/01**

Committee of Conference Report on SB 60-FN, an act relative to voluntary certification of persons installing or servicing propane gas or heating oil equipment.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and



That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 60-FN, an act relative to voluntary certification of persons installing or servicing propane gas or heating oil equipment.

*Conferees on the Part of the Senate*

Sen. Clegg, Dist. 14  
Sen. Prescott, Dist. 23  
Sen. Cohen, Dist. 24

*Conferees on the Part of the House*

Rep. O'Neil, Rock. 85  
Rep. Dexter, Ches. 27  
Rep. Hall, Hills. 58  
Rep. DeJoie, Merr. 39

Senator Clegg moved adoption.

**Adopted.**

**June 12, 2003**

**2003-2085-CofC**

**10/09**

Committee of Conference Report on SB 62, an act relative to the application and enforcement of the state building code.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 62, an act relative to the application and enforcement of the state building code.

*Conferees on the Part of the Senate*

Sen. Roberge, Dist. 9  
Sen. Clegg, Dist. 14  
Sen. Larsen, Dist. 15

*Conferees on the Part of the House*

Rep. Brundige, Hills. 58  
Rep. Gillick, Rock. 85  
Rep. Buhlman, Hills. 66  
Rep. Osborne, Merr. 40

Senator Roberge moved adoption.

**Adopted.**

**June 17, 2003**

**2003-2175-CofC**

**09/01**

Committee of Conference Report on SB 63-FN-A-LOCAL, an act relative to establishing community reinvestment and opportunity zones and granting business tax credits for investments in projects in such zones.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 63-FN-A-LOCAL, an act relative to establishing community reinvestment and opportunity zones and granting business tax credits for investments in projects in such zones.

*Conferees on the Part of the Senate*

Sen. Flanders, Dist. 7  
Sen. Odell, Dist. 8  
Sen. Below, Dist. 5

*Conferees on the Part of the House*

Rep. Major, Rock. 79  
Rep. J. Gilbert, Rock. 83  
Rep. Espieffs, Ches. 25  
Rep. Hager, Merr. 40

Senator Flanders moved adoption.

**Adopted.**

**June 16, 2003**  
**2003-2151-CofC**  
**06/04**

Committee of Conference Report on SB 70, an act establishing a commission to study implementing a recommendation of the New Hampshire estuaries project management plan.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1, subparagraph I(a) with the following:

(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 in the Atlantic Ocean.

Amend the bill by replacing section 3, paragraph I with the following:

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 in the Atlantic Ocean.

Amend the bill by replacing section 3, paragraph VI with the following:

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 Atlantic Ocean and for other water-related purposes and an appropriate name for any districts recommended.

The signatures below attest to the authenticity of this Report on SB 70, an act establishing a commission to study implementing a recommendation of the New Hampshire estuaries project management plan.

*Conferees on the Part of the Senate*  
 Sen. Johnson, Dist. 2  
 Sen. Barnes, Dist. 17  
 Sen. Cohen, Dist. 24

*Conferees on the Part of the House*  
 Rep. Royce, Ches. 28  
 Rep. Merrow, Carr. 6  
 Rep. Wiley, Rock. 77  
 Rep. Spang, Straf. 72

Senator Johnson moved adoption.

**Adopted.**

**June 12, 2003**  
**2003-2082-CofC**  
**05/09**

Committee of Conference Report on SB 72, an act relative to the regulation of title loans and payday loans.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 399-A:2 as inserted by section 1 of the bill by deleting paragraph V.

Amend RSA 399-A:15 as inserted by section 1 of the bill by replacing it with the following:

399-A:15 Title Loan Renewals. A title loan shall be for an original term of no more than one month. A title loan lender may allow such loan to be renewed no more than 11 additional periods each equal the original term, provided however, that at each such renewal the borrower must pay at least 5 percent of the loan's original principal balance, in addition to any finance charge owed, to reduce the principal balance outstanding. If the borrower cannot pay this principal reduction at any renewal, the title loan lender may either: (i) declare the borrower in default, or (ii) allow the loan to be renewed, provided that the lender shall reduce the current principal amount of the loan by 5 percent of the original principal amount for the purposes of calculating interest thereafter. This reduction in principal shall continue to be owed by the borrower, but such

amount shall not be entitled to accrue interest thereafter. For the purpose of this section, a renewal is any extension of a title loan for an additional period without any change in the terms of the title loan other than a reduction in principal. No accrued interest shall be capitalized or added to the principal of the loan at the time of any renewal.

The signatures below attest to the authenticity of this Report on SB 72, an act relative to the regulation of title loans and payday loans.

*Conferees on the Part of the Senate*

Sen. D'Allesandro, Dist. 20

Sen. Flanders, Dist. 7

Sen. Barnes, Dist. 17

*Conferees on the Part of the House*

Rep. Hunt, Ches. 28

Rep. Spiess, Hills. 47

Rep. Stepanek, Hills. 47

Rep. DeStefano, Merr. 41

Senator D'Allesandro moved adoption.

**Adopted.**

**June 10, 2003**

**2003-2043-CofC**

**08/01**

Committee of Conference Report on SB 87, an act establishing a committee to study setback requirements for septage, biosolids, and short paper fibers, and extending the temporary use of septage, biosolids, and short paper fiber by certain persons.

**Recommendation:**

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 87, an act establishing a committee to study setback requirements for septage, biosolids, and short paper fibers, and extending the temporary use of septage, biosolids, and short paper fiber by certain persons.

*Conferees on the Part of the Senate*

Sen. Johnson, Dist. 2

Sen. Barnes, Dist. 17

Sen. Cohen, Dist. 24

*Conferees on the Part of the House*

Rep. Babson, Carr. 6

Rep. Williams, Graf. 16

Rep. Phinizy, Sull. 23

Rep. Ahern, Belk. 29

Senator Johnson moved adoption.

**Adopted.**

**June 18, 2003**

**2003-2240-CofC**

**05/03**

Committee of Conference Report on SB 98-FN, an act prohibiting telemarketers from contacting customers on a federal do-not-call registry.

**Recommendation:**

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

1 Use of Automatic Telephone Dialing Systems; Chapter Heading Amended. Amend the chapter heading of RSA 359-E to read as follows:

CHAPTER 359-E

~~[USE OF AUTOMATIC TELEPHONE DIALING SYSTEMS AND CALLER IDENTIFICATION SERVICES]~~

**TELEMARKETING**

2 New Subdivision Heading; Use of Automatic Telephone Dialing Systems and Caller Identification Services. Amend RSA 359-E by inserting, preceding RSA 359-E:1, the following subdivision heading:

### Use of Automatic Telephone Dialing Systems and Caller Identification Services

3 New Subdivision; Telemarketing Sales Calls. Amend RSA 359-E by inserting after section 6 the following new subdivision:

#### Telemarketing Sales Calls

359-E:7 Definitions. In this subdivision:

- I. "Bureau" means the consumer protection bureau of the office of the attorney general.
- II. "Customer" means any natural person who is a resident of this state and who is or may be required to pay for or to exchange consideration for goods and services offered through telemarketing.
- III. "Do-not-call list" means a list of residential telephone subscribers who have notified the list administrator of their desire not to receive telemarketing sales calls.
- IV. "Doing business in this state" means conducting telephonic sales calls from a location:
  - (a) In this state; or
  - (b) Outside of this state to consumers residing in this state.
- V. "Established business relationship" means an established business relationship as defined by the Federal Trade Commission Telemarketing Sales Rule, 16 C.F.R. part 310, section 310.2(n), as amended.
- VI. "Goods and services" means any goods and services, and shall include any real property or any tangible personal property as well as time share estates and licenses or services of any kind.
- VII. "List administrator" means the Federal Trade Commission.
- VIII. "Person" means any natural person, association, partnership, firm, corporation and its affiliates or subsidiaries, or other business entity.
- IX. "Telemarketer" means any person who, for financial profit or commercial purposes in connection with telemarketing, makes telemarketing sales calls to a customer when the customer is in this state or any person who directly controls or supervises the conduct of a telemarketer or causes to be made a telemarketing call on such seller's own behalf or through a salesperson. For the purposes of this subdivision, "commercial purposes" shall mean the sale or offer for sale of goods or services.
- X. "Telemarketing" means any plan, program, or campaign which is conducted to induce payment or the exchange of any other consideration for any goods or services by use of one or more telephones and which involves more than 5 telephone calls per month by a telemarketer in which the customer is located within the state at the time of the call. Telemarketing shall not include the solicitation of sales through media other than by telephone calls.
- XI. "Telemarketing sales call" means a telephone call made by a telemarketer to a customer for the purpose of inducing payment or the exchange of any other consideration for any goods or services or for the purpose of soliciting an extension of credit for consumer goods or services, or for the purpose of obtaining information that may be used for the direct solicitation of a sale of consumer goods or services or an extension of credit for such purposes. A telemarketing sales call shall not include a call made:
  - (a) In response to an express written or verbal request of the customer called.
  - (b) In connection with an established business relationship.
  - (c) On behalf of a nonprofit charity.
  - (d) On behalf of a newspaper to build its own circulation, provided that the telemarketer making such call has used and observed with respect to such call the do-not-call list maintained by the Telephone Preference Service of the Direct Marketing Association, Inc., Farmingdale, New York, or its successor organization.
  - (e) On behalf of a political campaign, except that a call made on behalf of a political campaign by a vendor using automatic dialing equipment shall be deemed a telemarketing sales call under this chapter.

359-E:8 Prohibited Telemarketing Sales Calls.

I. Telemarketers are prohibited from conducting telemarketing sales calls to any customer who has registered his or her name or telephone number with the do-not-call registry maintained by the list administrator or Federal Trade Commission. In the case of telemarketers regulated by the Federal Communications Commission, this chapter shall apply in a manner consistent with rules concerning a national do-not-call list developed by that agency.

II. In addition, any person who is required to comply with the Federal Trade Commission Telemarketing Sales Rule, 16 C.F.R. part 310, as amended, shall also comply with the provisions of the Federal Trade Commission Telemarketing Sales Rule for telemarketing sales calls made within the state of New Hampshire. This section shall also apply to any person who would be required to comply with the Federal Trade Commission Telemarketing Sales Rule, if such person were making interstate telemarketing sales calls.

359-E:9 Telemarketers' Obligation to Obtain Do-Not-Call List. Telemarketers making telemarketing sales calls to customers in the state of New Hampshire shall obtain from the list administrator quarterly listings of customers in the state who have registered with the list administrator for inclusion in its do-not-call list.

359-E:10 Duties of List Administrator. The list administrator:

I. Shall provide the bureau with a copy of each quarterly do-not-call list.

II. Shall provide the bureau with the names and addresses of each telemarketer who purchases the do-not-call list.

III. Except as directed by the bureau, shall be prohibited from disclosing or using in any way customer names, addresses, or telephone numbers obtained in the course of registering customers' telephone numbers on the do-not-call list.

359-E:11 Violations; Penalties.

I. The department of justice shall investigate any complaints received concerning violations of this subdivision or RSA 664:14-a. If, after investigating the complaint, the department finds that a person has violated any provision of this subdivision or RSA 664:14-a, the department shall impose a civil penalty of \$5,000 for each violation.

II. Any person injured by another's violation of this subdivision may bring an action for damages and for such equitable relief, including an injunction, as the court deems necessary and proper. If the court finds for the plaintiff, recovery shall be in the amount of actual damages or \$1,000, whichever is greater. If the court finds that the act or practice was a willful or knowing violation of this subdivision, it shall award as much as 3 times, but not less than 2 times, such amount. In addition, a prevailing plaintiff shall be awarded the costs of the suit and reasonable attorney's fees, as determined by the court. Any attempted waiver of the right to the damages set forth in this paragraph shall be void and unenforceable. Injunctive relief shall be available to private individuals under this subdivision without bond, subject to the discretion of the court. Upon commencement of any action brought under this section, the clerk of the court shall mail a copy of the complaint or other initial pleadings to the attorney general and, upon entry of any judgment or decree in the action, shall mail a copy of such judgment or decree to the attorney general.

III. Notwithstanding paragraph I, a telemarketer shall not be held liable for violating this subdivision if the telemarketer can demonstrate by clear and convincing evidence that, as part of the telemarketer's routine business practice:

(a) The telemarketer established and implemented written procedures to comply with this subdivision.

(b) The telemarketer trained his or her personnel in the requirements of this subdivision.

(c) The telemarketer uses a process to prevent telemarketing to any telephone number on any do-not-call list or registry referenced in this subdivision; maintains the current, quarterly version of the list or registry; and maintains records documenting this process.

(d) The telemarketer monitors and enforces compliance with the procedures established under subparagraph (a).

(e) The telemarketer uses a version of the do-not-call list obtained no more than 3 months prior to the date that any call is made.

(f) Any subsequent call otherwise violating this subdivision is not part of a pattern of calls made in violation of this subdivision and is the result of a good faith error.

4 Use of Automatic Dialing Systems and Caller Identification Services; Violation; Reference Change. Amend RSA 359-E:6 to read as follows:

359-E:6 Violations. Any violation of the provisions of this ~~chapter~~ **subdivision** shall constitute an unfair or deceptive act or practice within the meaning of RSA 358-A:2. Any right, remedy, or power set forth in RSA 358-A, including those set forth in RSA 358-A:4, may be used to enforce the provisions of this chapter. Such remedies shall be in addition to any other remedies provided by law or equity.

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

6 Prospective Repeal. RSA 359-E:7, XI(d), relative to the exemption for telemarketing sales calls made on behalf of a newspaper to build its circulation, is repealed.

7 Effective Date.

I. Section 6 of this act shall take effect August 1, 2006.

II. The remainder of this act shall take effect 60 days after its passage.

The signatures below attest to the authenticity of this Report on SB 98-FN, an act prohibiting telemarketers from contacting customers on a federal do-not-call registry.

*Conferees on the Part of the Senate*

Sen. Green, Dist. 6

Sen. Roberge, Dist. 9

Sen. Estabrook, Dist. 21

*Conferees on the Part of the House*

Rep. Hunt, Ches. 28

Rep. Fraser, Merr. 37

Rep. Thomas, Belk. 31

Rep. Coes, Rock. 82

Senator Green moved adoption.

**Adopted.**

**June 17, 2003**

**2003-2193-CofC**

**06/01**

Committee of Conference Report on SB 115, an act increasing the fees for review of subdivisions and waste disposal systems by the department of environmental services and making an appropriation for implementing information technology and regulatory process improvements.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 115, an act increasing the fees for review of subdivisions and waste disposal systems by the department of environmental services and making an appropriation for implementing information technology and regulatory process improvements.

*Conferees on the Part of the Senate*

Sen. Prescott, Dist. 23

Sen. Flanders, Dist. 7

Sen. Cohen, Dist. 24

*Conferees on the Part of the House*

Rep. Camm, Rock. 79

Rep. Ingram, Rock. 76

Rep. Hamm, Merr. 34

Rep. R. Wheeler, Hills. 48

Senator Prescott moved adoption.

**Adopted.**

**June 12, 2003**

**2003-2093-CofC**

**03/04**

Committee of Conference Report on SB 120, an act relative to testimony by video teleconference in criminal cases.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

516:37 Testimony by Video Teleconference in Criminal Cases.



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

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

The signatures below attest to the authenticity of this Report on SB 120, an act relative to testimony by video teleconference in criminal cases.

*Conferees on the Part of the Senate*

Sen. Peterson, Dist. 11  
Sen. Clegg, Dist. 14  
Sen. Foster, Dist. 13

*Conferees on the Part of the House*

Rep. Stevens, Carr. 7  
Rep. Nedeau, Belk. 30  
Rep. Tholl, Coos 2  
Rep. T. Robertson, Ches. 25

Senator Peterson moved adoption.

**Adopted.**

**June 12, 2003**  
**2003-2079-CofC**  
**06/09**

Committee of Conference Report on SB 121-FN, an act relative to mortgage originator registration.

**Recommendation:**

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 397-A:1, IX as inserted by section 1 of the bill by replacing it with the following:

IX. "Originator" means an individual who is employed or retained and supervised by a mortgage banker or broker required to be licensed under RSA 397-A, and who, for compensation or gain or in the expectation of compensation or gain, negotiates, solicits, arranges, or finds a mortgage loan. No individual may act as an originator for more than one licensee.

Amend RSA 398-A:1, VI as inserted by section 4 of the bill by replacing it with the following:

VI. "Originator" means an individual who is employed or retained and supervised by a mortgage lender or broker required to be licensed under RSA 397-A or 398-A, and who, for compensation or gain or in the expectation of compensation or gain, negotiates, solicits, arranges, or finds a mortgage loan. No individual may act as an originator for more than one licensee.

The signatures below attest to the authenticity of this Report on SB 121-FN, an act relative to mortgage originator registration.

*Conferees on the Part of the Senate*

Sen. Flanders, Dist. 7  
Sen. Sapareto, Dist. 19  
Sen. Larsen, Dist. 15

*Conferees on the Part of the House*

Rep. Hunt, Ches. 28  
Rep. Spiess, Hills. 47  
Rep. Stepanek, Hills. 47  
Rep. DeStefano, Merr. 41

Senator Flanders moved adoption.

**Adopted.**

**June 12, 2003**  
**2003-2083-CofC**  
**10/03**

Committee of Conference Report on SB 134, an act relative to the regulation of real estate brokers by the real estate commission.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by deleting section 9 and renumbering the original sections 10-12 to read as 9-11, respectively.

The signatures below attest to the authenticity of this Report on SB 134, an act relative to the regulation of real estate brokers by the real estate commission.

*Conferees on the Part of the Senate*

Sen. Gallus, Dist. 1  
Sen. Roberge, Dist. 9  
Sen. Larsen, Dist. 15

*Conferees on the Part of the House*

Rep. O'Neil, Rock. 85  
Rep. Zolla, Rock. 77  
Rep. P. LaFlamme, Hills. 61  
Rep. Fitzgerald, Belk. 30

Senator Gallus moved adoption.

**Adopted.**

**June 10, 2003**  
**2003-2045-CofC**  
**08/09**

Committee of Conference Report on SB 154, an act relative to landlord access to rental properties.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 154, an act relative to landlord access to rental properties.

*Conferees on the Part of the Senate*

Sen. Sapareto, Dist. 19  
Sen. Roberge, Dist. 9  
Sen. Larsen, Dist. 15

*Conferees on the Part of the House*

Rep. Craig, Hills. 50  
Rep. Thomas, Belk 31  
Rep. Lasky, Hills. 65  
Rep. Mock, Carr. 4

Senator Sapareto moved adoption.

**Adopted.**

**June 16, 2003**  
**2003-2153-CofC**  
**06/09**

Committee of Conference Report on SB 155, an act establishing a commission to study issues relative to water withdrawals.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

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

Amend the bill by replacing section 5 with the following:

5 Report. The commission shall make an interim report of its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2003. The commission shall make a final report of its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 30, 2004.

The signatures below attest to the authenticity of this Report on SB 155, an act establishing a commission to study issues relative to water withdrawals.

*Conferees on the Part of the Senate*

Sen. Johnson, Dist. 2  
Sen. Prescott, Dist. 23  
Sen. Below, Dist. 5

*Conferees on the Part of the House*

Rep. R. Cooney, Rock. 76  
Rep. J. Rausch, Rock. 77  
Rep. C. LaFlamme, Hills. 50  
Rep. Spang, Straf. 72

Senator Johnson moved adoption.

**Adopted.**

**June 10, 2003**  
**2003-2046-CofC**  
**01/10**

Committee of Conference Report on SB 174, an act relative to scheduled permanent impairment awards and remedial care under workers' compensation.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 174, an act relative to scheduled permanent impairment awards and remedial care under workers' compensation.

*Conferees on the Part of the Senate*

Sen. Johnson, Dist. 2  
Sen. Flanders, Dist. 7  
Sen. Cohen, Dist. 24

*Conferees on the Part of the House*

Rep. Bishop, Rock. 74  
Rep. P. Harrington, Hills. 60  
Rep. Slocum, Hills. 47  
Rep. Baroody, Hills. 54

Senator Johnson moved adoption.

**Adopted.**

**June 17, 2003**  
**2003-2201-CofC**  
**03/05**

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

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 212, an act requiring fiscal impact statements for interim administrative rules and prohibiting agencies from requiring by rule the submission of social security numbers.

*Conferees on the Part of the Senate*

Sen. Prescott, Dist. 23

Sen. Gatsas, Dist. 16

Sen. Below, Dist. 15

*Conferees on the Part of the House*

Rep. O'Neil, Rock. 85

Rep. Hamel, Rock. 79

Rep. N. Allan, Hills. 63

Rep. Pilotte, Hills. 55

Senator Prescott moved adoption.

**Adopted.**

**June 12, 2003**

**2003-2076-CofC**

**03/09**

Committee of Conference Report on SB 223-FN-A, an act relative to fees for copies of motor vehicle records and relative to the fire standards and training and emergency medical services fund.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 223-FN-A, an act relative to fees for copies of motor vehicle records and relative to the fire standards and training and emergency medical services fund.

*Conferees on the Part of the Senate*

Sen. Flanders, Dist. 7

Sen. Clegg, Dist. 14

Sen. Foster, Dist. 13

*Conferees on the Part of the House*

Rep. J. Gilbert, Rock. 83

Rep. Hughes, Rock. 88

Rep. C. Hamm, Merr. 34

Rep. King, Coos 1

Senator Flanders moved adoption.

**Adopted.**

**June 17, 2003**

**2003-2190-CofC**

**08/01**

Committee of Conference Report on SB 227, an act relative to the board of occupational therapy, the board of respiratory care practice, the board of speech-language therapists, the board of athletic trainers practice, the board of physical therapy practice, and the board of directors of the office of licensed allied health professionals, and relative to the board of podiatry.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 227, an act relative to the board of occupational therapy, the board of respiratory care practice, the board of speech-language therapists, the board of athletic trainers practice, the board of physical therapy practice, and the board of directors of the office of licensed allied health professionals, and relative to the board of podiatry.

*Conferees on the Part of the Senate*

Sen. Prescott, Dist. 23

Sen. Kenney, Dist. 3

Sen. Cohen, Dist. 24

*Conferees on the Part of the House*

Rep. O'Neil, Rock. 85

Rep. Bergin, Hills. 47

Rep. Fitzgerald, Belk. 30

Rep. F. Sullivan, Hills. 52

Senator Prescott moved adoption.

**Adopted.**

**June 16, 2003**  
**2003-2150-CofC**  
**04/05**

Committee of Conference Report on SB 229, an act making references to the school building aid statutes.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 229, an act making references to the school building aid statutes.

*Conferees on the Part of the Senate*

Sen. Johnson, Dist. 2  
 Sen. O'Hearn, Dist. 12  
 Sen. Larsen, Dist. 15

*Conferees on the Part of the House*

Rep. S. L'Heureux, Merr. 37  
 Rep. Alger, Graf. 14  
 Rep. Colcord, Merr. 34  
 Rep. C. Clarke, Merr. 35

Senator Johnson moved adoption.

**Adopted.**

**MOTION TO AMEND THE SENATE RULES**

Senator Clegg moved that the rules of the Senate be amended to read as follows:

Rule 18

b) Every Senate bill and joint resolution **in the first year session**, except the general appropriations (budget) bill or the capital budget bill, must be signed off in Legislative Services by 3:00 p.m., on Friday, January 24, 2003. The last day to act in the first year session on all Senate bills in the first body is April 10, 2003.

Rule 18

(c) Filing period for legislation to be acted on in the second half of the biennium, beginning January 2004, will commence on Monday, October 20, 2003. The office of Legislative Services shall not draft a Senate bill or Joint Resolution, unless a request by a member for drafting with complete information has been received not later than 3:00 p.m., Friday, November 14, 2003. Last day to sign-off legislation for the January 2004 session shall be Friday, December 19, 2003 at 3:00 p.m. **The last day to act on all Senate Bills in the first body is March 11, 2004.**

Rule 24

A hearing shall be held upon each bill referred to a committee, and notice of such hearing shall be advertised at least 4 days before hearing in the Senate Calendar. The Senate Calendar shall be available on the Internet for viewing as soon as it has been released for printing.

(a) All bills in the possession of committees shall be reported out with one of the following recommendations: ought to pass, ought to pass with amendment, re-refer to committee, inexpedient to legislate, or refer for interim study. **Re-refer to committee shall be a committee report only in the first-year session. All re-referred bills shall be acted on by the third legislative day of the second year session.** Refer for interim study shall be a committee report only in the second year session.

(b) Any legislation creating a chapter study committee shall have membership limited to members of the General Court.

(c) **The last day to act on all House Bills in the second year session is May 13, 2004.**

**Adopted by the necessary 2/3 votes.**

**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):

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

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

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

**HB 210**, relative to passenger tramway registration fees and relative to carnival or amusement ride fees.

**HB 245**, relative to child custody decisions.

**HB 259**, relative to the regulation of gift certificates under the consumer protection act and establishing a study committee relative to the regulation of gift certificates.

**HB 281**, exempting automatic irrigation system installers from licensure by the electrician's board.

**HB 295**, relative to information filed with the regional planning commissions.

**HB 296**, relative to settlement agreements in medical malpractice suits.

**HB 302**, relative to the funding and use of the retirement system special account.

**HB 393**, extending the reporting date for the commission to study the relationship between public health and the environment.

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

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

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

**HB 674**, relative to notification requirements under the Child Protection Act.

**HB 724**, extending the effective date of the Skyhaven airport transfer plan and the period for completing work under the wetlands permit.

**HB 737**, relative to the state conservation committee.

**HB 810**, relative to processing excavating and dredging and terrain alteration permits, changing the fees for permits, establishing 2 new positions, and making an appropriation therefor.

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

**SB 21**, relative to health insurance riders.

**SB 46**, repealing the meat inspection account and the poultry inspection account.

**SB 58**, relative to the net operating loss under the business profits tax.

**SB 73**, establishing a committee to study establishing enterprise zones in economically deprived or challenged communities, and relative to the Black Brook Corporate Park Tax Increment Financing District.

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

**SB 77**, relative to town charter provisions for bond votes using official ballot voting procedures, relative to the 2003 apportionment of county taxes in Coos county, and ratifying the Hampton Beach village district annual meeting.

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

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

**SB 86**, relative to disclosure of information about child fatalities resulting from abuse and neglect; relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services; and extending the reporting date for the pilot project relative to abuse and neglect hearings in Grafton county court.

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

**SB 110**, relative to small group health insurance coverage and relative to health plan loss information.

**SB 119**, relative to medical and hospital liability insurance.

**SB 136**, relative to liability for hazardous materials accidents.

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

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



**SB 161**, relative to procedures in eminent domain proceedings.

**SB 162**, establishing a committee to study water resources.

**SB 184**, relative to reinsurance and relative to the unclaimed property of a demutualized insurance company.

Senator D'Allesandro moved adoption.

**Adopted.**

### HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled House Bill:

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2004, and June 30, 2005.

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

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

**HB 79**, relative to vacancies in county offices.

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

**HB 135-FN-L**, relative to charter schools.

**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 173**, making technical corrections relative to the exception from the meals and rooms tax for gratuities.

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

**HB 185**, relative to pretermitted heirs.

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

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

**HB 204**, relative to venue in juvenile proceedings.

**HB 242**, relative to the number of members on, and quorum necessary for, the assessing standards board.

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

**HB 261**, relative to lucky 7 licenses.

**HB 262**, relative to operators of bingo and games of chance.

**HB 287**, establishing a professional malpractice claims study commission.

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

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

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

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

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

**HB 332-FN**, relative to the use of prerecorded telephone messages by candidates and political committees.

**HB 336**, relative to the development and adoption of the school administrative unit budget.

**HB 357-FN**, relative to child support insurance settlement intercept.

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

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

**HB 389**, relative to victim impact statements and deleting the prohibition on funding certain positions in the office of victim/witness assistance with funds from the victims' assistance fund.

**HB 415**, raising the age of the speedy trial requirement from 13 years of age to 16 years of age in sexual assault cases involving minors and relative to the exclusive authority of the state over the regulation of fire-arms, ammunition, and components thereof.

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

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

**HB 470**, relative to health insurance providers.

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

**HB 509**, relative to access to motor vehicle records.

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

**HB 546**, relative to uniform prescription drug information cards.

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

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

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

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

**HB 608-FN-L**, reducing the education property tax rate and relative to the calculation of adequate education grants.

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

**HB 619-FN-A**, expanding opportunities for dropout prevention and dropout recovery.

**HB 621-FN-A-L**, establishing an early childhood literacy program.

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

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

**HB 663-FN-A-L**, relative to county and state funding of long-term care medicaid programs.

**HB 669-FN**, relative to dental insurance benefits and eligibility for medical benefits for retired state employees.

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

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

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

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

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

**HB 709-FN**, relative to nursing homes in receivership.

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

**HB 733-FN**, relative to drivers' licenses held by members of the national guard or military reserve.

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

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

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

**HB 796-FN-L**, relative to the taxation of manufactured housing.

**HB 798**, relative to gifts by fiduciaries.

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

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

#### **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.

**Adopted.**

#### **LATE SESSION ANNOUNCEMENTS**

Senator Eaton (Rule #44).

#### **RESOLUTION**

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

**Adopted.**

**In recess to the Call of the Chair.**

**Out of recess.**

#### **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):

**HB 1**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2004, and June 30, 2005.

Senator D'Allesandro moved adoption.

**Adopted.**

**In recess.**