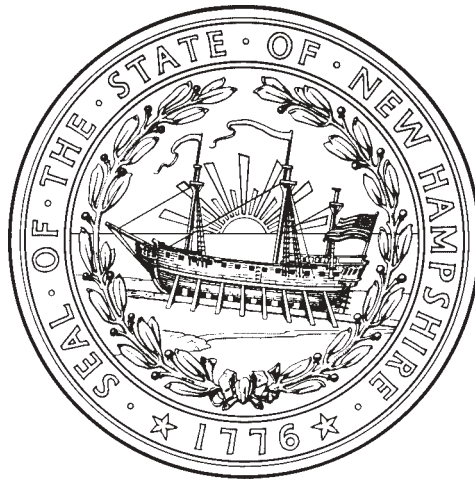


**May 6, 2004**  
**Nos. 14 - 15**

# **STATE OF NEW HAMPSHIRE**

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**Legislative**

## **SENATE JOURNAL**

**ADJOURNMENT – APRIL 29, 2004 SESSION**  
**COMMENCEMENT – MAY 6, 2004 SESSION**

# SENATE JOURNAL 14 (*Cont.*)

*April 29, 2004*

## Out of Recess.

### HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

**SB 419**, relative to the use of standardized health statements and relative to renewals of certain policies.

### HOUSE MESSAGE

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

**SB 352-FN-L**, relative to computing school building aid grant amounts.

**SB 484**, establishing the Collaborative Practice for Emergency Contraception Act.

**SB 504-FN**, relative to disbursements from the alcohol abuse prevention and treatment fund.

**SJR 2**, designating a Purple Heart Trail in New Hampshire.

### HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following entitled Bills sent down from the Senate:

**SB 362**, changing the name of the college for lifelong learning to Granite state college.

**SB 411-FN-L**, relative to liability for special education transportation costs.

**SB 482-FN**, relative to captive insurance companies and reciprocal insurers.

### HOUSE MESSAGE

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

**HB 230**, establishing a committee to study how to improve the processes of the joint legislative committee on administrative rules and making certain revisions to RSA 541-A, the Administrative Procedure Act.

**HB 1183**, relative to transporting manufactured housing or modular buildings.

**HB 1221**, relative to the universal service fund.

**HB 1224**, establishing the Uniform Trust Code in New Hampshire.

**HB 1226-L**, establishing a debt retirement fund in the Governor Wentworth regional school district.

**HB 1243**, prohibiting the collection of biometric data.

**HB 1302**, relative to rental contracts or leases entered into by individuals who are subsequently called to service in the armed forces.

**HB 1422**, relative to qualifications for persons who negotiate on behalf of the state.

### 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 53**, relative to the sale of salvage and rebuilt vehicles and relative to abandoned vehicles.

**HB 1355**, changing the name of the sweepstakes commission to the lottery commission.

**HB 1410**, relative to the release of information to persons receiving a child for placement and relative to the department of health and human service's disclosure of information regarding the death of a child from abuse and neglect.

**SB 335**, relative to access to birth records.

**SB 451**, giving degree-granting authority to the Hellenic American University and the St. Joseph School of Nursing.

**SB 467**, establishing an exemption from the public sewer connection requirements for 2 projects in the town of Derry.

Senator D'Allesandro moved adoption.

**Adopted.**

#### **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 285**, relative to warrant article recommendations in towns which have adopted the official ballot referendum form of meeting.

**HB 761**, enabling municipalities to adopt subdivision and site plan review regulations that require innovative land use controls on certain lands when supported by the master plan, making a change in an innovative land use control, and relative to the preliminary review of subdivisions.

**HB 767-FN**, relative to political advertising not authorized by the candidate.

**HB 1133**, relative to disclosures required prior to a condominium sale.

**HB 1134**, relative to appointment of the chief justice of the supreme court.

**HB 1135**, relative to appointment of the chief justice of the superior court.

**HB 1155**, clarifying alternative budget adoption procedures in school administrative units.

**HB 1159**, relative to prohibited employment for state liquor commission employees.

**HB 1169**, relative to child support calculations based on one-time or irregular income.

**HB 1210**, relative to self-service storage facility liens.

**HB 1212**, relative to the circumstances under which a juvenile may be committed to the youth development center until the age of 18.

**HB 1301**, relative to extensions to the intent to cut and relative to the care, maintenance, and repair of the law enforcement memorial.

**HB 1308-FN**, relative to lobbying activities by state employees.

**HB 1309**, relative to noise pollution from shooting ranges.

**HB 1311-FN**, establishing a committee to study decreasing the insurance premium tax.

**HB 1329**, relative to the length of time consumer credit reporting agencies retain individual credit information.

**HB 1336**, relative to the procedures for the legislative ethics committee.

**HB 1361**, relative to sentences for certain offenses committed on or near a public college or university campus.

**HB 1372**, defining certain terms relating to military service.

**HB 1374**, relative to lightning protection systems.

**SB 513**, relative to the death penalty.

**SB 529**, making a technical correction to the eminent domain procedure act.

Senator D'Allesandro moved adoption.

**Adopted.**

April 28, 2004  
2004-1450-EBA  
04/01

Enrolled Bill Amendment to HB 1410

The Committee on Enrolled Bills to which was referred HB 1410

AN ACT relative to the release of information to persons receiving a child for placement and relative to the department of health and human service's disclosure of information regarding the death of a child from abuse and neglect.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1410

This enrolled bill amendment corrects a statutory reference.

Enrolled Bill Amendment to HB 1410

Amend section 1 of the bill by replacing line 2 with the following:

Information to Placements. Amend RSA 170-E:34, I(g) to read as follows:

Senator Eaton moved adoption.

**Adopted.**

April 29, 2004  
2004-1467-EBA  
03/01

Enrolled Bill Amendment to HB 1355

The Committee on Enrolled Bills to which was referred HB 1355

AN ACT changing the name of the sweepstakes commission to the lottery commission.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1355

This enrolled bill amendment updates a statutory reference and makes technical corrections.

Enrolled Bill Amendment to HB 1355

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

2 Name Change. Amend RSA 6:12, I(b)(1) to read as follows:

(1) Moneys received by the state [~~sweepstakes~~] **lottery** commission, which shall be

Amend section 5 of the bill by replacing lines 1-3 with the following:

5 Name Change. Amend RSA 284:21-i, I-III to read as follows:

I. The [~~sweepstakes~~] **lottery** commission shall be empowered to employ such technical

Amend section 9 of the bill by replacing line 2 with the following:

I. All existing rules, regulations, and procedures in effect, in operation, or adopted by the

Senator Eaton moved adoption.

**Adopted.**

April 29, 2004  
2004-1464-EBA  
06/09

Enrolled Bill Amendment to HB 532

The Committee on Enrolled Bills to which was referred HB 532

AN ACT relative to notice and filing of divorce petitions.

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

## FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 532

This enrolled bill amendment makes technical corrections to the bill.

Enrolled Bill Amendment to HB 532

Amend RSA 458:9, II(a) as inserted by section 1 of the bill by replacing line 2 with the following:

- (1) A sheriff, in hand or by leaving an attested copy of the petition, orders of

Amend RSA 458:9, II(a) as inserted by section 1 of the bill by replacing line 6 with the following:

- (2) Certified mail, return receipt requested, restricted delivery, mailed within 7

Amend RSA 458:9, II(b) as inserted by section 1 of the bill by replacing line 2 with the following:

- (1) An officer authorized to make service of process in the state where the

Amend RSA 458:9, II(b) as inserted by section 1 of the bill by replacing line 6 with the following:

- (2) Certified mail, return receipt requested, restricted delivery, signed by the

Senator Eaton moved adoption.

**Adopted.**

April 22, 2004  
2004-1347-EBA  
06/10

## Enrolled Bill Amendment to HB 520-FN

The Committee on Enrolled Bills to which was referred HB 520-FN

AN ACT relative to maintaining records of greyhounds used in pari-mutuel racing.

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

## FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 520-FN

This enrolled bill amendment contingently renumbers an RSA section in the bill.

Enrolled Bill Amendment to HB 520-FN

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

3 Contingent Renumbering. If SB 450-FN of the 2004 legislative session becomes law, then RSA 284:12, VII as inserted by section 2 of this act shall be renumbered to RSA 284:12, VIII.

Senator Eaton moved adoption.

**Adopted.**

April 29, 2004  
2004-1469-EBA  
04/01

## Enrolled Bill Amendment to HB 53

The Committee on Enrolled Bills to which was referred HB 53

AN ACT relative to the sale of salvage and rebuilt vehicles and relative to abandoned vehicles.

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

## FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 53

This enrolled bill amendment makes a grammatical change to the bill.

Enrolled Bill Amendment to HB 53

Amend RSA 261:22, V as inserted by section 1 of the bill by replacing line 7 with the following:

***a certificate of title or registration disclosing that the vehicle is a rebuilt vehicle.***

Senator Eaton moved adoption.

**Adopted.**

**HOUSE MESSAGE**

The House of Representatives has voted to Lay On The Table the following entitled Bill(s) sent down from the Senate:

**SB 390**, relative to liability of third person under workers' compensation.

**HOUSE MESSAGE**

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

**HB 664-FN**, relative to the requirements for the sale of permissible fireworks and prohibiting the retail sale of certain fireworks.

**HOUSE MESSAGE**

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

**SB 341-FN**, relative to prohibited methods of taking wildlife in certain fish and game laws.

**SB 389**, relative to certain insurance contracts.

**SB 433-FN**, establishing a committee to study utility rate review by the public utilities commission.

**SB 492**, relative to registration requirements for home inspectors.

**HOUSE MESSAGE**

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

**HB 326**, relative to establishing a 6-year capital budget.

**HB 422**, relative to the selection of replacement justices for supreme court justices who are disqualified to hear cases.

**HB 729-FN**, relative to the regulation of tanning facilities.

**HB 1131**, establishing a committee to study exotic aquatic weeds and species.

**HB 1136**, relative to homeowner exemptions from certain environmental permitting, relative to certification as a wetland scientist, and making certain technical corrections.

**HB 1202**, relative to third-party payment of covered services ordered by the juvenile court.

**HB 1230-FN**, relative to abandoned deposits held by telephone utilities and relative to public interest payphones.

**HB 1257-FN**, relative to penalties for driving under the influence with a minor in the vehicle.

**HB 1266**, relative to the long-term care ombudsman.

**HB 1312**, relative to the court's discretion to extend child support obligations.

**HOUSE MESSAGE**

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

**SB 335**, relative to access to birth records.

**SB 356**, relative to the powers and duties of the community development finance authority.

**SB 403**, relative to the board of medicine.

**SB 452**, relative to testimony of expert witnesses.

**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 403**, requiring persons who are acquitted of certain sexual assaults by reason of insanity to register as sexual offenders.

**HB 736**, relative to duties of the fish and game commission and complaints against fish and game commissioners.

**HB 1225**, making administrative changes to the historic agricultural structure matching grants program.

**HB 1370**, establishing a committee to study property tax relief.

**HB 1423**, relative to reimbursement of travel expenses for judges.

**SB 416**, relative to membership of the advisory council on child care.

Senator D'Allesandro moved adoption.

**Adopted.**

**LATE SESSION**

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

**Adopted.**

**Adjournment.**

# SENATE JOURNAL 15

*May 6, 2004*

The Senate met at 10:00 a.m.

A quorum was present.

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

*Teach us, kind Lord, about freedom, options and choices that are always linked closely to duties, responsibilities and the same deep and profound care for others, that You are always showing us.* Amen

Senator Gatsas led the Pledge of Allegiance.

**INTRODUCTION OF GUESTS****COMMITTEE REPORTS**

**HB 1188**, relative to indoor air quality and indoor environmental standards in public schools and requiring public schools to develop a written building maintenance plan. Finance Committee. Inexpedient to Legislate, Vote 5-2. Senator Boyce for the committee.

**Motion failed.**

**Senator Boyce moved ought to pass.**

Senator Clegg offered a floor amendment.

Sen. Clegg, Dist. 14

May 5, 2004

2004-1500s

04/10

**Floor Amendment to HB 1188**

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

AN ACT relative to the formula for determining education grants and establishing education grant amounts for the 2005 fiscal year.

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

1 Statement of Intent. It is the intent of the general court to clarify the law relating to education funding as enacted under 2003, 241 and to specify education aid grant amounts to municipalities for the 2005 fiscal year.

2 Education Aid Grant Amounts for Fiscal Year 2005. Notwithstanding any provision of law to the contrary, total education aid grant amounts for the 2005 fiscal year shall be as follows:

<u>CITY/TOWN</u>	<u>TOTAL AID GRANT</u>
ACWORTH	411,533
ALBANY	507,613
ALEXANDRIA	658,056
ALLENSTOWN	3,712,569
ALSTEAD	1,110,916
ALTON	-
AMHERST	2,607,904
ANDOVER	684,420
ANTRIM	2,194,411
ASHLAND	639,785
ATK. & GILMANTON ACAD	-
ATKINSON	746,123
AUBURN	1,269,276
BARNSTEAD	2,037,165
BARRINGTON	2,811,681
BARTLETT	-
BATH	376,992
BEAN'S GRANT	-
BEAN'S PURCHASE	-
BEDFORD	2,347,213
BELMONT	3,287,869
BENNINGTON	901,482
BENTON	96,783
BERLIN	7,669,119
BETHLEHEM	1,003,254
BOSCAWEN	1,797,803
BOW	2,928,167
BRADFORD	517,552
BRENTWOOD	705,245
BRIDGEWATER	-
BRISTOL	748,384
BROOKFIELD	223,210
BROOKLINE	2,397,114
CAMBRIDGE	-
CAMPTON	1,591,169
CANAAN	1,705,166
CANDIA	1,053,164
CANTERBURY	207,986
CARROLL	-
CENTER HARBOR	-



<u>CITY/TOWN</u>	<u>TOTAL AID GRANT</u>
CHANDLER'S PURCHASE	-
CHARLESTOWN	4,274,490
CHATHAM	62,446
CHESTER	1,450,221
CHESTERFIELD	923,270
CHICHESTER	543,661
CLAREMONT	8,516,045
CLARKSVILLE	56,061
COLEBROOK	1,604,897
COLUMBIA	318,302
CONCORD	,645,863
CONWAY	2,184,641
CORNISH	762,306
CRAWFORD'S PURCH.	-
CROYDON	194,958
CUTT'S GRANT	-
DALTON	555,961
DANBURY	622,396
DANVILLE	2,053,805
DEERFIELD	1,601,209
DEERING	824,505
DERRY	22,885,507
DIX GRANT	-
DIXVILLE	-
DORCHESTER	289,251
DOVER	4,463,601
DUBLIN	165,965
DUMMER	129,267
DUNBARTON	306,840
DURHAM	1,073,662
EAST KINGSTON	348,601
EASTON	-
EATON	40,611
EFFINGHAM	714,883
ELLSWORTH	10,048
ENFIELD	726,978
EPPING	2,125,758
EPSOM	1,404,169
ERROL	-
ERVING'S GRANT	-
EXETER	2,891,486
FARMINGTON	4,766,697
FITZWILLIAM	671,124
FRANCESTOWN	469,336
FRANCONIA	-
FRANKLIN	6,068,956

<u>CITY/TOWN</u>	<u>TOTAL AID GRANT</u>
FREEDOM	-
FREMONT	1,328,505
GILFORD	1,090,812
GILMANTON	823,190
GILSUM	425,781
GOFFSTOWN	4,002,444
GORHAM	1,554,086
GOSHEN	434,744
GRAFTON	579,960
GRANTHAM	-
GREENFIELD	684,584
GREENLAND	367,203
GREEN'S GRANT	-
GREENVILLE	1,991,176
GROTON	274,745
HADLEY'S PURCH.	-
HALES LOCATION	-
HAMPSTEAD	2,442,211
HAMPTON	-
HAMPTON FALLS	241,643
HANCOCK	270,360
HANOVER	-
HARRISVILLE	154,985
HART'S LOCATION	-
HAVERHILL	2,796,426
HEBRON	-
HENNIKER	2,414,773
HILL	388,690
HILLSBORO	3,700,646
HINSDALE	3,565,805
HOLDERNESS	-
HOLLIS	956,210
HOOKSETT	1,598,121
HOPKINTON	1,077,105
HUDSON	5,018,161
JACKSON	-
JAFFREY	2,457,836
JEFFERSON	446,827
KEENE	9,430,457
KENSINGTON	295,312
KILKENNY	-
KINGSTON	1,083,765
LACONIA	4,465,848
LANCASTER	2,783,263
LANDAFF	59,636
LANGDON	295,656

<u>CITY/TOWN</u>	<u>TOTAL AID GRANT</u>
LEBANON	2,230,536
LEE	2,428,890
LEMPSTER	545,915
LINCOLN	-
LISBON	1,415,796
LITCHFIELD	4,040,946
LITTLETON	2,749,246
LIVERMORE	-
LONDONDERRY	11,326,768
LOUDON	1,663,063
LOW & BURBANK GR.	-
LYMAN	120,279
LYME	238,652
LYNDEBOROUGH	436,161
MADBURY	994,779
MADISON	378,905
MANCHESTER	45,121,313
MARLBOROUGH	864,687
MARLOW	434,759
MARTIN'S LOCATION	-
MASON	168,412
MEREDITH	1,428,832
MERRIMACK	6,811,530
MIDDLETON	1,069,618
MILAN	993,883
MILFORD	6,038,760
MILLSFIELD	-
MILTON	2,457,711
MONROE	174,298
MONT VERNON	988,763
MOULTONBOROUGH	-
NASHUA	22,025,758
NELSON	162,098
NEW BOSTON	1,370,540
NEW CASTLE	-
NEW DURHAM	491,169
NEW HAMPTON	432,070
NEW IPSWICH	2,690,379
NEW LONDON	-
NEWBURY	-
NEWFIELDS	185,532
NEWINGTON	-
NEWMARKET	1,753,655
NEWPORT	5,484,148
NEWTON	1,708,243
NORTH HAMPTON	-

<u>CITY/TOWN</u>	<u>TOTAL AID GRANT</u>
NORTHFIELD	3,653,253
NORTHUMBERLAND	2,010,436
NORTHWOOD	1,940,604
NOTTINGHAM	859,695
ODELL	-
ORANGE	180,653
ORFORD	131,200
OSSIPEE	1,511,754
PELHAM	1,807,725
PEMBROKE	3,945,432
PETERBOROUGH	1,843,909
PIERMONT	329,893
PINKHAM'S GRANT	-
PITTSBURG	159,120
PITTSFIELD	3,927,011
PLAINFIELD	709,396
PLAISTOW	1,216,914
PLYMOUTH	3,020,941
PORTSMOUTH	-
RANDOLPH	51,724
RAYMOND	5,521,064
RICHMOND	697,548
RINDGE	1,050,985
ROCHESTER	15,901,242
ROLLINSFORD	316,025
ROXBURY	40,222
RUMNEY	574,512
RYE	-
SALEM	3,814,013
SALISBURY	434,949
SANBORNTON	442,959
SANDOWN	3,176,622
SANDWICH	-
SARGENT'S PURCHASE	-
SEABROOK	-
SECOND COLLEGE GR.	-
SHARON	52,878
SHELBURNE	65,057
SOMERSWORTH	5,570,859
SOUTH HAMPTON	97,355
SPRINGFIELD	243,762
STARK	344,322
STEWARTSTOWN	450,205
STODDARD	-
STRAFFORD	1,978,685
STRATFORD	728,736

<u>CITY/TOWN</u>	<u>TOTAL AID GRANT</u>
STRATHAM	858,722
SUCCESS	-
SUGAR HILL	-
SULLIVAN	392,424
SUNAPEE	-
SURRY	293,105
SUTTON	262,887
SWANZEY	4,550,345
TAMWORTH	445,503
TEMPLE	466,007
THOM. & MES. PURCH	-
THORNTON	393,226
TILTON	933,866
TROY	1,728,674
TUFTONBORO	-
UNITY	569,242
WAKEFIELD	1,405,686
WALPOLE	1,084,286
WARNER	986,234
WARREN	548,805
WASHINGTON	220,871
WATERVILLE VALLEY	-
WEARE	5,676,558
WEBSTER	349,792
WENTWORTH	644,210
WENTWORTH LOC	-
WESTMORELAND	622,085
WHITEFIELD	1,385,808
WILMOT	269,969
WILTON	596,644
WINCHESTER	3,562,257
WINDHAM	1,610,178
WINDSOR	48,871
WOLFEBORO	-
WOODSTOCK	222,015

3 School Money; Distribution of Education Grants. Amend RSA 198:42, II to read as follows:

II. For the fiscal year beginning July 1, 1999, and every fiscal year thereafter the amount necessary to fund the grants under RSA ~~[198:40-c]~~ **198:41** is hereby appropriated from the education trust fund created under RSA 198:39 to the department of education ~~[according to the following formula: from the amount calculated in accordance with RSA 198:40-c, subtract the aggregate amount of the statewide enhanced education tax warrants to be issued by the commissioner of revenue administration for municipalities reported pursuant to RSA 76:9 for the next tax year]~~. The governor is authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this section. Such warrant for payment shall be issued regardless of the balance of funds available in the education trust fund. If the balance in the education trust fund, after the issuance of any such warrant, is less than zero, the commissioner of the department of administrative services shall inform the fiscal committee and the governor and council of such balance. This reporting shall not in any way prohibit or delay the distribution of education grants.

4 Effective Date. This act shall take effect July 1, 2004 at 12:01 a.m.

2004-1500s

## AMENDED ANALYSIS

This bill deletes a provision in the formula for determining education aid grants and establishes education aid grant amounts for the 2005 fiscal year.

## MOTION TO TABLE

Senator Clegg moved to have **HB 1188** laid on the table.

**Adopted.**

## LAID ON THE TABLE

**HB 1188**, relative to indoor air quality and indoor environmental standards in public schools and requiring public schools to develop a written building maintenance plan.

**HB 2004-FN-L**, relative to the state 10-year transportation improvement plan and making certain adjustments to turnpike funds. Capital Budget Committee. Ought to pass with amendment, Vote 5-0. Senator Morse for the committee.

Capital Budget  
April 27, 2004  
2004-1387s  
06/01

## Amendment to HB 2004-FN-LOCAL

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

AN ACT relative to the state 10-year transportation improvement plan and making certain adjustments to turnpike funds, relative to frivolous actions against the state concerning state construction projects, and relative to financing federally aided highway projects.

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

6 Purpose; Frivolous Actions Relative to State Construction Projects. The general court finds that it is in the interests of the state that state construction projects be able to proceed without delay. Legal actions that unnecessarily delay state construction projects increase taxpayer expense and merit limitation.

7 New Section; Frivolous Actions Relative to State Construction Projects. Amend RSA 507 by inserting after section 15 the following new section:

507:15-a Frivolous Actions Relative to State Construction Projects.

I. If, upon the hearing of any action against the state pertaining to a state construction project, which has commenced after the necessary state and federal approvals for construction have been issued, it appears to the court that the action is frivolous or intended to otherwise harass or intimidate the prevailing party, then the court, upon motion of a prevailing party or on its own motion, may order summary judgment or other relief against the party who brought such action, and award the amount of costs and attorneys' fees incurred by the prevailing party. Costs shall include, but not be limited to, increased construction costs incurred by the state.

II. For purposes of this section, "state construction project" shall mean a capital budget project.

8 New Chapter; Federal Highway Grant Anticipation Bonds. Amend RSA by inserting after chapter 228 the following new chapter:

CHAPTER 228-A  
FEDERAL HIGHWAY GRANT ANTICIPATION BONDS

228-A:1 Title; Definitions. This chapter may be referred to as the "Federal Highway Anticipation Bond Act." For purposes of this chapter, unless a different meaning clearly appears from the context, the following words shall have the following meanings:

I. "Bonds" means any bonds, notes, or other evidences of indebtedness issued under this chapter.

II. "Federal highway construction program" means the state's federally assisted highway program, as it may be provided for from time to time, including without limitation, projects financed by the issuance of bonds under this chapter or any other federal highway project previously undertaken or to be undertaken at any time hereafter while any such bonds are outstanding as part of such program.

III. "Federal highway construction trust funds" means all federal highway construction reimbursements and any other federal highway assistance received from time to time by the state with respect to the federal highway construction program, or received from time to time by the state under any successor program established under federal law.

IV. "Project costs" means all the costs of constructing, reconstructing, altering, or dismantling any highway eligible to receive federal funds in accordance with RSA 235:7 or any other applicable federal or state law, and, without limiting the generality of the foregoing, may include the costs of planning, designing, constructing, reconstructing, altering, dismantling, and landscaping any such highway and all approaches, bridges and roads connecting thereto or connecting parts thereof, of all lands, property rights, rights-of-way, easements and franchises necessary or convenient for such construction, of all machinery and equipment, and of traffic estimates, administration, engineering, architectural and legal services, labor, plans, specifications, surveys, and estimates of costs and revenues, financing charges, interest prior to or during construction, and all such other expenses as may be necessary or incident to the financing and construction of such highway and the placing of the same fully in operation, and may include the funding of reserves for debt service and other expenses as may be determined in a bond resolution or trust or security agreement adopted or entered into pursuant to this chapter.

V. "Revenues" means all federal aid for highways received by the state pursuant to Title 23 of the United States Code and all other federal laws, heretofore or hereafter enacted, relating to federal aid for highways and all rights to receive the same, and any grants, loans, and other contributions from any governmental unit relating thereto or to projects financed, in whole or in part, pursuant to this chapter, investment earnings, and the proceeds of any borrowing hereunder or of any sale or disposition or insurance of any highway assets of the state.

228-A:2 Issuance of Revenue Bonds. The state may issue bonds under this chapter to be known as "federal highway grant anticipation bonds." The bonds may be issued from time to time for the purpose of financing project costs related to the widening of Interstate 93 from Manchester to the Massachusetts border and any other federally aided highway project hereafter authorized by the general court to be financed under this chapter. Bonds issued hereunder shall be special obligations of the state and 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 shall be issued by the treasurer in such amounts as the governor and council shall determine, not exceeding in the aggregate \$333,000,000. 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 treasurer, and shall mature at such time or times as may be determined by the treasurer, except that no bond shall mature more than 15 years from the date of its issue. Bonds may be made redeemable before maturity either at the option of the state or at the option of the holder, or on the occurrence of specified events, at such price or prices and under such terms and conditions as may be fixed by the treasurer prior to the issue of bonds. The treasurer shall determine the form and details of bonds. Subject to RSA 93-A, the bonds shall be signed by the treasurer and countersigned by the governor. The bonds may be sold in such manner, either at public or private sale, for such price, including above or below par value, at such rate or rates of interest, or at such discount in lieu of interest, as the treasurer may determine.

228-A:3 Trust or Security Agreement or Resolution.

I. Any bonds issued under this chapter may be secured by a resolution or by a trust or security agreement between the state and a corporate trustee or by a trust or security agreement directly between the state and the purchasers of the bonds. Any corporate trustee that is a party to such resolution or trust or security agreement may be any trust company or bank having the powers of a trust company within or without the state. Any such resolution or trust or security agreement shall be in such form and executed in such manner as may be determined by the treasurer, with the approval of the governor and council. Such trust or security agreement or resolution may pledge or assign, in whole or in part, the revenues held or to be received by the state and any contract or other rights to receive the same, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the state, and any proceeds thereof. Such trust or security agreement or resolution may contain such provisions for protecting and enforcing the rights, security and remedies of the bondholders as may, in the discretion of the treasurer, be reasonable and proper and not in violation of law. Without limiting the generality of the foregoing, such agreement or resolution may include:

(a) Provisions defining defaults and providing for remedies in the event thereof, which may include the acceleration of maturities; and



(b) Covenants setting forth the duties of, and limitations on, the state in relation to:

- (1) The custody, safeguarding, investment and application of moneys;
- (2) The issue of additional or refunding bonds;
- (3) The use of any surplus bond proceeds;
- (4) The establishment of reserves;
- (5) The construction and operation of any highway or project related thereto;
- (6) Any contracts relating thereto; and
- (7) Subsequent amendments of such provisions and contracts.

II. It shall be lawful for any bank or trust company to act as a depository or trustee of the proceeds of bonds, revenues or other moneys under a trust or security agreement or resolution. It shall be lawful for any bank or trust company to furnish such indemnification or to pledge such securities and issue such letters or lines of credit or other credit facilities as may be required by the state acting under this chapter. Any such trust or security agreement or resolution may set forth the rights and remedies of bondholders and of the trustee and may restrict the individual right of action by bondholders.

228-A:4 Credit Facilities and Insurance. Any bonds issued under authority of this chapter may be issued pursuant to lines of credit or other banking arrangements under such terms and conditions not inconsistent with this chapter, and under such agreements with the purchasers or makers thereof, as the treasurer may determine to be in the best interests of the state. In addition to other security provided herein or otherwise by law, bonds issued by the state under this chapter may be secured, in whole or in part, by insurance or by letters or lines of credit or other credit facilities issued to the state by any bank, trust company, or other financial institution, within or without the state, and the state may pledge or assign any of the revenues as security for the reimbursement by the state to the issuers of such letters or lines of credit, insurance, or credit facilities of any payments made thereunder.

228-A:5 Pledge of Revenues or Other Property. Any pledge of revenues or other property made by the state under this chapter shall be valid and binding and shall be deemed continuously perfected for the purposes of RSA 382-A and other laws from the time when the pledge is made; the revenues, moneys, rights, and proceeds so pledged and then held or thereafter acquired or received by the state shall immediately be subject to the lien of such pledge without any physical delivery or segregation thereof or further act; and the lien of such pledge shall be valid and binding against all parties having claims of any kind in tort, contract, or otherwise against the state, irrespective of whether such parties have notice thereof. No such revenues may be used in a manner inconsistent with the pledge. Neither the resolution, any trust or security agreement nor any other agreement by which a pledge is created need be filed or recorded except in the records of the secretary of state and no filing need be made under RSA 382-A.

228-A:6 Enforcement of Rights. Any owner of a bond issued under the provisions of this chapter and any trustee under a trust or security agreement or resolution securing the same, except to the extent the rights given in this section may be restricted by such agreement or resolution, may bring suit upon the bonds and may, either at law or in equity, by suit, action, mandamus, or other proceeding for legal or equitable relief, protect and enforce any and all rights under the laws of the state or granted hereunder or under such trust or security agreement or resolution and may enforce and compel the performance of all duties required by this chapter or by such agreement or resolution to be performed by the state or by any officer thereof.

228-A:7 Refunding Bonds. The treasurer, when authorized by the governor and council, may issue refunding bonds for the purpose of paying any bonds issued under the provisions of this chapter at or prior to maturity or upon acceleration or redemption. Refunding bonds may be issued at such times prior to the maturity or redemption of the bonds being refunded as the treasurer may determine. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium thereon, any interest accrued or to accrue to the date of payment of such bonds, the expenses of issue of the refunding bonds, the expenses of redeeming the bonds being refunded, and such reserves for debt service or other expenses from the proceeds of such refunding bonds as may be required by a trust or security agreement or resolution securing the bonds. The authorization and issue of refunding bonds, the maturities and other details thereof, the security therefor, the rights of the holders thereof, and the rights, duties and obligations of the state in respect to the same shall be governed by the provisions of this chapter relating to the issue of the bonds other than refunding bonds insofar as the same may be applicable.



228-A:8 Bonds Not General Obligations. Except as provided in the following sentence, bonds issued under the provisions of this chapter shall not be general obligations of the state for which its full faith and credit is pledged, nor shall they be payable out of any funds other than the funds provided therefor in this chapter nor shall they be deemed debt of the state in determining its borrowing capacity under any applicable law. Notwithstanding the foregoing, the general court may from time to time authorize the use of any other funds of the state to pay any portion of bonds issued under the provisions of this chapter.

228-A:9 Separate Funds. Any debt service fund, construction fund, debt service reserve fund, or other fund established in connection with the issuance of bonds under this chapter shall be kept separate from other moneys of the state. The moneys deposited in any such funds, together with income derived from any investments held as part of such funds, shall be expended without further authorization or appropriation as provided for in the trust or security agreement or resolution establishing such funds.

228-A:10 Trust Funds. All moneys received pursuant to the provisions of this chapter, whether as proceeds from the issue of bonds, as revenues, or otherwise, shall be deemed to be trust funds to be held and applied solely as provided in this chapter. All such trust funds shall be deposited, upon receipt, into the federal highway grant anticipation bond trust fund, which is hereby established as a subaccount of the highway fund. In order to increase the marketability of any bonds issued by the state pursuant to this chapter at the lowest possible cost to the state, all federal highway construction trust funds, any other funds hereafter appropriated to the federal highway grant anticipation bond trust fund, and investment earnings on funds held or credited to the federal highway grant anticipation bond trust fund or on the proceeds of any bonds issued pursuant to this chapter and secured by the federal highway grant anticipation bond trust fund, are hereby impressed with a trust for the benefit of the owners from time to time of such bonds. Such funds may be applied by the state, without appropriation, solely for the purposes of paying the principal or purchase price of, redemption premium, if any, and interest on such bonds in the fiscal year in which such funds are received or in any subsequent fiscal year, as such amounts come due or may be paid or deemed paid prior to maturity in accordance with their terms and further satisfying the terms of any trust or security agreement or resolution entered into in accordance with RSA 228-A:3 or credit facility entered into in accordance with RSA 228-A:44. Such payments with respect to the bonds may include, without limitation, the payment of any fees and expenses related to the bonds, maintaining reserves, if any, under any trust or security agreement or resolution or credit facility and paying reimbursement amounts in respect of any credit facility.

228-A:11 Investment of Funds. Moneys in any fund or account created under the provisions of this chapter, subject to the terms and provisions of any trust or security agreement or resolution applicable thereto, may be invested in accordance with RSA 6:7 and RSA 6:8. Except as otherwise provided by any such trust or security agreement or resolution, obligations so purchased as an investment of moneys in said fund or account shall be deemed at all times to be a part of said fund or account, and the interest thereon and any profit arising on the sale thereof shall be credited to said fund or account, and any loss resulting on the sale thereof shall be charged to said fund or account, respectively.

228-A:12 Agreement with Bondholders. The state pledges to and agrees with the holders of bonds issued under this chapter that until such bonds, together with interest thereon, with interest on any unpaid installment of interest and all costs and expenses in connection with any action or proceedings by or on behalf of such holders, are fully met and discharged, or unless expressly permitted or otherwise authorized by the terms of each contract and agreement made or entered into by or on behalf of the state with or for the benefit of such holders, the state shall:

I. Carry out and perform, or cause to be carried out and performed, each and every promise, covenant, agreement, or contract made or entered into by the state or on its behalf by or under the provisions of this chapter and on its behalf to be performed; and

II. Not issue any bonds, notes, or other evidences of indebtedness, other than federal highway grant anticipation bonds, having any rights secured by any pledge of or other lien or charge on the revenues or any moneys or securities paid or to be paid to or held or to be held by the state or the treasurer hereunder, and shall not create or cause to be created any lien or charge on the revenues, any such moneys or securities, other than a lien and pledge thereon created by or pursuant to the provisions of this chapter; provided that nothing in this section shall prevent the state from issuing evidences of indebtedness which:

(a) Are secured by a pledge or lien which is and shall on the face of said evidences of indebtedness be expressed to be subordinate and junior in all respects to every lien and pledge created by or pursuant to the provisions of this chapter; or

(b) Pledge the full faith and credit of the state and which are not expressly secured by any specific lien or charge on revenues or any such moneys or securities; or

(c) Are secured by a pledge of or lien on moneys or funds to be derived on and after such date as every pledge or lien thereon created by or pursuant to the provisions of this chapter shall be discharged and satisfied; and

III. Not divert federal highway construction trust funds from the purposes identified herein except as provided in the trust or security agreement or resolution or credit facility relating thereto nor shall the trusts with which they are hereby impressed be broken, and the pledge and dedication in trust of such funds shall continue unimpaired unaborogated.

228-A:13 Prior Covenants and Contracts Not Affected. The provisions of this chapter shall not in any way limit, restrict, or alter the obligation or powers of the state to carry out and perform in every detail each and every promise, covenant, agreement, or contract made or entered into, prior to the enactment of this chapter, or limit, restrict, or alter the powers, rights, authority, duties, or obligations of the treasurer or the commissioner of transportation or any other officer of the state to do and perform each and every act or thing required on the part of the state or any such officer to be done or performed by any such promise, covenant, agreement, or contract.

228-A:14 Tax Exemption. Bonds issued under this chapter, their transfer and income therefrom, including any profit made on the sale or transfer thereof, shall at all times be exempt from all taxation by or within the state.

228-A:15 Investment Securities. Notwithstanding any of the provisions of this chapter or any recitals in any bonds issued under this chapter, all such bonds shall be deemed to be investment securities under RSA 382-A.

228-A:16 Eligible Investments. Bonds issued under the provisions of this chapter are hereby made securities in which all public officers, agencies and authorities of the state and of its political subdivisions, insurance companies, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency, authority, or political subdivision of the state for any purpose for which the deposit of bonds or obligations of the state or of any political subdivision is now or may hereafter be authorized by law.

228-A:17 Construction and Effect of Other Laws.

I. The provisions of this chapter shall be deemed to provide an additional and alternative method for the effectuation of the purposes of this chapter and shall be construed to be supplemental to, and not in derogation of, powers otherwise conferred by law; provided, however, that insofar as the provisions of this chapter are inconsistent with the provisions of any general or special law, administrative order or rule, or any limitation imposed by the state, the provisions of this chapter shall be controlling.

II. The provisions of this chapter are severable, and if any provision hereof shall be held invalid in any circumstances, such invalidity shall not affect or impair any other provisions or circumstances.

III. This chapter shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this chapter, all steps shall be taken which are necessary to meet constitutional requirements.

IV. This chapter shall be liberally construed to effect the purposes thereof.

9 New Subparagraph; Special Fund; Federal Highway Grant Anticipation Bond Trust Fund. Amend RSA 6:12, I by inserting after subparagraph (227) the following new subparagraph:

(228) Moneys received under RSA 228-A, which shall be deposited in the federal highway grant anticipation bond trust fund.

10 Effective Date.

I. Sections 6 and 7 of this act shall take effect January 1, 2005.

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

2004-1387s

## AMENDED ANALYSIS

This bill:

- I. Updates the 10-year transportation improvement plan to maintain highways and bridges in the state.
- II. Establishes a committee to study the adequacy of funding for the state's 10-year transportation plan.
- III. Grants authority to the commissioner of transportation to make improvements to the turnpike system required by the 10-year transportation plan.
- IV. Changes appropriations for certain projects in the turnpike system.
- V. Allows the prevailing party, in a suit brought concerning a state construction project, to recover costs, attorneys' fees, and damages that include any increased construction costs incurred by the state.
- VI. Establishes a class of state bonds for the purpose of financing project costs related to the widening of Interstate 93 and other federally aided highway projects.

**Amendment adopted.**

Senator Larsen offered a floor amendment.

Sen. Larsen, Dist. 15

Sen. D'Allesandro, Dist. 20

Sen. Cohen, Dist. 24

Sen. Below, Dist. 5

Sen. Foster, Dist. 13

Sen. Estabrook, Dist. 21

May 5, 2004

2004-1496s

06/01

**Floor Amendment to HB 2004-FN-LOCAL**

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

AN ACT relative to the state 10-year transportation improvement plan and making certain adjustments to turnpike funds and relative to financing federally aided highway projects.

Amend the bill by deleting sections 6 and 7 and renumbering the original sections 8-10 to read as 6-8, respectively:

Amend the bill by replacing section 8 with the following:

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

2004-1496s

## AMENDED ANALYSIS

This bill:

- I. Updates the 10-year transportation improvement plan to maintain highways and bridges in the state.
- II. Establishes a committee to study the adequacy of funding for the state's 10-year transportation plan.
- III. Grants authority to the commissioner of transportation to make improvements to the turnpike system required by the 10-year transportation plan.
- IV. Changes appropriations for certain projects in the turnpike system.
- V. Establishes a class of state bonds for the purpose of financing project costs related to the widening of Interstate 93 and other federally aided highway projects.

**The question is on the adoption of the floor amendment.**

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

**Seconded by Senator Estabrook.**

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

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

**Yeas: 6 - Nays: 17**

**Floor amendment failed.**

**The question is on the adoption of the bill as amended.**

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

**Seconded by Senator Prescott.**

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

**The following Senators voted No: None.**

**Yeas: 24 - Nays: 0.**

**Adopted.**

**Ordered to third reading.**

**HB 1281**, permitting the adoption of an alternative cost apportionment method in a cooperative school district. Education Committee. Ought to pass with amendment, Vote 4-0. Senator O'Hearn for the committee.

Senate Education

April 28, 2004

2004-1457s

09/04

**Amendment to HB 1281**

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

AN ACT permitting the adoption of an alternative cost apportionment method in a cooperative school district and establishing a legislative oversight committee for the school administrative unit system.

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

1 New Section; Cooperative School Districts; Alternative Method of Apportioning Costs. Amend RSA 195 by inserting after section 14 the following new section:

195:14-a Alternative Apportionment of Operating Costs.

I. As an alternative to the apportionment of operating costs set forth in RSA 195:14, the cooperative school board may fix a specific percentage of the state education grant amount received in a given year to be applied to the operating costs of the cooperative school district, before the apportionment of remaining cooperative school district operating costs. Such percentage shall not be less than zero percent and not more than 100 percent and shall be the same in each city or town in the cooperative school district.

II. The question shall be proposed as an article in the warrant of the next cooperative school district annual or special meeting pursuant to RSA 195:13. A majority vote in each city or town in the cooperative school district voting on the question shall be required for adoption.

III. The procedure for modification or rescission of a specified percentage shall be as set forth in this section, and shall not be subject to the provisions of RSA 195:18, III(i). A majority vote in each city or town in the cooperative school district voting on the question shall be required for modification or rescission.

2 New Sections; School Administrative Units; Legislative Oversight Committee. Amend RSA 194-C by inserting after section 10 the following new sections:

194-C:11 Legislative Oversight Committee. An oversight committee shall be established consisting of:

I. The chairperson of the house education committee, or a designee.

II. The chairperson of the senate education committee, or a designee.

III. One member of the house of representatives, appointed by the speaker of the house of representatives.

IV. One member of the senate, appointed by the senate president.

V. One member of the house finance committee, appointed by the speaker of the house of representatives.

VI. One member of the senate finance committee, appointed by the senate president.

194-C:12 Duties of the Legislative Oversight Committee. The oversight committee shall monitor the process of organization and withdrawal of school districts from school administrative units and shall oversee the general operation, creation, or dissolution of school administrative units. The committee shall submit an annual report to the speaker of the house of representatives, the president of the senate, and the state board of education summarizing its findings.

3 Effective Date.

I. Section 2 of this act shall take effect 60 days after its passage.

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

2004-1457s

AMENDED ANALYSIS

The bill allows a cooperative school district to adopt an alternative method of apportioning the operating costs.

This bill establishes a legislative oversight committee to oversee the school administrative unit system.

**Amendment adopted.**

Senator O'Hearn offered a floor amendment.

Sen. O'Hearn, Dist. 12

May 5, 2004

2004-1509s

04/10

**Floor Amendment to HB 1281**

Amend the bill by replacing section 1 with the following:

1 New Section; Cooperative School Districts; Alternative Method of Apportioning Operating Costs. Amend RSA 195 by inserting after section 14 the following new section:

195:14-a Alternative Method of Apportioning Operating Costs.

I. As an alternative to the apportionment of operating costs set forth in RSA 195:14, the cooperative school board may fix a specific percentage of the state education grant amount received in a given year to be applied to the operating costs of the cooperative school district, before the apportionment of remaining cooperative school district operating costs. Such percentage shall not be less than zero percent and not more than 100 percent and shall be the same in each city or town in the cooperative school district.

II. The question on the adoption of an alternative method of apportioning operating costs shall be proposed as an article in the warrant of the next cooperative school district annual or special meeting pursuant to RSA 195:13. A majority of voters present and voting in each city or town in the cooperative school district shall be required to approve the alternative method of apportioning operating costs. Upon approval, the clerk of the cooperative school district shall send to the state board of education a certified copy of the warrant.

III. The procedure for modification or rescission of an alternative method of apportioning operating costs shall be as set forth in the alternative method of apportioning operating costs and shall not be subject to the provisions of RSA 195:18, III(i). A majority of voters present and voting in each city or town in the cooperative school district shall be required to approve the modification or rescission.

2004-1509s

AMENDED ANALYSIS

The bill allows a cooperative school district to adopt an alternative method of apportioning the operating costs.

This bill establishes a legislative oversight committee to oversee the school administrative unit system.

**Floor amendment adopted.**

Senator O'Hearn offered a floor amendment.

Sen. O'Hearn, Dist. 12  
Sen. Foster, Dist. 13  
May 4, 2004  
2004-1495s  
04/09

**Floor Amendment to HB 1281**

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

AN ACT permitting the adoption of an alternative cost apportionment method in a cooperative school district; relative to establishing a legislative oversight committee for the school administrative unit system; and relative to authorizing the city of Nashua to use its school capital reserve fund to retire school bonded indebtedness incurred by the city as a result of the issuance of school bonds.

Amend the bill by replacing all after section 2 with the following:

3 City of Nashua; School Capital Reserve Fund. Notwithstanding RSA 33:2, the city of Nashua is authorized to use funds in its school capital reserve fund to retire school bonded indebtedness incurred by the city as a result of the issuance of school bonds.

4 Effective Date.

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

II. Section 2 of this act shall take effect 60 days after its passage.

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

2004-1495s

**AMENDED ANALYSIS**

This bill:

I. Allows a cooperative school district to adopt an alternative method of apportioning the operating costs.

II. Establishes a legislative oversight committee to oversee the school administrative unit system.

III. Authorizes the city of Nashua to use its school capital reserve fund to retire school bonded indebtedness incurred by the city as a result of the issuance of school bonds.

**Floor amendment adopted.**

Senator Larsen offered a floor amendment.

Sen. Larsen, Dist. 15  
Sen. D'Allesandro, Dist. 20  
Sen. Below, Dist. 5  
Sen. Foster, Dist. 13  
Sen. Estabrook, Dist. 21  
Sen. Cohen, Dist. 24  
May 6, 2004  
2004-1527s  
09/04

**Floor Amendment to HB 1281**

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

AN ACT permitting the adoption of an alternative cost apportionment method in a cooperative school district, establishing a legislative oversight committee for the school administrative unit system, and relative to notification of education grant amounts to municipalities.

Amend the bill by replacing section 3 with the following:

3 New Paragraph; Determination of Education Grants; Notification. Amend RSA 198:41 by inserting after paragraph II the following new paragraph:

III. The department of education shall notify municipalities of the estimated amount of aid to which they are entitled for the following school year by November 1.

4 Effective Date.

I. Section 2 of this act shall take effect 60 days after its passage.

II. Section 3 of this act shall take effect July 1, 2004 at 12:01 a.m.

III. The remainder of this act shall take effect July 1, 2004.



2004-1527s

## AMENDED ANALYSIS

The bill allows a cooperative school district to adopt an alternative method of apportioning the operating costs.

This bill establishes a legislative oversight committee to oversee the school administrative unit system.

This bill requires the department of education to notify a municipality of the estimated education grant amount to which it is entitled for the following school year by November 1.

**Floor amendment adopted.**

Senator Larsen offered a floor amendment.

Sen. Larsen, Dist. 15

Sen. D'Allesandro, Dist. 20

Sen. Below, Dist. 5

Sen. Foster, Dist. 13

Sen. Estabrook, Dist. 21

Sen. Cohen, Dist. 24

May 6, 2004

2004-1518s

09/10

**Floor Amendment to HB 1281**

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

AN ACT permitting the adoption of an alternative cost apportionment method in a cooperative school district, establishing a legislative oversight committee for the school administrative unit system, and relative to determination of education grant amounts to municipalities.

Amend the bill by replacing section 3 with the following:

3 Determination of Education Grants. RSA 198:41 is repealed and reenacted to read as follows:

198:41 Determination of Education Grants.

I. Except as provided in paragraph II, the department of education shall determine the amount of the education grant for the municipality by adding all sums received by a municipality under RSA 198:40, RSA 198:40-a, and RSA 198:40-b.

II. For municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the amount of the education grant for each municipality as the lesser of the following:

(a) The amount calculated in accordance with paragraph I of this section; or

(b) The total amount paid for items of current education expense as determined by the department of education.

III. The department of education shall notify municipalities of the estimated amount of aid to which they are entitled for the following school year by November 1.

4 Effective Date.

I. Section 2 of this act shall take effect 60 days after its passage.

II. Section 3 of this act shall take effect July 1, 2004 at 12:01 a.m.

III. The remainder of this act shall take effect July 1, 2004.

2004-1518s

## AMENDED ANALYSIS

The bill allows a cooperative school district to adopt an alternative method of apportioning the operating costs.

This bill establishes a legislative oversight committee to oversee the school administrative unit system.

This bill corrects the formula for determining a municipality's education grant amount and requires the department of education to notify a municipality of the estimated education grant amount to which it is entitled for the following school year by November 1.

**Floor amendment failed.**

Senator Estabrook offered a floor amendment.

Sen. Estabrook, Dist. 21  
May 6, 2004  
2004-1533s  
04/05

### **Floor Amendment to HB 1281**

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

AN ACT permitting the adoption of an alternative cost apportionment method in a cooperative school district; establishing a legislative oversight committee for the school administrative unit system; relative to indoor air quality and indoor environmental standards in public schools; and requiring public schools to develop a written building maintenance plan.

Amend the bill by replacing all after section 2 with the following:

3 New Paragraph; School Building Aid; Approval of Plans. Amend RSA 198:15-b by inserting after paragraph I the following new paragraph:

I-a. A school district, or other entity listed in paragraph I of this section, shall be entitled to receive an additional amount equal to 1.5 percent of the total school building aid grant amount for which such school district or other entity may be eligible under paragraph I of this section. In any fiscal year, the aggregate amount of additional moneys available under this paragraph shall not exceed \$100,000. If in any fiscal year, this amount is insufficient, the amount shall be prorated proportionally among the school districts or other entities eligible to receive additional moneys. To be eligible for additional moneys, construction projects, as built, shall comply with all of the following requirements:

(a) Achieve indoor air quality equal to or better than the standards for clean indoor air in state buildings established pursuant to RSA 10-B:3, II. Achievement shall be demonstrated by providing a copy of the results of indoor air quality testing performed within 6 months of the date of building occupancy or the date of substantial project completion, whichever is later. The number of samples taken shall be sufficient to reasonably conclude that the standards are met throughout the entire new or renovated portions of the facility. The report of the air quality testing shall indicate the specific location of all samples taken including height above the floor and shall be signed by a certified industrial hygienist.

(b) Achieve total energy use that is at least 15 percent below the maximum allowable energy use for the building under the current state energy code. Achievement shall be demonstrated by a report of energy use calculations using a method provided by the United States Department of Energy or other method of calculation acceptable to the department of education. The report shall be signed and stamped by a mechanical engineer licensed to practice in the state of New Hampshire.

(c) Achieve a 2 percent minimum daylight factor of uniformly distributed daylighting, with no direct sunlight penetration, in 75 percent of all classroom space. The daylight factor is expressed as a percentage of daylight at the task level, measured in foot candles or lux, to the total amount of outdoor daylight. Achievement shall be demonstrated by a report signed and stamped by an electrical engineer licensed to practice in the state of New Hampshire. The report shall indicate the daylight factor in each classroom in new or renovated portions of the facility.

(d) Perform commissioning of all heating, ventilation, and air conditioning (HVAC) systems and all life safety systems. The school district or entity shall provide a commissioning report which describes the commissioning process used and which indicates that all systems are performing according to all design specifications. The commissioning report shall be signed and stamped by a mechanical engineer licensed to practice in the state of New Hampshire.

4 School Building Aid; Approval of Plans. Amend RSA 198:15-c to read as follows:

198:15-c Approval of Plans, Specifications and Costs of Construction or Purchase.

**I.** A school district maintaining approved schools, desiring to avail itself of the grants herein provided shall have the plans, specifications, and cost estimates for school plant construction or proposals for the purchase of school buildings, or both, and the costs for them approved by the state board prior to the start of construction. For this purpose the district shall submit its plans, specifications, cost and purchase estimates in writing to the state board on such forms as the board prescribes. Application for school building aid shall be submitted before January 1 of each year in order to be eligible for school building aid in the fiscal year following the year of submittal. The state board shall not approve the plans, specifications, cost or purchase



estimates, if in the board's judgment the facilities planned will not adequately meet the educational requirements, or if its cost estimates are excessive or unreasonable. The state board shall not approve the plans, specifications, cost or purchase estimates if in the board's judgment the proposed construction or purchase is in conflict with effective statewide planning. Necessary costs of the purchase of school buildings may be determined by any recognized method of real estate appraisal with appropriate adjustments for remodeling or other expenditures. Upon approval of the construction or purchase, or both, by the state board of education, the school district shall be entitled to receive an annual grant as provided herein.

***II. In addition to the requirements of paragraph I, each school district shall, submit a written maintenance plan describing in detail how the school district will maintain facilities constructed with state aid. The required maintenance plan shall provide the following information:***

***(a) The manner in which the following building services are or will be provided using in-house staff, contracted services, or a combination of both. For work performed by in-house staff, an indication of the staffing level expressed as full-time equivalent positions for:***

***(1) Daily facility cleaning.***

***(2) Grounds maintenance.***

***(3) Refuse removal.***

***(4) Snow removal.***

***(5) Minor maintenance and repair.***

***(6) Pest management.***

***(7) Periodic equipment servicing.***

***(b) The average amount of space, in square feet, assigned to each custodian for daily cleaning.***

***(c) The process for reporting, recording, verifying, and prioritizing building problems, how corrective work is assigned and performed, and how the success of corrective actions is determined.***

***(d) The process for tracking and analyzing recurring problems.***

***(e) The process for scheduling and completing preventive maintenance services and inspections on installed equipment and major building systems including, but not limited to heating, ventilation, and air conditioning, (HVAC), life safety, elevators, plumbing, roof, windows and doors, and kitchen appliances.***

***(f) Custodial and/or maintenance staff increases or reductions that result from the project.***

***(g) The training program for employees who will be required to operate and maintain new equipment installed through the construction project.***

***(h) A statement of assurance, signed by the superintendent of schools or the chair of the school board, which indicates that the district intends to maintain and service all installed equipment according to the manufacturer's instructions.***

5 Repeal. RSA 198:15-b, I-a, relative to additional grant moneys for certain school construction projects, is repealed.

6 Effective Date.

I. Section 3 of this act shall take effect July 1, 2011.

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

2004-1533s

#### AMENDED ANALYSIS

The bill allows a cooperative school district to adopt an alternative method of apportioning the operating costs.

This bill establishes a legislative oversight committee to oversee the school administrative unit system.

This bill requires the department of education to develop and implement indoor air quality standards for public elementary and secondary schools and requires that a written maintenance plan be developed and submitted as part of the process for applying for school building aid grants.

**The question is on the adoption of the floor amendment.**

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

**Seconded by Senator O'Hearn.**

**The following Senators voted Yes: Below, Peterson, O'Hearn, Foster, Larsen, Martel, Sapareto, D'Allesandro, Estabrook, Cohen.**

**The following Senators voted No: Gallus, Johnson, Kenney, Boyce, Green, Flanders, Odell, Roberge, Clegg, Gatsas, Barnes, Morse, Prescott.**

**Yeas: 10 - Nays: 13**

**Floor amendment failed.**

**The question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

### **MOTION TO TAKE OFF THE TABLE**

Senator Clegg moved to have **HB 1188**, relative to indoor air quality and indoor environmental standards in public schools and requiring public schools to develop a written building maintenance plan, taken off the table.

**Adopted.**

**Senator Clegg withdrew his floor amendment (1500).**

Senator Clegg offered a floor amendment.

Sen. Clegg, Dist. 14

May 6, 2004

2004-1532s

04/10

### **Floor Amendment to HB 1188**

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

AN ACT relative to the formula for determining education grants and establishing education grant amounts for the 2005 fiscal year.

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

1 Statement of Intent. It is the intent of the general court to clarify the law relating to education funding as enacted under 2003, 241 and to specify education aid grant amounts to municipalities for the 2005 fiscal year.

2 Education Aid Grant Amounts for Fiscal Year 2005. Notwithstanding any provision of law to the contrary, total education aid grant amounts for the 2005 fiscal year shall be as follows:

<u>CITY/TOWN</u>	<u>TOTAL AID GRANT</u>
ACWORTH	411,533
ALBANY	507,613
ALEXANDRIA	658,056
ALLENSTOWN	3,712,569
ALSTEAD	1,110,916
ALTON	-
AMHERST	2,607,904
ANDOVER	684,420
ANTRIM	2,194,411
ASHLAND	639,785
ATK. & GILMANTON ACAD	-
ATKINSON	746,123
AUBURN	1,269,276
BARNSTEAD	2,037,165

<u>CITY/TOWN</u>	<u>TOTAL AID GRANT</u>
BARRINGTON	2,811,681
BARTLETT	-
BATH	376,992
BEAN'S GRANT	-
BEAN'S PURCHASE	-
BEDFORD	2,347,213
BELMONT	3,287,869
BENNINGTON	901,482
BENTON	96,783
BERLIN	7,669,119
BETHLEHEM	1,003,254
BOSCAWEN	1,797,803
BOW	2,928,167
BRADFORD	517,552
BRENTWOOD	705,245
BRIDGEWATER	-
BRISTOL	748,384
BROOKFIELD	223,210
BROOKLINE	2,397,114
CAMBRIDGE	-
CAMPTON	1,591,169
CANAAN	1,705,166
CANDIA	1,053,164
CANTERBURY	207,986
CARROLL	-
CENTER HARBOR	-
CHANDLER'S PURCHASE	-
CHARLESTOWN	4,274,490
CHATHAM	62,446
CHESTER	1,450,221
CHESTERFIELD	923,270
CHICHESTER	543,661
CLAREMONT	8,516,045
CLARKSVILLE	56,061
COLEBROOK	1,604,897
COLUMBIA	318,302
CONCORD	13,645,863
CONWAY	2,184,641
CORNISH	762,306
CRAWFORD'S PURCH.	-
CROYDON	194,958
CUTT'S GRANT	-
DALTON	555,961
DANBURY	622,396
DANVILLE	2,053,805
DEERFIELD	1,601,209

<u>CITY/TOWN</u>	<u>TOTAL AID GRANT</u>
DEERING	824,505
DERRY	22,885,507
DIX GRANT	-
DIXVILLE	-
DORCHESTER	289,251
DOVER	4,463,601
DUBLIN	165,965
DUMMER	129,267
DUNBARTON	306,840
DURHAM	1,073,662
EAST KINGSTON	348,601
EASTON	-
EATON	40,611
EFFINGHAM	714,883
ELLSWORTH	10,048
ENFIELD	726,978
EPPING	2,125,758
EPSOM	1,404,169
ERROL	-
ERVING'S GRANT	-
EXETER	2,891,486
FARMINGTON	4,766,697
FITZWILLIAM	671,124
FRANCESTOWN	469,336
FRANCONIA	-
FRANKLIN	6,068,956
FREEDOM	-
FREMONT	1,328,505
GILFORD	1,090,812
GILMANTON	823,190
GILSUM	425,781
GOFFSTOWN	4,002,444
GORHAM	1,554,086
GOSHEN	434,744
GRAFTON	579,960
GRANTHAM	-
GREENFIELD	684,584
GREENLAND	367,203
GREEN'S GRANT	-
GREENVILLE	1,991,176
GROTON	274,745
HADLEY'S PURCH.	-
HALES LOCATION	-
HAMPSTEAD	2,442,211
HAMPTON	-
HAMPTON FALLS	241,643

<u>CITY/TOWN</u>	<u>TOTAL AID GRANT</u>
HANCOCK	270,360
HANOVER	-
HARRISVILLE	154,985
HART'S LOCATION	-
HAVERHILL	2,796,426
HEBRON	-
HENNIKER	2,414,773
HILL	388,690
HILLSBORO	3,700,646
HINSDALE	3,565,805
HOLDERNESS	-
HOLLIS	956,210
HOOKSETT	1,598,121
HOPKINTON	1,077,105
HUDSON	5,018,161
JACKSON	-
JAFFREY	2,457,836
JEFFERSON	446,827
KEENE	9,430,457
KENSINGTON	295,312
KILKENNY	-
KINGSTON	1,083,765
LACONIA	4,465,848
LANCASTER	2,783,263
LANDAFF	59,636
LANGDON	295,656
LEBANON	2,230,536
LEE	2,428,890
LEMPSTER	545,915
LINCOLN	-
LISBON	1,415,796
LITCHFIELD	4,040,946
LITTLETON	2,749,246
LIVERMORE	-
LONDONDERRY	11,326,768
LOUDON	1,663,063
LOW & BURBANK GR.	-
LYMAN	120,279
LYME	238,652
LYNDEBOROUGH	436,161
MADBURY	994,779
MADISON	378,905
MANCHESTER	45,121,313
MARLBOROUGH	864,687
MARLOW	434,759
MARTIN'S LOCATION	-

<u>CITY/TOWN</u>	<u>TOTAL AID GRANT</u>
MASON	168,412
MEREDITH	1,428,832
MERRIMACK	6,811,530
MIDDLETON	1,069,618
MILAN	993,883
MILFORD	6,038,760
MILLSFIELD	-
MILTON	2,457,711
MONROE	174,298
MONT VERNON	988,763
MOULTONBOROUGH	-
NASHUA	22,025,758
NELSON	162,098
NEW BOSTON	1,370,540
NEW CASTLE	-
NEW DURHAM	491,169
NEW HAMPTON	432,070
NEW IPSWICH	2,690,379
NEW LONDON	-
NEWBURY	-
NEWFIELDS	185,532
NEWINGTON	-
NEWMARKET	1,753,655
NEWPORT	5,484,148
NEWTON	1,708,243
NORTH HAMPTON	-
NORTHFIELD	3,653,253
NORTHUMBERLAND	2,010,436
NORTHWOOD	1,940,604
NOTTINGHAM	859,695
ODELL	-
ORANGE	180,653
ORFORD	131,200
OSSIPEE	1,511,754
PELHAM	1,807,725
PEMBROKE	3,945,432
PETERBOROUGH	1,843,909
PIERMONT	329,893
PINKHAM'S GRANT	-
PITTSBURG	159,120
PITTSFIELD	3,927,011
PLAINFIELD	709,396
PLAISTOW	1,216,914
PLYMOUTH	3,020,941
PORTSMOUTH	-
RANDOLPH	51,724

<u>CITY/TOWN</u>	<u>TOTAL AID GRANT</u>
RAYMOND	5,521,064
RICHMOND	697,548
RINDGE	1,050,985
ROCHESTER	15,901,242
ROLLINSFORD	316,025
ROXBURY	40,222
RUMNEY	574,512
RYE	-
SALEM	3,814,013
SALISBURY	434,949
SANBORNTON	442,959
SANDOWN	3,176,622
SANDWICH	-
SARGENT'S PURCHASE	-
SEABROOK	-
SECOND COLLEGE GR.	-
SHARON	52,878
SHELBURNE	65,057
SOMERSWORTH	5,570,859
SOUTH HAMPTON	97,355
SPRINGFIELD	243,762
STARK	344,322
STEWARTSTOWN	450,205
STODDARD	-
STRAFFORD	1,978,685
STRATFORD	728,736
STRATHAM	858,722
SUCCESS	-
SUGAR HILL	-
SULLIVAN	392,424
SUNAPEE	-
SURRY	293,105
SUTTON	262,887
SWANZEY	4,550,345
TAMWORTH	445,503
TEMPLE	466,007
THOM. & MES. PURCH	-
THORNTON	393,226
TILTON	933,866
TROY	1,728,674
TUFTONBORO	-
UNITY	569,242
WAKEFIELD	1,405,686
WALPOLE	1,084,286
WARNER	986,234
WARREN	548,805

<u>CITY/TOWN</u>	<u>TOTAL AID GRANT</u>
WASHINGTON	220,871
WATERVILLE VALLEY	-
WEARE	5,676,558
WEBSTER	349,792
WENTWORTH	644,210
WENTWORTH LOC	-
WESTMORELAND	622,085
WHITEFIELD	1,385,808
WILMOT	269,969
WILTON	596,644
WINCHESTER	3,562,257
WINDHAM	1,610,178
WINDSOR	48,871
WOLFEBORO	-
WOODSTOCK	222,015
TOTAL	428,553,890

3 School Money; Distribution of Education Grants. Amend RSA 198:42, II to read as follows:

II. For the fiscal year beginning July 1, 1999, and every fiscal year thereafter the amount necessary to fund the grants under RSA ~~[198:40-c]~~ **198:41** is hereby appropriated from the education trust fund created under RSA 198:39 to the department of education ~~[according to the following formula: from the amount calculated in accordance with RSA 198:40-c, subtract the aggregate amount of the statewide enhanced education tax warrants to be issued by the commissioner of revenue administration for municipalities reported pursuant to RSA 76:9 for the next tax year]~~. The governor is authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this section. Such warrant for payment shall be issued regardless of the balance of funds available in the education trust fund. If the balance in the education trust fund, after the issuance of any such warrant, is less than zero, the commissioner of the department of administrative services shall inform the fiscal committee and the governor and council of such balance. This reporting shall not in any way prohibit or delay the distribution of education grants.

4 Effective Date. This act shall take effect July 1, 2004 at 12:01 a.m.

2004-1532s

#### AMENDED ANALYSIS

This bill deletes a provision in the formula for determining education aid grants and establishes education aid grant amounts for the 2005 fiscal year.

**The question is on the adoption of the floor amendment.**

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

**Seconded by Senator Sapareto.**

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

**The following Senators voted No: Boyce, Peterson.**

**Yeas: 22 - Nays: 2**

**Floor amendment adopted.**

**The question is on the adoption of the bill as amended.**

**Adopted.**

#### SUSPENSION OF THE RULES

Senator Clegg moved that the rules of the Senate be so far suspended as to allow **HB 1188** to be ordered to third reading in the early session and, by this motion, be passed at the present time.

**A division vote was requested.**

**Yeas: 22 - Nays: 1**



**Adopted by the necessary 2/3 vote.**

**Ordered to third reading.**

**Senator Boyce is in opposition to the final passage of HB 1188.**

**HJR 26**, prohibiting the liquor commission from adopting proposed administrative rule Liq 404.05(d)(3). Executive Departments and Administration Committee. Ought to Pass, Vote 2-0. Senator Kenney for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 369**, relative to the Henniker and Hillsborough district courts. Finance Committee. Ought to pass with amendment, Vote 6-2. Senator Boyce for the committee.

Senate Finance  
April 28, 2004  
2004-1416s  
09/01

#### **Amendment to HB 369**

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

AN ACT relative to the Henniker and Hillsborough district courts.

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

1 Notwithstanding the provisions of RSA 502-A:1, XV and XXIII, all court business, proceedings, and activities scheduled for the Henniker district court on or after July 1, 2004 shall be transferred to the Hillsborough district court. The Henniker district court shall cease operations on or before June 30, 2004.

2 Effective Date. This act shall take effect June 30, 2004.

2004-1416s

#### **AMENDED ANALYSIS**

This bill transfers Henniker district court business, proceedings, and activities to the Hillsborough district court.

#### **MOTION TO TABLE**

Senator Larsen moved to have **HB 369** laid on the table.

**A division vote was requested.**

**Yeas: 12 - Nays: 5**

**Adopted.**

#### **LAID ON THE TABLE**

**HB 369**, relative to the Henniker and Hillsborough district courts.

**HB 618-FN-A**, making technical corrections to certain local property tax laws. Finance Committee. Ought to pass with amendment, Vote 6-1. Senator Green for the committee.

Senate Finance  
April 28, 2004  
2004-1419s  
09/01

#### **Amendment to HB 618-FN-A**

Amend the bill by inserting after section 10 the following and renumbering the original section 11 to read as 12:

11 Low and Moderate Income Homeowners Property Tax Relief; Refund of Tax Claims. Amend RSA 198:61 to read as follows:

198:61 Refund of Tax Claims. The department of revenue administration shall review a claim for tax relief filed with it and, if such claim is determined to be valid, shall certify such amount to the state treasurer within 120 days [~~The state treasurer shall pay the claim to the claimant~~] **who shall pay such claims** from funds in the

education trust fund. *Such sums are hereby appropriated and the governor is authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this section. Such warrant for payment shall be issued regardless of the balance of funds available in the education trust fund. If the balance in the education trust fund, after the issuance of any such warrant, is less than zero, the commissioner of the department of revenue administration shall inform the fiscal committee and the governor and council of such balance. This reporting shall not in any way prohibit or delay the payment of valid claims.* The department shall notify a claimant whose claim is rejected in whole or in part of such determination within 90 days of the department's receipt of the claim and all required documentation.

2004-1419s

## AMENDED ANALYSIS

This bill:

I. Makes technical corrections to certain local property tax laws allowing for exemptions.

II. Clarifies the requirements for posting of the budget with the warrant for a town or school district meeting.

III. Limits the filing period for late low and moderate income homeowners property tax relief claims to the November 1 after the June 30 filing deadline for that tax year. The bill extends the late filing allowance to claimants who have requested an extension for filing their federal income tax returns. The bill also authorizes the commissioner of the department of revenue to audit low and moderate income property tax relief claims up to 3 years after the claim has been paid.

IV. Provides that valid claims for low and moderate income homeowner property tax relief shall be paid from the education trust fund and authorizes the governor to draw a warrant to pay such claims regardless of the balance of the fund.

V. Allows the city of Manchester to issue certificates of occupancy and local building permits with respect to aeronautical facilities within the airport district.

VI. Allows Manchester Airport to tow and impound abandoned vehicles.

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

**HB 640-FN**, relative to post-conviction DNA testing. Finance Committee. Ought to Pass, Vote 8-0. Senator Clegg for the committee.

**Adopted.****Ordered to third reading.**

**HB 697-FN**, relative to the sale of motor fuel. Finance Committee. Ought to Pass, Vote 8-0. Senator Below for the committee.

**Adopted.****Ordered to third reading.**

**HB 698-FN**, relative to electronic toll collections. Finance Committee. Ought to Pass, Vote 7-0. Senator Below for the committee.

**Adopted.****Ordered to third reading.**

**HB 727-FN-L**, establishing a legislative oversight committee for the school administrative unit system. Finance Committee. Ought to pass with amendment, Vote 5-2. Senator Green for the committee.

Senate Finance

April 28, 2004

2004-1444s

04/10

**Amendment to HB 727-FN-LOCAL**

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

AN ACT establishing a school choice certificate program, relative to imposing a nonparticipating manufacturer equity assessment, and relative to reports on the status of monthly tax refunds.

Amend the bill by replacing section 3 with the following:

3 New Section; Tobacco Tax; Nonparticipating Manufacturer Equity Assessment. Amend RSA 541-C by inserting after section 3 the following new section:

541-C:4 Nonparticipating Manufacturer Equity Assessment.

I. In this section, "nonparticipating manufacturer" means a tobacco product manufacturer that is not a participating manufacturer within the meaning of subsection II(jj) of the Master Settlement Agreement, as defined in RSA 541-C:2, V.

II. There is levied an equity assessment, at the rate 35 cents per package of 20 for all cigarette packages of nonparticipating manufacturers to which a stamp is affixed as required under RSA 78:12.

(a) The equity assessment imposed by this section is in addition to all other assessments, fees, and taxes levied under existing law.

(b) The equity assessment imposed by this section shall be paid by affixing a stamp in the manner and at the time described in RSA 78:12.

(c) Except as otherwise provided in this section, the equity assessment shall be collected, paid, administered, and enforced in the same manner as the tax on cigarettes levied by RSA 78:7.

III. The purposes of this equity assessment are:

(a) To recover health care costs to the state imposed by nonparticipating manufacturers.

(b) To prevent nonparticipating manufacturers from undermining the state's policy of reducing underage smoking by offering cigarettes for sale substantially below the prices of cigarettes of other manufacturers.

(c) To protect funding, which is reduced as a result of the growth of nonparticipating manufacturer cigarette sales, for programs funded in whole or in part by payments to the state under the Master Settlement Agreement, as defined in RSA 541-C:2, V.

(d) To recoup settlement-payment revenue lost to the state as a result of nonparticipating manufacturer cigarette sales.

(e) To fund enforcement and administration of:

(1) RSA 541-C relative to tobacco manufacturers not entering the Master Settlement Agreement; and

(2) The equity assessment imposed by this section.

IV.(a) Each manufacturer, distributor, wholesaler, or retail dealer who under RSA 78:12 affixes a stamp to a package of cigarettes, shall report monthly to the commission for each place of business, the number and denominations of stamps affixed to individual packages of nonparticipating manufacturer cigarettes sold by the manufacturer, distributor, wholesaler, or retail dealer in the preceding month, including the manufacturer and brand family.

(b) A person required to file a report under this section is subject to the penalties under RSA 78:12, III for failing to file a report in a timely manner, or for supplying false or fraudulent information.

V. Funds collected under this section shall be deposited in the education trust fund as established in RSA 198:39.

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

5 New Subdivision; Reports on Status of Monthly Tax Refunds. Amend RSA 21-J by inserting after section 44 the following new subdivision:

Reports

21-J:45 Reports on Status of Monthly Tax Refunds.

I. The commissioner of the department of revenue administration shall report to the fiscal committee within 10 days after the close of each month, the status of monthly refunds pending from the combined general fund and education trust fund for the following taxes:

(a) Business profits tax.

(b) Business enterprise tax.

(c) Interest and dividends tax.

II. This report shall include, but not be limited to, the number of refunds claimed, dollar value of refunds carried over from the prior month, current claims, paid out refunds, and refunds outstanding at the end of the month. This report shall also include the total anticipated refund for the next 3 calendar months for each tax in subparagraphs I(a)– (c).

6 Effective Date. This act shall take effect July 1, 2004.

2004-1444s

#### AMENDED ANALYSIS

This bill:

I. Establishes a school choice certificate program.

II. Imposes a nonparticipating manufacturer equity assessment of 35 cents per package of 20 for all cigarette packages of manufacturers which do not participate in the Master Settlement Agreement and requires such funds collected to be deposited in the education trust fund.

III. Requires the commissioner of the department of revenue administration to make reports to the fiscal committee on the status of monthly tax refunds.

#### **Amendment failed.**

**Senator Boyce is in favor of the committee amendment (1444) on HB 727-FN-L.**

Senator Green offered a floor amendment.

Sen. Green, Dist. 6

Sen. Prescott, Dist. 23

Sen. Johnson, Dist. 23

Sen. Clegg, Dist. 14

Sen. Kenney, Dist. 3

May 6, 2004

2004-1531s

04/10

#### **Floor Amendment to HB 727-FN-LOCAL**

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

AN ACT establishing a school choice certificate program and relative to reports on the status of monthly tax refunds.

Amend RSA 193-I:2, II as inserted by section 2 of the bill by replacing it with the following:

II. Certificates shall be made available as follows:

(a) In the first year of the program, to children entering grades 1-2, up to a maximum of 1,000 certificates statewide.

(b) In the second year of the program, to children entering grades 1-3, up to a maximum of 2,000 certificates statewide.

(c) In the third year of the program, to children entering grades 1-4, up to a maximum of 3,000 certificates statewide.

(d) In the fourth year of the program, to children entering grades 1-5, up to a maximum of 4,000 certificates statewide.

Amend RSA 193-I:11, II as inserted by section 2 of the bill by replacing it with the following:

II. Beginning July 1, 2008, the oversight committee shall conduct a review of the school choice certificate program and evaluate the status of the program to date. The committee shall submit a report of its review, including recommendations, to the senate president, the speaker of the house of representatives, and the governor no later than November 1, 2008.

Amend the bill by replacing section 3 with the following:

3 School Choice Certificate Program; Funding. If the revenue received from the utility property tax pursuant to RSA 83-F for the fiscal year ending June 30, 2004 exceeds the official revenue estimate as issued by the Legislative Budget Assistant, the first \$3,000,000 of such excess shall not lapse but shall be carried forward and used exclusively to fund the school choice certificate program set forth in RSA 193-I.

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

5 New Subdivision; Reports on Status of Monthly Tax Refunds. Amend RSA 21-J by inserting after section 44 the following new subdivision:

**Reports**

21-J:45 Reports on Status of Monthly Tax Refunds.

I. The commissioner of the department of revenue administration shall report to the fiscal committee within 10 days after the close of each month, the status of monthly refunds pending from the combined general fund and education trust fund for the following taxes:

- (a) Business profits tax.
- (b) Business enterprise tax.
- (c) Interest and dividends tax.

II. This report shall include, but not be limited to, the number of refunds claimed, dollar value of refunds carried over from the prior month, current claims, paid out refunds, and refunds outstanding at the end of the month. This report shall also include the total anticipated refund for the next 3 calendar months for each tax in subparagraphs I(a)– (c).

6 Repeal. RSA 193-I:1-12, relative to a school choice certificate program, are repealed.

7 Effective Date.

I. Section 6 of this act shall take effect June 30, 2009.

II. The remainder of this act shall take effect July 1, 2004 at 12:01 a.m.

2004-1531s

**AMENDED ANALYSIS**

This bill establishes a school choice certificate program which shall be repealed June 30, 2009 and requires the commissioner of the department of revenue administration to make reports to the fiscal committee on the status of monthly tax refunds.

**The question is on the adoption of the floor amendment.**

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

**Seconded by Senator Larsen.**

**The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Green, Flanders, Roberge, Clegg, Barnes, Prescott.**

**The following Senators voted No: Below, Odell, Peterson, O'Hearn, Foster, Larsen, Gatsas, Martel, Sapareto, D'Allesandro, Estabrook, Morse, Cohen.**

**Yeas: 10 - Nays: 13**

**Floor amendment failed.**

**MOTION TO TABLE**

Senator Estabrook moved to have **HB 727-FN-L**, laid on the table.

**A division vote is requested.**

**Yeas: 11 - Nays: 12**

**Motion failed.**

**MOTION OF RECONSIDERATION**

Senator Gatsas, having voted with the prevailing side, moved reconsideration of the **committee amendment (1444)**, whereby it was voted down.

**The question is on the motion of reconsideration.**

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

**Seconded by Senator Kenney.**

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

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

**Yeas: 14 - Nays: 9**

**Adopted.**

**The question is on the adoption of the committee amendment (1444).**

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

**Seconded by Senator Larsen.**

**The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Green, Flanders, Roberge, Gatsas, Barnes, Martel.**

**The following Senators voted No: Below, Odell, Peterson, O'Hearn, Foster, Clegg, Larsen, Sapareto, D'Allesandro, Estabrook, Morse, Prescott, Cohen.**

**Yeas: 10 - Nays: 13**

**Amendment failed.**

#### **MOTION TO TABLE**

Senator Larsen moved to have **HB 727-FN-L** laid on the table.

**Senator Larsen requested a roll call.**

**Senator Larsen withdrew her request for a roll call.**

**A division vote was requested.**

**Yeas: 8 - Nays: 14**

**Motion failed.**

Senator Green offered a floor amendment.

Sen. Green, Dist. 6

May 6, 2004

2004-1538s

04/01

#### **Floor Amendment to HB 727-FN-LOCAL**

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

AN ACT establishing a committee to study the issue of school choice in New Hampshire.

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

1 Committee Established. There is established a committee to study the issue of school choice in New Hampshire.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study the issue of school choice in New Hampshire. The committee is authorized to define school choice and study any issue relating to school choice which it deems relevant.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named 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.

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

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

2004-1538s

#### AMENDED ANALYSIS

This bill establishes a committee to study the issue of school choice in New Hampshire.

**Floor amendment adopted.**

**The question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**HB 803-FN-A-L**, relative to the establishment of municipal economic development and revitalization districts by municipalities. Finance Committee. Ought to Pass, Vote 6-0. Senator Below for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 1207-FN-A**, relative to a Global War on Terrorism operations service bonus payment. Finance Committee. Ought to pass with amendment, Vote 5-0. Senator Gatsas for the committee.

Senate Finance

April 28, 2004

2004-1453s

09/01

#### Amendment to HB 1207-FN-A

Amend RSA 115-A:16 as inserted by section 1 of the bill by replacing it with the following:

115-A:16 Qualifications for Bonus. Each person who actively served in any capacity as a member of the uniformed forces of the United States on or after September 11, 2001 and on or before a date to be determined by the Secretary of Defense, and who earned the expeditionary medal for Global War on Terrorism operations; and who was discharged, released or has a certificate of service therefrom, with an honorable discharge, or who is missing in action or who was killed in action; and who at the time of entry on such active service, and at the time of such service was a bona fide resident of this state shall be entitled to the benefits provided under this subdivision. A person shall demonstrate bona fide residency under this section through such person's home of record at time of entry as listed on a DD Form 214 or a written verification from a town or city clerk that such person was a resident of a New Hampshire town or city at the time of active service. No individual who has received a Global War on Terrorism operations bonus payment from another state shall be qualified to receive the benefits provided under this subdivision.

**Amendment adopted.**

**The question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**HB 1228**, relative to changes to the uniform fine schedule. Finance Committee. Ought to pass with amendment, Vote 5-0. Senator Odell for the committee.

Senate Finance

April 8, 2004

2004-1105s

09/10

#### Amendment to HB 1228

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

2 Reference Change. Amend RSA 262:44, III to read as follows:



III. The uniform fine schedule referred to in paragraph I shall be developed [~~and promulgated by the New Hampshire supreme court after approval by the legislative fiscal committee~~] ***pursuant to RSA 502-A:19-b, V.***

**Amendment adopted.**

Senator Gatsas offered a floor amendment.

Sen. Gatsas, Dist. 16

Sen. Below, Dist. 5

May 6, 2004

2004-1537s

04/09

**Floor Amendment to HB 1228**

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

AN ACT relative to changes to the uniform fine schedule; relative to imposing a nonparticipating manufacturer equity assessment; and relative to reports on the status of monthly tax refunds.

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

3 New Section; Tobacco Tax; Nonparticipating Manufacturer Equity Assessment. Amend RSA 541-C by inserting after section 3 the following new section:

**541-C:4 Nonparticipating Manufacturer Equity Assessment.**

I. In this section, "nonparticipating manufacturer" means a tobacco product manufacturer that is not a participating manufacturer within the meaning of subsection II(jj) of the Master Settlement Agreement, as defined in RSA 541-C:2, V.

II. There is levied an equity assessment, at the rate 35 cents per package of 20 for all cigarette packages of nonparticipating manufacturers to which a stamp is affixed as required under RSA 78:12.

(a) The equity assessment imposed by this section is in addition to all other assessments, fees, and taxes levied under existing law.

(b) The equity assessment imposed by this section shall be paid by affixing a stamp in the manner and at the time described in RSA 78:12.

(c) Except as otherwise provided in this section, the equity assessment shall be collected, paid, administered, and enforced in the same manner as the tax on cigarettes levied by RSA 78:7.

III. The purposes of this equity assessment are:

(a) To recover health care costs to the state imposed by nonparticipating manufacturers.

(b) To prevent nonparticipating manufacturers from undermining the state's policy of reducing underage smoking by offering cigarettes for sale substantially below the prices of cigarettes of other manufacturers.

(c) To protect funding, which is reduced as a result of the growth of nonparticipating manufacturer cigarette sales, for programs funded in whole or in part by payments to the state under the Master Settlement Agreement, as defined in RSA 541-C:2, V.

(d) To recoup settlement-payment revenue lost to the state as a result of nonparticipating manufacturer cigarette sales.

(e) To fund enforcement and administration of:

(1) RSA 541-C relative to tobacco manufacturers not entering the Master Settlement Agreement; and

(2) The equity assessment imposed by this section.

IV.(a) Each manufacturer, distributor, wholesaler, or retail dealer who under RSA 78:12 affixes a stamp to a package of cigarettes, shall report monthly to the commission for each place of business, the number and denominations of stamps affixed to individual packages of nonparticipating manufacturer cigarettes sold by the manufacturer, distributor, wholesaler, or retail dealer in the preceding month, including the manufacturer and brand family.

(b) A person required to file a report under this section is subject to the penalties under RSA 78:12, III for failing to file a report in a timely manner, or for supplying false or fraudulent information.



V. Funds collected under this section shall be deposited in the education trust fund as established in RSA 198:39.

4 New Subdivision; Reports on Status of Monthly Tax Refunds. Amend RSA 21-J by inserting after section 44 the following new subdivision:

Reports

21-J:45 Reports on Status of Monthly Tax Refunds.

I. The commissioner of the department of revenue administration shall report to the fiscal committee within 10 days after the close of each month, the status of monthly refunds pending from the combined general fund and education trust fund for the following taxes:

- (a) Business profits tax.
- (b) Business enterprise tax.
- (c) Interest and dividends tax.

II. This report shall include, but not be limited to, the number of refunds claimed, dollar value of refunds carried over from the prior month, current claims, paid out refunds, and refunds outstanding at the end of the month. This report shall also include the total anticipated refund for the next 3 calendar months for each tax in subparagraphs I(a)– (c).

2004-1537s

AMENDED ANALYSIS

This bill:

I. Requires that any changes to the uniform fine schedule be made by statute.

II. Imposes a nonparticipating manufacturer equity assessment of 35 cents per package of 20 for all cigarette packages of manufacturers which do not participate in the Master Settlement Agreement and requires such funds collected to be deposited in the education trust fund.

III. Requires the commissioner of the department of revenue administration to make reports to the fiscal committee on the status of monthly tax refunds.

**The question is on the adoption of the floor amendment.**

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

**Seconded by Senator Barnes.**

**The following Senators voted Yes: Gallus, Johnson, Below, Green, Flanders, Odell, Peterson, Gatsas, Barnes.**

**The following Senators voted No: Kenney, Boyce, Roberge, O'Hearn, Foster, Clegg, Larsen, Martel, Sapareto, D'Allesandro, Estabrook, Morse, Prescott, Cohen.**

**Yeas: 9 - Nays: 14**

**Floor amendment failed.**

**The question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**HB 1378-FN-A**, relative to New Hampshire service medals for veterans of World War II, the Korean War, and the Vietnam War and making an appropriation therefor. Finance Committee. Ought to pass with amendment, Vote 6-0. Senator Green for the committee.

Senate Finance

April 28, 2004

2004-1429s

09/01

**Amendment to HB 1378-FN-A**

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

AN ACT relative to New Hampshire service awards for veterans of World War II, the Korean War, and the Vietnam War and making an appropriation therefor.

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

1 New Subdivision; Service Awards for Veterans of World War II, the Korean War, and the Vietnam War. Amend RSA 115-A by inserting after section 15 the following new subdivision:

New Hampshire Service Awards

115-A:16 New Hampshire Service Awards.

I. The adjutant general shall, with the cooperation and advice of the director of the state veteran's council and the state veterans advisory committee, design and cause to be manufactured or produced service awards for service in World War II, the Korean War, and the Vietnam War. Service awards may be in the form of medals, medallions, or certificates.

II. The awards shall be designed in a manner which:

(a) Indicates the major branches of the armed forces, which are the army, navy, air force, marine corps, and coast guard.

(b) Displays the seal of the state of New Hampshire and a likeness of the "Old Man of the Mountain."

(c) Displays an inscription stating that the award is a "New Hampshire Award for Service," the name of the war in which the recipient served and the beginning and ending dates of the war.

115-A:17 Eligibility for Award. Any person who served in any of the following wars; who, if deemed necessary by the adjutant general, earned the appropriate service medal; and who was honorably discharged, or who is missing in action, or who was killed in action; and who, at the time of entry on such active service, and at the time of such service was a bona fide resident of this state shall be eligible for the award provided under this subdivision. Eligible service is service in:

I. "World War II" between December 7, 1941 and December 31, 1946.

II. The "Korean War" between June 27, 1950 and January 31, 1955.

III. The "Vietnam War" between August 5, 1964 and May 7, 1975 or between February 28, 1961 and May 7, 1975 for persons who served in Vietnam prior to August 5, 1964.

115-A:18 Application for Service Award. Any person eligible for a service award under this subdivision, or if such person is incapacitated or deceased, the surviving spouse or child of such eligible person, may apply to the adjutant general for such service award during 2-year application time periods established by the adjutant general for each war. The adjutant general shall establish application forms and procedures.

115-A:19 Rulemaking. The adjutant general shall adopt rules, pursuant to RSA 541-A, relative to:

I. The dates for the 2-year application time period for each war for which a service award may be awarded under this subdivision.

II. Application forms and procedures under RSA 115-A:18.

III. Any other matter deemed necessary by the adjutant general relative to the design, manufacture, production, or distribution of service awards under this subdivision.

115-A:20 Gifts, Grants, and Donations. Notwithstanding any other provision of law, the adjutant general may solicit and receive monetary gifts, grants, or donations for the purpose of paying costs of the design, manufacture or production, and distribution of New Hampshire service awards under this subdivision.

115-A:21 New Hampshire Service Award Fund. There is established in the office of the state treasurer a fund to be known as the New Hampshire service award fund. All monetary gifts, grants, and donations received by the adjutant general pursuant to RSA 115-A:20 shall be deposited in such fund. The fund is established to pay the costs of the design, manufacture or production, and distribution of New Hampshire service awards under this subdivision. The money in this fund shall be nonlapsing and shall be continually appropriated to the department of the adjutant general.

2 Appropriation; Adjutant General. The sum of \$10,000 is hereby appropriated to the New Hampshire service award fund for the fiscal year ending June 30, 2005, for the purposes of start-up costs for the design,

manufacture or production, and distribution of New Hampshire service awards under RSA 115-A:16-21, as inserted by section 1 of this act. This appropriation shall be nonlapsing. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Contingency. If by July 1, 2006, the funds contained in the New Hampshire service award fund are insufficient to fund the costs of the design, manufacture, and distribution of New Hampshire service awards in the form of medallions or medals, the adjutant general shall use the funds contained in the New Hampshire service award fund to design, produce, and distribute New Hampshire service awards in the form of certificates.

4 Effective Date. This act shall take effect July 1, 2004.

2004-1429s

#### AMENDED ANALYSIS

This bill establishes New Hampshire service awards for veterans of World War II, the Korean War, and the Vietnam War who were residents of New Hampshire at their time of entrance into military service. An appropriation is made to the adjutant general for purposes of design, manufacture or production, and distribution of the awards.

#### **Amendment adopted.**

Senator D'Allesandro offered a floor amendment.

Sen. Clegg, Dist. 14

Sen. Peterson, Dist. 11

Sen. O'Hearn, Dist. 12

Sen. Sapareto, Dist. 19

Sen. D'Allesandro, Dist. 20

Sen. Barnes, Dist. 17

May 6, 2004

2004-1535s

09/01

#### **Floor Amendment to HB 1378-FN-A**

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

AN ACT relative to New Hampshire service awards for veterans of World War II, the Korean War, and the Vietnam War and making an appropriation therefor; and relative to tuition waivers and room and board scholarships at state educational institutions for children of certain firefighters and police officers who died while in performance of their duties.

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

4 New Section; State College and University System; Tuition Waived for Children of Certain Firefighters and Police Officers. Amend RSA 187-A by inserting after section 20 the following new section:

187-A:20-a Tuition Waived for Children of Certain Firefighters and Police Officers; Room and Board Scholarships.

I. A person who is a New Hampshire resident, who is under 25 years of age, and who enrolls in the university of New Hampshire, Plymouth state university, or Keene state college shall not be required to pay tuition for attendance at such institution if he or she is the child of a firefighter or police officer who died while in performance of his or her duties and whose death was found to be compensable pursuant to RSA 281-A.

II. Any person entitled to free tuition under this section shall apply to the board of trustees of the university system, and the board may require such proof as it deems necessary in order for a person to qualify for free tuition under this section.

III.(a) There is hereby established in the office of the treasurer the chancellor's scholarship endowment trust fund which shall be kept distinct and separate from all other funds. The chancellor and trustees of the university system may seek and accept private donations, which shall be credited to the trust fund to provide room and board scholarships for persons who qualify for tuition waivers under this section.

(b) The state treasurer shall be the trustee of the trust fund established in this chapter and shall invest the trust fund in accordance with RSA 6:8. Any earnings on trust fund moneys shall be added to the trust fund.

(c) All moneys in the trust fund shall be nonlapsing and shall be continually appropriated to the board of trustees of the university system for purposes of providing room and board scholarships under this paragraph.

5 New Section; Regional Community-Technical Colleges; Tuition Waived for Children of Certain Firefighters and Police Officers. Amend RSA 188-F by inserting after section 16 the following new section:

188-F:16-a Tuition Waived for Children of Certain Firefighters and Police Officers.

I. A person who is a New Hampshire resident, who is under 25 years of age, and who enrolls in the regional community-technical institute or a regional community-technical college shall not be required to pay tuition for attendance at such school if he or she is the child of a firefighter or police officer who died while in performance of his or her duties and whose death was found to be compensable under RSA 281-A.

II. Any person entitled to free tuition under this section shall apply to the commissioner, who may require such proof as deemed necessary in order for a person to qualify for free tuition under this section.

6 Effective Date. This act shall take effect July 1, 2004.

2004-1535s

#### AMENDED ANALYSIS

This bill establishes New Hampshire service awards for veterans of World War II, the Korean War, and the Vietnam War who were residents of New Hampshire at their time of entrance into military service. An appropriation is made to the adjutant general for purposes of design, manufacture or production, and distribution of the awards.

The bill also waives tuition at state educational institutions for children of firefighters and police officers who died while in performance of their duties. The bill establishes the chancellor's scholarship endowment trust fund to provide room and board scholarships to persons who qualify for this tuition waiver at state college and university system institutions.

**Floor amendment adopted.**

**The question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**HB 1399-FN-A**, establishing the telecommunications planning and development fund. Finance Committee. Ought to Pass, Vote 7-0. Senator Odell for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 264**, establishing state representative districts. Internal Affairs Committee. Ought to pass with amendment, Vote 3-1. Senator Boyce for the committee.

Internal Affairs

April 28, 2004

2004-1428s

03/05

#### Amendment to HB 264

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

AN ACT relative to state senate districts.

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

1 State Senate Districts. RSA 662:3 is repealed and reenacted to read as follows:

662:3 State Senate Districts. The state is divided into 24 districts for the choosing of state senators, each of which may elect one senator. The districts shall be constituted as follows:

I. Senatorial district number 1 is constituted of Coos county and Albany, Bartlett, Bethlehem, Franconia, Hale's Location, Hart's Location, Jackson, Lincoln, Lisbon, Littleton, Livermore, Lyman, Sugar Hill, and Waterville Valley.

II. Senatorial district number 2 is constituted of Alexandria, Ashland, Bath, Benton, Bridgewater, Bristol, Campton, Center Harbor, Dorchester, Easton, Ellsworth, Groton, Haverhill, Hebron, Holderness, Landaff, Lyme, Meredith, Monroe, New Hampton, Orange, Orford, Piermont, Plymouth, Rumney, Sanbornton, Thornton, Warren, Wentworth, and Woodstock.

III. Senatorial district number 3 is constituted of Brookfield, Chatham, Conway, Eaton, Effingham, Farmington, Freedom, Madison, Middleton, Milton, Moultonborough, Ossipee, Sandwich, Tamworth, Tuftonboro, Wakefield, and Wolfeboro.

IV. Senatorial district number 4 is constituted of Alton, Barnstead, Belmont, Gilford, Gilmanton, Laconia, New Durham, Strafford, and Tilton.

V. Senatorial district number 5 is constituted of Andover, Cornish, Croydon, Danbury, Enfield, Franklin, Grafton, Grantham, Hanover, Hill, Lebanon, Plainfield, Springfield, and Wilmot.

VI. Senatorial district number 6 is constituted of Barrington, Madbury, Nottingham, Rochester, and Somersworth.

VII. Senatorial district number 7 is constituted of Antrim, Bennington, Boscawen, Bradford, Canterbury, Deering, Francestown, Hancock, Harrisville, Henniker, Hillsborough, Loudon, Nelson, Northfield, Salisbury, Warner, Weare, Webster, and Windsor.

VIII. Senatorial district number 8 is constituted of Acworth, Alstead, Charlestown, Claremont, Gilsum, Goshen, Langdon, Lempster, Marlow, New London, Newbury, Newport, Roxbury, Stoddard, Sullivan, Sunapee, Sutton, Unity, Walpole, Washington, and Westmoreland.

IX. Senatorial district number 9 is constituted of Bedford, Greenfield, Lyndeborough, Merrimack, Mont Vernon, and New Boston.

X. Senatorial district number 10 is constituted of Chesterfield, Dublin, Fitzwilliam, Hinsdale, Keene, Marlborough, Richmond, Surry, Swanzey, Troy, and Winchester.

XI. Senatorial district number 11 is constituted of Amherst, Greenville, Jaffrey, Milford, New Ipswich, Peterborough, Rindge, Sharon, Temple, and Wilton.

XII. Senatorial district number 12 is constituted of wards 1, 2, 5, and 9 in Nashua, and Brookline, Hollis, and Mason.

XIII. Senatorial district number 13 is constituted of wards 3, 4, 6, 7, and 8 in Nashua.

XIV. Senatorial district number 14 is constituted of Auburn, Hudson, and Londonderry.

XV. Senatorial district number 15 is constituted of Concord, Hopkinton, and Pembroke.

XVI. Senatorial district number 16 is constituted of wards 1, 2, and 12 in Manchester, and Bow, Candia, Dunbarton, and Hooksett.

XVII. Senatorial district number 17 is constituted of Allenstown, Brentwood, Chester, Chichester, Danville, Deerfield, Epsom, Fremont, Northwood, Pittsfield, Raymond, and Sandown.

XVIII. Senatorial district number 18 is constituted of wards 5, 6, 7, 8, and 9 in Manchester, and Litchfield.

XIX. Senatorial district number 19 is constituted of Derry, Hampstead, and Windham.

XX. Senatorial district number 20 is constituted of wards 3, 4, 10, and 11 in Manchester, and Goffstown.

XXI. Senatorial district number 21 is constituted of Dover, Durham, Epping, Lee, and Rollinsford.

XXII. Senatorial district number 22 is constituted of Atkinson, Pelham, Plaistow, and Salem.

XXIII. Senatorial district number 23 is constituted of East Kingston, Exeter, Kensington, Kingston, Newfields, Newmarket, Newton, Seabrook, South Hampton, and Stratham.

XXIV. Senatorial district number 24 is constituted of Greenland, Hampton, Hampton Falls, New Castle, Newington, North Hampton, Portsmouth, and Rye.

2 Application. The changes in state senate districts established by this act shall not affect constituencies or terms of office of senators presently in office. The state senate districts established by this act shall be in

effect for the purpose of electing senators at the 2004 state general election. If there shall be a vacancy in a state senate district for any reason prior to the 2004 state general election, the vacancy shall be filled by and from the same state senate district that existed for the 2002 state general election. No provision of this act shall affect in any manner any of the proceedings of the membership of the senate of the general court that assembled for a biennial session in January 2003.

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

2004-1428s

#### AMENDED ANALYSIS

This bill establishes new state senate districts in accordance with the latest federal decennial census.

**The question is on the adoption of the committee amendment.**

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

**Seconded by Senator Estabrook.**

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

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

**Yeas: 17 - Nays: 7**

**Amendment adopted.**

Senator Boyce offered a floor amendment.

Sen. Boyce, Dist. 4

April 28, 2004

2004-1433s

03/05

#### Floor Amendment to HB 264

Amend RSA 662:3, II as inserted by section 1 of the bill by replacing it with the following:

II. Senatorial district number 2 is constituted of Alexandria, Ashland, Bath, Benton, Bridgewater, Bristol, Campton, Canaan, Center Harbor, Dorchester, Easton, Ellsworth, Groton, Haverhill, Hebron, Holderness, Landaff, Lyme, Meredith, Monroe, New Hampton, Orange, Orford, Piermont, Plymouth, Rumney, Sanbornton, Thornton, Warren, Wentworth, and Woodstock.

**Floor amendment adopted.**

**The question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**HB 426**, relative to the monitoring and approval of appraisers by the commissioner of revenue administration. Public Affairs Committee. Ought to pass with amendment, Vote 5-0. Senator Green for the committee.

Public Affairs

April 28, 2004

2004-1441s

10/03

#### Amendment to HB 426

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

AN ACT relative to the certification of property assessors and assessing officials, the updating of tax maps by municipalities, the form for abatement applications, the enforcement of discretionary preservation easements, and the annual appraisal of real estate.

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

1 Commissioner of Revenue Administration; Municipal Assessments; Reference Corrected. Amend RSA 21-J:3, XXVI to read as follows:



XXVI. Review and report each municipality's assessments once within every 5 years pursuant to RSA 21-J:11-a[-H].

2 Revenue Administration; Rulemaking. Amend RSA 21-J:13, VI(a) and (b) to read as follows:

(a) Evidence of the ~~[financial responsibility and]~~ professional capability of personnel to be employed under contract under RSA 21-J:11; and

(b) The content of the contract to be approved under RSA 21-J:11, ***as provided in RSA 71-B.***

3 Assessing Standards Board; Guidelines. RSA 21-J:14-b, I is repealed and reenacted to read as follows:

I. The assessing standards board shall recommend guidelines and appropriate legislation relative to:

(a) 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.

(b) The establishment of guidelines for monitoring of local assessment practices by the department of revenue administration, guidelines for the adequacy of tax maps and other records, and guidelines for audit by the department of revenue administration of municipalities.

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

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

4 New Paragraph; Rulemaking by Assessing Standards Board. Amend RSA 21-J:14-b by inserting after paragraph I the following new paragraph:

I-a. The assessing standards board shall adopt rules, pursuant to RSA 541-A, relative to:

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

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

(c) The annual update and publication of an assessing procedures manual for selectmen and boards of assessors.

5 Certification and Decertification of Assessors. RSA 21-J:14-f and 21-J:14-g are repealed and reenacted to read as follows:

21-J:14-f Certification Required.

I. Every person, whether working individually, for a firm or corporation, or as a municipal employee, making appraisals of a municipality for tax assessment purposes, except elected officials making appraisals pursuant to RSA 75:1, shall be certified by the department according to rules adopted by the assessing standards board as provided in paragraph II. Department of revenue administration employees shall be certified at the level appropriate to their duties.

II. The assessing standards board shall adopt rules, pursuant to RSA 541-A, relative to qualifications for certification, requirements for continuing education, and decertification of persons required to be certified in paragraph I. Such rules shall specify the minimum qualifications with respect to education and training required for certification according to the following functional job categories ranked in ascending hierarchical order:

(a) Building measurer and lister.

(b) Property assessor trainee.

(c) Property assessor.

(d) Property assessor supervisor.

III. No person, except boards of assessors and selectmen making appraisals pursuant to RSA 75:1, shall make appraisals without first obtaining the certification required by this section. Certification is non-assignable and cannot be transferred. Any person who willfully fails to obtain certification as provided in this section shall be subject to the penalties imposed under RSA 21-J:39, IV.



## 21-J:14-g Decertification.

I. The commissioner may decertify any person or may refuse to issue or renew any certification for failure to comply with the rules of assessing standards board adopted pursuant to RSA 21-J:14-f, II.

II. Any person aggrieved by a decertification or refusal to certify of the commissioner may appeal from such decision by application to the board of tax and land appeals or by petition to the superior court in the county in which such person resides or maintains his or her business within 30 days after receiving written notice of the commissioner's decision. The board of tax and land appeals or the court, as the case may be, shall hear the appeal forthwith.

6 Application; Certification of Assessors. All persons approved or certified by the department or by the New Hampshire Association of Assessing Officials on the effective date of this act shall be deemed certified subject to those rules or standards for continuing education and revocation or suspension of certification adopted by the commissioner of revenue administration until the assessing standards board adopts, repeals, or replaces such rules under RSA 21-J:14-b, I-a and the department implements the board's rules.

7 Commissioner of Revenue Administration; Assessors; Decertification. Amend RSA 21-J:3, XVIII to read as follows:

XVIII. Hear appeals on disputed taxes, penalties, and interest and on ~~[certification suspension, revocation;]~~ **decertification** or rejection under RSA 21-J:14-g.

8 Commissioner of Revenue Administration; Assessors; Rulemaking; Decertification. Amend RSA 21-J:13, XII to read as follows:

XII. Certification, **decertification**, enforcement, and hearing requirements under RSA 21-J: 14-f and 21-J:14-g.

9 Certified Assessors; Criminal Penalties. Amend RSA 21-J:39, IV(c) to read as follows:

(c) Any person who violates subparagraph (a) or (b) shall be guilty of ~~[violation]~~ **a class B misdemeanor**.

10 Tax Maps; Scale; Updating. Amend RSA 31:95-a, II-IV read as follows:

II.(a) The scale on a tax map shall be meaningful and adequately represent the land contained on the map, taking into consideration the urban or rural character of the land. The scale shall be sufficient to allow the naming and numbering of, and the placement of dimensions within, **if possible**, the parcel represented in the individual plat.

(b) Nothing in this paragraph shall apply to any city or town which, prior to the imposition of such scale requirements, has drawn a tax map, appropriated funds or contracted with any person or firm to prepare a tax map or expended funds in the initial phase of preparing a tax map.

III. Each parcel shall be identified by a map and parcel number and shall be indexed alphabetically by owner's name and numerically by parcel number.

IV. Tax maps shall be ~~[continually]~~ updated **at least annually** to indicate ownership and parcel size changes.

11 Assessing Standards Board; Municipal Official; Designee. Amend RSA 21-J:14-a, II(f) to read as follows:

(f) Three members appointed by the governor with the consent of council, one of whom shall be a municipal governing body official **or designee who shall not be an assessor** for a town with a population of less than 5,000; one of whom shall be a municipal governing body official **or designee who shall not be an assessor** for a town with a population of more than 5,000; and one of whom shall be a municipal governing body official **or designee who shall not be an assessor** 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.

12 New Subparagraph; Abatements; By Selectmen or Assessors; Form. Amend RSA 76:16, III by inserting after subparagraph (g) the following new subparagraph:

(h) The statement: "If an abatement is granted and taxes have been paid, interest on the abatement shall be paid in accordance with RSA 76:17-a. Any interest paid to the applicant must be reported by the municipality to the United States Internal Revenue Service, in accordance with federal law. Prior to the

payment of an abatement with interest, the taxpayer shall provide the municipality with the applicant's social security number or federal tax identification number. Municipalities shall treat the social security or federal tax identification information as confidential and exempt from a public information request under RSA 91-A."

13 Assessment Report; Appeals. Amend RSA 21-J:11-a, II to read as follows:

II. 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, ***but may not be used as a basis for appeal to the board of tax and land appeals under RSA 71-B until after the municipality's 5-year review under RSA 21-J:3, XXVI is complete and provided that the assessing standards board has adopted standards under RSA 21-J:14-b, I-a.***

14 Discretionary Preservation Easements; Enforcement. Amend RSA 79-D:13 to read as follows:

79-D:13 Enforcement. All taxes levied pursuant to RSA 79-D:8 which are not paid when due shall be collected in the same manner as provided in RSA ~~[80:1-80:42]~~ **80.**

15 New Section; Appraisal of Taxable Property; Annual Appraisal. Amend RSA 75 by inserting after section 8-a the following new section:

75:8-b Annual Appraisal. Except when assessing real estate under RSA 75:8-a, any municipality intending to appraise real estate annually at market value, as defined in RSA 75:1, shall authorize such annual appraisal by a majority vote of the governing body. The governing body shall hold 2 public hearings regarding the annual appraisal process at least 15 days, but not more than 60 days, prior to the governing body's authorization vote. Any municipality annually appraising real estate at market value shall provide notification of changes to the assessed valuation prior to the issuance of the final tax bill, either by individual notice to the property owner, by public notice in a newspaper of general circulation, or by any other means deemed appropriate by the governing body.

16 Repeal. RSA 71-B:5, V, relative to petitions for corrective action before the board of tax and land appeals, is repealed.

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

2004-1441s

#### AMENDED ANALYSIS

This bill:

I. Provides for the certification and decertification of assessors of taxable property by the commissioner of revenue administration and the assessing standards board.

II. Allows towns and cities to change the scale and updating of tax maps, and requires certain information on abatement application forms.

III. Changes a reference to enforcement procedures applicable to discretionary preservation easements.

IV. Establishes procedures by which a municipality may adopt annual appraisals of real estate.

#### **Amendment adopted.**

Senator Gatsas offered a floor amendment.

Sen. Gatsas, Dist. 16

May 6, 2004

2004-1541s

01/03

#### **Floor Amendment to HB 426**

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

AN ACT relative to the certification of property assessors and assessing officials, the updating of tax maps by municipalities, the form for abatement applications, the enforcement of discretionary preservation easements, the annual appraisal of real estate, and reports on the status of monthly tax refunds.

Amend the bill by replacing all after section 16 with the following:

17 New Subdivision; Reports on Status of Monthly Tax Refunds. Amend RSA 21-J by inserting after section 44 the following new subdivision:

## Reports

## 21-J:45 Reports on Status of Monthly Tax Refunds.

I. The commissioner of the department of revenue administration shall report to the fiscal committee of the general court within 10 days after the close of each month, the status of monthly refunds pending from the combined general fund and education trust fund for the following taxes:

- (a) Business profits tax.
- (b) Business enterprise tax.
- (c) Interest and dividends tax.

II. This report shall include, but not be limited to, the number of refunds claimed, dollar value of refunds carried over from the prior month, current claims, paid out refunds, and refunds outstanding at the end of the month. This report shall also include the total anticipated refund for the next 3 calendar months for each tax in subparagraphs I(a)– (c).

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

2004-1541s

## AMENDED ANALYSIS

This bill:

I. Provides for the certification and decertification of assessors of taxable property by the commissioner of revenue administration and the assessing standards board.

II. Allows towns and cities to change the scale and updating of tax maps, and requires certain information on abatement application forms.

III. Changes a reference to enforcement procedures applicable to discretionary preservation easements.

IV. Establishes procedures by which a municipality may adopt annual appraisals of real estate.

V. Requires the commissioner of the department of revenue administration to make reports to the fiscal committee on the status of monthly tax refunds.

**Floor amendment adopted.**

Senator Cohen offered a floor amendment.

Sen. Cohen, Dist. 24

Sen. Gallus, Dist. 1

May 3, 2004

2004-1470s

05/09

**Floor Amendment to HB 426**

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

AN ACT relative to the certification of property assessors and assessing officials, the updating of tax maps by municipalities, the form for abatement applications, the enforcement of discretionary preservation easements, and the annual appraisal of real estate, and state contracts for telemarketing services and the identification of telemarketers.

Amend the bill by replacing all after section 16 with the following:

17 New Subdivision; State Contracts for Telemarketing Services. Amend RSA 21-I by inserting after section 22-d the following new subdivision:

## State Contracts for Telemarketing Services

## 21-I:22-e State Contracts for Telemarketing Services.

I. Notwithstanding the provisions of RSA 21-I:18, every request for telemarketing services or telephone center services by the state or by a state agency as defined in RSA 21-I:11, I(b), including those agencies referenced in RSA 21-I:18, shall require that vendors may only employ the services of persons authorized to work in the United States under federal law to perform telemarketing or telephone center services on behalf of the state and such services shall be performed in the United States.

II. Each vendor submitting a bid or contract to provide services for the state under paragraph I shall certify that only its employees who are authorized to work in the United States shall perform services under the contract. Any person who knowingly submits a false certification shall be guilty of a class A felony.

III. A contract entered into or performed in violation of this section shall be void. A contract that is void under this section may continue in effect until an alternative contract can be entered into when immediate termination would result in harm to the public health or welfare and the continuation is approved by the governor and council. The governor and council shall approve the continuation of the contract for the minimum period necessary to protect the public health or welfare.

IV. Contracts for telemarketing services shall, to the extent feasible, be awarded to bidders agreeing to perform the work in economically disadvantaged areas of the state.

18 New Section; Right to Telemarketing Information. Amend RSA 359-E by inserting after section 8 the following new section:

359-E:8-a Right to Telemarketing Information.

I. Any person making a telemarketing sales call to a customer shall provide the following information upon request:

- (a) The city, state, and country where the person is located.
- (b) The person's name or registered alias.
- (c) The person's employer.

II. Any person making a telemarketing sales call to a customer, upon request, shall permit the customer to speak to an employee of the company or the government agency on whose behalf the telemarketing call is being made.

III. No telemarketer shall transfer a person's financial, credit, or identifying information to any foreign country without express written permission.

19 Effective Date.

I. Sections 17 and 18 of this act shall take effect 60 days after its passage.

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

2004-1470s

#### AMENDED ANALYSIS

This bill:

I. Provides for the certification and decertification of assessors of taxable property by the commissioner of revenue administration and the assessing standards board.

II. Allows towns and cities to change the scale and updating of tax maps, and requires certain information on abatement application forms.

III. Changes a reference to enforcement procedures applicable to discretionary preservation easements.

IV. Establishes procedures by which a municipality may adopt annual appraisals of real estate.

V. Establishes certain requirements for state contracts for telemarketing services.

VI. Requires telemarketers to provide certain information upon request of the people they call.

VII. Prohibits telemarketers from transferring certain information to foreign countries without written permission.

**Floor amendment failed.**

Senator Larsen offered a floor amendment.

Sen. Larsen, Dist. 15

Sen. Foster, Dist. 13

Sen. Below, Dist. 5

May 5, 2004

2004-1510s

10/09

#### Floor Amendment to HB 426

Amend the bill by deleting section 13 and renumbering the original sections 14 - 17 to read as 13 - 16, respectively.

**Floor amendment failed.**

Senator Below offered a floor amendment.

Sen. Below, Dist. 5  
 May 6, 2004  
 2004-1521s  
 10/05

### **Floor Amendment to HB 426**

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

AN ACT relative to the certification of property assessors and assessing officials, the updating of tax maps by municipalities, the form for abatement applications, and the enforcement of discretionary preservation easements.

Amend the bill by deleting section 15 and renumbering the original sections 16 and 17 to read as 15 and 16, respectively.

2004-1521s

### **AMENDED ANALYSIS**

This bill:

I. Provides for the certification and decertification of assessors of taxable property by the commissioner of revenue administration and the assessing standards board.

II. Allows towns and cities to change the scale and updating of tax maps, and requires certain information on abatement application forms.

III. Changes a reference to enforcement procedures applicable to discretionary preservation easements.

**Floor amendment failed.**

**The question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**HB 1428-FN**, relative to the administration of the medical assistance program for home care for children with severe disabilities and establishing a commission to review the medical assistance program for home care for children with severe disabilities. Public Affairs Committee. Ought to pass with amendment, Vote 3-2. Senator Morse for the committee.

Public Affairs  
 April 28, 2004  
 2004-1451s  
 05/10

### **Amendment to HB 1428-FN**

Amend RSA 167:3-e as inserted by section 2 of the bill by inserting after paragraph II the following new paragraphs:

III. To be eligible for home care for children with severe disabilities, a child shall, at a minimum, have an impairment or combination of impairments that meets, medically equals, or functionally equals the criteria for an impairment as listed in 20 CFR, Part 404, Subpart P, App. 1.

IV. A child who has been determined to meet the requirements of institutional level of care shall receive services to the extent the estimated cost of care outside an institution is no higher than the estimated medicaid cost of appropriate institutional care.

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 10:

8 Public Assistance; Department of Health and Human Services Rulemaking; Age Limit for Medical Assistance Program Eligibility. Amend RSA 167:3-c, VI to read as follows:

VI. Establishing an optional state coverage group under RSA 167:6, VII to provide medical assistance for children under the age of ~~18~~ **19** years who are severely disabled.

9 Department of Health and Human Services; General Fund Appropriation Reduction. Notwithstanding the general fund appropriation reduction requirement in 2003, 318:9, II, and any action taken by the fiscal committee of the general court pursuant thereto, the department of health and human services shall not reduce the appropriation to the medical assistance program for home care for children with severe disabilities for the biennium ending June 30, 2005.

2004-1451s

## AMENDED ANALYSIS

This bill:

I. Establishes a position in the department of health and human services to assist recipients of home care for children with severe disabilities in obtaining reimbursement or payment from private insurers whenever possible, and appropriates \$1 in each year of the biennium to fund the position.

II. Establishes program eligibility criteria for home care for children with severe disabilities and authorizes the department to loan specialized equipment to program participants.

III. Directs the department to adopt the expired rules regulating home care for children with severe disabilities as interim rules and provides that such rules shall remain in effect until July 1, 2005.

IV. Establishes a commission to study the medical assistance program.

V. Expands the definition of health carrier for purposes of disclosing insurance information to the department of health and human services for medicaid reimbursement.

VI. Permits the department to seek reimbursement or payment from a health carrier for a medical assistance recipient if the claim is made within 5 years of the service.

VII. Prohibits a reduction in the appropriation to the home care program for children with severe disabilities for the biennium ending June 30, 2005.

**Senator Boyce moved to divide the question.**

**The Chair declared the question is nondivisible.**

**The question is on adoption of the committee amendment.**

**Amendment adopted.**

Senator Gatsas offered a floor amendment.

Sen. Gallus, Dist. 1  
 Sen. Johnson, Dist. 2  
 Sen. Kenney, Dist. 3  
 Sen. Roberge, Dist. 9  
 Sen. Eaton, Dist. 10  
 Sen. Peterson, Dist. 11  
 Sen. Clegg, Dist. 14  
 Sen. Gatsas, Dist. 16  
 Sen. Barnes, Dist. 17  
 Sen. Martel, Dist. 18  
 Sen. Sapareto, Dist. 19  
 Sen. Morse, Dist. 22  
 Sen. Larsen, Dist. 15  
 Sen. Below, Dist. 5  
 Sen. Cohen, Dist. 24  
 Sen. Foster, Dist. 13  
 May 6, 2004  
 2004-1528s  
 05/03

**Floor Amendment to HB 1428-FN**

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

AN ACT relative to the administration of the medical assistance program for home care for children with severe disabilities; establishing a commission to review the medical assistance program for home care for children with severe disabilities; and relative to the use of standardized health statements and renewals of certain insurance policies.

Amend the bill by replacing all after section 9 with the following:

10 Medical Underwriting; Standardized Health Statements. Amend RSA 420-G:5, I to read as follows:



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

11 New Paragraph; Medical Underwriting; Standardized Health Statements. Amend RSA 420-G:5 by inserting after paragraph VI the following new paragraph:

VII. Health carriers and health insurance producers shall ensure that persons seeking coverage through a small employer group who are required to complete a health statement have an option to convey the required information directly to the carrier or the producer through a secure means and bypassing the employer.

12 Maximum Small Group Renewal Increases. Amend RSA 420-G:4, I(e)(7) to read as follows:

(7) Upon the renewal of a small employer policy, a carrier is prohibited from increasing the ***total*** premium rate by more than 25 percent of the rate that was charged in the preceding year ***including trend or, if the policy has been in force for longer than one year, by more than 50 percent of the rate including trend that was charged by that carrier in the year prior to the year immediately preceding renewal.*** ~~[Such rate increase limitation shall not include any premium rate increase that is based on a carrier's annual cost and utilization trends or changes in the rating factor for attained age of covered persons.]~~

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

14 Effective Date.

I. Sections 6 and 7 of this act shall take effect January 1, 2005.

II. Section 13 of this act shall take effect January 1, 2006.

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

2004-1528s

#### AMENDED ANALYSIS

This bill:

I. Establishes a position in the department of health and human services to assist recipients of home care for children with severe disabilities in obtaining reimbursement or payment from private insurers whenever possible, and appropriates \$1 in each year of the biennium to fund the position.

II. Establishes program eligibility criteria for home care for children with severe disabilities and authorizes the department to loan specialized equipment to program participants.

III. Directs the department to adopt the expired rules regulating home care for children with severe disabilities as interim rules and provides that such rules shall remain in effect until July 1, 2005.

IV. Establishes a commission to study the medical assistance program.

V. Expands the definition of health carrier for purposes of disclosing insurance information to the department of health and human services for medicaid reimbursement.

VI. Permits the department to seek reimbursement or payment from a health carrier for a medical assistance recipient if the claim is made within 5 years of the service.

VII. Prohibits a reduction in the appropriation to the home care program for children with severe disabilities for the biennium ending June 30, 2005.

VIII. Clarifies when standardized health statements are to be used for medical underwriting and clarifies premium rates for renewals of small employer policies.

**The question is on the adoption of the floor amendment.**

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

**Seconded by Senator Prescott.**



**The following Senators voted Yes: Gallus, Johnson, Kenney, Odell, Roberge, Peterson, Foster, Clegg, Larsen, Gatsas, Barnes, Martel, Morse, Cohen.**

**The following Senators voted No: Boyce, Below, Green, Flanders, O'Hearn, D'Allesandro, Estabrook, Prescott.**

**Yeas: 14 - Nays: 8**

**Floor amendment adopted.**

**Senator Boyce moved to divide the question.**

**The Chair declared it was nondivisible.**

**Senator Boyce moved to appeal from the ruling of the Chair.**

**Motion failed.**

**The question is on the adoption of the bill as amended.**

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

**Seconded by Senator Barnes.**

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

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

**Yeas: 20 - Nays: 1**

**Adopted.**

**Ordered to third reading.**

**HJR 25**, requested by the joint legislative committee on administrative rules relative to a certain rule proposed by the department of transportation. Transportation Committee. Ought to Pass, Vote 3-0. Senator Kenney for the committee.

**Adopted.**

**Ordered to third reading.**

#### **HOUSE MESSAGE**

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

**SB 343**, relative to landowner permission for OHRV operation and relative to loading and unloading OHRVs on highways.

#### **SENATE NONCONCURS WITH HOUSE AMENDMENT**

**SB 343**, relative to landowner permission for OHRV operation and relative to loading and unloading OHRVs on highways.

Senator Gallus moved to concur.

**Motion failed.**

**Senator Barnes moved to nonconcur.**

**Adopted.**

#### **MOTION TO TAKE OFF THE TABLE**

Senator Roberge moved to have **HB 651-FN** taken off the table.

**Adopted.**

**HB 651-FN**, relative to the purchase of prior service credit in the retirement system, and repealing certain provisions permitting additional contributions.

**The question is on the adoption of the committee amendment (1157).**

**Amendment adopted.**

Senator Roberge offered a floor amendment.

Sen. Roberge, Dist. 9

May 6, 2004

2004-1534s

10/03

**Floor Amendment to HB 651-FN**

Amend RSA 100-A:28 as inserted by section 1 of the bill by replacing it with the following:

100-A:28 Limitation on Membership. This retirement system and the provisions hereof shall not apply to any person benefited by or entitled to participate under any other provisions of law which provides wholly or in part at the expense of the state or any other employer, for retirement benefits for employees, teachers, permanent policemen, and permanent firemen employed by the state or such other employer, their widows or other dependents, with respect to the same period of service for which they are eligible for benefits under the terms of this chapter. The provisions of this section shall not apply to any person participating in, or receiving or eligible to receive benefits under the old-age and survivors insurance provisions of Title II of the federal Social Security Act, as amended or under a retirement arrangement federally tax-qualified under sections 403(b) or 457 of the United States Internal Revenue Code of 1986, as amended. The provisions of this section shall not apply with respect to the purchase of prior service credit under RSA 100-A:3, VI by any person who had participated in or deemed eligible to receive benefits under a retirement arrangement funded, wholly or in part, by contributions from a political subdivision of the state, or an agency or instrumentality of a political subdivision of the state; provided, that such arrangement shall first be terminated in full, but in no event later than December 31, 2005; and, further provided, that the benefits thereunder shall be distributed in their entirety to eligible participants and beneficiaries in accordance with the terms and conditions of such terminated retirement arrangement.

**Floor amendment adopted.**

**The question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**MOTION TO TAKE OFF THE TABLE**

Senator Below moved to have **HB 1148** taken off the table.

**Adopted.**

**HB 1148**, defining a wetland for the purpose of fill and dredge in wetlands and for local land use planning.

**The question is on the adoption of the committee amendment (1096).**

**Amendment failed.**

Senator Below offered a floor amendment.

Sen. Below, Dist. 5

Sen. Johnson, Dist. 2

Sen. Barnes, Dist. 17

Sen. Flanders, Dist. 7

May 6, 2004

2004-1536s

10/03

**Floor Amendment to HB 1148**

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

AN ACT defining a wetland for the purpose of fill and dredge in wetlands and for local land use planning, relative to the wetlands council appeal process, relative to Smith Pond in Enfield, and relative to site plan review of certain trails.

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

1 New Paragraph; Definitions; Wetlands. Amend RSA 482-A:2 by inserting after paragraph IX the following new paragraph:

X. "Wetlands" means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

2 New Subdivision; Wetlands. Amend RSA 674 by inserting after section 54 the following new subdivision:

#### Wetlands

674:55 Wetlands. Wherever the term "wetlands," whether singular or plural, is used in regulations and ordinances adopted pursuant to this chapter, such term shall be given the meaning in RSA 482-A:2, X and the delineation of wetlands for purposes of such regulations and ordinances shall be as prescribed in rules adopted under RSA 482-A. Nothing in this subdivision shall be construed to limit the powers otherwise granted under this chapter for municipalities to plan land use and enact regulations based on consideration of environmental characteristics, vegetation, wildlife habit, open space, drainage, potential for flooding, and protection of natural resources, including critical or sensitive areas or resources and groundwater. In the context of such authority, municipalities may define and delineate resources or environmental characteristics, such as wet soils or areas, and shoreline or buffer areas, in a manner different from the common meaning and delineation of wetlands required herein.

3 Appeals; Receipt by Wetlands Council. Amend RSA 482-A:10, IV to read as follows:

IV. An appeal from a decision of the department after reconsideration shall be filed with the wetlands council within 30 days of the department's decision. ***An appeal shall be considered timely filed and received by the wetlands council if postmarked or hand delivered to the wetlands council on or before the thirtieth day from the date of the department's decision.*** Filing of the appeal shall be made by certified mail ***or hand delivery*** to the ~~[chairperson of the]~~ **wetlands** council, with a copy sent to the department. An appeal to the council shall contain a detailed description of the land involved in the department's decision and shall set forth fully every ground upon which it is claimed that the decision complained of is unlawful or unreasonable.

4 Smith Pond Repairs. Without prejudice or effect as to determinations of ownership or liability for the dam and dikes impounding Smith Pond in Enfield, a portion of which is located within the boundaries of the Enfield Wildlife Management Area, the department of environmental services is authorized to undertake repairs to such dam and dikes; provided, that the owners of the land adjacent to such dam and dikes grant permission for access to the work, to the extent that funding for such repair work is available from sources other than the department. The department is authorized to solicit and accept contributions and grants for such purpose. The department may undertake emergency repairs to or breaching of the dam or dikes impounding Smith Pond if it determines that such work is reasonably needed to protect public safety from possible accidental dam or dike failure. To the extent that funds for such emergency costs are not available from sources outside the department, the department may seek to recover such costs from the party or parties that own such dam or dikes.

5 New Paragraph; OHRVs; Regulation by Political Subdivisions; Site Plans; Review of Trails for Snow Travelling Vehicles Exempted. Amend RSA 215-A:15 by inserting after paragraph V the following new paragraph:

VI. The local legislative body of a municipality shall not by ordinance or resolution authorize the planning board to review and approve or disapprove site plans for the development, siting, maintenance, or use of trails on private property for snow travelling vehicles, as defined in RSA 215-A:1, XIII.

6 Repeal. Section 4 of this act, relative to Smith Pond repairs, is repealed.

7 Effective Date.

I. Section 5 of this act shall take effect upon its passage.

II. Section 2 of this act shall take effect July 1, 2005.

III. Section 6 of this act shall take effect December 31, 2007.

IV. The remainder of this act shall take effect July 1, 2004.

2004-1536s

## AMENDED ANALYSIS

This bill:

I. Defines "wetlands" for purposes of RSA 482-A, fill and dredge in wetlands, and for local land use planning and regulation.

II. Establishes a criterion for timely filing of an appeal to the wetlands council.

III. Authorizes the department of environmental services to undertake repairs to the dam and dikes impounding Smith Pond in Enfield to the extent that funding for such work is available from outside the department and to undertake emergency repairs or breaching of such dam or dikes to protect public safety and to seek to recover such costs from liable parties.

IV. Exempts trails for snow travelling vehicles from site plan review by a planning board.

**Floor amendment adopted.**

Senator Gallus offered a floor amendment.

Sen. Sapareto, Dist. 19

May 6, 2004

2004-1517s

06/10

**Floor Amendment to HB 1148**

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

AN ACT defining a wetland for the purpose of fill and dredge in wetlands and for local land use planning, relative to the wetlands council appeal process, relative to site plan review of certain trails, and relative to registration fees for certain OHRVs.

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 10:

7 Registration Fees; Individual Resident Registration Fee Reduced; Trail Bikes and OHRVs. Amend RSA 215-A:23, I to read as follows:

I. Individual resident registration- [~~\$42~~] **\$18** for each 2-wheeled trail bike registration, \$75 for each snow traveling vehicle registration, or [~~\$54~~] **\$18** for each other OHRV registration upon presentation of a valid driver's license issued to a New Hampshire resident 18 years of age or older. An individual resident registering a snow traveling vehicle who provides proof, at the time of registration, that the individual is a member of an organized New Hampshire nonprofit snowmobile club which is a member of the New Hampshire Snowmobile Association shall pay \$45 for each snow traveling vehicle.

(a) The first [~~\$7~~] **17 percent** of each 2-wheeled trail bike registration, \$55 for each snow traveling vehicle registration registered by an individual who does not, at the time of registration, provide proof of membership in an organized New Hampshire nonprofit snowmobile club, \$25 of each snow traveling vehicle registration registered by an individual who provides proof of membership in a snowmobile club as provided for in paragraph I of this section, or [~~\$16~~] **17 percent** of each other OHRV registration shall be appropriated to the department of resources and economic development for the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, \$10.30 from each snow traveling vehicle registration or [~~\$15.30~~] **36 percent** from each 2-wheeled trail bike or other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and \$9.70 from each snow traveling vehicle registration or [~~\$19.70~~] **47 percent** from each 2-wheeled trail bike or other OHRV registration shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

8 Registration Fees; Individual Nonresident Registration Fee Reduced; Trail Bikes and OHRVs. Amend RSA 215-A:23, III to read as follows:

III. Individual nonresident registration- [~~\$61~~] **\$19** for each 2-wheeled trail bike registration, \$90 for each snow traveling vehicle registration, or [~~\$70~~] **\$19** for each other OHRV registration. An individual nonresident registering a snow traveling vehicle who provides proof, at the time of registration, that the individual is a member of an organized New Hampshire nonprofit snowmobile club which is a member of the New Hampshire Snowmobile Association, shall pay \$60 for each snow traveling vehicle.

(a) The first ~~[\$13]~~ **21 percent** of each 2-wheeled trail bike registration, \$66 of each snow traveling vehicle registration registered by an individual who does not, at the time of registration, provide proof of membership in an organized New Hampshire nonprofit snowmobile club, \$36 of each snow traveling vehicle registration registered by an individual who provides proof, at the time of registration, of membership as provided for in paragraph III of this section, or ~~[\$22]~~ **21 percent** of each other OHRV registration shall be appropriated to the department of resources and economic development for the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, \$12.10 from each snow traveling vehicle registration or ~~[\$17.10]~~ **28 percent** from each 2-wheeled trail bike or other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and \$11.90 from each snow traveling vehicle registration or ~~[\$30.90]~~ **51 percent** from each 2-wheeled trail bike or other OHRV registration shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

9 Off Highway Vehicles and Trails; Fish and Game Department Contracting Amounts Changed. Amend RSA 215-A:23, VIII (f) to read as follows:

(f) Contracting with state, county, and local law enforcement agencies to enforce the provisions of this chapter relative to ATV use. ~~[Ten dollars]~~ **The amount** of each resident trail bike and other OHRV registration fee appropriated to the department of fish and game under RSA 215-A:23, I(b), and ~~[\$19]~~ of each non-resident trail bike and other OHRV registration fee appropriated to the department of fish and game under RSA 215-A:23, III(b) shall be used exclusively for such contracting and shall not be transferred or diverted to any other purpose.

2004-1517s

#### AMENDED ANALYSIS

This bill:

I. Defines "wetlands" for purposes of RSA 482-A, fill and dredge in wetlands, and for local land use planning and regulation.

II. Establishes a criterion for timely filing of an appeal to the wetlands council.

III. Authorizes the department of environmental services to undertake repairs to the dam and dikes impounding Smith Pond in Enfield to the extent that funding for such work is available from outside the department and to undertake emergency repairs or breaching of such dam or dikes to protect public safety and to seek to recover such costs from liable parties.

IV. Exempts trails for snow travelling vehicles from site plan review by a planning board.

V. Reduces the registration fee for resident and nonresident OHRV and trail bike registrations and apportions a percentage of the fee to the department of resources and economic development and to the fish and game department.

**Floor amendment failed.**

**The question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

#### MOTION TO TAKE OFF THE TABLE

Senator Flanders moved to have **HB 1335-L** taken off the table.

**Adopted.**

**Senator Barnes is in opposition to the motion of taking HB 1335-L off the table.**

**HB 1335-L**, establishing a commission to examine the workers' compensation system in New Hampshire.

**The question is on the adoption of the committee amendment (1277).**

**Amendment failed.**

Senator Flanders offered a floor amendment.

Sen. Flanders, Dist. 7  
 May 4, 2004  
 2004-1499s  
 05/10

### Floor Amendment to HB 1335-LOCAL

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

AN ACT establishing a committee to examine the workers' compensation system in New Hampshire and relative to third person liability under workers' compensation laws.

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

1 Committee Established. There is established a committee to study the workers' compensation system in New Hampshire.

2 Membership and Compensation.

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

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

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

II. Members of the committee shall serve without compensation but shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall examine worker's compensation laws and procedures in the state of New Hampshire. The committee may solicit such additional information as may assist the committee in its study.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2005.

6 Workers' Compensation; Liability of Third Person. Amend RSA 281-A:13, I(b) to read as follows:

(b) The employer, or the employer's insurance carrier, shall have a lien on the amount of damages or benefits recovered by the employee, less the expenses and costs of action, to the extent of the compensation, medical, hospital, **vocational rehabilitation**, or other remedial care already paid or agreed or awarded to be paid by the employer, or the employer's insurance carrier, under this chapter, less the employer's or the employer's insurance carrier's pro rata share of expenses and costs of action as determined in paragraph IV.

7 Workers' Compensation; Recovery Against Third Person. Amend RSA 281-A:13, IV to read as follows:

IV. Whenever there is a recovery against a third person under paragraph I, II, or III, the commissioner, the arbitrator, or the superior court, as the case may be, shall order ~~[such]~~ **a pro rata** division of expenses and costs of action, including attorneys' fees, between the employer or the employer's insurance carrier and the employee ~~[as justice may require]~~ **in proportion to the amount each recovers from the third person. Whenever such recovery exceeds the amount of the employer's or employer's insurance carrier's lien at the time of such recovery, the employer or the employer's insurance carrier shall be entitled to claim credit to the extent of such excess against benefits under this chapter which may become payable to the employee in the future on account of the same injury. The employer's or employer's insurance carrier's share of expenses, costs, and attorneys' fees shall become payable when the credit is actually taken against future benefits.**

8 Applicability. Section 7 of this act applies to any recovery against a third person after the effective date of this act.

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

2004-1499s

### AMENDED ANALYSIS

This bill establishes a committee to study the workers' compensation system. The bill also clarifies when the employer's or employer's insurance carrier's share of expenses and costs become payable to the employee when the employee is awarded a recovery against a third party.



**Floor amendment adopted.**

**The question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**MOTION TO TAKE OFF THE TABLE**

Senator Prescott moved to have **HB 369** taken off the table.

**Adopted.**

**HB 369**, relative to the Henniker and Hillsborough district courts.

**The question is on the adoption of the committee amendment (1416).**

**Amendment adopted.**

Senator Prescott offered a floor amendment.

Sen. Prescott, Dist. 23

Sen. Flanders, Dist. 7

May 6, 2004

2004-1539s

09/01

**Floor Amendment to HB 369**

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

AN ACT relative to the Henniker and Hillsborough district courts and to the Hampton and Exeter district courts.

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

1 Henniker District Court. Amend RSA 502-A:1, XV to read as follows:

XV. [HENNIKER-HILLSBOROUGH] **HENNIKER** DISTRICT. The [Henniker-Hillsborough] **Henniker** district shall consist of the towns of Henniker, Warner, and Bradford in Merrimack county [and the towns of Hillsborough, Deering, Windsor, Antrim and Bennington in Hillsborough county]. The **district** court **for the district** shall be located in [a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall hold sessions regularly at the principal court location and elsewhere in the district as justice may require. Special sessions of said court for cases arising from the town of Henniker shall be held at the principal court location as the caseload and justice requires. The court shall bear the name of the city or town in which it is located.] **Henniker, holding sessions regularly therein and elsewhere in the district as justice may require. The name of this court shall be the Henniker District Court.**

2 Hillsborough District Court. Amend RSA 502-A:1, XXIII to read as follows:

XXIII. [HENNIKER-HILLSBOROUGH] **HILLSBOROUGH** DISTRICT. The [Henniker-Hillsborough] **Hillsborough** district shall consist of the towns of [Henniker, Warner, and Bradford in Merrimack county and the towns of] Hillsborough, Deering, Windsor, Antrim and Bennington in Hillsborough county. The **district** court **for the district** shall be located in [a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall bear the name of the city or town in which it is located.] **Hillsborough, holding sessions regularly therein and elsewhere in the district as justice may require. The name of this court shall be the Hillsborough District Court.**

3 Henniker-Hillsborough District Court. RSA 502-A:1, XV is repealed and reenacted to read as follows:

XV. HENNIKER-HILLSBOROUGH DISTRICT. The Henniker-Hillsborough district shall consist of the towns of Henniker, Warner, and Bradford in Merrimack county and the towns of Hillsborough, Deering, Windsor, Antrim and Bennington in Hillsborough county. The court shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation



commission pursuant to RSA 490:5-c. The court shall hold sessions regularly at the principal court location and elsewhere in the district as justice may require. Special sessions of said court for cases arising from the town of Henniker shall be held at the principal court location as the caseload and justice requires. The court shall bear the name of the city or town in which it is located.

4 Henniker-Hillsborough District Court RSA 502-A:1, XXIII is repealed and reenacted to read as follows:

XXIII. HENNIKER-HILLSBOROUGH DISTRICT. The Henniker-Hillsborough district shall consist of the towns of Henniker, Warner, and Bradford in Merrimack county and the towns of Hillsborough, Deering, Windsor, Antrim and Bennington in Hillsborough county. The court shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall bear the name of the city or town in which it is located.

5 Contingency. If the department of administrative services and the towns in the Henniker and Hillsborough districts cannot reach an agreement on acceptable courthouse facilities and funding for courthouse facilities for each district on or before June 30, 2006, sections 3 and 4 of this act shall take effect July 1, 2006. If the department of administrative services and the towns in the Henniker and Hillsborough districts reach an agreement on acceptable courthouse facilities and funding for courthouse facilities for each district on or before June 30, 2006, sections 3 and 4 of this act shall not take effect.

6 Hampton District Court. Amend RSA 502-A:1, II to read as follows:

II. [~~HAMPTON-EXETER~~] **Hampton** DISTRICT. The [~~Hampton-Exeter~~] **Hampton** district shall consist of the towns of Hampton, Hampton Falls, North Hampton, South Hampton, **and** Seabrook[, ~~Exeter, Newmarket, Stratham, Newfields, Fremont, East Kingston, Kensington, Epping, and Brentwood~~]. The **district** court **for the district** shall be located in [~~a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall bear the name of the city or town in which it is located~~] **Hampton, holding sessions regularly therein and elsewhere in the district as justice may require. The name of this court shall be the Hampton District Court.**

7 New Paragraph; Exeter District Court. Amend RSA 502-A:1 by inserting after paragraph II the following new paragraph:

II-a. EXETER DISTRICT. The Exeter district shall consist of the towns of Exeter, Newmarket, Stratham, Newfields, Fremont, East Kingston, Kensington, Epping and Brentwood. The district court for the district shall be located in Exeter, holding sessions regularly therein and elsewhere in the district as justice may require. The name of this court shall be the Exeter District Court.

8 HAMPTON-EXETER DISTRICT. RSA 502-A:1, II is repealed and reenacted to read as follows:

II. HAMPTON-EXETER DISTRICT. The Hampton-Exeter district shall consist of the towns of Hampton, Hampton Falls, North Hampton, South Hampton, Seabrook, Exeter, Newmarket, Stratham, Newfields, Fremont, East Kingston, Kensington, Epping, and Brentwood. The court shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall bear the name of the city or town in which it is located.

9 Repeal. RSA 502-A:1, II-a, relative to the Exeter District court, is repealed.

10 Contingency. If the department of administrative services and the towns in the Hampton and Exeter districts cannot reach an agreement on acceptable courthouse facilities and funding for courthouse facilities for each district on or before June 30, 2006 sections 8 and 9 of this act shall take effect July 1, 2006. If the department of administrative services and the towns in the Hampton and Exeter districts reach an agreement on acceptable courthouse facilities and funding for courthouse facilities for each district on or before June 30, 2006, sections 8 and 9 of this act shall not take effect.

11 Effective Date.

I. Sections 3 and 4 of this act shall take effect as provided in section 5 of this act.

II. Sections 8 and 9 of this act shall take effect as provided in section 10 of this act.

III. The remainder of this act shall take effect July 1, 2004.

2004-1539s

**AMENDED ANALYSIS**

This bill prevents the consolidation of the Henniker district court and Hillsborough district court, if certain conditions are met regarding court facilities.

This bill also prevents the consolidation of the Hampton District court and the Exeter District court under 1992, 253, if certain conditions are met regarding court facilities.

**Senator Foster moved to divide the question.**

**The Chair moved that the question is divisible.**

**Senator Foster withdrew his request.**

**The question is on the adoption of the floor amendment.**

**MOTION TO TABLE**

Senator Gatsas moved to have **HB 369** laid on the table.

**Motion failed.**

**The question is on the adoption of the floor amendment.**

**A division vote is requested.**

**Yeas: 9 - Nays: 12**

**Floor amendment failed.**

**MOTION TO TABLE**

Senator Clegg moved to have **HB 369** laid on the table.

**Adopted.**

**LAID ON THE TABLE**

**HB 369**, relative to the Henniker and Hillsborough district courts.

**MOTION TO TAKE OFF THE TABLE**

Senator Larsen moved to have **HB 1376** taken off the table.

**HB 1376**, relative to agency fees assessed pursuant to public employer collective bargaining agreements.

**The question is on the motion to take off the table.**

**A division voted was requested**

**Yeas: 5 - Nays: 16**

**Motion failed.**

Senator Larsen offered a resolution.

2004 SESSION

04-3267

05/09

**SENATE RESOLUTION 6**

**A RESOLUTION** urging the Department of Housing and Urban Development to rescind the limitation on rental assistance under the Section 8 Housing Choice Voucher Program.

**SPONSORS:** Sen. Larsen, Dist 15; Sen. Green, Dist 6; Sen. Clegg, Dist 14; Sen. Eaton, Dist 10; Sen. Gallus, Dist 1; Sen. Johnson, Dist 2; Sen. Kenney, Dist 3; Sen. Below, Dist 5; Sen. Flanders, Dist 7; Sen. Odell, Dist 8; Sen. Roberge, Dist 9; Sen. Peterson, Dist 11; Sen. O'Hearn, Dist 12; Sen. Foster, Dist 13; Sen. Gatsas, Dist 16; Sen. Barnes, Dist 17; Sen. Martel, Dist 18; Sen. Sapareto, Dist 19; Sen. D'Allesandro, Dist 20; Sen. Estabrook, Dist 21; Sen. Morse, Dist 22; Sen. Prescott, Dist 23; Sen. Cohen, Dist 24

**COMMITTEE:**

**ANALYSIS**

This senate resolution urges the Department of Housing and Urban Development to rescind the limitation on rental assistance under the Section 8 Housing Choice Voucher Program.

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Four*

A RESOLUTION urging the Department of Housing and Urban Development to rescind the limitation on rental assistance under the Section 8 Housing Choice Voucher Program.

Whereas, the United States Congress passed an appropriation for the Section 8 Housing Choice Voucher Program intended to fully fund all existing vouchers; and

Whereas, in late April, with only 60 days remaining in the fiscal year of many housing finance authorities, including the New Hampshire housing finance authority, the Department of Housing and Urban Development notified the agencies of a change in the rules for federal reimbursement of voucher expenditures; and

Whereas, the New Hampshire housing finance authority anticipates an estimated \$1,700,000 shortfall with few options for making up that shortfall; and

Whereas, the New Hampshire housing finance authority faces the potential of denying payment for one month's rent to 2,900 households, of which 1/3 are elderly, 1/3 are disabled, and 1/3 are low-income working households; and

Whereas, the reduction in rental assistance will have long term repercussions on the financial soundness of the Housing Choice Voucher Program in New Hampshire, and a devastating impact on landlords, the viability of certain low income housing developments, local community assistance budgets, and consequently on local property taxpayers; now, therefore, be it

Resolved by the Senate:

That the New Hampshire senate hereby calls upon the New Hampshire Congressional delegation to take all necessary steps to require the Department of Housing and Urban Development to rescind the limitation on rental assistance under the Section 8 Housing Choice Voucher Program and to prevent the budget reduction that threatens the financial stability of nearly 3,000 households in New Hampshire; and

That copies of this resolution be sent by the senate clerk to the President of the United States, the Speaker of the United States House of Representatives, the Majority and Minority Leaders of the United States Senate, the Commissioner of the Department of Housing and Urban Development, and to each member of the New Hampshire Congressional delegation.

**Adopted.**

**Senator Larsen rule #44.**

**HOUSE MESSAGE**

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

**SB 99**, relative to high cost mortgage loans.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 99**, relative to high cost mortgage loans.

Senator Flanders moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 207**, relative to transactions exempt from the consumer protection act.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 207**, relative to transactions exempt from the consumer protection act.

Senator Flanders moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 301-FN**, relative to liquor licenses.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 301-FN**, relative to liquor licenses.

Senator Peterson moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 303-FN**, eliminating the business profits tax exemption for qualified investment companies and relative to access by the legislative budget assistant to confidential information maintained by the department of revenue administration.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 303-FN**, eliminating the business profits tax exemption for qualified investment companies and relative to access by the legislative budget assistant to confidential information maintained by the department of revenue administration.

Senator Green moved to concur.

**Adopted.**

**Senator Foster rule #42 on SB 303-FN.**

**HOUSE MESSAGE**

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

**SB 314**, relative to access to medical records.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 314**, relative to access to medical records.

Senator Flanders moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 316**, relative to the payment of salaried employees.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 316**, relative to the payment of salaried employees.

Senator Flanders moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 324-FN-A-L**, relative to the calculation of the commissioner's warrant for the statewide enhanced education tax to be raised by a municipality.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 324-FN-A-L**, relative to the calculation of the commissioner's warrant for the statewide enhanced education tax to be raised by a municipality.

Senator D'Allesandro moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 329-FN**, relative to the recovery by the retirement system of the overpayment of benefit amounts.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 329-FN**, relative to the recovery by the retirement system of the overpayment of benefit amounts.

Senator Flanders moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 333-FN**, establishing a unique pupil identification system.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 333-FN**, establishing a unique pupil identification system.

Senator O'Hearn moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 342-FN**, relative to payment of utility assessments and relative to regulation of electric generation companies.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 342-FN**, relative to payment of utility assessments and relative to regulation of electric generation companies.

Senator Odell moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 348**, relative to the sale of manufactured housing and the management of manufactured housing parks.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 348**, relative to the sale of manufactured housing and the management of manufactured housing parks.

Senator Flanders moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 357**, authorizing municipalities to adopt quarterly billing of taxes.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 357**, authorizing municipalities to adopt quarterly billing of taxes.

Senator D'Allesandro moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 359**, relative to construction of buildings on certain pre-existing streets.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 359**, relative to construction of buildings on certain pre-existing streets.

Senator Roberge moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 366-FN**, relative to the Interstate Insurance Product Compact.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 366-FN**, relative to the Interstate Insurance Product Compact.

Senator Flanders moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 367**, relative to the New Hampshire Insurance Guaranty Association Act of 2004.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 367**, relative to the New Hampshire Insurance Guaranty Association Act of 2004.

Senator Flanders moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 368**, relative to reinsurance.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 368**, relative to reinsurance.

Senator Flanders moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 370**, relative to the insurance rating law.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 370**, relative to the insurance rating law.

Senator Flanders moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 371**, relative to certain technical changes in the insurance laws.



**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 371**, relative to certain technical changes in the insurance laws.

Senator Flanders moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 375**, relative to the regulation of physician assistants.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 375**, relative to the regulation of physician assistants.

Senator Martel moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 383-FN**, relative to pharmacy benefit management.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 383-FN**, relative to pharmacy benefit management.

Senator Martel moved to concur.

**The question is on the motion to concur.**

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

**Seconded by Senator O'Hearn.**

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

**The following Senators voted No: Below, O'Hearn, Foster, Larsen, Estabrook.**

**Yeas: 16 - Nays: 5**

**Adopted.**

**HOUSE MESSAGE**

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

**SB 386**, relative to the guardian ad litem board and providing for certification of guardians ad litem.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 386**, relative to the guardian ad litem board and providing for certification of guardians ad litem.

Senator Peterson moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 392**, relative to criminal responsibility for certain offenses committed by persons 13 years of age or older.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 392**, relative to criminal responsibility for certain offenses committed by persons 13 years of age or older.

Senator Peterson moved to concur.

**Adopted.**



**HOUSE MESSAGE**

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

**SB 397**, requiring the department of environmental services to adopt certain rules and to opt out of the reformulated gasoline program.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 397**, requiring the department of environmental services to adopt certain rules and to opt out of the reformulated gasoline program.

Senator Johnson moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 402**, relative to an optional retirement annuity benefit for members of the Manchester retirement system.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 402**, relative to an optional retirement annuity benefit for members of the Manchester retirement system.

Senator Flanders moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 406**, relative to adoption procedures.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 406**, relative to adoption procedures.

Senator Peterson moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 409-FN**, revising the vocational school licensing statutes.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 409-FN**, revising the vocational school licensing statutes.

Senator Prescott moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 414-FN**, clarifying the laws relative to municipal impact fees, off-site exactions, vesting of development rights, and waiver of subdivision regulations.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 414-FN**, clarifying the laws relative to municipal impact fees, off-site exactions, vesting of development rights, and waiver of subdivision regulations.

Senator Roberge moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 418**, relative to voting procedures in the Hanover school district.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 418**, relative to voting procedures in the Hanover school district.

Senator Below moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 427**, relative to the definition of marriage.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 427**, relative to the definition of marriage.

Senator Martel moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 430-FN**, relative to mandated insurance benefits and establishing a committee to study the feasibility of mandating that health insurers provide medical loss information to small group employers.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 430-FN**, relative to mandated insurance benefits and establishing a committee to study the feasibility of mandating that health insurers provide medical loss information to small group employers.

Senator Flanders moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 436-FN-L**, relative to the Claremont and Newport district courts.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 436-FN-L**, relative to the Claremont and Newport district courts.

Senator Odell moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 439**, relative to probationary drivers' licenses.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 439**, relative to probationary drivers' licenses.

Senator Kenney moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 441**, relative to the operation of dental clinics by health care charitable trusts.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 441**, relative to the operation of dental clinics by health care charitable trusts.

Senator Martel moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 442**, relative to manufactured housing installation standards.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 442**, relative to manufactured housing installation standards.

Senator Roberge moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 443**, relative to rural electric cooperatives.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 443**, relative to rural electric cooperatives.

Senator Odell moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 445**, relative to the regulation of dietitians by the board of licensed dietitians.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 445**, relative to the regulation of dietitians by the board of licensed dietitians.

Senator Prescott moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 448-FN**, relative to consumer guaranty contracts.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 448-FN**, relative to consumer guaranty contracts.

Senator Flanders moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 470-FN**, relative to funding for the physician effectiveness program.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 470-FN**, relative to funding for the physician effectiveness program.

Senator Martel moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 487**, relative to lead sinkers.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 487**, relative to lead sinkers.

Senator Johnson moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 494**, relative to the prohibition on taking conch and winkles and relative to licensing requirements for taking lobsters and crabs.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 494**, relative to the prohibition on taking conch and winkles and relative to licensing requirements for taking lobsters and crabs.

Senator Johnson moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 495-FN**, relative to original and youth operators' licenses.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 495-FN**, relative to original and youth operators' licenses.

Senator Flanders moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 496**, relative to the definition of snow traveling vehicle.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 496**, relative to the definition of snow traveling vehicle.

Senator Kenney moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 498-FN**, relative to the regulation of debt adjustment services.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 498-FN**, relative to the regulation of debt adjustment services.

Senator Flanders moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 503-FN-L**, establishing a commission to study the benefit of municipalities using bonds for construction, development, improvement, and acquisition of broadband facilities.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 503-FN-L**, establishing a commission to study the benefit of municipalities using bonds for construction, development, improvement, and acquisition of broadband facilities.

Senator Odell moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 509-FN**, relative to civil recoveries for false claims paid or approved by the department of health and human services.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 509-FN**, relative to civil recoveries for false claims paid or approved by the department of health and human services.

Senator Peterson moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 511-FN**, relative to the penalties for rioting.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 511-FN**, relative to the penalties for rioting.

Senator Peterson moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 520**, relative to modification of child support obligation.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 520**, relative to modification of child support obligation.

Senator Peterson moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 530**, relative to the duties of public safety responders and the expeditious clearance of a roadway.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 530**, relative to the duties of public safety responders and the expeditious clearance of a roadway.

Senator Kenney moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 531**, permitting the state veterans' advisory committee to adopt bylaws and relative to eligibility for the veteran's property tax credit.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**SB 531**, permitting the state veterans' advisory committee to adopt bylaws and relative to eligibility for the veteran's property tax credit.

Senator Roberge moved to concur.

**Adopted.**

**HOUSE MESSAGE**

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

**SB 317**, relative to registration of pesticide applicators and rules of the pesticide control board.

**SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE**

**SB 317**, relative to registration of pesticide applicators and rules of the pesticide control board.

Senator Johnson moved to nonconcur and requests a Committee of Conference.

**Adopted.**

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

**SENATORS: JOHNSON, ODELL & BELOW.**

**HOUSE MESSAGE**

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

**SB 500-FN**, relative to certain procedures of financial institutions.

**SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE**

**SB 500-FN**, relative to certain procedures of financial institutions.

Senator Flanders moved to nonconcur and requests a Committee of Conference.

**Adopted.**

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

**SENATORS: FLANDERS, ODELL & FOSTER.**

**HOUSE MESSAGE**

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

**HB 643-FN**, relative to the family division of the courts.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

**REPRESENTATIVES: MOCK, DUDLEY, ROBERT WHEELER & WALL.**

**SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE**

**HB 643-FN**, relative to the family division of the courts.

and requests a Committee of Conference.

Senator Peterson moved to accede to the request for a Committee of Conference.

**Adopted.**

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

**SENATORS: PETERSON, ROBERGE & FOSTER.**

**HOUSE MESSAGE**

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

**HB 1165**, relative to extending domestic violence protection orders.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

**REPRESENTATIVES: KNOWLES, ROBERTSON, NEDEAU & BICKNELL.**

**SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE**

**HB 1165**, relative to extending domestic violence protection orders.

Senator Peterson moved to accede to the request for a Committee of Conference.

**Adopted.**

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

**SENATORS: PETERSON, BOYCE & ESTABROOK.**

**HOUSE MESSAGE**

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from Senate:

**HB 1227**, relative to land assessed for current use which is taken by eminent domain.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

**REPRESENTATIVES: BABSON, AHERN, PHILBRICK & PETER ALLEN.**

**SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE**

**HB 1227**, relative to land assessed for current use which is taken by eminent domain.

Senator D'Allesandro moved to accede to the request for a Committee of Conference.

**Adopted.**

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

**SENATORS: CLEGG, MORSE & D'ALLESANDRO.**

**HOUSE MESSAGE**

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from Senate:

**HB 1276-FN**, relative to special number plates for veterans and establishing a committee to study establishing special number plates for veterans who were awarded the Bronze Star or the Silver Star.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

**REPRESENTATIVES: PACKARD, LETOURNEAU, JOHN FLANDERS & FERLAND.**

**SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE**

**HB 1276-FN**, relative to special number plates for veterans and establishing a committee to study establishing special number plates for veterans who were awarded the Bronze Star or the Silver Star.

Senator Kenney moved to accede to the request for a Committee of Conference.

**Adopted.**



The President, on the part of the Senate, has appointed as members of said Committee of Conference:

**SENATORS: KENNEY, MORSE & COHEN.**

#### **HOUSE MESSAGE**

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s), to the following entitled Bill sent down from the Senate:

**HB 1293**, relative to emission control equipment for certain vehicles.

#### **SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE**

**HB 1293**, relative to emission control equipment for certain vehicles.

Senator Kenney moved to accede to the request for a Committee of Conference.

**Adopted.**

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

**SENATORS: CLEGG, KENNEY & BELOW.**

#### **HOUSE MESSAGE**

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

**HB 1380-FN**, relative to unauthorized video surveillance.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

**REPRESENTATIVES: THOLL, KNOWLES, BICKNELL & NEDEAU.**

#### **SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE**

**HB 1380-FN**, relative to unauthorized video surveillance.

Senator Roberge moved to accede to the request for a Committee of Conference.

**Adopted.**

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

**SENATORS: BARNES, GATSAS & LARSEN.**

#### **MOTION TO TAKE FROM THE TABLE**

Senator Prescott moved to have **HB 369** taken off the table.

**Adopted.**

**HB 369**, relative to the Henniker and Hillsborough district courts.

Senator Prescott offered a floor amendment.

Sen. Prescott, Dist. 23

May 6, 2004

2004-1544s

08/10

#### **Floor Amendment to HB 369**

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

AN ACT relative to the Henniker and Hillsborough district courts.

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

1 Henniker District Court. Notwithstanding the provisions of RSA 502-A:1, XV and XXIII, all court business, proceedings, and activities scheduled for the Henniker district court on or after July 1, 2004 shall be transferred to the Hillsborough district court. The Henniker district court shall cease operations on or before June 30, 2004.

2 Hampton District Court. Amend RSA 502-A:1, II to read as follows:

II. ~~[HAMPTON-EXETER]~~ **Hampton** DISTRICT. The ~~[Hampton-Exeter]~~ **Hampton** district shall consist of the towns of Hampton, Hampton Falls, North Hampton, South Hampton, **and** Seabrook~~[-Exeter, Newmarket, Stratham, Newfields, Fremont, East Kingston, Kensington, Epping, and Brentwood]~~. The **district** court **for the district** shall be located in ~~[a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall bear the name of the city or town in which it is located]~~ **Hampton, holding sessions regularly therein and elsewhere in the district as justice may require. The name of this court shall be the Hampton District Court.**

3 New Paragraph; Exeter District Court. Amend RSA 502-A:1 by inserting after paragraph II the following new paragraph:

II-a. EXETER DISTRICT. The Exeter district shall consist of the towns of Exeter, Newmarket, Stratham, Newfields, Fremont, East Kingston, Kensington, Epping and Brentwood. The district court for the district shall be located in Exeter, holding sessions regularly therein and elsewhere in the district as justice may require. The name of this court shall be the Exeter District Court.

4 HAMPTON-EXETER DISTRICT. RSA 502-A:1, II is repealed and reenacted to read as follows:

II. HAMPTON-EXETER DISTRICT. The Hampton-Exeter district shall consist of the towns of Hampton, Hampton Falls, North Hampton, South Hampton, Seabrook, Exeter, Newmarket, Stratham, Newfields, Fremont, East Kingston, Kensington, Epping, and Brentwood. The court shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall bear the name of the city or town in which it is located.

5 Repeal. RSA 502-A:1, II-a, relative to the Exeter District court, is repealed.

6 Contingency. If the department of administrative services and the towns in the Hampton and Exeter districts cannot reach an agreement on acceptable courthouse facilities and funding for courthouse facilities for each district on or before June 30, 2006 sections 4 and 5 of this act shall take effect July 1, 2006. If the department of administrative services and the towns in the Hampton and Exeter districts reach an agreement on acceptable courthouse facilities and funding for courthouse facilities for each district on or before June 30, 2006, sections 4 and 5 of this act shall not take effect.

7 Effective Date.

I. Sections 4 and 5 of this act shall take effect as provided in section 6 of this act.

II. The remainder of this act shall take effect June 30, 2004.

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#### AMENDED ANALYSIS

This bill transfers Henniker district court business, proceedings, and activities to the Hillsborough district court.

This bill also prevents the consolidation of the Hampton District court and the Exeter District court under 1992, 253, if certain conditions are met regarding court facilities.

**Floor amendment adopted.**

**The question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

#### HOUSE MESSAGE

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

**HB 730-FN-L**, establishing a committee to study workers' compensation benefits for firefighters, rescue workers, and safety workers who contract certain communicable diseases.

**HB 1298**, establishing a committee to study local dispute resolution for public employee labor relations.

**HB 1299**, relative to the removal of the tax collector, treasurer, or town clerk, and required notice to the board of selectmen by a candidate for office if the candidate has ever been removed from a bonded position.

**REPORT OF COMMITTEE ON ENROLLED BILLS**

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

**SB 484**, establishing the Collaborative Practice for Emergency Contraception Act.

Senator D'Allesandro moved adoption.

**Adopted.**

**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 422**, relative to the selection of replacement justices for supreme court justices who are disqualified to hear cases.

**HB 493**, relative to the municipal budget act.

**HB 520**, relative to maintaining records of greyhounds used in pari-mutuel racing.

**HB 532**, relative to notice and filing of divorce petitions.

**HB 1131**, establishing a committee to study exotic aquatic weeds and species.

**HB 1136**, relative to homeowner exemptions from certain environmental permitting, relative to certification as a wetland scientist, and making certain technical corrections.

**HB 1202**, relative to third-party payment of covered services ordered by the juvenile court.

**HB 1257**, relative to penalties for driving under the influence with a minor in the vehicle.

**HB 1266**, relative to the long-term care ombudsman.

**HB 1316**, relative to the computation of tax on certain telecommunications services under the communications services tax, and establishing a committee to study the feasibility of unbundling communications services charges.

**CACR 5**, relating to the rulemaking authority of the supreme court. Providing that the supreme court may adopt rules, that the general court may regulate these matters by statute, and that in the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall prevail over the rule.

**SB 19**, relative to notification of groundwater contamination and requiring a certain report from the department of environmental services.

**SB 128**, relative to the advisory committee assisting the secretary of state in administering the vital records improvement fund.

**SB 176**, relative to standards for plats recorded in the registry of deeds.

**SB 356**, relative to the powers and duties of the community development finance authority.

**SB 361**, relative to fees of the postsecondary education commission for preserving certain academic records.

**SB 377**, relative to damage to land by certain recreational uses.

**SB 380**, establishing a statewide incident command system.

**SB 399**, relative to the sale of animals.

**SB 403**, relative to the board of medicine.

**SB 452**, relative to testimony of expert witnesses .

**SB 455**, removing the requirement that district courts be open on Saturdays for arraignments.

**SB 469**, relative to licensing of boiler inspectors.

**SB 488**, establishing a committee to study the effects of electric utility restructuring on state dams and the alternatives for the operation and maintenance of state-owned dams.

Senator D'Allesandro moved adoption.

**Adopted.**

**RESOLUTION**

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

**Adopted.**

**LATE SESSION****Third Reading and Final Passage**

**HB 264**, establishing state representative districts.

**HB 369**, relative to the Henniker and Hillsborough district courts.

**HB 426**, relative to the monitoring and approval of appraisers by the commissioner of revenue administration.

**HB 618-FN-A**, making technical corrections to certain local property tax laws.

**HB 640-FN**, relative to post-conviction DNA testing.

**HB 651-FN**, relative to the purchase of prior service credit in the retirement system, and repealing certain provisions permitting additional contributions.

**HB 697-FN**, relative to the sale of motor fuel.

**HB 698-FN**, relative to electronic toll collections.

**HB 727-FN-L**, establishing a legislative oversight committee for the school administrative unit system.

**HB 803-FN-A-L**, relative to the establishment of municipal economic development and revitalization districts by municipalities.

**HB 1148**, defining a wetland for the purpose of fill and dredge in wetlands and for local land use planning.

**HB 1188**, relative to indoor air quality and indoor environmental standards in public schools and requiring public schools to develop a written building maintenance plan.

**HB 1207-FN-A**, relative to a Global War on Terrorism operations service bonus payment.

**HB 1228**, relative to changes to the uniform fine schedule.

**HB 1281**, permitting the adoption of an alternative cost apportionment method in a cooperative school district.

**HB 1335-L**, establishing a commission to examine the workers' compensation system in New Hampshire.

**HB 1378-FN-A**, relative to New Hampshire service medals for veterans of World War II, the Korean War, and the Vietnam War and making an appropriation therefor.

**HB 1399-FN-A**, establishing the telecommunications planning and development fund.

**HB 1428-FN**, relative to the administration of the medical assistance program for home care for children with severe disabilities and establishing a commission to review the medical assistance program for home care for children with severe disabilities.

**HB 2004-FN-L**, relative to the state 10-year transportation improvement plan and making certain adjustments to turnpike funds.

**HJR 25**, requested by the joint legislative committee on administrative rules relative to a certain rule proposed by the department of transportation.

**HJR 26**, prohibiting the liquor commission from adopting proposed administrative rule Liq 404.05(d)(3).

**ANNOUNCEMENTS****RESOLUTION**

Senator Clegg moved that the Senate recess to the Call of the Chair for the purpose of receiving Messages, processing Enrolled Bill Reports and Amendments, and forming Committees of Conference.

**Adopted.**

**In recess to the Call of the Chair.**