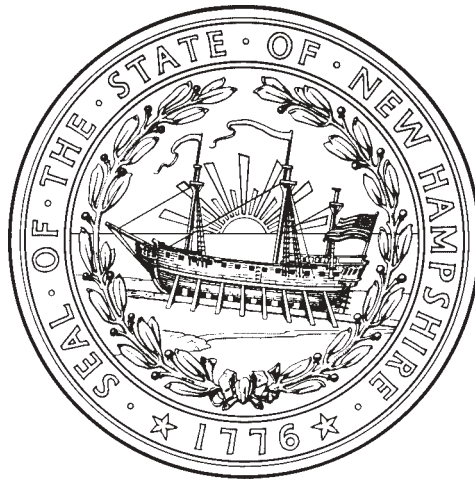


May 25, 2004
Nos. 15A - 16

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

ADJOURNMENT – MAY 6, 2004 SESSION
COMMENCEMENT – MAY 25, 2004 SESSION

SENATE JOURNAL 15A (*Cont.*)

May 6, 2004

Out of Recess.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 16

May 25, 2004

The Senate met at 10:00 a.m.

A quorum was present.

Senate Guest Chaplain, Rabbi Richard L. Klein, from the Temple Beth Jacob in Concord, New Hampshire led the Senate in prayer.

This evening at sunset, the Jewish community begins its celebration of Shavuot - The Feast of Weeks. Often referred to as Pentacost, it shares with Christian tradition celebration of a central moment of revelation. For those in the Jewish community, it marks the anniversary of the Revelation at Sinai and the Giving of the Ten Commandments. In recent times, it has become our opportunity to honor, with a ceremony of Confirmation, our High School students who have completed ten years in our religious education program. For us, this connection between celebrating our sacred literature and honoring our students is a natural one. The obligation to study, to explore and to enhance the words of the past goes back more than two millennia. It explains the instance of the Jewish tradition that all children be educated so that they are prepared for life-long study as adults. The Israelite People at Sinai said, "na'aseh v'nishmah" - we will do as we have been instructed and we will listen to the voices of the past as they challenge us in the present.

Amen

Senator Barnes led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

COMMITTEE OF CONFERENCE REPORTS

May 18, 2004
2004-1616-CofC
03/05

Committee of Conference Report on HB 176, an act relative to listing candidates on ballots.

Recommendation:

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

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

The signatures below attest to the authenticity of this Report on HB 176, an act relative to listing candidates on ballots.

Conferees on the Part of the Senate
Sen. Boyce, Dist. 4
Sen. Flanders, Dist. 7
Sen. Kenney, Dist. 3

Conferees on the Part of the House
Rep. Drisko, Hills. 46
Rep. Whalley, Belk. 31
Rep. Reeves, Hills. 49
Rep. Dorsett, Graf. 16

Adopted.

May 18, 2004
2004-1623-CofC
03/01

Committee of Conference Report on HB 243, an act relative to motor vehicle exhaust noise standards.

Recommendation:

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

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

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

The signatures below attest to the authenticity of this Report on HB 243, an act relative to motor vehicle exhaust noise standards.

Conferees on the Part of the Senate

Sen. Morse, Dist. 22

Sen. Flanders, Dist. 7

Sen. Martel, Dist. 18

Conferees on the Part of the House

Rep. Packard, Rock. 75

Rep. Letourneau, Rock. 77

Rep. Artz, Hills. 64

Rep. Ferland, Sull. 23

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

A roll call was requested by Senator Below.

Seconded by Senator Sapareto.

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

The following Senators voted No: Kenney, Below, Green, Peterson, Foster, Larsen, Gatsas, Barnes, D'Allesandro, Estabrook, Cohen.

Yeas: 12 - Nays: 11

Adopted.

May 18, 2004
2004-1607-CofC
09/10

Committee of Conference Report on HB 369, an act relative to the Henniker and Hillsborough district courts.

Recommendation:

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

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

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

1 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 **dis-trict** 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 **dis-trict** 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.

The signatures below attest to the authenticity of this Report on HB 369, an act relative to the Henniker and Hillsborough district courts.

Conferees on the Part of the Senate

Sen. Prescott, Dist. 23

Sen. Flanders, Dist. 7

Sen. Foster, Dist. 13

Rep. Wall, Straf. 72

Conferees on the Part of the House

Rep. Mock, Carr. 4

Rep. Rowe, Hills. 47

Rep. Stone, Rock. 73

2004-1607-CofC

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.

Adopted.

May 18, 2004

2004-1639-CofC

05/01

Committee of Conference Report on HB 384, an act relative to financial affidavits in domestic relations cases.

Recommendation:

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

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

The signatures below attest to the authenticity of this Report on HB 384, an act relative to financial affidavits in domestic relations cases.

Conferees on the Part of the Senate

Sen. Peterson, Dist. 11

Sen. Sapareto, Dist. 19

Sen. Roberge, Dist. 9

Conferees on the Part of the House

Rep. Hunt, Ches. 28

Rep. Holden, Hills. 48

Rep. Stepanek, Hills. 47

Rep. DeStefano, Merr. 41

Adopted.

May 18, 2004
2004-1611-CofC
10/09

Committee of Conference Report on HB 426, an act relative to the monitoring and approval of appraisers by the commissioner of revenue administration.

Recommendation:

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

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

Amend the bill by replacing section 13 with the following:

13 Assessment Report. 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. ***The report shall be completed after the completion of the equalization of property valuations conducted pursuant to RSA 21-J:3, XIII.*** When issued, the report shall be a public document.

Amend the bill by replacing section 15 with the following:

15 New Section; Appraisal of Taxable Property; Annual Appraisal; Municipalities Over 10,000. Amend RSA 75 by inserting after section 8-a the following new section:

75:8-b Annual Appraisal; Municipalities Over 10,000. Except when assessing real estate under RSA 75:8-a, any municipality with a population over 10,000 as determined pursuant to RSA 78-A:25 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 with a population over 10,000 as determined pursuant to RSA 78-A:25 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.

The signatures below attest to the authenticity of this Report on HB 426, an act relative to the monitoring and approval of appraisers by the commissioner of revenue administration.

Conferees on the Part of the Senate

Sen. Green, Dist. 6
Sen. Barnes, Dist. 17
Sen. Larsen, Dist. 15

Conferees on the Part of the House

Rep. Stohl, Coos 1
Rep. Gillick, Rock. 85
Rep. Patten, Carr. 7
Rep. Theberge, Coos 3

2004-1611-CofC

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 with a population over 10,000 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.

Adopted.

May 14, 2004
2004-1574-CofC
05/04

Committee of Conference Report on HB 551, an act relative to the effect of parental refusal to administer psychotropic drugs to their children and establishing a committee to study the prescription and use of psychotropic drugs, including Ritalin, in childcare centers, preschools, and public schools.

Recommendation:

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

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

Amend the bill by inserting after section 6 the following new section and renumbering the remaining section 7 to read as 8.

7 New Paragraph; Child Protection Act; Protective Custody; Effect of Parent's Refusal to Administer Psychotropic Drug. Amend RSA 169-C:6 by inserting after paragraph VII the following new paragraph:

VIII. Unless otherwise ordered by the court, the refusal of a parent or other person having control of a child to administer or consent to the administration of any psychotropic drug to such child shall not, in and of itself, constitute grounds for the police or a juvenile probation and parole officer to take the child into custody, or for the court to order that such child be taken into custody. However, if the administration of a decreasing dose of the drug is required during withdrawal from the medication, the refusal may constitute grounds for taking the child into protective custody.

The signatures below attest to the authenticity of this Report on HB 551, an act relative to the effect of parental refusal to administer psychotropic drugs to their children and establishing a committee to study the prescription and use of psychotropic drugs, including Ritalin, in childcare centers, preschools, and public schools.

Conferees on the Part of the Senate
Sen. Martel, Dist. 18
Sen. Boyce, Dist. 4
Sen. Estabrook, Dist. 21

Conferees on the Part of the House
Rep. Itse, Rock. 80
Rep. Arnold, Hills. 46
Rep. McRae, Hills. 48
Rep. Gile, Merr. 38

2004-1574-CofC

AMENDED ANALYSIS

This bill provides that a parent's refusal to administer a psychotropic drug to his or her child shall not, in and of itself, provide grounds for the state to take the child into protective custody under RSA 169-C, the child protection act. This bill also establishes a committee to study the prescription and use of psychotropic drugs, including Ritalin, in childcare centers, preschools, and public schools.

Adopted.

May 18, 2004
2004-1622-CofC
09/01

Committee of Conference Report on HB 618-FN-A, an act making technical corrections to certain local property tax laws.

Recommendation:

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

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

Amend the bill by replacing section 5 with the following:

5 Municipal Budget Law; Posting of Budget. Amend RSA 32:5, VII to read as follows:

VII. The governing body shall post certified copies of the budget, with the warrant for the meeting. ***The operating budget warrant article shall contain the amount as recommended by the budget com-***

mittee if there is one. In the case of towns, the budget shall also be printed in the town report made available to the legislative body at least one week before the date of the annual meeting. A school district or village district may vote, under an article inserted in the warrant, to require the district to print its posted budget in an annual report made available to the district's voters at least one week before the date of the annual meeting. Such district report may be separate or may be combined with the annual report of the town or towns within which the district is located.

The signatures below attest to the authenticity of this Report on HB 618-FN-A, an act making technical corrections to certain local property tax laws.

Conferees on the Part of the Senate
 Sen. Johnson, Dist. 2
 Sen. Gallus, Dist. 1
 Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House
 Rep. Patten, Carr. 7
 Rep. Gillick, Rock. 85
 Rep. Letourneau, Rock. 77
 Rep. Theberge, Coos 3

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

A roll call was requested by Senator Larsen.

Seconded by Senator Green.

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

The following Senators voted No: Johnson, Below, Green, Larsen, Cohen.

Yeas: 18 - Nays: 5

Adopted.

MOTION TO TABLE

Senator Gatsas moved to have **HB 618-FN-A** laid on the table.

The Chair rules the motion to Lay on the Table to be out of order.

May 17, 2004
 2004-1592-CofC
 04/09

Committee of Conference Report on HB 640-FN, an act relative to post-conviction DNA testing.

Recommendation:

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

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

The signatures below attest to the authenticity of this Report on HB 640-FN, an act relative to post-conviction DNA testing.

Conferees on the Part of the Senate
 Sen. Peterson, Dist. 11
 Sen. Sapareto, Dist. 19
 Sen. Foster, Dist. 13

Conferees on the Part of the House
 Rep. Knowles, Straf. 69
 Rep. Stevens, Carr. 7
 Rep. Lasky, Hills. 65
 Rep. Holbrook, Belk. 30

Adopted.

May 12, 2004
 2004-1554-CofC
 09/01

Committee of Conference Report on HB 643-FN, an act relative to the family division of the courts.

Recommendation:

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

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

Amend the bill by replacing section 3 with the following:

3 Family Division Study Committee. The family division study committee appointed by the supreme court shall make recommendations for the expansion of the family division of the courts statewide and for changes in the operation of the family division in Rockingham and Grafton counties. In developing its recommendations, the committee shall consider the recommendations in the Report of the Resolution of Family Issues in the Courts Study Committee, dated January 15, 1995. The committee shall also consider any more recent studies and reports on the family division, including recommendations made by any commission established to study the operations of the family division in Grafton county. The committee shall report its findings and recommendations to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, the chief justice of the supreme court, and the state library on or before December 1, 2004. Such report shall include a detailed statewide plan for the proposed implementation of the family division, including restructuring of the court system as necessary to accomplish this purpose, and recommendations for legislation.

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

7 New Subdivision; Marital Masters; Recommendations, Appointments and Procedures. Amend RSA 491 by inserting after section 20 the following new subdivision:

Marital Masters

491:20-a Nominations and Appointments.

I. The chief justice of the superior court shall recommend persons to the governor and council for initial appointment as marital masters. In recommending candidates for initial appointment as marital masters under this subdivision, the court shall utilize the procedures and standards described in superior court rules in effect as of July 1, 2004, except as otherwise provided in this subdivision.

II. For appointments of new marital masters, the chief justice of the superior court shall submit to the governor the name of a nominee. The governor may accept the candidate nominated by the chief justice and submit the candidate to the council for confirmation or may reject the candidate submitted by the chief justice, and request a new nominee. If the council rejects a candidate for confirmation, the governor shall request a new nominee.

III. Marital masters shall serve an initial term of 3 years. Subsequent reappointments shall be made in accordance with superior court rules. During appointment terms, the authority and responsibility to conduct annual performance reviews, and termination, if necessary, shall be with the chief justice of the superior court.

491:20-b Qualifications.

I. Marital masters shall possess the following qualifications:

(a) Professional experience in family law matters.

(b) Legal and personal qualities including, but not limited to:

(1) Knowledge of family matters, including related matters such as tax and pension law;

(2) Personal maturity so as to understand and make decisions on matters before the court; and

(3) Personal qualities of patience and understanding of the difficult personal matters which are the subject of divorce and a willingness to deal with complex family matters in a non-adversarial manner.

II. Each marital master shall complete a course in court process and procedures and mediation and negotiation.

491:20-c Orders of Marital Masters. All orders of marital masters shall be signed by a judge.

8 Applicability. Any marital master serving on the effective date of this act shall not be subject to the provisions of section 7 of this act.

9 Effective Date.

I. Section 3, 5, and 6 of this act shall take effect upon its passage.

II. Section 4 of this act shall take effect as provided in section 5 of this act.

III. Sections 7 and 8 of this act shall take effect July 1, 2004.

IV. The remainder of this act shall take effect July 1, 2005.

The signatures below attest to the authenticity of this Report on HB 643-FN, an act relative to the family division of the courts.

Conferees on the Part of the Senate
Sen. Peterson, Dist. 11
Sen. Roberge, Dist. 9
Sen. Foster, Dist. 13

Conferees on the Part of the House
Rep. Mock, Carr. 4
Rep. Dudley, Graf. 18
Rep. R. Wheeler, Hills. 48
Rep. Wall, Straf. 72

2004-1554-CofC

AMENDED ANALYSIS

This bill makes the family division of the courts currently operating as a pilot program in Grafton and Rockingham counties a permanent component of the judicial branch. The bill requires the family division study committee appointed by the supreme court to make recommendations for the expansion of the family division statewide and for changes in the operation of the family division in Rockingham and Grafton counties.

This bill reduces the number of superior court justices from 29 to 22.

This bill also requires marital masters to be recommended by the superior court and appointed by the governor and council and establishes certain qualifications and requirements for marital masters.

Adopted.

May 18, 2004
2004-1644-CofC
10/01

Committee of Conference Report on HB 651-FN, an act relative to the purchase of prior service credit in the retirement system, and repealing certain provisions permitting additional contributions.

Recommendation:

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

The signatures below attest to the authenticity of this Report on HB 651-FN, an act relative to the purchase of prior service credit in the retirement system, and repealing certain provisions permitting additional contributions.

Conferees on the Part of the Senate
Sen. Green, Dist. 6
Sen. Roberge, Dist. 9
Sen. Peterson, Dist. 11

Conferees on the Part of the House
Rep. O'Neil, Rock. 85
Rep. Hall, Hills. 58
Rep. Irwin, Hills. 44
Rep. R. Wheeler, Hills. 48

Adopted.

May 17, 2004
2004-1587-CofC
06/01

Committee of Conference Report on HB 698-FN, an act relative to electronic toll collection.

Recommendation:

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

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

The signatures below attest to the authenticity of this Report on HB 698-FN, an act relative to electronic toll collection.

Conferees on the Part of the Senate

Sen. Kenney, Dist. 3

Sen. Morse, Dist. 22

Sen. Below, Dist. 5

Conferees on the Part of the House

Rep. Graham, Hills 57

Rep. McConkey, Carr. 6

Rep. Malloy, Hills. 66

Rep. Weyler, Rock. 79

Adopted.

May 14, 2004

2004-1571-CofC

06/01

Committee of Conference Report on HB 713-FN, an act relative to the penalty for violating a zoning ordinance, relative to governmental land uses, and relative to notice of zoning rehearings.

Recommendation:

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

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

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

2 Repeal. RSA 75:11, V, requiring assessing officials to file with the register of deeds a list of residences located in an industrial or commercial zone which are eligible for special appraisal, is repealed.

3 Effective Date.

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

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

The signatures below attest to the authenticity of this Report on HB 713-FN, an act relative to the penalty for violating a zoning ordinance, relative to governmental land uses, and relative to notice of zoning rehearings.

Conferees on the Part of the Senate

Sen. Roberge, Dist. 9

Sen. Morse, Dist. 22

Sen. Larsen, Dist. 15

Conferees on the Part of the House

Rep. Brundige, Hills. 58

Rep. Gillick, Rock. 85

Rep. Gould, Rock. 77

Rep. M. Cooney, Graf. 15

2004-1571-CofC

AMENDED ANALYSIS

This bill establishes a higher civil penalty for second and subsequent violations of a zoning ordinance and provides that a prevailing municipality shall recover the costs and attorney's fees it incurred in pursuing the violation.

This bill also repeals the law requiring assessing officials to file with the register of deeds a list of residences located in an industrial or commercial zone which are eligible for special appraisal.

Adopted.

May 18, 2004

2004-1656-CofC

04/01

Committee of Conference Report on HB 727-FN-LOCAL, an act establishing a legislative oversight committee for the school administrative unit system.

Recommendation:

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

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

Amend the bill by replacing section 5 with the following:

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 30, 2004.

The signatures below attest to the authenticity of this Report on HB 727-FN-LOCAL, an act establishing a legislative oversight committee for the school administrative unit system.

Conferees on the Part of the Senate

Sen. Green, Dist. 6
Sen. Flanders, Dist. 7
Sen. O'Hearn, Dist. 12

Conferees on the Part of the House

Rep. Alger, Graf. 14
Rep. Scott, Straf. 71
Rep. Weyler, Rock. 79
Rep. Dunn, Ches. 25

Adopted.

May 19, 2004
2004-1670-CofC
06/09

Committee of Conference Report on HB 1148, an act defining a wetland for the purpose of fill and dredge in wetlands and for local land use planning.

Recommendation:

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

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

Amend the bill by replacing section 4 with the following:

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, the department of environmental services is authorized to undertake repairs to dikes which are located within the boundaries of the fish and game department's Enfield Wildlife Management Area; provided, that the owners of land needed for access to the work grant permission for such access, and to the extent that funding for such repair work is available from sources other than the department of environmental services. The department is authorized to accept contributions and grants for such purpose. The department of environmental services shall obtain the advice and consent of legislative dam management review committee prior to undertaking any such work.

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

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, 2005.

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

The signatures below attest to the authenticity of this Report on HB 1148, an act defining a wetland for the purpose of fill and dredge in wetlands and for local land use planning.

Conferees on the Part of the Senate

Sen. Johnson, Dist. 2
Sen. Prescott, Dist. 23
Sen. Below, Dist. 5

Conferees on the Part of the House

Rep. Lawton, Belk. 30
Rep. Royce, Ches. 28
Rep. Russell, Belk. 31
Rep. Brueggemann, Merr. 40

2004-1670-CofC

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. The department shall first obtain consent from the dam management review committee.

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

Adopted.

May 13, 2004
2004-1562-CofC
04/01

Committee of Conference Report on HB 1162, an act relative to school district policies on bullying.

Recommendation:

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

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

Amend RSA 193-F:3, II as inserted by section 1 of the bill by replacing it with the following:

II. (a) Any school employee, or employee of a company under contract with a school or school district, who has witnessed or has reliable information that a pupil has been subjected to insults, taunts, or challenges, whether verbal or physical in nature, which are likely to intimidate or provoke a violent or disorderly response that violates the school bullying policy shall report such incident to the principal, or designee who shall in turn report the incident to the superintendent and the school board.

(b) The principal, or designee, shall by telephone and in writing by first-class mail, report the occurrence of any incident described in this paragraph to the parent or legal guardian of all pupils involved within 48 hours of the occurrence of such incident. The notice shall advise the individuals involved of their due process rights including the right to appeal to the state board of education. The superintendent may, within the 48 hour time period, grant the principal a waiver from the notification requirement if the superintendent deems such waiver to be in the best interest of the child. Any waiver granted shall be in writing.

The signatures below attest to the authenticity of this Report on HB 1162, an act an act relative to school district policies on bullying.

Conferees on the Part of the Senate
Sen. Barnes, Dist. 17
Sen. O'Hearn, Dist. 12
Sen. Foster, Dist. 13

Conferees on the Part of the House
Rep. M. Carter, Hills. 44
Rep. Naro, Graf. 15
Rep. Carson, Rock. 75
Rep. Jean, Hills. 65

Adopted.

May 18, 2004
2004-1625-CofC
09/03

Committee of Conference Report on HB 1165, an act relative to extending domestic violence protection orders.

Recommendation:

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

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

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

The signatures below attest to the authenticity of this Report on HB 1165, an act relative to extending domestic violence protection orders.

Conferees on the Part of the Senate

Sen. Peterson, Dist. 11

Sen. Boyce, Dist. 4

Sen. Estabrook, Dist. 21

Conferees on the Part of the House

Rep. Knowles, Straf. 69

Rep. T. Robertson, Ches. 25

Rep. Nedeau, Belk. 30

Rep. Bicknell, Rock. 73

2004-1625-CofC

AMENDED ANALYSIS

This bill requires a court granting an extension of a domestic violence order to state in writing, at the respondent's request, the reason or reasons for granting the extension.

Adopted.

May 19, 2004

2004-1658-CofC

06/09

Committee of Conference Report on HB 1262, an act establishing a commission to study ways to encourage municipal recycling efforts.

Recommendation:

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

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

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

1 Commission Established. There is established a commission to study ways to encourage municipal recycling efforts and to study the tax exemption for water and air pollution control facilities under RSA 72:12-a.

2 Membership and Compensation.

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

(a) Four members of the house of representatives, appointed by the speaker of the house.

(b) Four members of the senate, appointed by the president of the senate.

(c) The commissioner of the department of environmental services, or designee.

(d) A member nominated by New Hampshire the Beautiful, Inc. and appointed by the governor.

(e) A member nominated by the Northeast Resource Recovery Association and appointed by the governor.

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

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

3 Duties. The commission shall study:

I. Ways to enhance municipal recycling efforts.

II. Other systems for recycling currently used in the United States and Canada.

III. An environmental fee on recyclable household waste.

IV. The creation of a grant program and a fund to be used to help towns implement and expand recycling programs.

V. The use and impact of exemptions granted under RSA 72:12-a.

VI. How privately-owned landfills are assessed for tax purposes.

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

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 30, 2004.

The signatures below attest to the authenticity of this Report on HB 1262, an act establishing a commission to study ways to encourage municipal recycling efforts.

Conferees on the Part of the Senate

Sen. Green, Dist. 6
Sen. Johnson, Dist. 2
Sen. Below, Dist. 5

Conferees on the Part of the House

Rep. Olimpio, Carr. 8
Rep. Rous, Straf. 72
Rep. Patten, Carr. 7
Rep. Stohl, Coos 1

2004-1658-CofC

AMENDED ANALYSIS

This bill establishes a commission to study ways to encourage municipal recycling efforts and to study the tax exemption for water and air pollution control facilities under RSA 72:12-a.

Adopted.

May 13, 2004

2004-1561-CofC

03/10

Committee of Conference Report on HB 1276-FN, an act 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.

Recommendation:

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

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

Amend the bill by replacing section 4 with the following:

4 New Section; Registration Fees; Processing Fee to be Collected. Amend RSA 261 by inserting after section 141-a the following new section:

261:141-b Processing Fee to be Collected. The department shall collect an additional \$5 fee for each registration processed by electronic means.

The signatures below attest to the authenticity of this Report on HB 1276-FN, an act 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.

Conferees on the Part of the Senate

Sen. Kenney, Dist. 3
Sen. Morse, Dist. 22
Sen. Cohen, Dist. 24

Conferees on the Part of the House

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

Adopted.

May 17, 2004

2004-1596-CofC

01/04

Committee of Conference Report on HB 1281, an act permitting the adoption of an alternative cost apportionment method in a cooperative school district.

Recommendation:

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

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

Amend RSA 195:14-a, II and III as inserted by section 1 of the bill by replacing them with the following:

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 on the question 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 on the question in each city or town in the cooperative school district shall be required to approve the modification or rescission.

Amend RSA 198:41, III as inserted by section 3 of the bill by replacing it with the following:

III. The department of education shall notify municipalities of the estimated amount of aid to which they are entitled for the following school year on November 15.

Amend the bill by replacing section 4 with the following:

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 2005.

The signatures below attest to the authenticity of this Report on HB 1281, an act permitting the adoption of an alternative cost apportionment method in a cooperative school district.

Conferees on the Part of the Senate

Sen. Eaton, Dist. 10

Sen. Kenney, Dist. 3

Sen. Below, Dist. 5

Conferees on the Part of the House

Rep. Major, Rock. 79

Rep. V. Clark, Rock. 79

Rep. Jasper, Hills. 66

Rep. Almy, Graf. 18

2004-1596-CofC

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 on November 15.

Adopted.

May 13, 2004

2004-1609-CofC

01/09

Committee of Conference Report on HB 1282, an act authorizing the commissioner of insurance and the commissioner of banking to order the payment of restitution to individuals harmed by unfair or deceptive practices of licensees.

Recommendation:

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

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

Amend RSA 383:10-d as inserted by section 2 of the bill by replacing it with the following:

383:10-d Consumer Complaints and Restitution. The commissioner shall have exclusive authority and jurisdiction to investigate conduct that is or may be an unfair or deceptive act or practice under RSA 358-A and exempt under RSA 358-A:3, I or that may violate any of the provisions of Titles XXXV and XXXVI and

administrative rules adopted thereunder. The commissioner may hold hearings relative to such conduct and may order restitution for a person or persons adversely affected by such conduct. The commissioner may request the assistance and services of the consumer protection and antitrust bureau of the department of justice. In the instance of conduct involving an alleged criminal offense, the commissioner shall refer to the department of justice all aspects relevant to the criminal investigation and prosecution of such matter.

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

4 Contingency. If SB 371 of the 2004 legislative session becomes law, then section 3 of SB 371 shall take effect June 30, 2004.

5 Effective Date.

I. Section 4 of this act shall take effect upon its passage.

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

The signatures below attest to the authenticity of this Report on HB 1282, an act authorizing the commissioner of insurance and the commissioner of banking to order the payment of restitution to individuals harmed by unfair or deceptive practices of licensees.

Conferees on the Part of the Senate

Sen. Flanders, Dist. 7

Sen. Prescott, Dist. 23

Sen. Cohen, Dist. 24

Conferees on the Part of the House

Rep. Hunt, Ches. 28

Rep. Fraser, Merr. 37

Rep. Spiess, Hills. 47

Rep. DeStefano, Merr. 41

2004-1609-CofC

AMENDED ANALYSIS

This bill authorizes the commissioner of insurance and the commissioner of banking to order the payment of restitution to individuals harmed by unfair or deceptive practices of licensees

This bill also changes an effective date of a section of SB 371 of the 2004 legislative session.

Adopted.

May 18, 2004

2004-1631-CofC

03/04

Committee of Conference Report on HB 1293, an act relative to emission control equipment for certain vehicles.

Recommendation:

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

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

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

5 New Paragraph; Unfair Insurance Trade Practices; Coercion in Requiring Certain Automobile Rental. Amend RSA 417:4 by inserting after paragraph XXI the following new paragraph:

XXII. Coercion In Requiring Certain Automobile Rental.

(a) No insurance company, agent, or adjuster shall engage in any act or practice of intimidation, coercion, threat, for or against any insured person or entity to use a particular company or location to provide rental automobile services or products.

(b) Nothing shall prohibit any insurance company, agent, or adjuster from providing to such insured person or entity the name of an automobile rental company with which arrangements may have been made with respect to automobile rental services.

6 Repeal. RSA 417:4, XXII, relative to automobile rental coercion, is repealed.

7 Effective Date.

I. Sections 3 and 5 of this act shall take effect 60 days after its passage.

II. Section 6 of this act shall take effect July 1, 2006.

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

The signatures below attest to the authenticity of this Report on HB 1293, an act relative to emission control equipment for certain vehicles.

Conferees on the Part of the Senate

Sen. Clegg, Dist. 14

Sen. Kenney, Dist. 3

Sen. Below, Dist. 5

Conferees on the Part of the House

Rep. Thomas, Belk. 31

Rep. Hunt, Ches. 28

Rep. Artz, Hills. 64

Rep. Kaen, Straf. 72

Adopted.

May 19, 2004

2004-1655-CofC

01/04

Committee of Conference Report on HB 1295 an act relative to certain court records.

Recommendation:

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

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

Amend the bill by replacing section 4 with the following:

4 New Paragraphs; Exemptions; Certain Documents. Amend RSA 91-A:5 by inserting after paragraph VI the following new paragraphs:

VII. Any notes or other materials made for personal use that do not have an official purpose, including notes and materials made prior to, during, or after a public proceeding.

VIII. Preliminary drafts, notes, and memoranda and other documents not in their final form and not disclosed, circulated, or available to a quorum or a majority of those entities defined in RSA 91-A:1-a.

The signatures below attest to the authenticity of this Report on HB 1295, an act relative to certain court records.

Conferees on the Part of the Senate

Sen. Roberge, Dist. 9

Sen. Odell, Dist. 8

Sen. Clegg, Dist. 14

Conferees on the Part of the House

Rep. Haytayan, Hills. 46

Rep. Mock, Carr. 4

Rep. Rowe, Hills. 47

Rep. Craig, Hills. 50

2004-1655-CofC

AMENDED ANALYSIS

This bill:

I. Declares that certain court records involving an action against a governmental unit shall be available as a public record under RSA 91-A.

II. Exempts notes or other materials made for personal use that do not have an official purpose from the right-to-know law.

III. Exempts preliminary drafts, notes, and memoranda and other documents not in their final form and not disclosed, circulated, or available to certain entities from the right-to-know law.

Adopted.

May 17, 2004

2004-1600-CofC

08/09

Committee of Conference Report on HB 1296, an act establishing a committee to study the authority to inspect food by the department of health and human services and the department of agriculture, markets, and food.

Recommendation:

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

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

Amend the bill by replacing section 6 with the following:

6 Food Service Licensure; Definition. Amend RSA 143-A:3, V to read as follows:

V. "Occasional food service establishment" means any food service establishment operated by a private or public organization or institution, whether profit or nonprofit, which prepares food or drink for sale or for service, and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge, no more than ~~[4 days]~~ **96 hours at no fewer than 3 hours a day** during a 30-day period.

The signatures below attest to the authenticity of this Report on HB 1296, an act establishing a committee to study the authority to inspect food by the department of health and human services and the department of agriculture, markets, and food.

Conferees on the Part of the Senate

Sen. Prescott, Dist. 23

Sen. Green, Dist. 6

Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House

Rep. Olimpio, Carr. 8

Rep. Cernota, Hills. 65

Rep. P. LaFlamme, Hills. 61

Rep. Diamond, Graf. 17

Adopted.

May 18, 2004

2004-1630-CofC

05/03

Committee of Conference Report on HB 1326, an act establishing a study committee to examine the classification of consumer and display fireworks.

Recommendation:

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

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

Amend RSA 160-B:16-b and RSA 160-B:16-c as inserted by section 2 of the bill by replacing them with the following:

160-B:16-b Retail Sale of Firecrackers Prohibited; Penalty. The retail sale of firecrackers is prohibited. In this section, "firecracker" means a ground device firecracker as defined by the American Pyrotechnics Association in APA Standard 87-1 (2001) 3.1.3.1, as amended. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

160-B:16-c Retail Sale of Bottle Rockets Prohibited; Penalty. The retail sale of bottle rockets is prohibited. In this section, "bottle rocket" means a bottle rocket as defined by the American Pyrotechnics Association in APA Standard 87-1 (2001) 3.1.2.1, as amended. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

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

5 Permissible Fireworks; Rulemaking; Bond for Retail Sellers of Permissible Fireworks Prohibited. Amend RSA 160-C:4, II to read as follows:

II. Insurance~~[-bonding,]~~ or other evidence of financial responsibility to be required of any person licensed under this chapter, ***except that no bonding requirement shall be imposed on retail sellers of permissible fireworks.***

6 Committee Established. There is established a committee to study the classification of consumer and display fireworks.

7 Membership and Compensation.

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

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

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

8 Duties. The committee shall examine the state and federal regulation of consumer and display fireworks in New Hampshire, including RSA 160-B, RSA 160-C, Saf-C 2601, and 27 C.F.R. 555. The purpose of the study shall be to propose a recodification of the applicable statutes such that RSA 160-B shall regulate display fireworks, formerly known as class B special fireworks, and RSA 160-C shall regulate consumer fireworks, formerly known as class C common fireworks, a subdivision of which shall be permissible fireworks, as selected by the permissible fireworks review committee. The committee shall solicit such information and testimony as it deems necessary to conduct the study.

9 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. Three members of the committee shall constitute a quorum.

10 Report. The committee shall report its findings and any proposed recodification of RSA 160-B and RSA 160-C to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2004.

11 Effective Date.

I. Sections 1, 2, and 4 of this act shall take effect September 30, 2004.

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

The signatures below attest to the authenticity of this Report on HB 1326, an act establishing a study committee to examine the classification of consumer and display fireworks.

Conferees on the Part of the Senate
 Sen. Peterson, Dist. 11
 Sen. Clegg, Dist. 14
 Sen. Larsen, Dist. 15

Conferees on the Part of the House
 Rep. Welch, Rock. 79
 Rep. Knowles, Straf. 69
 Rep. Bemis, Straf. 67
 Rep. Bicknell, Rock. 73

2004-1630-CofC

AMENDED ANALYSIS

This bill:

- I. Changes the requirements for obtaining a state license to sell permissible fireworks.
- II. Prohibits the retail sale of firecrackers and bottle rockets.
- III. Provides the commissioner of the department of safety with rulemaking authority relative to the licensing of persons responsible for the use of flame, pyrotechnics, or special effects before an audience.
- IV. Changes the meeting requirements of the permissible fireworks review committee.
- V. Prohibits bonding of retail sellers of permissible fireworks.
- VI. Establishes a study committee to examine the classification of consumer and display fireworks.

Adopted.

May 19, 2004
 2004-1652-CofC
 03/01

Committee of Conference Report on HB 1348-FN, an act relative to registration of business organizations.

Recommendation:

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

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

Amend the bill by replacing section 29 with the following:

29 Registered Limited Liability Partnerships. Amend RSA 304-A:44, III to read as follows:

III. A partnership becomes a registered limited liability partnership at the close of business on the date of the filing of the initial registration with the secretary of state or at the effective time or the delayed effective time and date not later than the ninetieth day after the date the registration is filed, specified in the registration, if, in any case, there has been substantial compliance with the requirements of this chapter. ***A document filed electronically shall be effective at such delayed effective time and date or upon the date and time of acceptance by the secretary of state corporate database and application, if, in any case, there has been substantial compliance with the requirements of this chapter.*** A partnership continues as a registered limited liability partnership if there has been substantial compliance with the requirements of this chapter. The status of a partnership as a registered limited liability partnership and the liability of a partner of such registered limited liability partnership shall not be adversely affected by errors or subsequent changes in the information stated in a registration under paragraph I of this section.

Amend the bill by replacing section 35 with the following:

35 Registered Limited Liability Partnerships; Execution of Documents, Filing Requirements, Fees. Amend RSA 304-A:51, V to read as follows:

V.(a) Except as provided in paragraph VI, a document accepted for filing is effective:

[~~(a)~~] (1) At the close of business on the date it is filed, as evidenced by the secretary of state's date endorsement of the original document; or

[~~(b)~~] (2) At the time specified in the document as its effective time on the date it is filed.

(b) A document filed electronically shall be effective upon the date and time of acceptance by the secretary of state corporate database and application or as specified in accordance with paragraph VI.

Amend the bill by replacing section 38 with the following:

38 Uniform Limited Partnership Act; Certificate of Limited Partnership. Amend RSA 304-B:8, II to read as follows:

II. A limited partnership is formed at the close of business on the date of the filing of the certificate of limited partnership in the office of the secretary of state, [~~together with the certificate required by RSA 421-B:13, I-a(b);~~] or the effective time or the delayed effective time and date specified in accordance with RSA 304-B:13, IV in the certificate of limited partnership if, in any case, there has been substantial compliance with the requirements of this section. ***A limited partnership filed electronically will be effective upon the date and time of acceptance by the secretary of state corporate database and application or as specified in accordance with RSA 304-B:13, IV.***

Amend the bill by replacing all after section 65 with the following:

66 New Section; Department of State; Handling Charge. Amend RSA 5 by inserting after section 10 the following new section:

5:10-a Handling Charge. If the secretary of state collects a fee electronically for any registration, any document, or any other purpose, the secretary of state shall collect a handling charge for each fee paid electronically, including by Internet or facsimile, by adding \$2 to the total fee.

67 Repeal. RSA 5:10-a, relative to department of state handling charges, is repealed.

68 Effective Date.

I. Section 67 of this act shall take effect July 1, 2008.

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

The signatures below attest to the authenticity of this Report on HB 1348-FN, an act relative to registration of business organizations.

Conferees on the Part of the Senate

Sen. Clegg, Dist. 14
 Sen. Peterson, Dist. 11
 Sen. Foster, Dist. 13

Conferees on the Part of the House

Rep. Hunt, Ches. 28
 Rep. Stepanek, Hills. 47
 Rep. Brady, Coos 2
 Rep. Kopka, Hills. 63

Adopted.

May 18, 2004
 2004-1621-CofC
 04/05

Committee of Conference Report on HB 1367, an act permitting the parents or legal guardians of a sexual assault victim to remain with the victim during the legal proceedings.

Recommendation:

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

The signatures below attest to the authenticity of this Report on HB 1367, an act permitting the parents or legal guardians of a sexual assault victim to remain with the victim during the legal proceedings.

Conferees on the Part of the Senate

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

Conferees on the Part of the House

Rep. Knowles, Straf. 69
 Rep. Welch, Rock. 79
 Rep. Bemis, Straf. 67
 Rep. Bicknell, Rock. 73

Adopted.

May 18, 2004
 2004-1614-CofC
 04/10

Committee of Conference Report on HB 1380-FN, an act relative to unauthorized video surveillance.

Recommendation:

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

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

Amend RSA 644:9, I (c) as inserted by section 1 of the bill by replacing it with the following:

(c) Outside a private place, any device for the purpose of hearing, recording, amplifying, broadcasting, or in any way transmitting images or sounds originating in such place which would not ordinarily be audible or comprehensible outside such place.

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

2 Breach of Peace; Violation of Privacy. Amend RSA 644:9, III to read as follows:

III. A person is guilty of a class A misdemeanor if that person knowingly disseminates or causes the dissemination of any photograph or video recording of himself or herself engaging in sexual activity with another person without the express consent of the other person or persons who appear in the photograph or videotape. In this paragraph, "disseminate" and "sexual activity" shall have the same meaning as in RSA 649-A:2.

IV. [This paragraph] Paragraphs I and II shall not be construed to impair or limit any otherwise lawful activities of law enforcement personnel, [or] **nor are paragraphs I and II intended to limit** employees of governmental agencies or other entities, public or private, who, in the course and scope of their employment and supported by articulable suspicion, attempt to capture any type of visual image, sound recording, or other physical impression of a person during an investigation, surveillance, or monitoring of conduct to obtain evidence of suspected illegal activity, the suspected violation of any administrative rule or regulation, a suspected fraudulent insurance claim, or any other suspected fraudulent conduct or activity involving a violation of law, or pattern of business practices adversely affecting the public health or safety.

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

The signatures below attest to the authenticity of this Report on HB 1380-FN, an act relative to unauthorized video surveillance.

Conferees on the Part of the Senate

Sen. Barnes, Dist. 17

Sen. Gatsas, Dist. 16

Sen. Larsen, Dist. 15

Conferees on the Part of the House

Rep. Tholl, Coos 2

Rep. Knowles, Straf. 69

Rep. Bicknell, Rock. 73

Rep. Neddeau, Belk. 30

Adopted.

May 18, 2004

2004-1619-CofC

04/05

Committee of Conference Report on HB 1401-FN, an act limiting the use of traffic signal preemption devices.

Recommendation:

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

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

Amend RSA 228:69, I(c) as inserted by section 7 of the bill by replacing it with the following:

(c) To provide funding for the Boston to Montreal High Speed Rail Planning and Feasibility Study for the high speed rail connection between Boston and Montreal in an amount not to exceed \$85,000.

The signatures below attest to the authenticity of this Report on HB 1401-FN, an act limiting the use of traffic signal preemption devices.

Conferees on the Part of the Senate

Sen. Flanders, Dist. 7

Sen. Barnes, Dist. 17

Sen. Below, Dist. 5

Conferees on the Part of the House

Rep. Packard, Rock. 75

Rep. Royce, Ches. 28

Rep. Letourneau, Rock. 77

Rep. Ferland, Sull. 23

Adopted.

May 18, 2004

2004-1640-CofC

05/04

Committee of Conference Report on HB 1408-FN, an act relative to reporting requirements for certain non-profit organizations, including health care charitable trusts.

Recommendation:

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

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

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

Amend the bill by replacing section 1 with the following:

1 New Paragraphs; Director of Charitable Trusts; Reports by Trustees of Charitable Trusts; Reporting Requirements Added. Amend RSA 7:28 by inserting after paragraph III the following new paragraphs:

III-a. Any charitable organization with revenue, gains, and other support of \$500,000 or more that is required to file an Internal Revenue Service Form 990 with the attorney general shall also submit the organization's latest financial statement prepared in accordance with generally accepted accounting principles.

III-b. Any charitable organization with revenue, gains, and other support of \$1,000,000 or more that is required to file an Internal Revenue Service Form 990 with the attorney general shall also submit the organization's latest audited financial statement prepared in accordance with generally accepted accounting principles.

III-c. Charitable organizations for which compliance with paragraphs III-a or III-b would constitute a financial burden may request an exemption according to criteria established and administered by the director of charitable trusts. An exemption, if granted, shall be valid for 3 years from the date of issuance unless revoked by the director of charitable trusts and written notice of such revocation is provided to the charitable organization.

The signatures below attest to the authenticity of this Report on HB 1408-FN, an act relative to reporting requirements for certain nonprofit organizations, including health care charitable trusts.

Conferees on the Part of the Senate

Sen. Flanders, Dist. 7

Sen. Barnes, Dist. 17

Sen. Below, Dist. 5

Conferees on the Part of the House

Rep. Hunt, Ches. 28

Rep. Spiess, Hills. 47

Rep. Stepanek, Hills. 47

Rep. Meader, Ches. 25

Adopted.

May 19, 2004

2004-1654-CofC

05/01

Committee of Conference Report on HB 1411-FN-A, an act establishing a committee to study funding sources for the state laboratories and extending the appropriation to the department of corrections for the prison automation system.

Recommendation:

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

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

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

1 Capital Appropriation; Department of Corrections; Lapse Date Extended. The \$750,000 appropriation to the department of corrections in 1997, 349:1, III(D), for the prison automation system, is hereby extended to June 30, 2005.

2 Oversight and Reporting Required. The department of corrections shall provide a report every 90 days to the legislative capital budget overview committee on the progress of the prison automation project beginning September 30, 2004, until the funds appropriated and extended for such purpose in section 1 of this act are fully expended. The reports shall include the current total project cost, funds encumbered, actual expenditures, and the estimated completion date for the project.

3 Office of Information Technology; Oversight and Reporting Required. The office of information technology shall provide a report every 30 days to the fiscal committee of the general court and to the house and senate ways and means committees on the progress of the prison automation project beginning September 30, 2004, until the funds appropriated and extended for such purpose in section 6 of this act are fully expended. The reports shall include the current total project cost, funds encumbered, actual expenditures, and the estimated completion date for the project.

4 State Laboratory Committee Established. The general court recognizes that certain functions of state government may directly or indirectly compete with services and products otherwise provided by the private sector. State government has a responsibility to consider very carefully any decision to provide products and services to the public at large, particularly where the products and services to be provided may compete with similar products or services offered by the private sector. Therefore, there is hereby established the state laboratory committee, a study committee to examine the current structure of the state laboratories to identify those services which compete directly with the private sector and to examine the true costs of providing such services where private market-priced services are concerned.

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

(a) Three members of the senate, appointed by the president of the senate, one of whom shall be a member of the senate ways and means committee and one of whom shall be a member of the senate finance committee.

(b) Four members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the house public works and highways committee, one of whom shall be a member of the house ways and means committee, and one of whom shall be a member of the house finance committee.

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

III. The committee shall:

(a) Study and direct the commissioners of agencies that operate state laboratories to adjust laboratory fees to reflect market conditions and trends to keep laboratory fees comparable to the private sector.

(b) Consider the feasibility of implementing a facility fee for laboratory services to pay for maintenance and debt service on the renovation and expansion of the state laboratories.

(c) Determine the extent to which the state laboratories compete against the private sector in offering its products and services to the general public.

(d) Examine the benefits and true cost savings to the state associated with the possibility of phasing out those services in which the state unfairly competes against the private sector today.

(e) Review similar operations and the competitive position in the marketplace of similarly-provided laboratory services of other states.

(f) Evaluate the need to refocus the role and responsibilities of the state laboratory services to provide necessary services available in the private sector, such as those related to homeland security.

(g) Develop recommendations and legislative proposals for reorganization and implementation of changes based on the findings of this committee.

(h) Study other issues deemed relevant to the committee's purpose.

(i) Solicit relevant information and testimony from the following individuals and organizations:

(1) The New Hampshire Municipal Association.

(2) The New Hampshire Waterworks Association.

(3) The Business and Industry Association of New Hampshire.

(4) The Lab Association of New Hampshire.

(5) American Council of Engineering Companies-New Hampshire Chapter.

(6) The commissioner of the department of health and human services, or designee.

(7) The commissioner of the department of environmental services, or designee.

(8) The commissioner of the department of safety, or designee.

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

V. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, 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.

5 Public Health; Laboratory of Hygiene; Fee Required; Fees Changed. RSA 131:3-a, III is repealed and reenacted to read as follows:

III. Unless otherwise prohibited by the Safe Drinking Water Act or the EPA grants referenced in paragraph I, the commissioner of environmental services shall adopt rules, under RSA 541-A, to change the fees established in paragraphs I-II in accordance with the findings of the state laboratory committee established in the 2004 legislative session. The commissioner shall make future adjustments to the fees, by rule, to reflect market conditions and trends to keep specified lab fees comparable to the private sector.

IV. All fees collected by the commissioner of environmental services under this section shall be deposited with the state treasurer as unrestricted revenue, with the exception that 50 percent of every analysis fee shall be deposited with the state treasurer and reserved in a special nonlapsing fund to be used by the com-

missioner of environmental services for the purchase of replacement or new laboratory equipment designed to improve service. The commissioner may, with prior approval of the governor and council, use funds in the nonlapsing account for unanticipated personnel or supply expenditures made necessary by unexpected changes in or additions to federal or state required laboratory analyses, or unusual volume of samples.

6 Effective Date.

I. Section 5 of this act shall take effect January 1, 2005.

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

The signatures below attest to the authenticity of this Report on HB 1411-FN-A, an act establishing a committee to study funding sources for the state laboratories and extending the appropriation to the department of corrections for the prison automation system.

Conferees on the Part of the Senate

Sen. Prescott, Dist. 23

Sen. O'Hearn, Dist. 12

Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House

Rep. E Smith, Ches. 26

Rep. C. Bouchard, Merr. 39

Rep. Waterhouse, Rock. 76

Rep. R. Wheeler, Hills. 48

2004-1654-CofC

AMENDED ANALYSIS

This bill:

I. Prevents the lapse of a prior appropriation to the department of corrections for a prison automation system.

II. Establishes a study committee relative to state laboratory fees.

III. Requires the commissioner of environmental services to establish, by rule, competitive fees for laboratory services.

Adopted.

May 19, 2004

2004-1649-CofC

05/10

Committee of Conference Report on HB 1428-FN, an act 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.

Recommendation:

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

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

Amend the bill by deleting sections 12 and 13 and renumbering the original section 14 to read as 12.

Amend the bill by replacing section 12 with the following:

12 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 upon its passage.

The signatures below attest to the authenticity of this Report on HB 1428-FN, an act 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.

Conferees on the Part of the Senate

Sen. Barnes, Dist. 17

Sen. Roberge, Dist. 9

Sen. Foster, Dist. 13

Conferees on the Part of the House

Rep. Rogers Johnson, Rock. 83

Rep. Hunt, Ches. 28

Rep. Rodeschin, Sull. 20

Rep. Wallner, Merr. 40

2004-1649-CofC

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.

Adopted.

May 19, 2004

2004-1669-CofC

06/01

Committee of Conference Report on HB 2004-FN-LOCAL, an act relative to the state 10-year transportation improvement plan and making certain adjustments to turnpike funds.

Recommendation:

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

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

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

7 Penalties for Frivolous Actions; State Construction Projects Added. RSA 507:15 is repealed and reenacted to read as follows:

507:15 Penalties for Frivolous Actions.

I. If, upon the hearing of any contract or tort action, it clearly appears to the court that the action or any defense is frivolous or intended to harass or intimidate the prevailing party, then the court, upon motion of the prevailing party or on its own motion, may order summary judgment against the party who brought such action or raised such defense, and award the amount of costs and attorneys' fees incurred by the prevailing party plus \$1,000 to be paid to the prevailing party, provided such costs and fees are reasonable. The trial judge shall also report such conduct to the supreme court committee on professional conduct.

II. If the court determines that the action under paragraph I causes substantial delay to a state road project, costs may include increased construction costs incurred by the state.

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

The signatures below attest to the authenticity of this Report on HB 2004-FN-LOCAL, an act relative to the state 10-year transportation improvement plan and making certain adjustments to turnpike funds.

Conferees on the Part of the Senate

Sen. Clegg, Dist. 14

Sen. Morse, Dist. 22

Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House

Rep. E. Smith, Ches. 26

Rep. Rausch, Rock. 77

Rep. Holland, Rock. 76

Rep. Graham, Hills. 57

2004-1669-CofC

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.

Adopted.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bills:

SB 109, adopting the model Drug Dealer Liability Act.

SB 153, adopting the nurse licensure compact.

SB 302-FN-L, making technical corrections to the education funding formula.

SB 312-FN, establishing a state code of ethics.

SB 317, relative to registration of pesticide applicators and rules of the pesticide control board.

SB 338-FN, relative to the purchase of prior service credit by certain political subdivision employee members.

SB 376-FN-A, relative to pharmaceutical purchases for receiving facilities and nonprofit hospitals.

SB 381, relative to the transfer of certain capital appropriations within the department of safety.

SB 382-FN-L, relative to medical service rates for state prisoners.

SB 391, relative to bond votes in municipalities using chartered official ballot voting procedures and relative to Claremont school district elections.

SB 407-FN-L, relative to default budgets in the budget adoption procedure in political subdivisions which have adopted official ballot voting.

SB 413-FN, relative to financing federally aided highway projects.

SB 415-FN, continuing and expanding to all counties the Grafton county court pilot project relative to abuse and neglect hearings.

SB 421, relative to charter schools.

SB 423, relative to confidentiality and workers' compensation.

SB 449, relative to fluoridation of municipally-owned public water systems.

SB 453, establishing a committee to study the tobacco master settlement agreement revenue stream to the state.

SB 459, making certain changes to the real estate practice act.

SB 461, relative to the regulation of gift certificates under the consumer protection act.

SB 478-FN, relative to penalties for DWI offenses.

SB 481-FN-L, establishing a sewer and other water-related purposes district for Great Bay.

SB 490-FN, relative to the Help America Vote Act.

SB 500-FN, relative to certain procedures of financial institutions.

SB 508-FN, relative to grant-funded programs.

SB 521-FN, increasing the penalty for identity fraud.

SB 526, relative to sexual harassment complaint procedures for public employees.

SB 533, relative to licensing requirements for certain recreation and child care programs.

SB 534-FN-A, relative to the reorganization of certain functions and duties of state agencies.

HOUSE MESSAGE

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

SJR 3, a resolution urging the United States Supreme Court to retain the words “under God” in the pledge of allegiance.

May 18, 2004
2004-1610-CofC
09/10

Committee of Conference Report on SB 109, an act adopting the model Drug Dealer Liability Act.

Recommendation:

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

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

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

The signatures below attest to the authenticity of this Report on SB 109, an act adopting the model Drug Dealer Liability Act.

Conferees on the Part of the Senate

Sen. Prescott, Dist. 23

Sen. Clegg, Dist. 14

Sen. Martel, Dist. 18

Conferees on the Part of the House

Rep. Haytayan, Hills. 46

Rep. Woods, Straf. 69

Rep. Craig, Hills. 50

Rep. Knowles, Straf. 69

2004-1610-CofC

AMENDED ANALYSIS

This bill adopts the model Drug Dealer Liability Act, which has been adopted by the bipartisan American Legislative Exchange Council.

Adopted.

May 17, 2004
2004-1599-CofC
08/09

Committee of Conference Report on SB 153, an act adopting the nurse licensure compact.

Recommendation:

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

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

The signatures below attest to the authenticity of this Report on SB 153, an act adopting the nurse licensure compact.

Conferees on the Part of the Senate

Sen. Martel, Dist. 18

Sen. Peterson, Dist. 11

Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House

Rep. P. LaFlamme, Hills. 61

Rep. Dexter, Ches. 27

Rep. N. Allan, Hills. 63

Rep. Pilotte, Hills. 55

Adopted.

May 19, 2004
2004-1672-CofC
04/10

Committee of Conference Report on SB 302-FN-LOCAL, an act making technical corrections to the education funding formula.

Recommendation:

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

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

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

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

1 Education Property Tax; Version Effective July 1, 2004. RSA 76:3 is repealed and reenacted to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of \$3.33 on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

2 Education Property Tax; Version Effective July 1, 2005. RSA 76:3 is repealed and reenacted to read as follows:

76:3 Education Property Tax. Beginning July 1, 2005, and every fiscal year thereafter, the commissioner of the department of revenue administration shall set the education property tax rate at a level sufficient to generate revenue equal to the statewide education property tax revenue generated in the previous fiscal year. Such rate shall be imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F. The education property tax rate shall be effective for the fiscal year in which the calculation is made.

3 School Money; Definitions. RSA 198:38 is repealed and reenacted to read as follows:

198:38 Definitions. In this subdivision:

I. "Municipality" means a city, town, or unincorporated place.

II. "School district" means school district as defined in RSA 194:1 or RSA 195:1.

III. "Elementary school" means a school with any of the grades kindergarten through 8.

IV. "Average per pupil adequacy cost" means the amount as determined in accordance with RSA 198:40.

V. "Average daily membership in attendance" means average daily membership in attendance as defined in RSA 189:1-d, III, as of September 30th of the second school year preceding the year in which the calculation is made.

VI. "Average daily membership in residence" means the average daily membership in residence as, defined in RSA 189:1-d, IV, as of September 30th of the second school year preceding the year in which the calculation is made, provided that no kindergarten pupil shall count as more than 1/2 day attendance per calendar day.

VII. "Adequate education cost" means the amount calculated for a municipality in accordance with RSA 198:41. In a cooperative school district, the adequate education cost shall equal the sum of the adequate education costs of the municipalities whose pre-existing school districts constitute the cooperative school district.

VIII. "Department" means the department of education.

4 School Money; Education Trust Fund. Amend the introductory paragraph of RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities' school districts pursuant to RSA 198:42, and to provide ~~[statewide enhanced education property tax hardship relief under RSA 198:55]~~ **low and moderate income homeowners property tax relief under RSA 198:56-198:61**. The state treasurer shall deposit into this fund immediately upon receipt:

5 School Money; Determination of Average Per Pupil Adequacy Cost; Fiscal Year 2004. RSA 198:40 is repealed and reenacted to read as follows:

198:40 Determination of Average Per Pupil Adequacy Cost.

I. Beginning July 1, 1999, and every biennium thereafter, the average per pupil adequacy cost shall be established using the following formula:

(a) The department shall calculate the cost per pupil for each school district that operates an elementary school by subtracting from the total expenditures at the elementary school level, tuition to other school districts or approved educational programs, capital costs and debt service on such costs, special education costs, food service costs, transportation costs, adult/continuing education and community services costs, and federal revenues not otherwise deducted. For each school district, this amount shall be divided by the average daily membership in attendance at the elementary school level to attain a cost per pupil.

(b) The department shall identify those school districts where 40 to 60 percent of the elementary pupils enrolled in the grades tested on the day testing began, achieved a scaled score, in the statewide educational improvement and assessment program administered pursuant to RSA 193-C, in all areas tested, equivalent to performance at the basic level or above. From these school districts, the department shall then identify those school districts that have the lowest cost per pupil as calculated pursuant to subparagraph I(a) and which represent, as nearly as possible, 50 percent of the average daily membership in attendance at the elementary level of the school districts identified.

(c) The department shall multiply the cost per pupil of each school district identified in subparagraph I(b) by the average daily membership in attendance at each of the selected school districts, and add the results across all districts selected. This sum shall then be divided by the total average daily membership in attendance at the elementary school level in all of the selected school districts and the result shall be multiplied by .9025 to attain the average per pupil adequacy cost.

II. For each fiscal year, the statewide cost of an adequate education shall be determined by:

(a) Multiplying the average per pupil adequacy cost by the statewide average daily membership in residence; and

(b) Adding the total statewide targeted aid for low income pupils and the total statewide targeted aid for property poor municipalities, as determined in RSA 198:41, to the result obtained in subparagraph II (a).

6 School Money; Determination of Average Per Pupil Adequacy Cost; Version Effective July 1, 2005. The introductory paragraph to RSA 198:40, I is repealed and reenacted to read as follows:

I. Beginning July 1, 1999, the average per pupil adequacy cost shall be established using the following formula:

7 New Subparagraph; Determination of Average Per Pupil Adequacy Cost; Consumer Price Index Adjustment; Version Effective July 1, 2005. Amend RSA 198:40, I by inserting after subparagraph (c) the following new subparagraph:

(d) For each biennium beginning July 1, 2005 and every biennium thereafter, the average per pupil adequacy cost calculated for the previous biennium shall be multiplied by 2 times the average annual percentage rate of inflation for the immediately preceding 4 calendar years based on the northeast region consumer price index for all urban consumers, as published by the Bureau of Labor Statistics, United States Department of Labor.

8 School Money; Targeted Aid; Determination of Adequate Education Grants. RSA 198:41 is repealed and reenacted to read as follows:

198:41 Targeted Aid; Determination of Adequate Education Grants.

I. A municipality shall receive aid for low income pupils which shall be calculated by multiplying the average per pupil adequacy cost, determined in RSA 198:40, I, by 0.6 and multiplying the result by the number of pupils in the municipality eligible to receive a free or reduced-price meal as reported to the department.

II. A municipality may receive aid as a property poor municipality as follows:

(a)(1) Divide the total statewide equalized valuation of all municipalities as determined by the department of revenue administration, excluding property subject to taxation under RSA 82 and RSA 83-F, from the second year preceding the year in which the calculation is made, by the total statewide average daily membership in residence. The result shall be the statewide average equalized valuation per pupil.

(2) Divide the equalized valuation of all property in a municipality as determined by the department of revenue administration, excluding property subject to taxation under RSA 82 and RSA 83-F, from the second school year preceding the year in which the calculation is made, by the municipality's average daily membership in residence. The result shall be the municipality's equalized valuation per pupil.

(b) In any fiscal year, if a municipality's equalized valuation per pupil is less than or equal to 90 percent of the statewide average equalized valuation per pupil, such municipality shall receive aid as a property poor municipality as follows:

(1) Multiply the statewide average equalized valuation per pupil by 0.9 and subtract the municipality's equalized valuation per pupil. Multiply the result by the municipality's average daily membership in residence to obtain the municipality's adjusted equalized valuation per pupil.

(2) Divide the municipality's adjusted equalized valuation per pupil by the sum total of adjusted equalized valuations per pupil statewide. Multiply the result by the statewide amount of aid for low income pupils in a fiscal year to obtain the municipality's aid as a property poor municipality.

(c) In every fiscal year, the amount distributed as targeted aid for property poor municipalities under this paragraph shall be equal to the amount distributed as targeted aid for low income pupils under paragraph I of this section.

III. Except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department shall determine the amount of the adequate education grant for a municipality as follows:

(a) Multiply the average per pupil adequacy cost by the average daily membership in residence for the municipality; and

(b) Add to the product of subparagraph (a), the amount of targeted aid for low income pupils and the amount of targeted aid for property poor municipalities which a municipality is entitled to receive as calculated under this section; and

(c) Subtract from the sum of subparagraph (b) the amount of the education property tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year.

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

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

(b) The total amount paid for items of current education expense as determined by the department minus the amount of the education property tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year.

9 School Money; Distribution Schedule of Adequate Education Grants. RSA 198:42, II is repealed and re-enacted to read as follows:

II. For the fiscal year beginning July 1, 2004, and every fiscal year thereafter the amount necessary to fund the grants under RSA 198:41 is hereby appropriated from the education trust fund created under RSA 198:39 to the department. 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 adequate education grants.

10 Cooperative School Districts; Certification of District Taxes. Amend RSA 195:14, I(c)-(d) to read as follows:

(c) The commissioner of revenue administration shall certify to the state department of education the total amount to be apportioned among the pre-existing school districts. Such total shall include the adequate education cost for the district under RSA 198:38, [XH] **VIII**, and the amount above the cost of an adequate education to be assessed and collected as local educational taxes.

(d) The state department of education shall determine the proportional share of the costs above adequacy to be assessed as local education taxes as follows:

[(#)] **(1)** First, the department shall determine each pre-existing district's proportional share of the total amount to be apportioned based on the cooperative school district formula.

[(#)] **(2)** Second, the department shall then deduct each pre-existing school district's adequate education cost under RSA 198:38, [XH] **VIII**, from its proportional share of the total amount to be apportioned.

[(#)] **(3)** Third, the department shall notify the commissioner of revenue administration of its determinations.

[(#)] **(4)** If the amount determined in subparagraph [(#)] **(2)** for any pre-existing district is less than zero, the department shall reduce the adequate education grant payable to the cooperative district under RSA 198:42 by the difference between the amount determined in subparagraph [(#)] **(1)** and the pre-existing district's adequate education cost under RSA 198:38, [XH] **VIII**.

11 Cooperative School Districts; State Aid. Amend RSA 195:15 to read as follows:

195:15 State Aid. The state aid to which a cooperative elementary and/or secondary district shall be entitled shall be the total of those shares of the aid to which the pupils attending the cooperative district would have entitled the pre-existing districts, had they remained in the pre-existing districts. For the purposes of crediting the cooperative district's adequate education cost to the pre-existing districts, each such pre-existing district shall have its adequate education cost under RSA 198:38, [XH] **VIII** credited against its share of the cooperative school district budget. However, cooperative school districts formed by 2 or more pre-existing districts whose boundaries approximate those of a single township in which they are located shall be treated as a single school district for the purposes of this section.

12 School Money; Maintenance of Local Control. Amend RSA 198:48 to read as follows:

198:48 Maintenance of Local Control. Distributions under RSA 198:42 ~~[depend only on weighted average daily membership in residence and the per pupil adequacy cost amounts as determined in this subdivision]~~ **are based on adequate education costs determined in RSA 198:40** and are independent of how the municipalities decide to spend the distributions or other funds they may raise for education. Notwithstanding any other provision of law, nothing in this subdivision is intended in any way to limit or control how school districts operate or spend their budgets except that adequate education grants must be expended for educational purposes. Adequate education grants and hardship grants shall not be considered unanticipated funds under RSA 198:20-b.

13 School Money; Duties of the Department of Education and the State Board of Education. Amend RSA 198:44, I to read as follows:

I. The department of education shall, on or before September 30 of each year, collect from the school districts final data concerning all aspects of student attendance for the school year ending June 30 of that year necessary to establish the average daily membership[-] **and** average daily membership in residence[-] ~~and weighted average daily membership in residence;~~ including the municipality of residence for each pupil for that year. The department of education shall submit a report by December 31 to the speaker of the house of representatives and the senate president to be used for purposes of determination by the legislature of the appropriation to the education trust fund. A copy of such report shall, at the same time, be given to the department of revenue administration.

14 School Districts; Unanticipated Funds Available. Notwithstanding RSA 198:20-b and RSA 198:48, for the fiscal year ending June 30, 2005, a school district may accept and expend unanticipated funds from the education trust fund which may become available during the year as a result of adjustments to the calculation of adequate education grant amounts.

15 School Districts; Special Meetings. Notwithstanding RSA 197:3, for the fiscal year ending June 30, 2005, a school district at a special meeting may make adjustments to the district's operating budget due to adjustments to the calculation of adequate education grant amounts.

16 Education Property Tax; Rate Established; Contingent Version. RSA 76:3 is repealed and reenacted to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of \$4.92 on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

17 Assessment; Commissioner's Warrant; Commissioner's Report; Contingent Versions. RSA 76:8 and 76:9 are repealed and reenacted to read as follows:

76:8 Commissioner's Warrant.

I. The commissioner of revenue administration shall annually calculate the proportion of education property tax to be raised by each municipality by multiplying the uniform education property tax rate by the total equalized value of all property in the municipality as determined under RSA 21-J:3, XIII for the preceding year, except property taxable under RSA 82 or RSA 83-F.

II. The commissioner shall issue a warrant under the commissioner's hand and official seal for the amount computed in paragraph I to the selectmen or assessors of each municipality by December 15 directing them to assess such sum and pay it to the municipality for the use of the school district or districts and, if there is an excess education tax payment due pursuant to RSA 198:46, directing them to assess the amount of the excess payment and pay it to the department of revenue administration for deposit in the education trust fund. Such sums shall be assessed at such times as may be prescribed for other taxes assessed by such selectmen or assessors of the municipality.

III. Municipalities are authorized to assess local property taxes necessary to fund school district appropriations not funded by the education property tax, by distributions from the education trust fund under RSA 198:39, or by other revenue sources.

76:9 Commissioner's Report. The commissioner of revenue administration shall report to the governor, the speaker of the house of representatives, the president of the senate, and the commissioner of education each year on or before October 1, a statement of the education property tax warrants to be issued for the tax year commencing April 1 of the succeeding year.

18 Utility Property Tax; Exemption; Contingent Version. RSA 83-F:9 is repealed and reenacted to read as follows:

83-F:9 Exemption From State Education Property Tax. Persons and property subject to taxation under this chapter shall not be subject to tax under RSA 76:3; provided, however, that nothing in this chapter shall be construed to exempt such persons or property from local school, municipal, district, or county taxation under RSA 76.

19 School Boards, Teachers; Definitions Amended; Contingent Version. RSA 189:1-d is repealed and reenacted to read as follows:

189:1-d Definitions. In this chapter:

I. "Attendance" means full-time participation in a program of instruction under the direction of a teacher employed by the school district. Educationally disabled home educated pupils educated at school district expense under the direction of a teacher employed by the school district shall be included.

II. "Membership" means pupils of whom attendance is expected, whether a pupil is present or absent on any given day.

III. "Average daily membership in attendance" means the aggregate half-day membership of pupils attending schools operated by a school district divided by the number of half-days of instruction offered. The average daily membership in attendance for preschool and kindergarten pupils shall be divided by the number of instructional days offered to higher-level elementary grades.

IV. "Average daily membership in residence" means the average daily membership in attendance of pupils who are legal residents of the school district pursuant to RSA 193:12 or RSA 193:27, IV and are attending any public school, or who are attending any charter school or private school program approved by the department of education at the expense of the school district.

20 School Money; Definitions; Education Trust Fund; Determination of Per Pupil Adequate Education Cost; Determination of Adequate Education Grants; Contingent Version. RSA 198:38-41 are repealed and reenacted to read as follows:

198:38 Definitions. In this subdivision:

I. "Municipality" means a city, town, or unincorporated place.

II. "School district" means school district as defined in RSA 194:1 or RSA 195:1.

III. "Elementary school" means a school with any of the grades kindergarten through 8.

IV. "High school" means a school with any of the grades 9 through 12.

V. "Base expenditure per pupil" for each school district that operates an elementary school means the amounts calculated in accordance with RSA 198:40, I(a).

VI. "Average base cost per pupil of an elementary school pupil" means the amount as determined in accordance with RSA 198:40.

VII. "Weighted pupils" means resident pupils weighted as follows:

- (a) Every pupil, including kindergarten pupils, 1.0.
- (b) A high school pupil, an additional weight of 0.2.
- (c) An educationally disabled child, an additional weight of 1.0.

(d)(1) Additional weights based on pupils eligible to receive a free or reduced-price meal shall be calculated by multiplying each municipality's elementary average daily membership in residence by the percentage of elementary pupils eligible to receive a free or reduced-price meal in the district of residence, and multiplied by:

(A) If the district percent is less than or equal to the percentage of elementary pupils eligible to receive a free or reduced-price meal statewide multiplied by 0.85, zero.

(B) If the district percentage is greater than the percentage of elementary pupils eligible to receive a free or reduced-price meal statewide multiplied by 0.85, the lesser of 1.0 or a number equal to 5 times the difference between the district percentage and the state average percentage multiplied by 0.85.

(2) If the elementary average daily membership of the district of residence is less than 10, the percentage of elementary pupils eligible to receive a free or reduced-price meal shall be equal to the percentage eligible in that district in which the majority of the elementary pupils attend.

(e) Each pupil who is home educated pursuant to a program approved under RSA 193-A shall be added as follows:

(1) 0.1 for each home educated pupil participating in a public school activity; and

(2) An additional 0.15 for each academic course taken in a public school, provided that no co-curricular activity, as defined by the department of education, shall count as an academic course under this subparagraph.

VIII. "Educationally disabled child" means an educationally disabled child as defined in RSA 186-C:2, I.

IX. "Average daily membership in attendance" means average daily membership in attendance as defined in RSA 189:1-d, III.

X. "Average daily membership in residence" and "resident pupils" mean the average daily membership in residence as defined in RSA 189:1-d, IV except that no kindergarten pupil shall count as more than 1/2 day attendance per calendar day.

XI. "Transportation costs" means the cost of transporting pupils in kindergarten through grade 8, excluding educationally disabled pupils, to and from school as reported by school districts on the DOE-25 form.

XII. "Adequate education cost" means the amount calculated for a municipality in accordance with RSA 198:41, I(a) and (b). In a cooperative school district, the adequate education cost shall equal the sum of the adequate education costs of the municipalities whose pre-existing school districts constitute the cooperative school district.

198:39 Education Trust Fund Created and Invested.

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities' school districts pursuant to RSA 198:42, and to provide low and moderate income homeowners property tax relief under RSA 198:56-198:61. The state treasurer shall deposit into this fund immediately upon receipt:

(a) Funds certified to the state treasurer by the commissioner of revenue administration pursuant to RSA 77-A:20-a, relative to business profits taxes.

(b) Funds certified to the state treasurer by the commissioner of revenue administration pursuant to RSA 77-E:14, relative to business enterprise tax.

(c) Funds collected and paid over to the state treasurer by the commissioner of revenue administration pursuant to RSA 78-A:26, III relative to the tax on motor vehicle rentals.

(d) Funds collected and paid over to the state treasurer by the department of revenue administration pursuant to RSA 78:32, relative to tobacco taxes.

(e) Funds certified to the state treasurer by the commissioner of revenue administration pursuant to RSA 78-B:13, relative to real estate transfer taxes.

(f) Funds collected and paid over to the state treasurer by the department of revenue administration pursuant to RSA 83-F:7, I, relative to the utility property tax.

(g) The full amount of excess education property tax payments from the department of revenue administration pursuant to RSA 198:46.

(h) All moneys due the fund in accordance with RSA 284:21-j, relative to sweepstakes.

(i) Tobacco settlement funds in the amount of \$40,000,000 annually.

(j) The school portion of any revenue sharing funds distributed pursuant to RSA 31-A:4 which were apportioned to school districts in the property tax rate calculations in 1998.

(k) Any other moneys appropriated from the general fund.

II. The education trust fund shall be nonlapsing. The state treasurer shall invest that part of the fund which is not needed for immediate distribution in short-term interest-bearing investments. The income from these investments shall be returned to the fund.

198:40 Determination of Per Pupil Adequate Education Cost and Adequate Education Grant.

I. For the biennium beginning July 1, 1999, and every biennium thereafter, the cost per pupil shall be established using the following formula:

(a) The department of education shall calculate the base expenditure per pupil for each school district that operates an elementary school by subtracting from the total expenditures at the elementary school level, tuition to other school districts or approved educational programs, capital costs and debt service on such costs, special education costs, food service costs, transportation costs, adult/continuing education and community services costs, and federal revenues not otherwise deducted. For each school district, this amount shall be divided by the average daily membership in attendance at the elementary school level to attain the base expenditure per pupil.

(b) The adequate education grant amount shall be calculated as follows:

(1) The department of education shall identify those school districts where 40 to 60 percent of the elementary pupils enrolled in the grades tested on the day testing began, achieved a scaled score, in the statewide educational improvement and assessment program administered pursuant to RSA 193-C, in all areas tested, equivalent to performance at the basic level or above.

(2) From the school districts identified in subparagraph I(b)(1) of this section, the department of education shall then identify those school districts that have the lowest base expenditure per pupil as calculated pursuant to subparagraph I(a) and which represent, as nearly as possible, 50 percent of the average daily membership in attendance at the elementary level of the school districts identified in subparagraph I(b)(1) of this section.

(3) The department of education shall calculate the average base cost per pupil of an adequate education at the elementary school level by multiplying the base expenditure per pupil of each school district identified in subparagraph I(b)(2) of this section by the average daily membership in attendance at each of the selected school districts, and add the results across all districts selected. This sum shall then be divided by the total average daily membership in attendance at the elementary school level in all of the selected school districts and the result shall be multiplied by .9025.

II. The weighted average daily membership in residence for each municipality shall be calculated by combining the elementary average daily membership in residence with the weighted high school average daily membership in residence, the average daily membership in residence resulting from educationally disabled children, and the additional average daily membership in residence resulting from elementary pupils eligible to receive a free or reduced-price meal. The statewide weighted average daily membership in residence of pupils shall be calculated by combining the weighted average daily membership in residence of each municipality in the state.

III. The statewide cost of an adequate education for all pupils shall be calculated by multiplying the average base per pupil cost of an adequate education by the statewide weighted average daily membership in residence of pupils and then adding 100 percent of transportation costs as defined in RSA 198:38, XI.

198:41 Determination of Adequate Education Grants.

I. Except 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 adequate education grant for the municipality as follows:

(a) Multiply the average base cost per pupil of an elementary pupil by the weighted average daily membership in residence for the municipality; and

(b) Add to the product of subparagraph (a), 100 percent of the municipality's apportioned transportation costs as defined in RSA 198:38, XI;

(c) Subtract from the sum of subparagraph (b) the amount of the education property tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year.

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 adequate education grant for each municipality as the lesser of the two following calculations:

(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 minus the amount of the education property tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year.

21 School Money; Distribution of Education Grants; Contingent Version. RSA 198:42, II is repealed and reenacted 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 198:41 is hereby appropriated from the education trust fund created under RSA 198:39 to the department of education. 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.

22 Consumer Price Index Adjustments to the Base Cost Per Pupil Calculation. The base cost per pupil shall be adjusted by the average annual percentage rate of inflation for the 4 immediately preceding calendar years.

23 Contingent Applicability. If the New Hampshire supreme court declares any provision of sections 1-15 of SB 302-FN-LOCAL of the 2004 legislative session to be contrary to the New Hampshire constitution, and if the New Hampshire supreme court determines that the applicability thereof to any agency, person, or circumstance is held invalid, then sections 16-22 of this act shall take effect immediately upon the determination of such unconstitutionality and invalidity, and shall remain in effect thereafter.

24 Repeal. The following are repealed:

I. 2003, 241:10-27, relative to the statewide enhanced education property tax formula.

II. 2003, 241:33, relative to the severability of certain provisions of 2003, 241.

III. RSA 198:40, II-III relative to calculating the weighted average daily membership in residence and calculating the statewide cost of an adequate education.

25 Effective Date.

I. Section 1 shall take effect July 1, 2004.

II. Sections 2, 6, and 7 shall take effect July 1, 2005.

III. Section 24 of this act shall take effect June 30, 2004.

IV. Sections 16-22 of this act shall take effect as provided in section 23 of this act.

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

The signatures below attest to the authenticity of this Report on SB 302-FN-LOCAL , an act making technical corrections to the education funding formula.

Conferees on the Part of the Senate

Sen. Clegg, Dist. 14
Sen. Morse, Dist. 22
Sen. Foster, Dist. 13

Conferees on the Part of the House

Rep. Whalley, Belk. 31
Rep. Kurk, Hills. 48
Rep. Major, Rock. 79
Rep. Lasky, Hills. 65

2004-1672-CofC

AMENDED ANALYSIS

This bill:

I. Establishes the education property tax rate at \$3.33 for the 2005 fiscal year.

II. For the 2006 fiscal year and every fiscal year thereafter, requires that the commissioner of the department of revenue administration to set the education property tax rate at a level sufficient to generate revenue equal to the revenue generated in the previous fiscal year.

III. Revises the formula for determining adequate education costs and adequate education grants.

IV. Provides targeted aid grants for low income pupils in each municipality.

V. Provides targeted aid grants for certain property poor municipalities based on the relationship between the statewide average equalized valuation per pupil and the municipality's equalized valuation per pupil.

VI. Effective June 30, 2004, repeals certain sections of HB 608-FN-LOCAL of the 2003 legislative session relative to the statewide enhanced education tax.

VII. Provides that the education funding formula for the 2004 fiscal year shall take effect if any provision of sections 1-15 of SB 302-FN-LOCAL of the 2004 legislative session is found by the New Hampshire supreme court to be unconstitutional and invalid.

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

A roll call was requested by Senator Clegg.

Seconded by Senator Foster.

The following Senators voted Yes: Johnson, Boyce, Flanders, Roberge, Eaton, Peterson, O'Hearn, Foster, Clegg, Larsen, Estabrook, Morse, Prescott.

The following Senators voted No: Gallus, Kenney, Below, Green, Odell, Gatsas, Barnes, Martel, Sapareto, D'Allesandro, Cohen.

Yeas: 13 - Nays: 11

Adopted.

May 18, 2004
2004-1603-CofC
05/04

Committee of Conference Report on SB 312-FN, an act establishing a state code of ethics.

Recommendation:

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

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

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Code of Ethics. Amend RSA 21-G by inserting after section 20 the following new subdivision:

Code of Ethics

21-G:21 Definitions. In this subdivision:

I "Agency" means any executive branch agency, department, division, board, commission, or entity of the executive branch.

II. "Conflict of interest" means a situation, circumstance, or financial interest which has the potential to cause a private interest to interfere with the proper exercise of a public duty.

III. "Gift" means any money or thing of value received in excess of \$50 or in excess of \$250 in aggregate from any single source during any calendar year. Gift shall not include contributions as defined in RSA 664; a commercially reasonable loan made in the ordinary course of business; meals and beverages consumed in the course of official business; ceremonial gifts or awards which have insignificant monetary value; unsolicited gifts of nominal value or trivial items of informational value; reasonable expenses for food, travel, and lodging for an in-state meeting at which the elected official or public employee participates in a panel or a speaking engagement; gifts of tickets or free admission extended to an elected official to attend charitable or political events, if the purpose of such gift or admission is a courtesy customarily extended to the office; gifts that are purely private and personal in nature; or gifts from relatives by blood or marriage, or a member of the same household.

IV. "Public employee" means any person, including but not limited to a classified employee, who is acting on behalf of the governor or an agency while engaged in state business.

V. "Public official" means a commissioned, unclassified, or nonclassified executive branch employee, but shall not include any commissioned, unclassified, or nonclassified employee elected by the legislature.

21-G:22 Conflict of Interest. Public employees and public officials shall avoid conflicts of interest. Public employees and public officials shall not participate in any matter in which they, or their spouse or dependents, have a private interest which may directly or indirectly affect or influence the performance of their duties.

21-G:23 Misuse of Position. No public official and no public employee shall disclose or use confidential or privileged information for personal benefit or for financial gain. Public officials and public employees shall not use their positions with the government to secure privileges or advantages for themselves, which are not generally available to governmental employees, or to secure governmental privileges or advantages for others.

21-G:24 Acceptance of Campaign Contributions. A public official or a public employee who is a candidate for an elective office that is not subject to the reporting requirements of RSA 664 and who accepts a financial contribution or other form of political contribution from an entity which is or is likely to become subject to that public official's or public employee's duties shall make a disclosure of such contributions to the secretary of state within 5 days of receipt of such contributions. The disclosure shall be in writing and on such form as the secretary of state shall prescribe.

21-G:25 Acceptance and Giving of Gifts. Any public employee, public official, and any public employee's or public official's spouse or dependent, who gives, solicits, accepts or agrees to accept a gift from a person who is subject to or likely to become subject to or interested in, any matter or action pending before or contemplated by the public employee or official or by the governmental body with which that employee or official is affiliated shall disclose the gift in the statement of financial disclosure filed under RSA 21-G:28. Nothing in this section shall be construed to prohibit gifts made to the state of New Hampshire and accepted in accordance with the law.

21-G:26 Employment Restrictions. For 6 months after leaving office or employment with the state, no public official shall appear as a lobbyist to promote or oppose directly any specific legislation pending or proposed before the general court on behalf of any matter over which that official had personal and direct responsibility while in state government.

21-G:27 Supplemental State Agency Ethical Codes. In addition to this code, each agency may promulgate a supplemental ethics code to address issues specific to that agency. In the event of a conflict, the provisions of this code shall supersede the agency code. To the extent that this code or an ethics code adopted by an agency shall apply to classified employees, this code, or an agency code, shall be interpreted to be consistent with the provisions of the classified employees' collective bargaining agreement.

21-G:28 Financial Disclosure.

I.(a) To ensure that the performance of official duties does not give rise to a conflict of interest, the following public officials shall file with the secretary of state a statement of financial disclosure in such form as the secretary of state may prescribe:

(1) All agency heads; and

(2) Any public official designated, due to the responsibilities of the position, by the agency head.

(b) The agency head shall file with the secretary of state an organizational chart identifying the names, titles, and position numbers of officials required to file a statement of financial disclosure.

II. The initial statements of financial disclosure and organizational charts required under this section shall be filed by July 1, 2005. Thereafter, revised statements of financial disclosure and organizational charts shall be filed immediately upon any change of status. New agency heads shall file a statement of financial disclosure no later than the first day of service.

III. Statements of financial disclosure and organizational charts filed with the secretary of state shall be public documents.

21-G:29 Penalty.

I. Any person who knowingly or willfully violates this subdivision shall be guilty of a misdemeanor and may be subject to termination.

II. In the case of any person convicted under this section, the court may order restitution.

The signatures below attest to the authenticity of this Report on SB 312-FN, an act establishing a state code of ethics.

Conferees on the Part of the Senate

Sen. Barnes, Dist. 17
Sen. Saprato, Dist. 19
Sen. Larsen, Dist. 15

Conferees on the Part of the House

Rep. O'Neil, Rock. 85
Rep. Hamel, Rock. 79
Rep. Drisko, Hills. 46
Rep. F. Sullivan, Hills. 52

Adopted.

May 18, 2004
2004-1626-CofC
08/09

Committee of Conference Report on SB 317, an act relative to registration of pesticide applicators and rules of the pesticide control board.

Recommendation:

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

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

The signatures below attest to the authenticity of this Report on SB 317, an act relative to registration of pesticide applicators and rules of the pesticide control board.

Conferees on the Part of the Senate

Sen. Johnson, Dist. 2
Sen. Odell, Dist. 8
Sen. Below, Dist. 5

Conferees on the Part of the House

Rep. Ahern, Belk. 29
Rep. Williams, Graf. 16
Rep. Owen, Merr. 34
Rep. Cernota, Hills. 65

Adopted.

May 18, 2004
2004-1643-CofC
10/01

Committee of Conference Report on SB 338-FN, an act relative to the purchase of prior service credit by certain political subdivision employee members.

Recommendation:

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

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

Amend the bill by replacing section 1 with the following:

1 Retirement System; Political Subdivision Employees; Purchase of Certain Prior Service Credit. Amend RSA 100-A:28 to read as follows:

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.***

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

6 Applicability. Notwithstanding section 2 of this act, any New Hampshire retirement system member who was making additional contributions under RSA 100-A:16, I(c) prior to December 31, 2004 or who applied to make additional contributions under RSA 100-A:16, I(c) prior to December 31, 2004 may continue to make additional contributions after December 31, 2004.

7 Effective Date.

I. Sections 2 and 6 of this act shall take effect December 31, 2004.

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

The signatures below attest to the authenticity of this Report on SB 338-FN, an act relative to the purchase of prior service credit by certain political subdivision employee members.

Conferees on the Part of the Senate

Sen. Green, Dist. 6

Sen. Roberge, Dist. 9

Sen. Peterson, Dist. 11

Conferees on the Part of the House

Rep. O'Neil, Rock. 85

Rep. Hall, Hills. 58

Rep. Irwin, Hills. 44

Rep. R. Wheeler, Hills. 48

Adopted.

May 18, 2004

2004-1634-CofC

03/01

Committee of Conference Report on SB 376-FN-A, an act relative to pharmaceutical purchases for receiving facilities and nonprofit hospitals.

Recommendation:

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

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

Amend the bill by replacing sections 24-25 with the following:

24 Medical Care; State Plan; Amendments. Amend RSA 161:2, VI to read as follows:

VI. MEDICAL CARE. In cooperation with state health authorities and county and local officials, develop and administer a state plan for providing medical or other remedial assistance. ***The department of health and human services shall not amend nor seek to amend, nor gain nor seek to gain approval of***

waivers to, the state medicaid plan in any way that would consolidate federal grants or allotments or would cap the federal portion of medicaid spending or would in any way result in a change to the state-federal proportional share of medicaid spending or any component thereof, without the prior approval of the fiscal committee of the general court.

25 Health Services Planning and Review; Exemption Added. Amend RSA 151-C:13, I(g) to read as follows:

(g) Hospice houses;

(h) Notwithstanding any other provision of this chapter, a skilled nursing facility distinct part unit established by Androscoggin Valley Hospital or Franklin Regional Hospital in order to qualify as a critical access hospital under 42 U.S.C. Section 1395i-4 and 42 C.F.R. Part 485, Subpart F; provided, that the number of beds in the skilled nursing facility distinct part unit shall not exceed the hospital's existing skilled nursing patient capacity. For purposes of this subparagraph, the term "existing skilled nursing patient capacity" means with respect to each month, the number of skilled nursing patient days for such month divided by the number of days in such month, and shall be the highest such number from the 12-month period ending immediately prior to the filing of the federal request for approval of the distinct part unit; provided, however, that the number determined under this subparagraph shall not exceed 10 beds.

Amend the bill by inserting after section 26 the following and renumbering the original section 27 to read as 28:

27 Health Services Planning and Review Board; Rehabilitation Beds and Services. Through the period ending December 31, 2006 unless sooner authorized by the general court, the health services planning and review board shall not authorize changes regarding the licensure or certification of any rehabilitation beds in any type of facility, shall not authorize the addition of any rehabilitation beds in any type of facility, and shall not grant any certificate of need related to the board's administrative standards for comprehensive physical rehabilitation services. This section shall not prohibit the voluntary transfer of rehabilitation beds between 2 licensed health care facilities; provided, that any such transaction does not result in an increase in the number of any type of rehabilitation beds in the state.

The signatures below attest to the authenticity of this Report on SB 376-FN-A, an act relative to pharmaceutical purchases for receiving facilities and nonprofit hospitals.

Conferees on the Part of the Senate

Sen. Boyce, Dist. 4

Sen. Gallus, Dist. 1

Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House

Rep. Kurk, Hills. 48

Rep. Emerton, Hills. 48

Rep. Rogers Johnson, Rock. 83

Rep. Wallner, Merr. 40

2004-1634-CofC

AMENDED ANALYSIS

This bill:

I. Authorizes the director of plant and property management or any other appropriate purchasing authority to purchase pharmaceuticals and allied products and services for any receiving facility as defined in RSA 135-C or any nonprofit hospital.

II. Changes the medicaid enhancement tax to be imposed on net patient services revenue rather than gross patient services revenue.

III. Amends the statutes relative to county nursing homes and proportionate share payments.

IV. Clarifies the nursing facility quality assessment law and changes the method of how funds are expended from the nursing facility trust fund.

V. Repeals the medicaid quality incentive program.

VI. Establishes a commission to study long-term care reimbursement.

VII. Requires that certain amendments to the state plan for providing medical or other remedial assistance be approved by the fiscal committee of the general court.

VIII. Adds an exemption from the certificate of need law for certain hospitals.

IX. Limits the authority of the health services planning and review board relative to rehabilitation beds and services.

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

A roll call was requested by Senator Green.

Seconded by Senator Barnes.

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

The following Senators voted No: Below, Green, Foster, Larsen, Gatsas, Barnes, Estabrook, Cohen.

Yeas: 15 – Nays: 8

Adopted.

May 17, 2004
2004-1588-CofC
10/01

Committee of Conference Report on SB 381, an act relative to the transfer of certain capital appropriations within the department of safety.

Recommendation:

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

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

Amend the bill by replacing section 1 with the following:

1 Capital Budget; Department of Safety; Highway Fund Projects; Transfers Authorized. Amend 2003, 240:3, I to read as follows:

I. Department of Safety.

A. Finish Second Floor of DMV Building - Hazen Drive	\$ 370,000
B. Addition to DMV Building on Hazen Drive – Design/Build	3,900,000
C. Lab Expansion	167,400
D. Finish Troop D First Floor	589,000
Less Other	- 111,910
Net state appropriation subparagraph D	477,090
E. Emergency Operations Center/Transportation Management Center	9,164,503
Less Federal	- 9,164,503
Net state appropriation subparagraph E	0
Total state appropriation paragraph I	\$ 4,914,490

The sum appropriated in subparagraph B for the construction of the DMV Building addition shall not be spent, obligated, or encumbered until the department has received approval of the plan from the capital budget overview committee. **The emergency operations center/transportation management center in subparagraph E may be constructed using construction management procurement procedures.**

Notwithstanding section 9 of this act, the commissioner of the department of safety may transfer the appropriations made in paragraph I, A, B, C, and D between those individual project appropriations, if needed, to complete a project.

The signatures below attest to the authenticity of this Report on SB 381, an act relative to the transfer of certain capital appropriations within the department of safety.

Conferees on the Part of the Senate
Sen. Clegg, Dist. 14
Sen. Morse, Dist. 22
Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House
Rep. Rausch, Rock. 77
Rep. Waterhouse, Rock. 76
Rep. C. Bouchard, Merr. 39
Rep. E. Smith, Ches. 26

Adopted.

May 17, 2004
2004-1589-CofC
04/09

Committee of Conference Report on SB 382-FN-LOCAL, an act relative to medical service rates for state prisoners.

Recommendation:

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

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

Amend RSA 651-A:10-a as inserted by section 3 of the bill by inserting after paragraph VII the following new paragraph:

VIII. The commissioner of the department of health and human services shall enter into a memorandum of understanding with the commissioner of the department of corrections specifying that the department of corrections shall be responsible for providing the funding necessary to meet the state's share of all Medicaid costs for any inmate granted medical parole under this section.

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

5 Repeal. RSA 651-A:10-a, VIII, relative to a memorandum of understanding between the commissioners of health and human services and corrections, is repealed.

6 Effective Date.

I. Section 5 of this act shall take effect July 1, 2005.

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

The signatures below attest to the authenticity of this Report on SB 382-FN-LOCAL, an act relative to medical service rates for state prisoners.

Conferees on the Part of the Senate

Sen. Flanders, Dist. 7

Sen. Boyce, Dist. 4

Sen. Cohen, Dist. 24

Conferees on the Part of the House

Rep. Elliott, Hills. 42

Rep. Emerton, Hills. 48

Rep. Rodeschin, Sull. 20

Rep. Tholl, Coos 2

Adopted.

May 17, 2004
2004-1579-CofC
08/09

Committee of Conference Report on SB 391, relative to bond votes in municipalities using chartered official ballot voting procedures and relative to Claremont school district elections.

Recommendation:

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

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

The signatures below attest to the authenticity of this Report on SB 391, an act relative to bond votes in municipalities using official ballot voting procedures

Conferees on the Part of the Senate

Sen. Clegg, Dist. 14

Sen. Odell, Dist. 8

Sen. Eaton, Dist. 10

Conferees on the Part of the House

Rep. Patten, Carr. 7

Rep. Stohl, Coos 1

Rep. Gillick, Rock. 85

Rep. Theberge, Coos 3

Adopted.

May 17, 2004
2004-1598-CofC
08/01

Committee of Conference Report on SB 407-FN-LOCAL, an act relative to default budgets in the budget adoption procedure in political subdivisions which have adopted official ballot voting.

Recommendation:

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

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

Amend RSA 40:13, XI as inserted by section 1 of the bill by replacing it with the following:

XI. *(a)* The ~~[amount of the previous year's operating budget, as adjusted pursuant to paragraph X.]~~ **default budget** shall be disclosed ~~[to the voters at the first session]~~ **at the first budget hearing held pursuant to RSA 32:5 or RSA 197:6. The governing body, unless the provisions of RSA 40:14-b are adopted, shall complete a default budget form created by the department of revenue administration to demonstrate how the default budget amount was calculated. The form and associated calculations shall, at a minimum, include the following:**

- (1) Appropriations contained in the previous year's operating budget;**
- (2) Reductions and increases to the previous year's operating budget; and**
- (3) One-time expenditures as defined under sub-paragraph IX(b).**

(b) This amount shall not be amended by the legislative body. However, this amount may be adjusted by the governing body, **unless the provisions of RSA 40:14-b are adopted**, acting on relevant new information at any time before the ballots are printed, **provided the governing body, unless the provisions of RSA 40:14-b are adopted, completes an amended default budget form.**

(c) The wording of the second session ballot question concerning the operating budget shall be as follows:

"Shall the (local political subdivision) raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$_____? Should this article be defeated, the ~~[operating]~~ **default** budget shall be \$_____, which is the same as last year, with certain adjustments required by previous action of the (local political subdivision) or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only."

Amend RSA 40:14-b, II(b)-(c) as inserted by section 3 of the bill by replacing it with the following:

(b) If the vote is taken after the adoption of RSA 40:13, the question shall be placed on the warrant of the annual meeting by the governing body or by petition under the procedures set out in RSA 39:3 or RSA 197:6 and shall not be amended. A public hearing on the question shall be held by the local governing body following the procedures in RSA 40:14, IV. A vote to adopt the question shall conform with RSA 40:14, VI.

(c) The wording of the question shall be: "Shall we adopt the provisions of RSA 40:14-b to delegate the determination of the default budget to the municipal budget committee which has been adopted under RSA 32:14?"

Amend RSA 40:14-b, III as inserted by section 3 of the bill by replacing it with the following:

III. The provisions of this section may be rescinded following the procedures set out in RSA 40:14, VII, except that the wording of the question, which shall not be amended, shall be: "Shall we rescind the provisions of RSA 40:14-b, as adopted by the (local political subdivision) on (date of adoption), so that the default budget will be determined by the governing body instead of the budget committee?"

The signatures below attest to the authenticity of this Report on SB 407-FN-LOCAL, an act relative to default budgets in the budget adoption procedure in political subdivisions which have adopted official ballot voting.

Conferees on the Part of the Senate

Sen. Roberge, Dist. 9
Sen. Boyce, Dist. 4
Sen. Larsen, Dist. 15

Conferees on the Part of the House

Rep. Patten, Carr. 7
Rep. Brundige, Hills. 58
Rep. Boyce, Belk. 31
Rep. N. Johnson, Straf. 68

Adopted.

May 19, 2004
2004-1661-CofC
06/10

Committee of Conference Report on SB 413-FN, an act relative to financing federally aided highway projects.

Recommendation:

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

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

The signatures below attest to the authenticity of this Report on SB 413-FN, an act relative to financing federally aided highway projects.

Conferees on the Part of the Senate

Sen. Clegg, Dist. 14
Sen. Morse, Dist. 22
Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House

Rep. Graham, Hills. 57
Rep. McConkey, Carr. 6
Rep. Cloutier, Sull. 22
Rep. Waterhouse, Rock. 76

Adopted.

May 19, 2004
2004-1660-CofC
09/01

Committee of Conference Report on SB 415-FN, an act continuing and expanding to all counties the Grafton county court pilot project relative to abuse and neglect hearings.

Recommendation:

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

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

The signatures below attest to the authenticity of this Report on SB 415-FN, an act continuing and expanding to all counties the Grafton county court pilot project relative to abuse and neglect hearings.

Conferees on the Part of the Senate

Sen. Roberge, Dist. 9
Sen. Gallus, Dist. 1
Sen. Foster, Dist. 13

Conferees on the Part of the House

Rep. Moran, Hills. 57
Rep. Gile, Merr. 38
Rep. Gargasz, Hills. 46
Rep. Itse, Rock. 80

Adopted.

May 17, 2004
2004-1645-CofC
04/10

Committee of Conference Report on SB 421, an act relative to charter schools.

Recommendation:

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

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

Amend RSA 194-B:3-a, IV as inserted by section 5 of the bill by replacing it with the following:

IV. The state board of education shall either approve or deny an application ~~[based on]~~ **using reasonable discretion** ~~[the criteria]~~ **in the assessment of the elements** set forth in RSA ~~[194-B:1-a]~~ **194-B:3, II, (a)-(bb) and (dd)**. Approval of an application constitutes the granting of charter status and the right to operate as a **public** charter school. The state board of education shall notify all applicants of its decision **in writing**, and shall include in any notice of denial a **written** statement **specifying any areas deemed deficient, the reasons for the denial, and explaining** that the applicant may reapply under RSA 194-B:3, RSA 194-B:4, or under this section in a subsequent year.

Amend RSA 194-B:5, III as inserted by section 7 of the bill by replacing it with the following:

III. **Notwithstanding RSA 194-B:1, III**, an established charter school shall be a corporation, **which shall be registered with the secretary of state after receiving approval under this chapter but before its first day of actual operation**, with authority necessary or desirable to carry out its charter program including, but not limited to, the following:

The signatures below attest to the authenticity of this Report on SB 421, an act relative to charter schools.

Conferees on the Part of the Senate
Sen. O'Hearn, Dist. 12
Sen. Green, Dist. 6
Sen. Estabrook, Dist. 21

Conferees on the Part of the House
Rep. M. Carter, Hills. 44
Rep. Naro, Graf. 15
Rep. Alger, Graf. 14
Rep. Dunn, Ches. 25

Adopted.

May 17, 2004
2004-1578-CofC
01/10

Committee of Conference Report on SB 423, an act relative to confidentiality and workers' compensation.

Recommendation:

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

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

Amend RSA 273:5, II as inserted by section 1 of the bill by replacing it with the following:

II. Notwithstanding paragraph I or any other provision of law to the contrary, the department of labor shall maintain the confidentiality of the names, addresses, and medical records of workers' compensation claimants and the worker's "First Report of Injury" filed with the department.

The signatures below attest to the authenticity of this Report on SB 423, an act relative to confidentiality and workers' compensation.

Conferees on the Part of the Senate
Sen. Flanders, Dist. 7
Sen. Clegg, Dist. 14
Sen. Foster, Dist. 13

Conferees on the Part of the House
Rep. Woods, Straf. 69
Rep. Lasky, Hills. 65
Rep. Haytayan, Hills. 46
Rep. Rowe, Hills. 47

Adopted.

May 18, 2004
2004-1627-CofC
06/01

Committee of Conference Report on SB 449, an act relative to fluoridation of municipally-owned public water systems.

Recommendation:

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

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

Amend paragraph I of section 7 of the bill by replacing it with the following:

I. Notwithstanding RSA 485:14-a, the secretary of state shall place the following question on the September 2004 state primary election ballot and on a separate ballot for undeclared voters for the city of Manchester and other municipalities whose voters directly receive water from the city of Manchester, water works department: "Shall fluoride be used in the Manchester public water system?"

The signatures below attest to the authenticity of this Report on SB 449, an act relative to fluoridation of municipally-owned public water systems.

Conferees on the Part of the Senate

Sen. Prescott, Dist. 23

Sen. Johnson, Dist. 2

Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House

Rep. Brundige, Hills. 58

Rep. Gillick, Rock. 85

Rep. Dowd, Rock. 77

Rep. Osborne, Merr. 40

Adopted.

May 18, 2004

2004-1632-CofC

09/04

Committee of Conference Report on SB 453, an act establishing a committee to study the master settlement agreement revenue stream to the state.

Recommendation:

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

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

The signatures below attest to the authenticity of this Report on SB 453, an act establishing a committee to study the master settlement agreement revenue stream to the state.

Conferees on the Part of the Senate

Sen. Johnson, Dist. 2

Sen. Flanders, Dist. 7

Sen. Estabrook, Dist. 21

Conferees on the Part of the House

Rep. Jasper, Hills. 66

Rep. Gibson, Hills. 58

Rep. Ingram, Rock. 76

Rep. C. Hamm, Merr. 34

Adopted.

May 19, 2004

2004-1657-CofC

08/01

Committee of Conference Report on SB 459, an act making certain changes to the real estate practice act.

Recommendation:

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

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

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

7 New Paragraph; Prohibited Conduct. Amend RSA 331-A:26 by inserting after paragraph XXXVII the following new paragraph:

XXXVIII. Submitting a property owner's name to any electronic database or multiple listing service that may be accessed by any other person other than the property owner's broker without the express written permission of the property owner.

8 Effective Date.

I. Section 7 of this act shall take effect January 1, 2005.

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

The signatures below attest to the authenticity of this Report on SB 459, an act making certain changes to the real estate practice act.

Conferees on the Part of the Senate

Sen. Gallus, Dist. 1
Sen. Roberge, Dist. 9
Sen. Peterson, Dist. 11

Conferees on the Part of the House

Rep. P. LaFlamme, Hills. 61
Rep. Fitzgerald, Belk. 30
Rep. F. Sullivan, Hills. 52
Rep. Hamel, Rock. 79

Adopted.

May 18, 2004
2004-1641-CofC
05/01

Committee of Conference Report on SB 461, an act relative to the regulation of gift certificates under the consumer protection act.

Recommendation:

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

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

The signatures below attest to the authenticity of this Report on SB 461, an act relative to the regulation of gift certificates under the consumer protection act.

Conferees on the Part of the Senate

Sen. Roberge, Dist. 9
Sen. Morse, Dist. 22
Sen. Larsen, Dist. 15

Conferees on the Part of the House

Rep. Hunt, Ches. 28
Rep. Stepanek, Hills. 47
Rep. Spiess, Hills. 47
Rep. Kopka, Hills. 63

Adopted.

May 17, 2004
2004-1586-CofC
03/01

Committee of Conference Report on SB 478-FN, an act relative to penalties for DWI offenses.

Recommendation:

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

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

The signatures below attest to the authenticity of this Report on SB 478-FN, an act relative to penalties for DWI offenses.

Conferees on the Part of the Senate

Sen. Barnes, Dist. 17
Sen. Clegg, Dist. 14
Sen. Eaton, Dist. 10

Conferees on the Part of the House

Rep. Tholl, Coos 2
Rep. Welch, Rock. 79
Rep. Nedeau, Belk. 30
Rep. Pantelakos, Rock. 86

The question is on the adoption of the Committee of Conference Report.

A roll call was requested by Senator Boyce.

Seconded by Senator Barnes.

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

The following Senators voted No: Sapareto.

Yeas: 23 – Nays: 1

Adopted.

May 1, 2004
2004-1653-CofC
06/01

Committee of Conference Report on SB 481-FN-LOCAL, an act establishing a sewer and other water-related purposes district for Great Bay.

Recommendation:

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

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

Amend RSA 485-E:12 as inserted by section 1 of the bill by replacing it with the following:

485-E:12 Outfall Pipe; Legislative Approval Required. EAST shall obtain approval from the legislature before constructing a regional outfall sewer pipe.

The signatures below attest to the authenticity of this Report on SB 481-FN-LOCAL, an act establishing a sewer and other water-related purposes district for Great Bay.

Conferees on the Part of the Senate

Sen. Prescott, Dist. 23
Sen. Green, Dist. 6
Sen. Below, Dist. 5

Conferees on the Part of the House

Rep. Ahern, Belk. 29
Rep. Philbrick, Carr. 5
Rep. Williams, Graf. 16
Rep. Rous, Straf. 72

Adopted.

May 18, 2004
2004-1620-CofC
03/10

Committee of Conference Report on SB 490-FN, an act relative to the Help America Vote Act.

Recommendation:

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

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

Amend the bill by replacing section 4 with the following:

4 Preparing Checklist. Amend RSA 654:25 to read as follows:

654:25 Preparing Checklist.

[E.] The secretary of state shall issue and distribute guidelines for the composition and style of checklists and for the maintenance of data related to checklists by which the supervisors of the checklist shall compile and correct the checklist. Such guidelines shall specify the information which will be maintained and updated by the supervisors. The secretary shall establish standard forms and procedures for the use of the supervisors for the maintenance of such information. The information to be maintained and updated shall include the full name, address, and party affiliation, if any, of each voter on the checklist and such other information as the secretary requires. ~~[The supervisors shall use the information so maintained and updated to prepare the checklist for all state elections. Except as provided in paragraph H,]~~ Every checklist used at any [state] election shall contain ~~[as a minimum]~~ the full name, address, ~~[and mailing address if different,]~~ and party affiliation, if any, of each voter on the checklist. The **name and** address ~~[and mailing address, if different,]~~ of a voter shall not appear on the checklist at the request of the voter if the voter presents to the supervisors of the checklist a valid protective order pursuant to RSA 173-B. ~~[A voter who presents a valid protective or-~~

~~der may, however, request that a mailing address, if different, be maintained on the checklist. If a voter who presents a valid protective order requests that no address be maintained on the checklist, the supervisors of the checklist may nonetheless maintain a designation on the checklist which indicates that no address is required for that voter.]~~ ***The name, address, and mailing address, if different, of such a voter shall be maintained on a separate list of voters, which shall be nonpublic and not subject to RSA 91-A. If it is necessary to establish such a nonpublic list, the public checklist shall be marked at the end with a notation of the number of voters whose names are maintained on the nonpublic list.***

~~[H. If a municipality prepares a separate checklist solely for use at a state election, such checklist may omit a voter's mailing address, if different.]~~

Amend the bill by replacing section 6 with the following:

6 Preparation of Voting Materials; Squares. Amend RSA 656:8 to read as follows:

656:8 Squares. Directly at the right of the name of each candidate there shall be a square, ***box, oval, or other appropriate symbol for directing voters where to make the appropriate mark***; except that, in the case of president and vice-president of the United States, one square, ***box, oval, or other appropriate symbol*** shall suffice which shall be placed opposite the designation "President and Vice-President of the United States".

Amend the bill by replacing section 8 with the following:

8 Manchester; Ward Boundaries. For purposes of elections for state senator and state representative conducted after the effective date of this act, ward boundaries for senate and representative districts in Manchester shall be the ward boundaries established by the city of Manchester in its charter.

The signatures below attest to the authenticity of this Report on SB 490-FN, an act relative to the Help America Vote Act.

Conferees on the Part of the Senate

Sen. Boyce, Dist. 4

Sen. Martel, Dist. 18

Sen. Larsen, Dist. 15

Conferees on the Part of the House

Rep. Drisko, Hills. 46

Rep. Vaillancourt, Hills. 56

Rep. Dorsett, Graf. 16

Rep. Buckley, Hills. 56

Adopted.

May 17, 2004

2004-1591-CofC

06/01

Committee of Conference Report on SB 500-FN, an act relative to certain procedures of financial institutions.

Recommendation:

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

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

Amend the bill by replacing section 3 with the following:

3 Removal by Bank Commissioner; Financial Institution. Amend RSA 384:6 to read as follows:

384:6 Removal by Bank Commissioner. Whenever, in the opinion of the bank commissioner, any officer, trustee, or director of a [~~savings bank, state bank, guaranty savings bank or trust company~~] ***financial institution*** shall have continued to violate any law relative thereto, or shall have continued unsafe or unsound practices in conducting the business of said [~~bank~~] ***financial institution***, after having been warned in writing by the commissioner to discontinue such violations of law or such unsafe or unsound practices, he may cause notice to be served upon such officer, trustee, or director to appear before him to show cause why he should not be removed from office. A copy of such order shall be sent by registered mail to each trustee or director of the [~~bank~~] ***financial institution*** affected. If, after granting such officer, trustee, or director a reasonable opportunity to be heard, the commissioner finds that he has continued to so violate the law, or has continued unsafe or unsound practices after having been warned, the commissioner may, with the approval of 2 persons of good standing in the banking business, to be named by the governor upon the request of the

bank commissioner, order that such officer, director, or trustee be removed from office. A copy of such order shall be served upon such officer, trustee, or director and upon the [bank] **financial institution** of which he is an officer, trustee, or director whereupon he shall cease to be an officer, trustee, or director of such [bank] **financial institution**. Provided that such order and the findings of fact upon which it is based shall not be made public or disclosed to any one except the officer, trustee, or director involved and the trustees or directors of the [bank] **financial institution** affected, otherwise than in connection with proceedings for a violation of this section. No such officer, trustee, or director removed from office as herein provided shall, without the consent of the bank commissioner, participate in any manner in the management or operation of said [bank] **financial institution**. Any person so removed from office may, with the approval of the trustees or directors of the [bank] **financial institution** affected expressed by majority vote in which he shall not participate, appeal by petition to the supreme court within 30 days from the date of the order of removal. Upon hearing, after such notice as the court may order, the burden of proof shall be upon the petitioner to show that the order of removal is clearly unreasonable or unlawful, and all findings of the bank commissioner upon all questions of fact properly before him shall be deemed to be prima facie lawful and reasonable and the order shall not be set aside or vacated except for errors of law unless the court by a clear preponderance of the evidence before it finds that such order is unjust or unreasonable. Pending decision of the supreme court, the order of removal shall continue in effect.

Amend the bill by inserting after section 15 the following and renumbering the original sections 16 and 17 to read as 20 and 21, respectively:

16 Name and Charter Powers. Amend RSA 388:14 to read as follows:

388:14 Name and Charter Powers. The bank resulting from a consolidation under the provisions of this chapter may adopt the charter of either of the consolidating banks with such change of name as may be desirable. Any proposal for such adoption of charter and change of name shall be set forth in the petition filed under RSA 388:1 and 388:8 and shall become effective upon approval thereof by the bank commissioner, and filing in the office of the secretary of state together with the payment of a fee of [5] **\$35**.

17 Approval of Petition; Filing With Secretary of State. Amend RSA 386-A:29, II to read as follows:

II. If the board of trust company incorporation finds that the proposed amendment satisfies the requirements of RSA 386-A:26 and was adopted in accordance with RSA 386-A:27, and that the public convenience and advantage and the interest of the petitioning institution, its members, stockholders and depositors will be promoted by the proposed amendment, it shall so certify, and shall endorse its approval on one of the certified copies of the amended articles of agreement or amended charter. The petitioning savings bank shall thereupon file the same in the office of the secretary of state, accompanied by a fee equal to the fee charged by the secretary of state to business corporations under RSA 293-A. The secretary of state shall thereupon cause said amended articles of agreement or amended charter, with the endorsement thereon, to be recorded, and shall issue a certificate of amended incorporation, and thereafter such savings bank shall have all the powers and privileges provided for by said amended articles of agreement or amended charter. The fee for recording with the secretary of state any amended articles of agreement or amended charter, which does not embody any increase of the authorized capital debentures, capital stock or special deposits, shall be [25] **\$35**.

18 Fees for Recording. Amend RSA 392:29 to read as follows:

392:29 Fees for Recording. The fee for recording with the secretary of state any amended certificate, which does not embody an increase of the authorized capital stock, shall be [5] **\$35**.

19 Contingency. If HB 1348-FN of the 2004 legislative session becomes law, sections 16-18 of this act shall take effect on July 1, 2004 at 12:01 a.m. If HB 1348-FN does not become law, sections 16-18 of this act shall not take effect.

Amend the bill by replacing section 21 with the following:

21 Effective Date.

I. Sections 16-18 of this act shall take effect as provided in section 19 of this act.

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

The signatures below attest to the authenticity of this Report on SB 500-FN, an act relative to certain procedures of financial institutions.

Conferees on the Part of the Senate

Sen. Flanders, Dist. 7

Sen. Odell, Dist. 8

Sen. Foster, Dist. 13

Conferees on the Part of the House

Rep. Hunt, Ches. 28

Rep. Spiess, Hills. 47

Rep. Meader, Ches. 25

Rep. Stepanek, Hills. 47

Adopted.

May 17, 2004

2004-1580-CofC

08/09

Committee of Conference Report on SB 508-FN, an act relative to grant-funded programs.

Recommendation:

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

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

The signatures below attest to the authenticity of this Report on SB 508-FN, an act relative to grant-funded programs.

Conferees on the Part of the Senate

Sen. Flanders, Dist. 7

Sen. Boyce, Dist. 4

Sen. Cohen, Dist. 24

Conferees on the Part of the House

Rep. Stohl, Coos 1

Rep. Lockwood, Merr. 35

Rep. Boyce, Belk. 31

Rep. Nancy Johnson, Straf. 68

Adopted.

May 18, 2004

2004-1633-CofC

04/10

Committee of Conference Report on SB 521-FN, an act increasing the penalty for identity fraud.

Recommendation:

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

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

The signatures below attest to the authenticity of this Report on SB 521-FN, an act increasing the penalty for identity fraud.

Conferees on the Part of the Senate

Sen. Peterson, Dist. 11

Sen. Green, Dist. 6

Sen. Larsen, Dist. 15

Conferees on the Part of the House

Rep. Bemis, Straf. 67

Rep. Fish, Ches. 25

Rep. K. Gilbert, Rock. 82

Rep. Movsesian, Hills. 60

Adopted.

May 18, 2004

2004-1629-CofC

08/09

Committee of Conference Report on SB 526, an act relative to sexual harassment complaint procedures for public employees.

Recommendation:

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

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

The signatures below attest to the authenticity of this Report on SB 526, an act relative to sexual harassment complaint procedures for public employees.

Conferees on the Part of the Senate

Sen. Boyce, Dist. 4
Sen. Odell, Dist. 8
Sen. Larsen, Dist. 15

Conferees on the Part of the House

Rep. MacKay, Merr. 39
Rep. Stohl, Coos 1
Rep. N. Allan, Hills. 63
Rep. Tilton, Ches. 27

Adopted.

May 17, 2004
2004-1595-CofC
05/04

Committee of Conference Report on SB 533, an act relative to licensing requirements for certain recreation and child care programs.

Recommendation:

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

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

The signatures below attest to the authenticity of this Report on SB 533, an act relative to licensing requirements for certain recreation and child care programs.

Conferees on the Part of the Senate

Sen. Johnson, Dist. 2
Sen. Martel, Dist. 18
Sen. Larsen, Dist. 15

Conferees on the Part of the House

Rep. Brundige, Hills. 58
Rep. Twombly, Straf. 67
Rep. Dowd, Rock. 77
Rep. Schmidt, Straf. 70

Adopted.

May 19, 2004
2004-1651-CofC
09/01

Committee of Conference Report on SB 534-FN-A, an act relative to the reorganization of certain functions and duties of state agencies.

Recommendation:

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

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

Amend the bill by replacing section 20 with the following:

20 Transfer of Certain Programs From Office of State Planning and Energy Programs to Department of Environmental Services.

I. Notwithstanding any provision of law to the contrary, all of the functions, powers, duties, and responsibilities of the office of state planning and energy programs relating to the coastal zone management program and the New Hampshire estuaries project shall be transferred to the department of environmental services. The transfer provided for in this section shall include, but not be limited to, the following personnel from the coastal zone management program: position numbers 40468, 40469, 10026, 10027, 30001, 9T006, 16669 and 16670 and from the estuaries project: position numbers 9T003, 9T005 and 8Temp. The transfer provided in this section, shall include all of the equipment, books, papers, records, unexpended appropriations, and other available funds in any account or subdivision of an account of the office of state planning and energy programs related to the above functions and authorized for use by the office of state planning and energy programs for said programs.

II. All existing rules, statutory responsibilities, regulations, and procedures in effect, in operation, or adopted in or by the former coastal zone management program and New Hampshire estuaries program are transferred to the department of environmental services, and are declared in effect and shall continue in effect until rescinded, revised, or amended in accordance with applicable law.

III. The department of environmental services shall be considered a temporary host for the New Hampshire estuaries project. The management committee of the estuaries project shall report to the speaker of the house of representatives and the president of the senate by December 1, 2004 recommending a permanent host for the project. Nothing in this section shall preclude the department of environmental services from becoming the permanent host.

Amend the bill by replacing all after section 39 with the following:

40 Position Transferred from Department of Resources and Economic Development to Department of Cultural Resources; New Hampshire Film and Television Commission. Position number 41616, related to the New Hampshire film and television commission, is transferred from the department of resources and economic development to the department of cultural resources.

41 Appointments; Department of Education. RSA 21-N:3, I and II are repealed and reenacted to read as follows:

I. The governor, after consultation with the board of education, shall appoint the commissioner and the deputy commissioner of the department of education with the consent of council. Each shall serve for a term of 4 years. The commissioner and the deputy commissioner may succeed himself or herself, if reappointed. The commissioner and deputy commissioner shall be qualified to hold their positions by reason of education and experience.

II. The commissioner, after consultation with the board of education, shall nominate each division director for appointment by the governor and council. The division directors shall serve for a term of 4 years. They may succeed themselves, if reappointed. The directors shall be qualified to hold their respective positions by reason of education and experience.

42 Applicability. Section 41 of this act shall take effect upon the date of the expiration of each of the terms of the current commissioner, deputy commissioner, and division directors of the department of education.

43 New Paragraph; Major Capital Projects. Amend RSA 228:4 by inserting after paragraph IV the following new paragraph:

V. Notwithstanding any other provision of law, the commissioner is authorized to use the design build method of contracting for any buildings that are part of capital projects. The capital budget overview committee shall approve all such plans prior to construction.

44 Reference Changes; Office of State Planning and Energy Programs Renamed Office of Energy and Planning. Amend the following RSA provisions by replacing "office of state planning and energy programs" with "office of energy and planning": the chapter heading of RSA 4-C; RSA 4-C:1, I; 4-C:1, II; 4-C:2; 4-C:3; 4-C:4; 4-C:5, 4-C:6; 4-C:6-a; 4-C:7; the introductory paragraph of 4-C:8; 4-C:9; 4-C:9-a; 4-C:10; 4-C:19; 9-A:2; 9-A:4; 12-G:13; 12-K:2, V; 12-K:3, IV; 12-K:6; 12-K:8; 12-K:9; 17-M:2, V; 21-O:5-a, I(d); 21-O:7, I(b); 21-P:48, I(h); 36:45; 36:46; 36:47, III; 36-B:1; 78-A:25; 78-A:26, I(b); 125-G:2, VII; 125-G:3; 125-G:5, I; 125-G:16; 126-A:4, V(b); 147-B:4, III; 162-C:1, I; 162-H:3; 162-L:15, II(b); 162-L:19; 204-C:8, V; 216-J:2, I(g); 227-G:2, XII; 227-M:4, II(d); 216-A:3-c, V; 216-F:5, I; 217-A:3, II; 227-C:4, XIII(d); 227-E:3; 227-E:6; 233-A:2; 235:23, I; 238:20, I(d); 238:23; 261:153, V; 270:65; 270:67; 270:68; 270:71, II; 374:22-J, XIII; 432:19; 483:8, II; 483:10, I; 483:10-a; 483-A:6, III; 483-A:7; 483-B:4, XVI(c); 483-B:5, I; 483-B:12, III; 483-B:16; 483-B:19; 485-A:4, IX; 485-C:3, III; 673:3-a; 674:3; 675:9.

45 Reference Changes; Office of State Planning and Energy Programs Renamed Office of Energy and Planning. Amend RSA 4-C:8, III to read as follows:

III. Provide computer interface capability among and between each regional planning commission, the office of [state] **energy and planning** [~~and energy programs~~], and state data collection and storage sources. The computer interface capability shall be used by regional planning commissions to respond to municipal requests for assistance in the preparation and amending of master plans and in the evaluation of municipal infrastructure needs. The computer interface capability shall also be used by regional planning commissions to develop and update regional master plans, as provided in RSA 36:47. The computer equipment used for the purposes of this paragraph shall be compatible and able to interface with the office of [~~state planning and energy program's~~] **energy and planning's** geographic information system, as well as with other similar state computerized data collection and storage sources.

46 Transition; Documents, Forms, and Supplies.

I. Current documents, forms, or any other supplies with the name office of state planning and energy programs may be used by the office of energy and planning until exhausted.

II. After all documents, forms, or any other supplies with the name office of state planning and energy programs have been exhausted, the official name of the office shall be the office of energy and planning for the purposes of all correspondence and advertising.

47 Land Conservation Investment Program; Monitoring Endowment. Amend RSA 162-C:8, I to read as follows:

I. The monitoring endowment established by the board of directors pursuant to former RSA 221-A:5, III shall be maintained in perpetuity and ***any interest generated thereon*** shall be utilized by the council only for the purposes of monitoring and enforcing the property rights of persons with ownership interests in property acquired through the former land conservation investment program [~~and for the purposes of RSA 227-M:12~~]. ***Additional contributions to the endowment pursuant to RSA 227-M:12, I and any interest generated thereon, shall be utilized only for the purposes of RSA 227-M:12, II. Additional gifts, donations and grants to the endowment may be utilized for monitoring and enforcing other land conservation interests that may be acquired by the state of New Hampshire.***

48 Police Officer; Definition. Amend RSA 100-A:1, VII-a (b) to read as follows:

(b) Any bingo or lucky 7 inspector, security officer appointed pursuant to RSA [~~135:41~~] ***21-P:7-b***, any juvenile probation and parole officer, or any person employed in the bureau of trails of the department of resources and economic development; or

49 New Paragraph; Department of Safety; Duties of Commissioner. Amend RSA 21-P:4 by inserting after paragraph X the following new paragraph:

XI. Have the discretion to grant to security officers of the New Hampshire hospital security force such titles, ranks and police powers as the commissioner deems necessary up to and including that of ex officio constables including the power of arrest for violations of the criminal and motor vehicle laws and the power to serve criminal process, and may limit such powers as deemed necessary. They shall have general police powers on the state office campus and New Hampshire hospital grounds and when in hot pursuit of a person who has committed a crime on the campus or escaped from the hospital, and when acting to transport a patient to or from the hospital, the court or another mental health facility.

50 New Sections; Department of Safety; New Hampshire Hospital Security Force. Amend RSA 21-P by inserting after section 7-a the following new sections:

21-P:7-b New Hampshire Hospital Security Force. The commissioner of safety is authorized to organize a hospital security force for the purpose of patrolling the hospital's buildings, roads, and grounds of the campus of the state office park south and providing for general security on the campus. The hospital security force shall be under the immediate control of and responsible to the commissioner of safety or his or her designee.

21-P:7-c Authority of Hospital Security Force Officers; Memorandum of Understanding; Funding.

I. All security officers of the hospital security force shall possess such police powers as are granted to them by the commissioner of safety pursuant to RSA 21-P:4, XI. All officers of the hospital security force hired after the effective date of this paragraph shall be required to meet the training standards required generally of police officers by the police standards and training council pursuant to RSA 188-F and in addition shall receive additional training in dealing with persons with mental illness as specified by the commissioner of safety after consultation with the superintendent of the New Hampshire hospital.

II. The commissioner of the department of health and human services shall enter into a memorandum of understanding with the commissioner of safety for the purposes of delineating the functions, duties, and responsibilities of the department of safety in regard to the provision of security and dispatch services to the New Hampshire hospital. The memorandum of understanding shall include, but not be limited to: responding to emergencies within New Hampshire hospital, maintaining the security of the hospital buildings, insuring the safety of patients, staff and visitors, apprehending involuntarily committed persons who leave the hospital without authorization, accepting custody of involuntary admissions, transporting patients for medical, legal and other purposes, investigating cases of abuse, neglect, sexual assault and other criminal conduct, providing training and conducting searches and seizures of contraband. In addition, the department of safety shall provide dispatch services including, but not limited to: monitoring hospital access between 8 p.m. and 8 a.m. operating and monitoring video security systems, receiving incoming communications, assessing the priority of the call and dispatching appropriate assistance, coordinating emergency preparedness procedures, receiving incoming fire calls and alarms and operating the switchboard between 8 p.m. and 8 a.m. and at other times as needed.

III. Within the limits of funds budgeted for hospital security force positions, the department of health and human services shall maintain the funding for the hospital security force and pay the department of safety for providing these services.

51 Transfer of Functions, Positions, Equipment, Records and Accounts; Rules Continued.

I. Notwithstanding any provision of law to the contrary, all of the functions, positions, powers, duties and responsibilities of the department of health and human services, division of behavioral health, New Hampshire hospital security force used for the provision of security to the hospital's building, roads and grounds of the campus of the state office park south and providing for the general security on campus shall be transferred to the department of safety. The following personnel shall be transferred from the department of health and human services, division of behavioral health to the department of safety: position numbers: 15799, 30896, 15787, 16389, 30807, 15789, 15820, 15763, 15736, 30799, 15843, 15710, 15839. The transfer provided in this section shall include all of the equipment, books, papers, and records of the department of health and human services, division of behavioral health, New Hampshire hospital related to the above functions and authorized for use by the New Hampshire hospital security force.

II. All existing rules, statutory responsibilities, regulations and procedures in effect, in operation or adopted in or by the department of health and human services, division of behavioral health, New Hampshire hospital security force are transferred to the department of safety, and are declared in effect and shall continue in effect until rescinded, revised, or amended in accordance with applicable law.

52 Repeal. The following are repealed:

I. RSA 135:41, relative to hospital security force.

II. RSA 135:42, relative to authority.

III. RSA 135:43, relative to training.

53 Report Required; Capitol Police Force. The commissioner of safety and the commissioner of health and human services shall report by December 1, 2004 to the speaker and the senate president with a proposal for establishing a capitol police force. Such police force shall be responsible for the security of all state buildings in the city of Concord.

54 New Sections; General Administration of Regulatory Boards and Commissions; Certain Appeals; Expansions in Scope of Practice. Amend RSA 332-G by inserting after section 4 the following new sections:

332-G:5 Certain Appeals. Notwithstanding any other provision of law to the contrary, any person affected by the final decision of the electricians' board, established under RSA 319-C:4, or the state board for the licensing and regulation of plumbers, established under RSA 329-A:3, may appeal such final decision to the state building code review board established under RSA 155-A:10.

332-G:6 Scope of Practice. Any expansion in the scope of practice of a profession regulated under this title shall be adopted by legislation and not by administrative rule.

55 New Section; State Building Code Review Board; Appeals of Decisions of the Electricians' Board and the State Board for the Licensing and Regulation of Plumbers. Amend RSA 155-A by inserting after section 11 the following new section:

155-A:11-a Appeal of Decisions of the Electricians' Board and the State Board for the Licensing and Regulation of Plumbers.

I. The board shall hear appeals of final decisions of the board established under RSA 319-C:4 and the board established under RSA 329-A:3.

II. The board shall hold a hearing within 40 days of the receipt of an appeal, unless an extension of time has been granted by the board at the written request of one of the parties and shall render a decision within 30 days of the conclusion of the hearing.

56 New Section; Appeals From Final Decisions of Electricians' Board. Amend RSA 319-C by inserting after section 12-a the following new section:

319-C:12-b Appeals. Any person affected by a final decision of the board may appeal such final decision to the state building code review board, pursuant to RSA 155-A:11-a.

57 New Section; Appeals From Final Decisions of the State Board for the Licensing and Regulation of Plumbers. Amend RSA 329-A by inserting after section 12 the following new section:

329-A:12-a Appeals. Any person affected by a final decision of the board may appeal such final decision to the state building code review board, pursuant to RSA 155-A:11-a.

58 Study Committee on Office of Administrative Adjudications.

I. There is established a committee to study transferring the adjudicatory functions of occupational regulatory boards and commissions to an office of administrative adjudications.

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

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

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

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

III. The committee shall:

(a) Study the issue of creating an office of administrative adjudication to conduct all disciplinary proceedings currently conducted by occupational regulatory boards and commissions. This study shall include the analysis of the staffing and budget requirements of such an office, and the role, if any, of regulatory board members in any disciplinary action.

(b) Clearly define which boards would be affected by this change.

(c) Study any other matter the committee deems relevant.

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

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

59 Effective Date.

I. Sections 27, 32-35, and 53-58 of this act shall take effect upon its passage.

II. Sections 1-17 and 48-52 of this act shall take effect January 1, 2005.

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

The signatures below attest to the authenticity of this Report on SB 534-FN-A, an act relative to the reorganization of certain functions and duties of state agencies.

Conferees on the Part of the Senate

Sen. Clegg, Dist. 14

Sen. Prescott, Dist. 23

Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House

Rep. O'Neil, Rock. 85

Rep. Stone, Rock. 73

Rep. R. Wheeler, Hills. 48

Rep. F. Sullivan, Hills. 52

2004-1651-CofC

AMENDED ANALYSIS

This bill:

I. Transfers administration and enforcement of bingo and lucky 7 to the pari-mutuel commission.

II. Transfers the bureau of environmental and occupational health from the department of health and human services to the department of environmental services.

III. Authorizes the commissioner of the department of environmental services to nominate certain division directors.

IV. Transfers certain programs from the office of state planning and energy programs to the department of environmental services and changes the name of the office of state planning and energy programs to the office of energy and planning.

V. Requires a review of the salaries of the commissioner and assistant commissioner of the department of environmental services.

VI. Removes the office of state planning and energy programs from the permitting process for public and congregate moorings.

VII. Establishes a committee to study the reorganization of the department of revenue administration.

VIII. Changes the name of the division of aeronautics to the division of aeronautics, rail, and transit.

IX. Establishes a commission to study transferring the division of public works from the department of transportation to a new bureau of public works in the department of administrative services and reorganizing divisions within the department of transportation; and changes obsolete references to the department of public works and highways to the department of transportation.

X. Transfers certain state house rooms from the executive branch to the legislative branch.

XI. Transfers bioterrorism positions from the department of health and human services to the department of safety.

XII. Transfers the New Hampshire film and television commission from the department of resources and economic development to the department of cultural resources.

XIII. Authorizes the commissioner of transportation to use the design build method of contracting for buildings that are part of capital projects.

XIV. Changes the appointment authority for department of education officials.

XV. Clarifies permissible uses of the land conservation investment program monitoring endowment.

XVI. Transfers authority over the New Hampshire hospital security force from the department of health and human services to the department of safety.

XVII. Requires the commissioner of safety and the commissioner of the department of health and human services to report to the legislature on a proposal to establish a capitol police force.

XVIII. Establishes an appeal process to the state building code review board for persons affected by final decisions of the electricians' board and the state board for the licensing and regulation of plumbers.

XIX. Requires any expansion in the scope of practice of a profession regulated by an occupational regulatory board or commission to be adopted by legislation and not by administrative rule.

XX. Establishes a committee to study transferring the adjudicatory functions of occupational regulatory boards and commissions to an office of administrative adjudications.

Adopted.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bills:

HB 176, relative to listing candidates on ballots and relative to instructions to voters.

HB 243, relative to motor vehicle exhaust noise standards.

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

HB 384, relative to financial affidavits in domestic relations cases.

HB 426, 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.

HB 551, establishing a committee to study the use of prescription psychotropic drugs, including Ritalin, in childcare centers, preschools, and public schools.

HB 618-FN-A, making technical corrections to certain local property tax laws, relative to posting of municipal budgets, relative to claims for low and moderate income homeowners property tax relief, allowing the city of Manchester to issue certificates of occupancy and building permits for airport district aeronautical facilities, and authorizing Manchester Airport to tow and impound abandoned vehicles.

HB 640-FN, relative to post-conviction DNA testing.

HB 643-FN, relative to the family division of the courts and reducing the number of superior court justices.

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

HB 698-FN, relative to electronic toll collection.

HB 713-FN, relative to the penalty for violating a zoning ordinance.

HB 727-FN-L, establishing a committee to study the issue of school choice in New Hampshire.

HB 1148, 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.

HB 1162, relative to school district policies on bullying.

HB 1165, relative to extending domestic violence protection orders.

HB 1262, establishing a commission to study ways to encourage municipal recycling efforts and making certain changes to the tax exemption for water and air pollution control facilities.

HB 1276-FN, relative to special number plates for veterans, establishing a committee to study establishing special number plates for veterans who were awarded the Bronze Star or the Silver Star, and authorizing rules relating to certain commemorative license plates.

HB 1281, 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.

HB 1282, authorizing the commissioner of insurance and the commissioner of banking to order the payment of restitution to individuals harmed by unfair or deceptive practices of licensees.

HB 1293, relative to emission control equipment for certain vehicles and relative to unfair motor vehicle insurance trade practices.

HB 1295, relative to certain court records and exempting certain documents from the right-to-know law.

HB 1296, establishing a committee to study the authority to inspect food by the department of health and human services and the department of agriculture, markets, and food, and relative to food service licensure.

HB 1326, relative to the requirements for the sale of permissible fireworks and prohibiting the retail sale of certain fireworks.

HB 1348-FN, relative to registration of business organizations.

HB 1367, permitting the parents or legal guardian of a sexual assault victim to remain with the victim during the legal proceedings.

HB 1380-FN, relative to unauthorized video surveillance.

HB 1401-FN, limiting the use of traffic signal preemption devices, establishing a commission to study railroad matching funds, authorizing an expenditure for a certain feasibility study, and relative to landowner permission for OHRV operation and loading and unloading OHRVs on highways.

HB 1408-FN, relative to reporting requirements for certain nonprofit organizations, including health care charitable trusts.

HB 1428, 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.

HB 2004, relative to the state 10-year transportation improvement plan and making certain adjustments to turnpike funds.

HOUSE MESSAGE

The House of Representatives refuses to adopt the recommendation of the Committee of Conference to which was referred the following entitled Bill:

HB 1411-FN-A, establishing a committee to study funding sources for the state laboratories and extending the appropriation to the department of corrections for the prison automation system.

HOUSE MESSAGE

The House of Representatives refuses to adopt the recommendation of the Committee of Conference to which was referred the following entitled Bill:

HB 2004-FN-L, relative to the state 10-year transportation improvement plan and making certain adjustments to turnpike funds.

The Committee of Conference has been discharged and the House requests a new Committee of Conference. The Speaker, on the part of the House, has appointed as members of said Committee:

REPRESENTATIVES: LEBER, RAUSCH, GRAHAM & CLOUTIER.

SUSPENSION OF THE RULES

Senator Flanders moved that the rules of the Senate be so far suspended as to permit the Senate to accede to the House request for a new Committee of Conference on **HB 2004** after the deadline for formation has passed.

Question is on the adoption of the suspension of the rules.

A roll call was requested by Senator Gatsas.

Seconded by Senator Martel.

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

The following Senators voted No: None.

Yeas: 20 - Nays: 0

Adopted by the necessary 2/3 vote.

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 2004-FN-L, relative to the state 10-year transportation improvement plan and making certain adjustments to turnpike funds.

Senator Clegg 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.

SUSPENSION OF THE RULES

Senator Clegg moved that the rules of the Senate be so far suspended as to permit the body to act on the report of the Committee of Conference on HB 2004 after the deadline for sign off has passed.

Adopted by the necessary 2/3 vote.

May 25, 2004
2004-1676-CofC
05/10

Committee of Conference Report on HB 2004-FN-LOCAL, an act relative to the state 10-year transportation improvement plan and making certain adjustments to turnpike funds.

Recommendation:

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

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

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

The signatures below attest to the authenticity of this Report on HB 2004-FN-LOCAL, an act relative to the state 10-year transportation improvement plan and making certain adjustments to turnpike funds.

Conferees on the Part of the Senate

Sen. Clegg, Dist. 14

Sen. Morse, Dist. 22

Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House

Rep. Leber, Merr. 35

Rep. Rausch, Rock. 77

Rep. Cloutier, Sull. 22

Rep. Graham, Hills. 57

The question is on the adoption of the Committee of Conference Report.

A roll call was requested by Senator Gatsas

Seconded by Senator Green.

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

The following Senators voted No: Boyce.

Yeas: 20 – Nays: 1

Adopted.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

HB 2004-FN-L, 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.

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 697, relative to the sale of motor fuel.

SB 366, relative to the Interstate Insurance Product Compact.

SB 367, relative to the New Hampshire Insurance Guaranty Association Act of 2004.

SB 375, relative to the regulation of physician assistants.

SB 414, clarifying the laws relative to municipal impact fees, off-site exactions, vesting of development rights, and waiver of subdivision regulations.

Senator D'Allesandro moved adoption.

Adopted.

RESOLUTION

Senator Clegg moved that the Senate now adjourn from the early session and that the business of the late session be in order at the present time.

Adopted.

ANNOUNCEMENTS

Senator Cohen (Rule #44).

Senator D'Allesandro (Rule #44).

RESOLUTION

Senator Clegg moved that the Senate recess to the Call of the Chair for the purposes of receiving Messages, and processing Enrolled Bill Reports and Amendments.

Adopted.

In recess to the Call of the Chair.