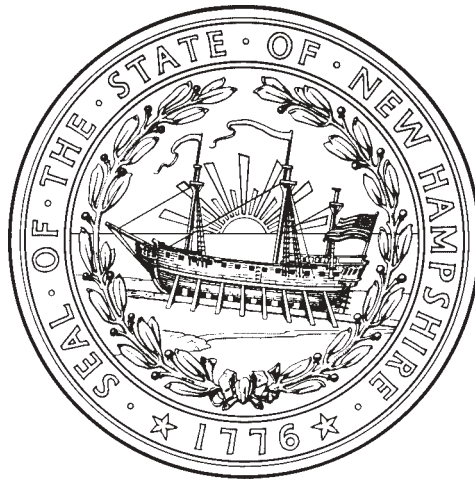


**June 17, 2004**  
**Nos. 16 - 17**

# **STATE OF NEW HAMPSHIRE**

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**Legislative**

## **SENATE JOURNAL**

**ADJOURNMENT – MAY 25, 2004 SESSION**  
**COMMENCEMENT AND ADJOURNMENT –**  
**JUNE 17, 2004 SESSION**

# SENATE JOURNAL 16 (*Cont.*)

*May 25, 2004*

## Out of Recess.

June 3, 2004  
2004-1697-EBA  
06/01

### Enrolled Bill Amendment to SB 109

The Committee on Enrolled Bills to which was referred SB 109

AN ACT adopting the model Drug Dealer Liability Act and permitting the parents or legal guardian of a sexual assault victim to remain with the victim during the legal proceedings.

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

FOR THE COMMITTEE

### Explanation to Enrolled Bill Amendment to SB 109

This enrolled bill amendment corrects the title of the bill to reflect its contents and makes certain technical corrections.

### Enrolled Bill Amendment to SB 109

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

AN ACT adopting the model Drug Dealer Liability Act.

Amend RSA 318-C:3, VIII, as inserted by section 1 of the bill by replacing line 2 with the following:

and interdependent, even if their identities are unknown to one another. Each new dealer obtains the

Amend RSA 318-C:3, IX, as inserted by section 1 of the bill by replacing line 3 with the following:

manufacturer of the product that is claimed to have caused them harm, allowing recovery from all

Amend RSA 318-C:12, as inserted by section 1 of the bill by replacing line 5 with the following:

chapter and existing law against a person against whom a defendant has asserted a right of contribution.

Senator Eaton moved adoption.

## Adopted.

May 27, 2004  
2004-1679-EBA  
03/09

### Enrolled Bill Amendment to SB 153

The Committee on Enrolled Bills to which was referred SB 153

AN ACT adopting the nurse licensure compact.

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

FOR THE COMMITTEE

### Explanation to Enrolled Bill Amendment to SB 153

This enrolled bill amendment makes grammatical corrections and inserts an omitted word.

### Enrolled Bill Amendment to SB 153

Amend RSA 326-B:34, article II(n) as inserted by section 3 of the bill by replacing line 3 with the following:

grounds for imposing discipline. The term state practice laws does not include the initial

Amend RSA 326-B:34, article III(b) as inserted by section 3 of the bill by replacing line 2 with the following:  
multistate licensure privilege of any nurse to practice in their states and may take any other actions

Amend RSA 326-B:34, article VI(b) as inserted by section 3 of the bill by replacing line 8 with the following:  
evidence are located;

Amend RSA 326-B:34, article VI(c) as inserted by section 3 of the bill by replacing line 2 with the following:  
states;

Amend RSA 326-B:34, article IX as inserted by section 3 of the bill by replacing lines 1-2 with the following:  
No party state or the officers or employees or agents of a party state's nurse licensing board who act in accordance with the provisions of this compact are liable on account of any act or omission in good

Amend RSA 326-B:4, XIV as inserted by section 4 of the bill by replacing line 4 with the following:  
examinations, [and] renewal of licenses, **and multistate licenses**, as well as fees for verifying

Amend section 5 of the bill by replacing lines 3-7 with the following:

XV. Require a registered nurse or a licensed practical nurse licensed in the state of New Hampshire to obtain a multistate license if the registered nurse or licensed practical nurse practices in a remote state. The board may charge an additional fee for such a multistate license.

XVI. In accordance with state due process laws, limit the multistate

Amend RSA 326-B:8-a, V as inserted by section 6 of the bill by replacing line 3 with the following:  
nurse or licensed practical nurse changes his or her residency to New Hampshire. The registered nurse or Senator Eaton moved adoption.

**Adopted.**

May 28, 2004  
2004-1684-EBA  
04/09

#### Enrolled Bill Amendment to HB 243

The Committee on Enrolled Bills to which was referred HB 243

AN ACT relative to motor vehicle exhaust noise standards.

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

FOR THE COMMITTEE

#### Explanation to Enrolled Bill Amendment to HB 243

This enrolled bill amendment corrects the effective date of the bill.

#### Enrolled Bill Amendment to HB 243

Amend the bill by replacing section 2 with the following:

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

Senator Eaton moved adoption.

**Adopted.**

May 28, 2004  
2004-1682-EBA  
09/01

#### Enrolled Bill Amendment to SB 302-FN-LOCAL

The Committee on Enrolled Bills to which was referred SB 302-FN-LOCAL

AN ACT making technical corrections to the education funding formula.

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

## FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 302-FN-LOCAL

This enrolled bill amendment integrates changes made by SB 324-FN-LOCAL of the 2004 legislative session into sections 1 and 2 of this bill if SB 324-FN-LOCAL becomes law. This enrolled bill amendment also integrates a change made by HB 1355 (chapter 97) of the 2004 legislative session into the text of RSA 198:39, I(h).

The enrolled bill amendment changes the word "excluding" to "including" in 2 places in RSA 198:41, II as inserted by section 8 of the bill, to reflect the intent of the legislature. The enrolled bill amendment also corrects a cross-reference and makes other technical corrections.

Enrolled Bill Amendment to SB 302-FN-LOCAL

Amend section 6 of the bill by replacing line 2 with the following:

2005. The introductory paragraph of RSA 198:40, I is repealed and reenacted to read as follows:

Amend RSA 198:41, II(a)(1) as inserted by section 8 of the bill by replacing line 2 with the following:

by the department of revenue administration, including property subject to taxation under RSA 82

Amend RSA 198:41, II(a)(2) as inserted by section 8 of the bill by replacing line 2 with the following:

the department of revenue administration, including property subject to taxation under RSA 82 and

Amend RSA 195:14, I(c) as inserted by section 10 of the bill by replacing line 3 with the following:

shall include the adequate education cost for the district under RSA 198:38, [XH] **VII**, and the

Amend RSA 195:14, I(d)(2) as inserted by section 10 of the bill by replacing line 2 with the following:

adequate education cost under RSA 198:38, [XH] **VII**, from its proportional share of the total

Amend RSA 195:14, I(d)(4) as inserted by section 10 of the bill by replacing lines 4 and 5 with the following:

subparagraph [(#)] **(1)** and the pre-existing district's adequate education cost under RSA 198:38, [XH] **VII**.

Amend RSA 195:15 as inserted by section 11 of the bill by replacing line 6 with the following:

RSA 198:38, [XH] **VII** credited against its share of the cooperative school district budget. However,

Amend RSA 198:44, I as inserted by section 13 of the bill by replacing line 4 with the following:

membership in residence[, and weighted average daily membership in residence], including the

Amend RSA 198:39, I(h) as inserted by section 20 of the bill by replacing it with the following:

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

Amend the bill by replacing all after section 24 with the following:

25 Consumer Price Index Adjustments to the Base Cost Per Pupil Calculation. Amend 2003, 241:4 to read as follows:

241:4 Consumer Price Index Adjustments to the Base Cost Per Pupil Calculation. For the 2004 [fiscal year] - **2005 biennium**, the base cost per pupil shall be adjusted by the average annual percentage rate of inflation for the 4 immediately preceding calendar years.

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

76:3 Statewide Enhanced Education Tax. An annual education property tax at the uniform rate of \$3.33 on each \$1,000 of the value of taxable property, except property subject to tax under RSA 82 and RSA 83-F, is hereby imposed on all persons and property taxable pursuant to RSA 76:8.

27 Statewide Enhanced Education 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 76:8, 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.

28 Contingency. If SB 324-FN-LOCAL of the 2004 legislative session becomes law, section 26 of this act shall take effect July 1, 2004 at 12:02 a.m., section 27 of this act shall take effect July 1, 2005 at 12:02 a.m., and sections 1 and 2 of this act shall not take effect. If SB 324-FN-LOCAL does not become law, section 1 of this act shall take effect July 1, 2004, section 2 of this act shall take effect July 1, 2005, and sections 26 and 27 of this act shall not take effect.

29 Effective Date.

I. Sections 1, 2, 26 and 27 shall take effect as provided in section 28 of this act.

II. Sections 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.

Senator Eaton moved adoption.

**Adopted.**

June 3, 2004  
2004-1696-EBA  
03/10

#### Enrolled Bill Amendment to HB 369

The Committee on Enrolled Bills to which was referred HB 369

AN ACT relative to the Henniker and Hillsborough district courts.

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

#### FOR THE COMMITTEE

#### Explanation to Enrolled Bill Amendment to HB 369

This enrolled bill amendment corrects the title of the bill in order to reflect the contents of the bill.

#### Enrolled Bill Amendment to HB 369

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

AN ACT relative to the Henniker and Hillsborough district courts and to the Hampton and Exeter district courts.

Senator Eaton moved adoption.

**Adopted.**

June 3, 2004  
2004-1702-EBA  
06/10

#### Enrolled Bill Amendment to SB 376-FN-A

The Committee on Enrolled Bills to which was referred SB 376-FN-A

AN ACT relative to pharmaceutical purchases for receiving facilities and nonprofit hospitals, relative to the medicaid enhancement tax, relative to nursing facility quality assessments, relative to certain medicaid programs, and relative to rural hospitals.

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

#### FOR THE COMMITTEE

#### Explanation to Enrolled Bill Amendment to SB 376-FN-A

This enrolled bill amendment makes a technical correction to the bill.

Enrolled Bill Amendment to SB 376-FN-A

Amend the bill by replacing section 10 with the following:

10 Repeal. RSA 84-A:1, II, relative to the definition of gross patient services revenue, is repealed.

Senator Eaton moved adoption.

**Adopted.**

May 26, 2004  
2004-1677-EBA  
05/10

Enrolled Bill Amendment to SB 391

The Committee on Enrolled Bills to which was referred SB 391

AN ACT relative to bond votes in municipalities using chartered official ballot voting procedures, relative to Claremont school district elections, and relative to the elections of officials of the union school district of Keene.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 391

This enrolled bill amendment corrects a statutory reference and bill section references.

Enrolled Bill Amendment to SB 391

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

2 Municipal Bonds; Town Charters. Amend RSA 49-D:3, I-a to read as follows:

Amend section 8 of the bill by replacing line 5 with the following:

November biennial elections, and adopting the provisions of sections 5, 6, and 7 of senate bill 391 of

Senator Eaton moved adoption.

**Adopted.**

May 20, 2004  
2004-1673-EBA  
04/10

Enrolled Bill Amendment to SB 406

The Committee on Enrolled Bills to which was referred SB 406

AN ACT relative to adoption procedures.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 406

This enrolled bill amendment corrects RSA references and, due to the enactment of 2004, 99 (SB 335 of the 2004 legislative session), this amendment makes a technical correction and deletes section 4 of the bill because the RSA section was previously amended by 2004, 99:1.

Enrolled Bill Amendment to SB 406

Amend RSA 170-B:2, X(a) as inserted by section 1 of the bill by replacing it with the following:

(a) The person designated as the father pursuant to RSA ~~[126:6-a]~~ **5-C:11** on that child's birth certificate;

Amend RSA 170-B:16, VII as inserted by section 1 of the bill by replacing line 2 with the following:  
documentation indicating compliance with RSA 170-A and RSA 170-B:28.

Amend the bill by deleting section 4 and renumbering the remaining sections 5-9 to read as 4-8, respectively.

Amend the bill by replacing section 6 with the following:

6 Annulment, Divorce, and Separation; Grandparents Visitation Rights; Reference Change.

RSA 458:17-d, VI is repealed and reenacted to read as follows:

VI. Nothing contained in this section shall be construed to affect the rights of a child or birth parent or guardian under RSA 463 or adoptive parent under RSA 170-B:25.

Senator Eaton moved adoption.

**Adopted.**

May 1, 2004  
2004-1549-EBA  
08/10

Enrolled Bill Amendment to SB 448-FN

The Committee on Enrolled Bills to which was referred SB 448-FN

AN ACT relative to consumer guaranty contracts.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 448-FN

This enrolled bill amendment makes various technical corrections.

Enrolled Bill Amendment to SB 448-FN

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

1 Consumer Guaranty Contracts. RSA 415-C is repealed and

Amend RSA 415-C:1, III(b)(3) as inserted by section 1 of the bill by replacing line 1 with the following:

(3) Debt cancellation or debt suspension contracts not subject to 12 CFR 37 or

Amend RSA 415-C:2, II as inserted by section 1 of the bill by replacing lines 2 and 3 with the following:

insurance laws, except for the provisions of RSA 400-A:16 through RSA 400-A:25 or as provided by this chapter.

Amend RSA 415-C:4, III as inserted by section 1 of the bill by replacing line 2 with the following:

obligor's parent, maintains a net worth or stockholders' equity of \$25,000,000 or more as evidenced

Amend RSA 415-C:6, III(a) as inserted by section 1 of the bill by replacing line 2 with the following:

not required to be preprinted on the service contract and may be negotiated at the time of sale with

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

2 Insurance Department; Fees. RSA 400-A:29, VIII-a is repealed and reenacted to read as follows:

Senator Eaton moved adoption.

**Adopted.**

June 3, 2004  
2004-1703-EBA  
06/01

Enrolled Bill Amendment to SB 478-FN

The Committee on Enrolled Bills to which was referred SB 478-FN

AN ACT relative to penalties for DWI offenses.

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



## FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 478-FN

This enrolled bill amendment makes technical corrections to the bill.

Enrolled Bill Amendment to SB 478-FN

Amend RSA 265:82-b, I(b)(4) as inserted by section 1 of the bill by replacing line 6 with the following:  
soon [~~thereafter~~] as any circumstances approved by the department of health of human services allow;

Amend RSA 265:82-b, I(b)(6) as inserted by section 1 of the bill by replacing line 3 with the following:  
***extenuating circumstances approved by the department of health and human services***

Amend RSA 265:82-b, I(c)(4) as inserted by section 1 of the bill by replacing line 6 with the following:  
soon [~~thereafter~~] as any extenuating circumstances approved by the department of health and human  
Senator Eaton moved adoption.

**Adopted.**

May 28, 2004  
2004-1683-EBA  
08/09

Enrolled Bill Amendment to SB 481-FN-LOCAL

The Committee on Enrolled Bills to which was referred SB 481-FN-LOCAL

AN ACT establishing a sewer and other water-related purposes district for Great Bay.

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

## FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 481-FN-LOCAL

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to SB 481-FN-LOCAL

Amend RSA 485-E:4, II(e) as inserted by section 1 of the bill by replacing line 2 with the following:  
insurance is necessary under the laws of the state of New Hampshire.

Senator Eaton moved adoption.

**Adopted.**

May 17, 2004  
2004-1602-EBA  
04/01

Enrolled Bill Amendment to SB 498-FN

The Committee on Enrolled Bills to which was referred SB 498-FN

AN ACT relative to the regulation of debt adjustment services.

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

## FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 498-FN

This enrolled bill amendment makes various grammatical and technical corrections to the bill.

Enrolled Bill Amendment to SB 498-FN

Amend RSA 399-D:5, II (a), as inserted by section 1 by replacing line 1 with the following:

(a) Each application shall be accompanied by a current financial statement, certified



Amend RSA 399-D:5, II (c) as inserted by section 1 by replacing line 1 with the following:

(c) Each licensee shall furnish with the application a blank copy of the contract intended

Amend RSA 399-D:16, VI as inserted by section 1 by replacing line 4 with the following:

to the services to be performed by the licensee or the charges to be made therefor.

Amend RSA 399-D:17 as inserted by section 1 by replacing line 7 with the following:

services of an attorney or to arrange the terms of, or compensate for, such services; communicate with

Amend RSA 399-D:17 as inserted by section 1 by replacing lines 10-11 with the following:

associated, directly or indirectly, with any attorney; borrow money from or pledge assets to any attorney; or refer any debtor to any particular attorney.

Amend RSA 399-D:21, II (a) as inserted by section 1 by replacing line 1 with the following:

(a) Every licensee shall keep and use in his or her business, books, accounts, and records which

Amend RSA 399-D:22, III as inserted by section 1 by replacing line 2 with the following:

examine the records of any licensee and of any person by whom a debt adjustment contract is made,

Amend RSA 399-D:25, V as inserted by section 1 by replacing line 4 with the following:

of this chapter.

Amend RSA 399-D:28, I (b) as inserted by section 1 by replacing line 2 with the following:

report, as required in subparagraph I(a), notwithstanding the fact that such person is not licensed on the  
Senator Eaton moved adoption.

### **Adopted.**

June 2, 2004

2004-1693-EBA

03/10

### Enrolled Bill Amendment to SB 534-FN-A

The Committee on Enrolled Bills to which was referred SB 534-FN-A

AN ACT relative to the reorganization of certain functions and duties of state agencies.

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

### FOR THE COMMITTEE

#### Explanation to Enrolled Bill Amendment to SB 534-FN-A

This enrolled bill amendment corrects certain references in the bill, incorporates changes in the law previously enacted in 2004, 97 (HB 1355), 2004, 59 (SB 450-FN), and 2004, 104 (SB 356), and inserts a contingent renumbering provision.

#### Enrolled Bill Amendment to SB 534-FN-A

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

1 Department of Safety; Duties of Commissioner. Amend the introductory paragraph of RSA 21-P:4, VI to read as follows:

Amend the bill by replacing section 2 with the following:

2 Police Standards and Training Council; Education and Training. Amend RSA 188-F:27, VI to read as follows:

VI. Any investigator who has the power to enforce the criminal laws under RSA 106-A and RSA 287-E and rules of the lottery commission [and], **the** department of safety, **or the pari-mutuel commission** and who was serving under a permanent appointment prior to July 1, 1986, shall not be required to meet the requirements of paragraphs I and III; however, any investigator referred to in this paragraph shall complete

such limited programs as may be prescribed by the police standards and training council under this section within one year of the date the programs are required. Should any investigator exempted from the requirements of paragraphs I and III of this section by this paragraph terminate employment with the department of safety and be hired as a police officer by another police department of the state or a political subdivision thereof, the inspector's certification shall lapse and may be reinstated upon completion of such necessary additional training courses as the police standards and training council may prescribe.

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

paragraph VII the following new paragraph:

VIII. Rules for bingo and lucky 7 as authorized under RSA 287-E.

Amend section 6 of the bill by replacing lines 1-3 with the following:

6 Lottery Commission. Amend RSA 284:21-a to read as follows:

284:21-a State Lottery Commission. There shall be and hereby is created a state lottery commission consisting of 3 members who shall be appointed and may be removed for

Amend section 7 of the bill by replacing lines 1-2 with the following:

7 Lottery Commission. Amend RSA 284:21-i, I to read as follows:

I. The lottery commission shall be empowered to employ such technical assistants and

Amend section 8 of the bill by replacing lines 1-2 with the following:

8 Lottery Commission. Amend RSA 284:21-j, I to read as follows:

I. The state treasurer shall credit all moneys received from the lottery commission

Amend RSA 287-A:8, III as inserted by section 9 of the bill by replacing line 2 with the following:

be sold only by members of a charitable organization licensed by the [lottery] **pari-mutuel**

Amend RSA 287-E:1, VI as inserted by section 10 of the bill by replacing it with the following:

VI. "Commission" means the state [lottery] **pari-mutuel** commission.

Amend RSA 287-E:2 as inserted by section 11 of the bill by replacing line 1 with the following:

287-E:2 Administration and Enforcement. The [lottery] **pari-mutuel** commission shall

Amend RSA 287-E:16 as inserted by section 12 of the bill by replacing line 1 with the following:

287-E:16 Administration and Enforcement. The [lottery] **pari-mutuel** commission shall

Amend RSA 647:2, V(a) as inserted by section 14 of the bill by replacing line 1 with the following:

(a) Dispenser devices approved by the [lottery] **pari-mutuel** commission which are

Amend section 16 of the bill by replacing lines 2-3 with the following:

duties, and responsibilities of the lottery commission regarding the administration, licensing, and enforcement of RSA 287-E. All existing rules adopted by the lottery commission for the

Amend section 17 of the bill by replacing lines 2-5 with the following:

I. Classified employees of the lottery commission responsible for the administration and licensing of bingo and lucky 7 shall be transferred to the pari-mutuel commission. The transfer provided for in this section shall include all of the personnel, books, papers, records, equipment, unexpended appropriations, or other available funds, property, or obligations of any kind of the lottery commission for administration and licensing of bingo and lucky 7. The transfer

Amend section 18 of the bill by replacing line 9 with the following:

9T296, 18999, 19000, 40342, 9T112, 9T113, and 9T729. The transfer shall also include all of the

Amend RSA 270:64, III as inserted by section 23 of the bill by replacing line 2 with the following:

environmental services, or the office of energy and planning to assist in the

Amend section 30 of the bill by replacing line 3 with the following:

“division of aeronautics, rail, and transit”: 72:38, I-II; 21-L:8, III and V; 422:3, XIX; 422:39; 423:11,

Amend section 33 of the bill by replacing line 4 with the following:

transportation”: 12-A:5, I(b) and V; 37:6, VII; 48-B:2; 215-A:8; 216-B:3; 216-B:5; 216-B:6;

Amend section 34 of the bill by replacing line 4 with the following:

highways”, and “public works and highways department” with “department of transportation”: 14:15-b;

Amend RSA 17-J:4 as inserted by section 37 of the bill by replacing line 4 with the following:

***commissioner of transportation shall, within 30 days of the approval of funding for any***

Amend section 44 of the bill by replacing lines 8-10 with the following:

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, XIII(d); 227-C:4, II; 227-E:3; 227-E:6; 233-A:2; 235:23, I; 238:20, I(d); 238:23; 261:153, V; 270:71, II; 374:22-j, XIII; 384-B:1, XI; 432:19; 483:8, II; 483:10, I; 483:10-a; 483-A:6, III; 483-A:7; 483-B:4,

Amend section 53 of the bill by replacing line 2 with the following:

health and human services shall report by December 1, 2004 to the speaker of the house of representatives and the senate president

Amend the bill by replacing all after section 58 with the following:

59 Contingent Renumbering. If HB 520-FN of the 2004 regular session becomes law, then RSA 284:12, VIII as inserted by section 4 of this act shall be renumbered as RSA 284:12, IX.

60 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. RSA 162-L:19, as amended by section 44 of this act, shall take effect July 16, 2004 at 12:01 a.m.

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

Senator Eaton moved adoption.

**Adopted.**

June 2, 2004

2004-1689-EBA

04/10

#### Enrolled Bill Amendment to HB 551

The Committee on Enrolled Bills to which was referred HB 551

AN ACT establishing a committee to study the use of prescription psychotropic drugs, including Ritalin, in childcare centers, preschools, and public schools.

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

FOR THE COMMITTEE

#### Explanation to Enrolled Bill Amendment to HB 551

This enrolled bill amendment corrects the title of the bill to accurately reflect the content of the bill.

#### Enrolled Bill Amendment to HB 551

Amend the bill by replacing the title with the following:

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.

Senator Eaton moved adoption.

**Adopted.**

June 2, 2004  
2004-1690-EBA  
08/10

Enrolled Bill Amendment to HB 618-FN-A

The Committee on Enrolled Bills to which was referred HB 618-FN-A

AN ACT 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.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 618-FN-A

This enrolled bill amendment contingently incorporates an amendment to an RSA section in SB 407.

Enrolled Bill Amendment to HB 618-FN-A

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

12 Municipal Budget Law; Posting of Budget; Contingent Version. RSA 32:5, VII is repealed and reenacted to read as follows:

VII.(a) 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 committee 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 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.

(b) The governing body in official ballot referenda jurisdictions operating under RSA 40:13 shall post certified copies of the default budget form or any amended default budget form with the proposed operating budget and the warrant.

13 Contingency. If SB 407 of the 2004 legislative session becomes law, then section 12 of this act shall take effect at 12:01 a.m. on the effective date of SB 407. If SB 407 does not become law, then section 12 of this act shall not take effect.

14 Effective Date.

I. Section 12 of this act shall take effect as provided in section 13 of this act.

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

Senator Eaton moved adoption.

**Adopted.**

June 1, 2004  
2004-1685-EBA  
03/01

Enrolled Bill Amendment to HB 640-FN

The Committee on Enrolled Bills to which was referred HB 640-FN

AN ACT relative to post-conviction DNA testing.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 640-FN

This enrolled bill amendment makes grammatical corrections and corrects certain references in the bill.

Enrolled Bill Amendment to HB 640-FN

Amend RSA 651-D:2, I as inserted by section 1 of the bill by replacing line 1 with the following:

I. A person in custody pursuant to the judgment of the court may, at any time after conviction or

Amend RSA 651-D:2, IV as inserted by section 1 of the bill by replacing lines 5-7 with the following:

(c) Designate the New Hampshire state police forensic laboratory to conduct the test.

(d) Designate a laboratory accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB), unless the petitioner and the attorney

Amend RSA 651-D:3, II as inserted by section 1 of the bill by replacing line 6 with the following:

investigating agency may destroy biological material 90 days after filing a petition, unless the Senator Eaton moved adoption.

**Adopted.**

June 2, 2004

2004-1692-EBA

05/09

Enrolled Bill Amendment to HB 643-FN

The Committee on Enrolled Bills to which was referred HB 643-FN

AN ACT relative to the family division of the courts and reducing the number of superior court justices.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 643-FN

This enrolled bill amendment corrects the title of the bill and includes changes to RSA 491:1 made by 2004, 74 (HB 1135).

Enrolled Bill Amendment to HB 643-FN

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

AN ACT relative to the family division of the courts, reducing the number of superior court justices, and relative to marital masters.

Amend the bill by replacing section 4 with the following:

4 Superior Court Justices. Amend RSA 491:1 to read as follows:

491:1 Justices. The superior court shall consist of a chief justice, appointed by the governor and council to a 5-year term, and [28] 21 associate justices. Said justices shall be appointed and commissioned as prescribed by the constitution and shall exercise the powers of the court unless otherwise provided.

Senator Eaton moved adoption.

**Adopted.**

June 3, 2004

2004-1698-EBA

04/09

Enrolled Bill Amendment to HB 698-FN

The Committee on Enrolled Bills to which was referred HB 698-FN

AN ACT relative to electronic toll collection.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 698-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 698-FN

Amend section 4 of the bill by replacing lines 2-5 with the following:

RSA 260:14 by inserting after paragraph III the following new paragraph:

III-a. Except for a person's photograph, computerized image, and social security number, motor vehicle records may be made available to the department of transportation for the enforcement of the electronic toll collection, pursuant to RSA 236:31. Any records received under

Senator Eaton moved adoption.

**Adopted.**

June 1, 2004  
2004-1686-EBA  
03/10

Enrolled Bill Amendment to HB 713-FN

The Committee on Enrolled Bills to which was referred HB 713-FN

AN ACT relative to the penalty for violating a zoning ordinance.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 713-FN

This enrolled bill amendment corrects the title of the bill in order to reflect the contents of the bill.

Enrolled Bill Amendment to HB 713-FN

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

AN ACT relative to the penalty for violating a zoning ordinance and relative to residences in industrial or commercial zones.

Senator Eaton moved adoption.

**Adopted.**

June 2, 2004  
2004-1695-EBA  
03/01

Enrolled Bill Amendment to HB 1148

The Committee on Enrolled Bills to which was referred HB 1148

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

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1148

This enrolled bill amendment inserts an omitted word into the text of the bill.

Enrolled Bill Amendment to HB 1148

Amend section 4 of the bill by replacing line 8 with the following:

environmental services shall obtain the advice and consent of the legislative dam management review

Senator Eaton moved adoption.

**Adopted.**

May 18, 2004  
2004-1618-EBA  
06/09

Enrolled Bill Amendment to HB 1207-FN-A

The Committee on Enrolled Bills to which was referred HB 1207-FN-A

AN ACT relative to a Global War on Terrorism operations service bonus payment.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1207-FN-A

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to 1207-FN-A

Amend RSA 115-A:19 as inserted by section 1 of the bill by replacing line 7 with the following:

exercised parental control at the time of or most nearly prior to the date of the qualified person's entry

Senator Eaton moved adoption.

**Adopted.**

May 28, 2004  
2004-1681-EBA  
05/10

Enrolled Bill Amendment to HB 1262

The Committee on Enrolled Bills to which was referred HB 1262

AN ACT 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.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1262

This enrolled bill amendment corrects the title of the bill and reinserts the effective date section.

Enrolled Bill Amendment to HB 1262

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

AN ACT establishing a commission to study ways to encourage municipal recycling efforts and to study the tax exemption for water and air pollution control facilities.

Amend the bill by inserting after section 5 the following new section:

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

Senator Eaton moved adoption.

**Adopted.**

June 3, 2004  
2004-1699-EBA  
04/09

Enrolled Bill Amendment to HB 1281

The Committee on Enrolled Bills to which was referred HB 1281

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

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



## FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1281

This enrolled bill amendment inserts a contingency provision to change the paragraph numbering in section 3 of the bill, to resolve a conflict with paragraph numbering in SB 302-FN-LOCAL if SB 302-FN-LOCAL becomes law.

Enrolled Bill Amendment to HB 1281

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

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

V. 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.

5 Contingency. If section 8 of SB 302-FN-LOCAL of the 2004 legislative session becomes law, section 4 of this act shall take effect July 1, 2005 and section 3 of this act shall not take effect. If section 8 of SB 302-FN-LOCAL of the 2004 legislative session does not become law, section 3 of this act shall take effect July 1, 2005 and section 4 of this act shall not take effect.

6 Effective Date.

I. Sections 3 and 4 of this act shall take effect as provided in section 5 of this act.

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

Senator Eaton moved adoption.

**Adopted.**

June 2, 2004  
2004-1691-EBA  
05/09

Enrolled Bill Amendment to HB 1293

The Committee on Enrolled Bills to which was referred HB 1293

AN ACT relative to emission control equipment for certain vehicles and relative to unfair motor vehicle insurance trade practices.

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

## FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1293

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 1293

Amend RSA 417:4, XXII(a) as inserted by section 5 of the bill by replacing line 2 with the following: intimidation, coercion, or threat, for or against any insured person or entity, to use a particular

Senator Eaton moved adoption.

**Adopted.**

June 1, 2004  
2004-1687-EBA  
06/10

Enrolled Bill Amendment to HB 1295

The Committee on Enrolled Bills to which was referred HB 1295

AN ACT relative to certain court records and exempting certain documents from the right-to-know law.

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

## FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1295

This enrolled bill amendment rennumbers an RSA provision inserted by the bill to conform to changes made in 2004, 147.

Enrolled Bill Amendment to HB 1295

Amend section 4 of the bill by replacing lines 2-5 with the following:

paragraph VII the following new paragraphs:

VIII. 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.

IX. Preliminary drafts, notes, and memoranda and other documents not in their final form

Senator Eaton moved adoption.

**Adopted.**

June 2, 2004  
2004-1688-EBA  
04/01

Enrolled Bill Amendment to HB 1326

The Committee on Enrolled Bills to which was referred HB 1326

AN ACT relative to the requirements for the sale of permissible fireworks and prohibiting the retail sale of certain fireworks.

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

## FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1326

This enrolled bill amendment corrects the title of the bill to accurately reflect the bill's contents, makes grammatical changes, and corrects statutory and paragraph references in the bill.

Enrolled Bill Amendment to HB 1326

Amend the bill by replacing the title with the following:

AN ACT relative to the requirements for the sale of permissible fireworks and prohibiting the retail sale of certain fireworks and establishing a study committee to examine the classification of consumer and display fireworks.

Amend RSA 160-C:3, II-f (f) as inserted by section 1 of the bill by replacing line 2 with the following:

***and its principal owners pursuant to this chapter during the previous 5 years.***

Amend RSA 160-C:3, II-f (g) as inserted by section 1 of the bill by replacing line 2 with the following:

***his or her qualifications to perform such work.***

Amend RSA 160-C:3, II-h(b) as inserted by section 1 of the bill by replacing line 1 with the following:

***(b) The applicant, and any principal controlling owners, directors, or natural***

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

VIII the following new paragraph:

IX. The commissioner of safety shall adopt rules, under RSA 541-A, for the licensing of

Amend RSA 160-C:13, II as inserted by section 4 of the bill by replacing line 2 with the following:

***days prior to any testing and approval conducted pursuant to RSA 160-C:13, III, or earlier***

Senator Eaton moved adoption.

**Adopted.**

June 3, 2004  
2004-1701-EBA  
08/01

Enrolled Bill Amendment to HB 1348-FN

The Committee on Enrolled Bills to which was referred HB 1348-FN

AN ACT relative to registration of business organizations.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1348-FN

This enrolled bill amendment makes certain technical corrections.

Enrolled Bill Amendment to HB 1348-FN

Amend RSA 292:3, III(b) as inserted by section 1 of the bill by replacing line 1 with the following:

(b) The other entity consents to the use in writing and submits an undertaking in a form

Amend RSA 293-B:14, IV as inserted by section 16 of the bill by replacing line 1 with the following:

IV. The certificate of trust of a New Hampshire investment trust may be revoked pursuant to

Amend RSA 293-B:16, I(c)(2) as inserted by section 17 of the bill by replacing line 1 with the following:

(2) The other entity consents to the use in writing and submits an undertaking in a

Amend RSA 294-A:7, III(b)(2)(B) as inserted by section 18 of the bill by replacing line 2 with the following:

in a form satisfactory to the secretary of state to change its name to a name that is distinguishable

Amend RSA 301:43-a, III(b) as inserted by section 23 of the bill by replacing line 1 with the following:

(b) The other entity consents to the use in writing and submits an undertaking in a form

Amend RSA 304-A:45, III(b) as inserted by section 30 of the bill by replacing line 1 with the following:

(b) The other entity consents to the use in writing and submits an undertaking in a form

Amend RSA 304-B:2, IV(b) as inserted by section 36 of the bill by replacing line 1 with the following:

(b) The other entity consents to the use in writing and submits an undertaking in a form

Amend RSA 304-C:3, IV(b) as inserted by section 46 of the bill by replacing line 1 with the following:

(b) The other entity consents to the use in writing and submits an undertaking in a form

Amend RSA 304-C:66, I(d) as inserted by section 50 of the bill by replacing line 3 with the following:

and its certificate of formation;

Amend RSA 305:2-e, II(b) as inserted by section 57 of the bill by replacing line 1 with the following:

(b) The other entity consents to the use in writing and submits an undertaking in a form

Amend RSA 349:1, IV(b)(2) as inserted by section 60 of the bill by replacing line 2 with the following:

***undertaking in a form satisfactory to the secretary of state to change its name to a name that***

Amend RSA 349:1, IV(g) as inserted by section 60 of the bill by replacing line 1 with the following:

***(c) An applicant may use the name, including the fictitious name, of another***

Senator Eaton moved adoption.

**Adopted.**

May 21, 2004  
2004-1674-EBA  
08/10

Enrolled Bill Amendment to HB 1378-FN-A

The Committee on Enrolled Bills to which was referred HB 1378-FN-A

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

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1378-FN-A

This enrolled bill amendment contingently renumbers the RSA subdivision inserted by section 1 of the bill to avoid a conflict with HB 1207-FN-A.

Enrolled Bill Amendment to HB 1378-FN-A

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

6 New Subdivision; Service Awards for Veterans of World War II, the Korean War, and the Vietnam War. Amend RSA 115-A by inserting after section 22 the following new subdivision:

New Hampshire Service Awards

115-A:23 New Hampshire Service Awards.

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

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

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

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

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

115-A:24 Eligibility for Award. Any person who served in any of the following wars; who, if deemed necessary by the adjutant general, earned the appropriate service medal; and who was honorably discharged, or who is missing in action, or who was killed in action; and who, at the time of entry on such active service, and at the time of such service was a bona fide resident of this state shall be eligible for the award provided under this subdivision. Eligible service is service in:

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

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

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

115-A:25 Application for Service Award. Any person eligible for a service award under this subdivision, or if such person is incapacitated or deceased, the surviving spouse or child of such eligible person, may apply to the adjutant general for such service award during 2-year application time periods established by the adjutant general for each war. The adjutant general shall establish application forms and procedures.

115-A:26 Rulemaking. The adjutant general shall adopt rules, pursuant to RSA 541-A, relative to:

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

II. Application forms and procedures under RSA 115-A:25.

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

115-A:27 Gifts, Grants, and Donations. Notwithstanding any other provision of law, the adjutant general may solicit and receive monetary gifts, grants, or donations for the purpose of paying costs of the design, manufacture or production, and distribution of New Hampshire service awards under this subdivision.

115-A:28 New Hampshire Service Award Fund. There is established in the office of the state treasurer a fund to be known as the New Hampshire service award fund. All monetary gifts, grants, and donations received by the adjutant general pursuant to RSA 115-A:27 shall be deposited in such fund. The fund is established to pay the costs of the design, manufacture or production, and distribution of New Hampshire service awards under this subdivision. The money in this fund shall be nonlapsing and shall be continually appropriated to the department of the adjutant general.

7 Appropriation; Adjutant General. The sum of \$10,000 is hereby appropriated to the New Hampshire service award fund for the fiscal year ending June 30, 2005, for the purposes of start-up costs for the design, manufacture or production, and distribution of New Hampshire service awards under RSA 115-A:23-28, as inserted by section 7 of this act. This appropriation shall be nonlapsing. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

8 Contingency. If HB 1207-FN-A of the 2004 legislative session becomes law then sections 1 and 2 of this act shall not take effect and sections 6 and 7 of this act shall take effect July 1, 2004. If HB 1207-FN-A of the 2004 legislative session does not become law then sections 6 and 7 of this act shall not take effect and sections 1 and 2 of this act shall take effect July 1, 2004.

9 Effective Date.

I. Sections 1,2, 6, and 7 of this act shall take effect as provided in section 8 of this act.

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

Senator Eaton moved adoption.

**Adopted.**

June 2, 2004  
2004-1694-EBA  
06/04

#### Enrolled Bill Amendment to HB 1401-FN

The Committee on Enrolled Bills to which was referred HB 1401-FN

AN ACT 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 land-owner permission for OHRV operation and loading and unloading OHRVs on highways.

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

#### FOR THE COMMITTEE

#### Explanation to Enrolled Bill Amendment to HB 1401-FN

This enrolled bill amendment makes a technical correction to the bill.

#### Enrolled Bill Amendment to HB 1401-FN

Amend section 5 of the bill by replacing line 2 with the following:

of the commission shall be called by the senate member. The first meeting of the

Senator Eaton moved adoption.

**Adopted.**

June 3, 2004  
2004-1700-EBA  
08/10

#### Enrolled Bill Amendment to HB 1428-FN

The Committee on Enrolled Bills to which was referred HB 1428-FN

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

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

## FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1428-FN

This enrolled bill amendment resolves the effective dates of amendments to RSA sections in this bill and SB 371.

Enrolled Bill Amendment to HB 1428-FN

Amend the bill by inserting after section 11 the following and renumbering the original section 12 to read as 13:

12 Duplicate Amendment. Sections 12 and 13 of SB 371 from the 2004 legislative session shall not take effect.

Senator Eaton moved adoption.

**Adopted.**

June 3, 2004  
2004-1704-EBA  
03/09

Enrolled Bill Amendment to HB 2004-FN-LOCAL

The Committee on Enrolled Bills to which was referred HB 2004-FN-LOCAL

AN ACT relative to the state 10-year transportation improvement plan and making certain adjustments to turnpike funds.

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

## FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 2004-FN-LOCAL

This enrolled bill amendment clarifies a reference in the bill.

Enrolled Bill Amendment to HB 2004-FN-LOCAL

Amend section 3 of the bill by replacing subparagraph II(a)(1)(A) with the following:

(A) Three members of the public works and highways committee.

Senator Eaton moved adoption.

**Adopted.**

**REPORT OF COMMITTEE ON ENROLLED BILLS**

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

**HB 243**, relative to motor vehicle exhaust noise standards.

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

**HB 551**, 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.

**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, reducing the number of superior court justices, and relative to marital masters.

**HB 698-FN**, relative to electronic toll collection.



**HB 713-FN**, relative to the penalty for violating a zoning ordinance and relative to residences in industrial or commercial zones.

**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 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 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 1326**, relative to the requirements for the sale of permissible fireworks and prohibiting the retail sale of certain fireworks and establishing a study committee to examine the classification of consumer and display fireworks.

**HB 1348-FN**, relative to registration of business organizations.

**HB 1378-FN-A**, relative to New Hampshire service awards for veterans of World War II, the Korean War, and the Vietnam War and making an appropriation therefor; and relative to tuition waivers and room and board scholarships at state educational institutions for children of certain firefighters and police officers who died while in performance of their duties.

**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 1428-FN**, 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-FN-L**, relative to the state 10-year transportation improvement plan and making certain adjustments to turnpike funds.

**SB 109**, adopting the model Drug Dealer Liability Act.

**SB 153**, adopting the nurse licensure compact.

**SB 376-FN-A**, relative to pharmaceutical purchases for receiving facilities and nonprofit hospitals, relative to the medicaid enhancement tax, relative to nursing facility quality assessments, relative to certain medicaid programs, and relative to rural hospitals.

**SB 391**, relative to bond votes in municipalities using chartered official ballot voting procedures, relative to Claremont school district elections, and relative to the elections of officials of the union school district of Keene.

**SB 406**, relative to adoption procedures.

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

Senator D'Allesandro moved adoption.

**Adopted.**

#### **REPORT OF COMMITTEE ON ENROLLED BILLS**

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

**HB 176**, relative to listing candidates on ballots and relative to instructions to voters.

**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 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 to study 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, authorizing rules relating to certain commemorative license plates, and requiring an additional fee for certain motor vehicle registrations.

**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 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 1380-FN**, relative to unauthorized video surveillance.

**HB 1408-FN**, relative to reporting requirements for certain nonprofit organizations, including health care charitable trusts.

**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 in the retirement system, and repealing certain provisions permitting additional contributions.

**SB 381**, relative to the authorization for and transfer of certain capital appropriations within the department of safety

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

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

**SB 415-FN**, relative to the expansion of 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, and changing requirements for tobacco manufacturers not participating in the tobacco Master Settlement Agreement.

**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 490-FN**, relative to voting procedures and relative to ward boundaries in Manchester.

**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.

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

Senator D'Allesandro moved adoption.

**Adopted.**

**REPORT OF COMMITTEE ON ENROLLED BILLS**

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

**HB 727-FN-L**, establishing a committee to study the issue of school choice in New Hampshire.

**HB 1207-FN-A**, relative to a Global War on Terrorism operations service bonus payment.

**SB 413-FN**, establishing a commission to study the construction time frame and financing for the expansion of Interstate Route 93.

**SB 448-FN**, relative to consumer guaranty contracts.

**SB 498-FN**, relative to the regulation of debt adjustment services.

Senator D'Allesandro moved adoption.

**Adopted.**

**REPORT OF COMMITTEE ON ENROLLED BILLS**

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

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

Senator Clegg moved adoption.

**Adopted.**

**LATE SESSION**

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

**Adopted.**

**Adjournment.**

# SENATE JOURNAL 17

*June 17, 2004*

Senator O'Hearn in the Chair.

The Senate met at 10:00 a.m.

A quorum was present.

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

*Lord of all, You bury deep within each one of us glowing embers of divinity, placing upon each of our lives a value beyond price. Thank You for the members of the Senate and those who serve along with them in this work. As they complete now this work, let each one of them know and feel the gratitude and credit that comes from the one and only source that really matters - from You.* Amen

Senator Cohen in the Chair.

Senator Martel led the Pledge of Allegiance.

**INTRODUCTION OF GUESTS**

Senator Eaton in the Chair.

**VETO MESSAGES**

June 15, 2004

To the Honorable Members of the General Court:

**GOVERNOR'S VETO MESSAGE ON SB 470**

**By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have vetoed Senate Bill 470, an Act Relative to Funding for the Physician Effectiveness Program, and Establishing a Dedicated Fund**

SB 470 would increase the allocation from each physician license renewal from \$20 to \$30 and place that amount into a nonlapsing fund that would be kept distinct and different from all other funds.

There is insufficient justification for the increase in physician effectiveness program funds called for by this bill. Further, recent data confirms that there is no need to increase the fee, as the current fund balance is more than adequate for the need

Creation of dedicated, nonlapsing, fund is contrary to the principles upon which I believe that state government should operate.

For these reasons, I have vetoed SB 470.

Sincerely,

Craig R. Benson

**The question is notwithstanding the Governor's Veto, shall the bill become law?**

**A roll call is required.**

**A 2/3 vote is necessary.**

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

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

**Yeas: 22 - Nays: 2**

**Veto overridden.**

**GOVERNOR'S VETO MESSAGE ON SB 484**

**By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have vetoed Senate Bill 484, an Act Establishing the Collaborative Practice for Emergency Contraception Act**

SB 484 would allow participating pharmacists to dispense emergency contraceptive pills containing elevated levels of female hormones to an individual of any age without the oversight or counsel of a licensed physician. This unprecedented action contravenes accepted practice on several levels.

First of all, the US Food and Drug Administration (FDA) has concluded that such medications should not be made available without doctor prescription because there is not sufficient data to show that young adolescent women can safely use emergency contraception without the professional supervision of a licensed practitioner. As a result, the FDA has barred emergency contraceptives from over the counter availability in the United States.

Additionally, SB 484 would allow minors access to these powerful hormonal drugs without any requirement for parental involvement or acknowledgement. Recognizing the value of family relationships and the need for parents to be involved in decisions of this kind, I find it unconscionable to allow young girls to be placed in this position without the knowledge and support of their parents.

Further, because pharmacist participation would be voluntary, availability of emergency contraceptive medication would not be guaranteed. Thus, the implementation could well be inequitable, resulting in residents of a given region or group not having access.

Finally, as written, SB 484 would allow emergency contraceptive drugs to be provided to individuals without any physical exam, emotional counseling, or requirement for follow-up health care. Birth control has always been something prescribed by a physician.

Clearly there are questions of safety, notification and appropriateness that this bill does not address.

For these reasons, I have vetoed SB 484.

Sincerely,

Craig R. Benson

**The question is notwithstanding the Governor's Veto, shall the bill become law?**

**A roll call is required.**

**A 2/3 vote is necessary.**

**The following Senators voted Yes: Gallus, Below, Green, Flanders, Odell, Eaton, Peterson, O'Hearn, Foster, Clegg, Larsen, Sapareto, D'Allesandro, Estabrook, Cohen.**

**The following Senators voted No: Johnson, Kenney, Boyce, Roberge, Gatsas, Barnes, Martel, Morse, Prescott.**

**Yeas: 15 - Nays: 9**

**Veto Sustained.**

#### **GOVERNOR'S VETO MESSAGE ON SB 513**

May 10<sup>th</sup>, 2004

To the Honorable Members of the General Court:

**By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have vetoed Senate Bill 513, an Act relative to the Death Penalty.**

SB 513 prohibits any person who is under the age of 18 at the time an offense was committed from facing the death penalty. Currently, in New Hampshire, a person the age of 17 is considered an adult and subject to all penalties for all crimes.

New Hampshire, along with 18 other states, allows for the death penalty to be sought for anyone age 17 or over. New Hampshire's death penalty is relatively limited in scope. One crime subject to capital murder is the killing of a law enforcement officer in the line of duty. Anyone who murders an officer in the line of duty should be held accountable for his or her crime. As Governor, I will not support any attempts to weaken this or any protection for those who protect us daily.

Under the changes proposed in SB 513 a terrorist would not be subject to the death penalty if he or she were age 17. Similarly, a person who has committed a heinous and heartless crime, like the Washington DC area sniper, could carry out their crime without concern for their own execution. Surely, in a state where we hold our police officers in such high regard and where we share moral convictions regarding bringing offenders to justice, situations such as these are unacceptable.

New Hampshire law does not require a person convicted of capital murder be put to death. RSA 630:5 requires a jury to consider mitigating factors when determining whether a sentence of death is to be imposed. Among these mitigating factors are whether or not the defendant was youthful, and whether other factors in the defendant's background or character mitigate against the imposition of the death sentence.

For these reasons I have vetoed SB 513.

Respectfully submitted,

Craig R. Benson  
Governor

**The question is notwithstanding the Governor's Veto, shall the bill become law?**

**A roll call is required.**

**A 2/3 vote is necessary.**

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

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

**Yeas: 11 - Nays: 13**

**Veto Sustained.**

#### **HOUSE MESSAGE**

The House of Representatives has voted to override the Governor's veto on the following entitled Bill(s):

**HB 503**, relative to septic system construction permits.

**GOVERNOR'S VETO MESSAGE ON HB 503**

April 26<sup>th</sup>, 2004

To the Honorable Members of the General Court:

**By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have vetoed House Bill 503, an Act relative to septic system construction permits.**

HB 503 requires municipalities to provide, or assure access to, Department of Environmental Services approved septage storage facilities for residents. While I agree providing for the proper disposal of domestic septage at New Hampshire facilities is becoming increasingly difficult for septage haulers serving residents who continue to rely on septic systems, I do not believe HB 503 is the proper solution.

HB 503 can have unintended consequences which must be considered. The bill prohibits the NH Department of Environmental Services from issuing any new septic system construction permit until a municipality is in compliance with the law. The legislative purpose outlined in the bill states "The act is intended to...further restrict development that generates additional sewage...". Almost all development generates additional sewage, therefore a municipality could use HB 503 as a tool to limit growth and encourage "snob" zoning. Simply by not complying with the provisions of HB 503 a municipality could prevent any new construction, and place the blame on the State.

In addition, the reference to "a department approved alternative option for its residents" will lead to uncertainty and may provide a loophole for municipalities to circumvent the legislature's intent.

The State should be looking at financial incentives and disincentives to encourage municipalities and property owners to address the growing concerns of septage storage. Prohibiting new construction will not only limit the State's economic potential, but could limit individual's property rights.

For these reasons I have vetoed HB 503.

Respectfully submitted,

Craig R. Benson  
Governor

**The question is notwithstanding the Governor's Veto, shall the bill become law?**

**A roll call is required.**

**A 2/3 vote is necessary.**

**The following Senators voted Yes: Johnson, Kenney, Below, Odell, Eaton, O'Hearn, Foster, Larsen, Gatsas, Sapareto, D'Allesandro, Estabrook, Cohen.**

**The following Senators voted No: Gallus, Boyce, Green, Flanders, Roberge, Peterson, Clegg, Barnes, Martel, Morse, Prescott.**

**Yeas: 13 - Nays: 11**

**Veto Sustained.**

**SENATE RULES CHANGE**

Senator Clegg moved to amend the New Hampshire Senate Rules for the purpose of establishing a list of legislative deadlines for session year 2005:

To amend Rule 18, Sections (a) and (b) to read:

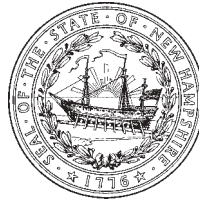
(a) ***THE FILING PERIOD FOR LEGISLATION TO BE ACTED ON IN THE FIRST YEAR SESSION, BEGINNING JANUARY 2005, WILL COMMENCE ON WEDNESDAY, NOVEMBER 10, 2004.*** THE OFFICE OF LEGISLATIVE SERVICES SHALL NOT DRAFT A SENATE BILL OR RESOLUTION, ~~OTHER THAN THE GENERAL APPROPRIATIONS (BUDGET) BILL OR THE CAPITAL BUDGET BILL,~~ UNLESS A REQUEST BY A MEMBER FOR DRAFTING WITH COMPLETE INFORMATION HAS BEEN RECEIVED NOT LATER THAN 3:00 P.M. ON WEDNESDAY, DECEMBER ~~15 20, 2004 2002.~~

(b) EVERY SENATE BILL AND JOINT RESOLUTION IN THE FIRST YEAR SESSION, EXCEPT THE GENERAL APPROPRIATIONS (BUDGET) BILL OR CAPITAL BUDGET BILL, MUST BE SIGNED OFF IN LEGISLATIVE SERVICES BY 3:00 P.M. ON FRIDAY, JANUARY ~~14 24, 2005 2003.~~ THE LAST DAY TO ACT IN THE FIRST YEAR SESSION ON ALL SENATE BILLS IN THE FIRST BODY IS APRIL 7 ~~10, 2005 2003.~~

**Adopted.**

Senator O'Hearn and Foster offered the following Proclamation:

# STATE OF NEW HAMPSHIRE



## STATE SENATE

### ***Resolution on the Nashua to Lowell Commuter Rail Service and New Starts Funding***

**NOW BE IT RESOLVED** BY the New Hampshire State Senate and in support of the State of New Hampshire and the City of Nashua effort's to establish a commuter rail service from Nashua, New Hampshire, to Lowell, Massachusetts and;

**WHEREAS**, the state and the city have worked for many years to plan and implement rail service to relieve traffic congestion in and around the City of Nashua, and;

**WHEREAS**, the New Hampshire Supreme Court has ruled against the Department of Transportation's use of state highway funds for the Lowell-Nashua commuter rail extension project, and

**WHEREAS**, the New Hampshire Department of Transportation and the City of Nashua are disappointed but still intend to implement fully this critically important transportation project, and

**WHEREAS**, the New Hampshire Department of Transportation has discussed strategy with the City of Nashua to retain and continue momentum on the commuter rail project, and;

**WHEREAS**, a number of realistic options for financing the non-federal share of the project, including potential public/private partnerships, have been identified along with financial options for project management, and;

**WHEREAS**, Federal Transit Administration appropriations for FY 2001 and 2002 totaling \$4,165,325 of New Starts funds will lapse on October 1, 2004 unless extended by Congress;

**NOW THEREFORE**, in the interest of advancing a balanced transportation system and improving the state's transit opportunities, and in providing an alternative mode of travel to citizens and tourists alike, the New Hampshire State Senate strongly urges the state's Congressional Delegation to support the State and its Department of Transportation by working to secure the State's existing Federal Transit Administration's New Start appropriations before they lapse and are lost to the State of New Hampshire.

The Senate directs the Clerk to send to each member of the Congressional delegation, Governor, Council members, Comm. of Transportation, & Speaker of the House, and to their Massachusetts counterparts a copy of this Resolution.

Now therefore, pursuant to a motion of Senators Below, Flanders, O'Hearn and Foster:

Jane E. O'Hearn  
Joseph A. Foster

Thomas R. Eaton  
President of the Senate

ATTEST: Steven J. Winter  
Clerk of the Senate

Date

**The question is on the adoption of the Proclamation.**

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

**Seconded by Senator O'Hearn.**



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

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

**Yeas: 23 - Nays: 1**

**Adopted.**

#### **HOUSE MESSAGE**

The House of Representatives has voted to override the Governor's veto on the following entitled Bill(s):  
**HB 520-FN**, relative to maintaining records of greyhounds used in pari-mutuel racing.

#### **GOVERNOR'S VETO MESSAGE ON HB 520**

May 17th, 2004

To the Honorable Members of the General Court:

**By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have vetoed House Bill 520, an Act relative to maintaining records of greyhounds used in pari-mutuel racing.**

HB 520 requires the pari-mutuel commission to maintain statistics and records regarding the disposition of all racing greyhounds and health records of greyhounds.

The pari-mutuel commission has stated this bill will increase state expenditures. We simply cannot afford new spending at this time. In addition, many supporters of the bill seek to put an end to greyhound racing in New Hampshire. We should be concerned about the potential loss of jobs associated with the closing down of the state's greyhound industry.

The bill creates a penalty of a Class A misdemeanor, punishable with up to a year in prison, for falsifying a disposition form or failing to record an injury more than once. This penalty applies to the smallest of injuries that may not even be related to racing activities. The penalty provisions in this bill are simply unfair.

The racing industry is subject to enough regulation as it is. Each greyhound track in NH is currently required to have a licensed state veterinarian on duty, and the New Hampshire Dept. of Agriculture inspects facilities. The commission recently adopted new racing rules and regulations that will help ensure the safety of animals.

Finally, I recently created, by executive order, the Humane Treatment of Animals task force to examine issues related to animal abuse, including greyhounds, in New Hampshire.

For these reasons I have vetoed HB 520.

Respectfully submitted,

Craig R. Benson  
Governor

**The question is notwithstanding the Governor's Veto, shall the bill become law?**

**A roll call is required.**

**A 2/3 vote is necessary.**

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

**The following Senators voted No: Gallus, Johnson, Boyce, Odell, D'Allesandro, Prescott.**

**Yeas: 18 - Nays: 6**

**Veto Overridden.**

#### **HOUSE MESSAGE**

The House of Representatives has voted to override the Governor's veto on the following entitled Bill(s):

**HB 2004-FN-L**, relative to the state 10-year transportation improvement plan and making certain adjustments to turnpike funds.



**GOVERNOR'S VETO MESSAGE ON HB 2004**

June 15, 2004

To the Honorable Members of the General Court:

**By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have vetoed HB 2004, an Act relative to the 10-year transportation improvement plan and making certain adjustments to turnpike funds.**

HB 2004 is the 10-year plan. The legislature has failed to produce a plan that is fully funded. In section 1 of the bill the legislature acknowledges the revenue projected for the plan is inadequate to fund all the projects in the plan. The legislature failed to make the tough decisions to produce a balanced plan. It is irresponsible to the citizens and taxpayers of the state to promise a project knowing it may never be completed due to lack of funding.

I proposed the use of GARVEE bonds to help reduce the construction time for the I93 widening project. The use of GARVEE's would have allowed the project to be completed as much as 4 years earlier than planned, thereby reducing the overall cost of the project.

Finally, there remains great uncertainty regarding the State's allocation of Federal Highway funds. It is possible NH's share of federal funds is diminished. HB 2004 fails to account for this possibility.

For these reasons I have vetoed HB 2004.

Respectfully submitted,

Craig R. Benson  
Governor

**The question is notwithstanding the Governor's Veto, shall the bill become law?**

**A roll call is required.**

**A 2/3 vote is necessary.**

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

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

**Yeas: 23 - Nays: 1**

**Veto Overridden.**

**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.**

**LATE SESSION  
ANNOUNCEMENTS**

Senator Martel Rule #44.

SENATOR GREEN (RULE #44): Thank you Mr. President. I would like to rise to speak under Rule #44 and make the remarks to be included in the *Daily Journal* and to make the permanent record include those remarks by vote of his body after I make the remarks, as required by the rules. It does not give me any great sense of satisfaction or joy to stand before this body and raise the issues that I feel are important to be raised, because I believe firmly in this institution and the credibility of this institution. I would hope that my comments would not be taken personal. I have nothing but the highest regards and personal liking of our president. My comments are directed to the process that we go through in this body in making laws. I know emotions get in the way of some of this and I am going to try to remain calm, collective and get my thoughts through, so that the record will show that there are people who have strong convictions and they cannot just sit idly by and let things occur that are close to their principles and their thoughts of how things should be done. There is a letter. I understand that some of you have not seen it. The president knows about it. Those

Senators who have signed it, have signed it because they came to me and we had these discussions. I'll make the letter available to all of you after my comments and would invite any of you to sign the letter along with us. We are signing a letter that talks about the process. We are not slamming anybody. We are not making personal attacks on anybody. We are concerned about how we do business in this Chamber. I have had the advantage or disadvantage, depends on how you want to look at it, of having served in this body before. I have also had the opportunity to do my research about how we have dealt with the process in the past. My issue is no secret. It has been public information. We have discussed it, at least as Republicans in our caucus. I think that we should discuss it as a full Senate with all members of the Senate being part of that discussion. Apparently that is not going to happen, or if it would happen, I would be a very happy individual as an individual Senator. This came about, in my opinion, because we have as a body, been wrestling for many years, since, 1999. I was not here. I have been here for two years in this process. But we are wrestling with education funding. It is a very, very complex and difficult issue because everybody cannot be satisfied either with how we get to where we are or what the end result is. I am not debating or discussing how anybody votes. That is your right to do whatever you want. But I do think that as a body, if we vote on a piece of legislation, not what our intent is, what we actually vote on, that is on a piece of paper, that is in writing, and we understand. That is what the law is. If you take that right away from us, you might as well do away with this institution, because individuals have been making decisions about what we voted on. I am going to say for the record that SB 302 is flawed because we have not followed the law of our own rules. You cannot, as an individual Senator, make a decision for the entire body unless that body knows what you have done. Under the enrolled bill process, as I understand it in writing. As I understand it as a result of legal opinions, with an "s". As I understand it by the Secretary of State, and I will not use his name in vain, other than he has been made...he made a public statement in the paper. This bill is highly unusual, and in my opinion, it is wrong. It has nothing to do with the results of the vote and how the vote came out. It has to do with we as a body, are we going to give up our individual and collective rights to control a decision about what we vote on? I think that we are a very careful...we have to be very careful or we are going to go down a slippery slope. It is true that other times in the history of this institution that there have been attempts to amend a bill in the enrolling process. But in each of those cases someone was around at the appropriate time to say "that is wrong. You can't do that." You will hear that we have done this with other bills this time. If we have done it with other bills, it is just as wrong. It doesn't make it right. Two wrongs don't make a right. This is the first bill that I became aware of, that we have done this too. Now am I at fault for not knowing that? Yes, I guess so. But once it became known, in the light of day it came on the issue, I believe that this body is not willing to give up its constitutional right to be the sole body of Senate action, that every Senator should be voting on any changes that are made after you vote on a bill if they are not consistent with what is normally done in the enrolled bill process. I am of the school that enrolled bills is only, and I have the law to back it up, never mind the rules. It is only for clerical, technical and relative statements to making sure statutes are consistent with the law that we have passed. You cannot change substance. You cannot infer intent, and you can't do it for convenience. So I stand here before you today to let you know that as one Senator, and there are other Senators who have signed this letter, and I invite all of you to sign it, that we do not want to see this happen in the future. The merits of my argument, along with other issues, will be determined in another forum. They apparently cannot be resolved here. I am of the opinion that this body can resolve it anyway that it wants, at any time it wants, if there is enough members willing to go forward with making the corrections to make the law the way that it is supposed to be with us having to act on the changes. But apparently that is not going to happen. That is why I am forced to take this route, to make sure that my comments are on the record. I also want to discuss for a minute with you, because I think that a good part of my frustration and some of yours in this process, is tied to us as a body, thinking that we voted for something. Thinking that we voted for a particular number or distribution for your communities. Thinking that we know what the per pupil distribution is going to be. I think that we really believe that. But guess what? I stood up here when 302 was passed. It doesn't matter how you voted, okay? But what does matter is that, I, at the time, said to this body, it doesn't matter what the distribution sheet says. It is going to change. We are not the final arbitrators apparently. We should be the final arbitrators, but we are not. Because there are other people who are playing a little bit of mischief in determining what we mean. I go back to a 2000 audit from the Department of Education. Do you know what the number one..there were two material weaknesses. But do you know what the first material weakness was? This is a financial audit. Here we are 2004, this is 2002...2000. The year 2000. "The department must establish and implement formal policies and procedures to strengthen controls over education adequacy grant calculations. The department needs to develop a comprehensive set of management controls to assure that the assumption and determinations made in calculating the different components of the adequacy grant formula are consistent and reflect the public policy established by law." Not by intent, by law. The law is what is written. And the law is what the courts are going to pay attention to

first. It is not going to be what our intent was. They made a calculating error, that particular time in the year 2000-2001 of \$16 million, based on their calculation of what the per pupil cost should be. Not ours, theirs. Because we didn't put it in the law. We got so frustrated in this body in 1188 that we put our spread sheet in the law because we don't like the Department of Education, the Attorney General's Office or any other branch of government, executive branch or agency, telling us what we mean. Yet we are told what we mean after the fact. So we go home to our constituents and we think that we know what they are going to get, so we go to our school boards, we go to our selectmen, we go to our counselors and we say, look, this looks like the number. If any of you did that, you got in trouble because you don't know the number, because somebody else is determining that number other than us. I take offense to that. This is not a new problem. But it hasn't been solved. I think that it behooves the executive branch and the leadership of this legislature to sit down and get it solved. I had the opportunity, I guess I will call it opportunity, to get some of my questions answered about what is on the record about how you came, how the Department of Education comes to the number of what is going to be distributed per pupil. Not to my astonishment, but to the reality, that the answers to the question was, "there is nothing in writing." They sit down verbally and talk about it. But do you believe that? Come on. This audit says that they should sit down with the Attorney General and other independent parties before they publish their distribution to communities. It says to them to do that. Now, do they do it? The Commissioner of Education says yes they do that. But in the final analysis, he makes the call. That is what the commissioner should do. So I said, "do you have anything in writing for 2004?" Nope. That was the first answer. "Do you have anything in writing for 2005?" Nope. Well, what do you have? "Well we had these verbal discussions among whoever the parties are going to be and I make the final decision." And by the way, there is a worksheet for 2004. We have asked for the copy of that worksheet. Is there a worksheet for 2005? "No, not yet, we haven't decided that, we are still working that." Make sure that we have a copy of that worksheet when you are done please. He will make it available to the committee, to the members of the committee. Fine. But I am telling you, until we start to realize that we are not making the decisions in this body, about what we think we are doing, and then we, as a body, find ourselves in a situation where the problem is magnified because we turn around and do what I believe is improper in the enrollment process. We make matters worse. We are trying to fix a problem, so what do we do? In order to do what we think we should do, we create another problem. I want to make it clear that my position is that the enrollment of this bill was done improperly. This is not the way that you conduct business. Every member of this body should be dissatisfied and should not be happy because you were not given the opportunity to vote on those changes. I think that you have a right to that opportunity. Whether you vote up or down it doesn't matter. You have the right, as a body, to know the final document you are voting on. I would say to you that substance changes were made in the enrolling process. If it was done in any other bill, that was also wrong. I am going to ask, as a result of the rule, that my comments be made part of the permanent record by vote of this body. If you care about this body as a whole, and your individual right as a Senator, you must vote yes to do that. If you don't care, and you are willing to give up that right, then vote no. But I think you care. Thank you Mr. President.

**The question is on the adoption of adding Senator Green's Rule #44 comments into the Senate Daily Journal.**

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

**Seconded by Senator Green.**

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

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

**Yeas: 23 - Nays: 0**

**Adopted.**

Senator O'Hearn (Rule #44).

Senator Barnes (Rule #44).

Senator D'Allesandro (Rule #44).

Senator Foster (Rule #44).

Senator Cohen (Rule #44).

Senator Larsen (Rule #44).

Senator Barnes (Rule #44).

Senator Gatsas (Rule #44).

Senator Eaton (Rule #44).

#### **HOUSE MESSAGE**

The House of Representatives has voted to override the Governor's veto on the following entitled Bill(s):

**SB 470-FN**, relative to funding for the physician effectiveness program, and establishing a dedicated fund.

#### **HOUSE MESSAGE**

The House of Representatives has voted to sustain the Governor's veto on the following entitled Bill(s):

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

#### **HOUSE MESSAGE**

As of this date, June 17, 2004, the House of Representatives has adjourned to the call of the chair at 12:38 p.m.

#### **RESOLUTION**

Senator Clegg moved that the Senate adjourn to the Call of the Chair.

**Adopted.**

**Adjourned to the Call of the Chair.**

#### **OUTSTANDING BILLS**

**At the time of adjournment on June 17, 2004, the following Senate Bills remained on the table in the Senate.**

**SB 20**, relative to the qualifications for the property tax exemption for the disabled.

**SB 112-FN-L**, relative to state use of domestic steel.

**SB 327**, relative to the scope of the administrative review or hearing following suspension or revocation.

**SB 394-FN**, relative to children's product safety.

**SB 396-FN**, relative to farm tractor registrations.

**SB 398**, relative to residency requirements for Medicaid recipients in nursing homes.

**SB 405-FN**, relative to standards for comprehensive physical rehabilitation service areas.

**SB 422-FN**, relative to the use of Route 28 in Derry and establishing a penalty for violating weight control designations made by the commissioner of the department of transportation.

**SB 435-FN**, relative to accessible housing for persons of all abilities.

**SB 468**, relative to solid waste management.

**SB 474-L**, exempting property owned by a private secondary or postsecondary educational institution from the education property tax.

**SB 485-FN**, relative to video stalking.

**SB 486**, prohibiting floatplanes on Pickerel Pond.

**SB 501**, establishing a committee to study a certain parcel of land along the Baker river.

**SB 507**, establishing a committee to study the application of advanced information technology in certain state agencies.

**SB 516-FN**, relative to special needs trusts.

**At the time of adjournment on June 17, 2004, the following Senate Bill remained on the table in the House.**

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

**At the time of adjournment on June 17, 2004, the following Senate Bills were not signed off in Committee of Conference.**

**SB 61**, relative to collective bargaining units at charter schools and charter conversion schools, and relative to leaves of absence for teachers to accept employment at a charter school.

**SB 199**, revising the nurse practice act.

**SB 434**, relative to importing prescription drugs from Canada.

**At the time of adjournment on June 17, 2004, the following House Bills remained on the table in the Senate.**

**HB 107**, relative to bingo.

**HB 108**, relative to the adoption of an optional veterans' property tax credit.

**HB 499**, expanding opportunities for teacher certification.

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

**HB 1290**, establishing a study committee to examine time limits on eligibility for Temporary Assistance for Needy Families.

**HB 1376**, relative to agency fees assessed pursuant to public employer collective bargaining agreements.

**HB 1424-FN-A**, establishing a pharmaceutical study commission to study direct purchasing of prescription medication by the state.