

State of New Hampshire HOUSE RECORD

First Year of the 157th Session of the General Court Calendar and Journal of the 2001 Session

Vol. 23 Concord NH Friday, May 11, 2001 No. 44

Contains: Reports and Amendments for May 17, Committee Hearings, Work Sessions and Notices

HOUSE CALENDAR

NOTICE

MEMBERS OF THE HOUSE:

The House will meet in session on Thursday, May 17 at 10:00 a.m. and Thursday,
May 24 at 10:00 a.m.

Please join me in welcoming the two recently elected members of the House. Representative David Gleneck from Nashua was sworn in on Thursday, May 3 and Representative George Liebl from Swanzey was sworn in on Wednesday, May 9.

Please be aware that we have just received a large number of Senate Bills and many of them have been referred to the appropriate House policy committees for public hearings and committee work over the next few weeks.

The New Hampshire Manual of the General Court ("The Black Book") has arrived and will be distributed during the next week.

The Chairmen and Vice-Chairmen will be meeting at 9:00 a.m. on Tuesday, May 15 in Room 201, LOB.

Gene G. Chandler, Speaker

NOTICE

There will be a Republican Caucus on Thursday, May 17 at 9:00 a.m. in Representatives Hall.

Rep. David M. Scanlan, Majority Leader

NOTICE

There will be a Democratic Caucus on Thursday, May 17 at 9:00 a.m. in Rooms 305-307 of the Legislative Office Building.

Rep. Peter H. Burling, Democratic Leader

HOUSE DEADLINES

May 25, 2001, Friday	Last day to sign-off all supplemental bills.
May 30, 2001, Wednesday	Last day to report all Senate bills for action in the first-year session.
	Last day for committees to report list of retained Senate bills.
June 7, 2001, Thursday	Last day to act on all Senate bills in the first-year session.
	Supplemental day to amend House Rules by majority vote.
June 13, 2001, Wednesday	Last day to form committees of conference.
June 20, 2001, Wednesday by 5:00 p.m.	Last day to sign committee of conference reports.
June 26, 2001, Tuesday	Last day to act on committee of conference reports.
	Last day to introduce supplemental bills.

THURSDAY, MAY 17

CONSENT CALENDAR

COMMERCE

SB 40, changing the method by which the insurance department assesses insurers to fund its administration fund. **OUGHT TO PASS**

Rep. Martha Fuller Clark for Commerce: SB 40 will change the method by which the insurance department assesses insurers to fund its administrative operations. Currently the insurance department receives no general operating funds from the state. New Hampshire is one of only six or seven states that provide no state money to fund its insurance department. Therefore the department must rely on fees from the insurance companies it oversees to fund its operations. With a shrinking number of in-state insurance companies particularly in the health care field, it makes sense for the department to widen its net by adding out-of-state insurance companies that do business within the state. The committee heard no opposition to the recommended changes as proposed by this bill. **Vote 13-0.**

SB 56, relative to health care providers discontinuing service in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Martha Fuller Clark for Commerce: Under SB 56 health insurance companies who have discontinued services in NH were requesting a waiver from the 5-year prohibition before they could offer health insurance again. The insurance department informed the committee that the changes proposed in SB 56 would be in violation of federal health insurance laws, and they requested that this bill be withdrawn. **Vote 13-0.**

SB 57, relative to the economic development matching grants program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene B. Marshall for Commerce: This bill expands the economic development matching grants program in two ways. It permits certain organizations to participate in the program, along with counties and municipalities, subject to approval by the screening committee and the commissioner of the Department of Resources and Economic Development. It also permits inclusion of workforce recruitment efforts to enhance the economic development climate in New Hampshire. **Vote 12-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 25, relative to preliminary breath tests. **OUGHT TO PASS**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: This bill would amend RSA 265:92-a by providing that the results of preliminary alcohol breath tests may be admissible in court for the sole purpose of showing probable cause for the arrest. These tests are performed using a hand-held device that is calibrated and certified in the same manner as blood alcohol units currently used in the state. An individual who may not be able to perform a field sobriety test due to physical infirmities or handicaps may be able to avoid the detention if the preliminary test indicates alcohol is not present in any quantity that would impair one's ability to drive. This test is also less threatening to an individual than the field sobriety tests when the stop occurs in an individual's neighborhood or a very public area. The NH Police Chiefs, NH Liquor Enforcement, and the NH Fish and Game testified in support of this bill. **Vote 12-0.**

SB 27, allowing the state to apply for review of a state prison sentence by the superior court's review division. **OUGHT TO PASS**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: This bill allows the state to apply for a sentence review. Currently only the defendant can apply for this review. This action has to take place within 30 days after the imposition of the sentence. **Vote 12-0.**

SB 44, relative to false academic documentation. **OUGHT TO PASS**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill creates a class A misdemeanor for false academic documentation. Testimony cited an example of an individual representing possession of a college degree with a grade point average of 3.7. As a result, the individual was hired to a position over other qualified candidates who had spent thousands of dollars and countless hours pursuing a legitimate degree. This type of fraud is escalating to the point that "diploma mills" are flourishing on the Internet. **Vote 11-1.**

EDUCATION

SB 14, relative to the definition of "school" for the purpose of the universal service fund for schools and libraries. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles E. Sova for Education: The committee found that this basic bill was merely a housekeeping vehicle requested by the Department of Education to clarify New Hampshire statutes definition of "school" for the purpose of being able to take advantage of existing programs. The amendment which legalizes the Mascoma Valley and Bartlett school district meetings due to lack of compliance with certain state laws was justified since there were no close elections nor warrant article votes in either case; and it was time to bring closure to the process in both districts so that they could get on with the districts' business. In both cases, this action was recommended as the least disruptive path to follow. **Vote 12-0.**

SB 15, extending the reporting date for the commission on the status of community-technical education. **OUGHT TO PASS**

Rep. J. D. Colcord for Education: This bill extends the reporting date of the commission on the status of community-technical education to no later than November 1, 2002. **Vote 12-0.**

SB 92, relative to the distribution of special education funds. **OUGHT TO PASS**

Rep. Debra A. Naro for Education: This bill was introduced at the request of the Department of Education. It repeals the reference governing the distribution of special education funds (Augenblick and Foundation Aid), as that language is now obsolete. **Vote 12-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 72-FN, relative to payment of medical benefits costs for group II members of the retirement system. **OUGHT TO PASS**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill extends the date of eligibility of permanent policemen and permanent firemen for the medical insurance subsidy. This bill will cover those who became permanent police officers and permanent firefighters before July 1, 2002. The cost of this benefit will be terminally funded from the appropriate group II component of the New Hampshire retirement system special account. The total cost is 35.2 million dollars. There are sufficient funds in the special account for funding. **Vote 17-0.**

FISH AND GAME

SB 11, extending the reporting date of the committee to study and identify or establish the duties of the fish and game commission. **OUGHT TO PASS**

Rep. Eric G. Stohl for Fish and Game: This bill requests an extension of one year for the reporting date of the study committee. While the current law requires a Commission form of administration for the Fish and Game Department, it does not specify what the Commission's exact duties are. The study committee could not complete the required task in the allotted time. The reporting date was to have been November 1, 2000; and the sponsor is requesting the new date to be November 1, 2001. The committee feels this is a reasonable request and supports the extension of time. **Vote 16-0.**

SB 12, relative to applications for the cooperative fencing program and the depredation permit program in the fish and game department. **OUGHT TO PASS**

Rep. Vincent E. Greco for Fish and Game: This bill merely changes the application date from May to April for the cooperative fencing program. By applying earlier, farmers are able to put the fencing in place sooner. **Vote 15-1.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 37, extending the reporting date for the committee studying prescription drug access. **OUGHT TO PASS**

Rep. Phyllis Katsakiores for Health, Human Services and Elderly Affairs: The Prescription Drug Study Committee has carefully reviewed the myriad of issues raised in addressing access to prescription medications for elderly and low-income New Hampshire citizens. In November 2000, the study committee issued a report outlining various public and private initiatives, such as the NH Medication Bridge program that provides access to free medications for the uninsured and the Tri-State Coalition (Maine/NH/Vermont) to create a purchasing cooperative. The committee unanimously supports extending this important study committee as this is a complex issue and needs additional study time. **Vote 16-0.**

SB 150, relative to community services for persons with developmental disabilities. **OUGHT TO PASS**

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: A little more than a decade ago, Laconia State School was closed. Since then, strong community support has grown for individuals with developmental disabilities. This bill deletes references dating back to the school and emphasizes the states' commitment to consumer directed community-based services for the developmentally disabled. The committee believes these "housekeeping" changes are important and timely. **Vote 15-0.**

JUDICIARY

HB 490, requiring public access to law libraries. **INEXPEDIENT TO LEGISLATE**

Rep. Christopher P. Reid for Judiciary: This bill would make all law libraries supported by public funds open to the public. The committee supports the idea of making legal research materials available to the public through local libraries and the internet.

The publicly funded law library at the New Hampshire Supreme Court is now and should be open to the public. This bill is too broad and may have Article 28-a problems. "Law library" is not defined. Many state agencies, county attorneys' offices, public defenders' offices, judges' chambers and local prosecutors have small publicly funded law libraries. For example, the Department of Justice has a law library where prosecutors do research and prepare cases. To open this library to the public would create logistical problems, confidentiality problems, and security problems, and could pose significant costs. The same would be true for county attorneys' law libraries. We contend that this would create an unfunded mandate, as well. **Vote 12-0.**

SB 18, relative to termination of small trusts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert H. Rowe for Judiciary: This bill authorizes a method for the termination of small trusts, in this case, trusts having an asset value of \$50,000 or less. There are many small trusts, some established in the 19th and 20th century with a capital amount that may have been substantial at the time the trust was formed, but small now after the passage of time. Most of these trusts do not earn enough income to pay the trust expenses and are slowly being liquidated through the annual trust management expenses. This bill provides a procedure for the termination of the trusts through a petition filed with the Probate Court. Since some are charitable trusts, the amended bill also mandates the continuing recognition of the trust in city and town records, as was recorded prior to the trust being terminated. The bill provides for a thorough notification of all interested parties by the Probate Court prior to the termination of the small trust. **Vote 13-0.**

SB 20, relative to possessory actions instituted on the basis of nonpayment of rent. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter S. Espieffs for Judiciary: Under existing law all rents paid to the District Court by the tenant during the tenant's appeal to the Supreme Court are effectively "locked up" with the District Court until final disposition of the appeal. This creates a hardship for the landlord who gets no rent during the long appeal period. The amendment provides an expedient and equitable process that enables the District Court to consider the release of the collected rent during the pendency of the tenant's appeal. The District Court's consideration is triggered by the landlord filing a motion requesting release of the rent to the landlord, to which the tenant may object. The Court then determines whether, and to what extent, the rent ought to be released to the landlord. In the event of a partial or total denial of the landlord's motion, the Court must make specific findings supporting its decision. Any remaining rent retained by the Court is apportioned by it upon final disposition of the tenant's appeal. **Vote 13-0.**

SB 49, establishing a committee to study the creation of a landlord-tenant mediation project. **OUGHT TO PASS**

Rep. James W. Craig for Judiciary: This bill establishes a committee to study the creation of a landlord-tenant mediation project. The committee felt that many tenants are young couples or single parents who do not know the landlord-tenant laws. Mediation may be a way to ensure that these and all people involved are treated more fairly and to ensure that cases that do not need to be before the courts are resolved fairly without getting there. A committee needs to look at the feasibility of mediating these cases, especially in light of the statutory requirement that landlord-tenant cases proceed quickly through the courts. **Vote 13-0.**

SB 61, establishing a procedure for summary administration of estates. **OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Pratt for Judiciary: This bill streamlines procedures for closing probate when further court supervision of the estate's administration is no longer necessary. It sets forth the criteria by which a summary administration can take place. The amendment changes the effective date. **Vote 12-0.**

SB 63, relative to administration of estates and filing of wills by executors. **OUGHT TO PASS**

Rep. Robert H. Rowe for Judiciary: There are many small estates of less than \$10,000 in probate assets. These estates are lengthy to probate and costly using the normal probate process. This bill allows these small testate and intestate estates to be probated in a short time period and at a modest expense without sacrificing probate thoroughness. Secondly, the bill makes a number of technical changes. **Vote 12-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SB 128, relative to stress injuries under the workers' compensation law and relative to disability retirement benefits and mental injury. **OUGHT TO PASS WITH AMENDMENT**

Rep. Russell D. Bridle for Labor, Industrial and Rehabilitative Services: The committee removed by amendment the part of the bill that mirrored HB 232, which has already passed the House and Senate and awaits the Governor's signature. The remaining

provisions of the bill deal with retirement issues. **Vote 12-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 162-FN-L, ratifying articles 28, 29 and 30 of the 2000 Hudson annual town meeting. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ronald A. Giordano for Municipal and County Government: This bill ratifies the Mascoma Valley Regional and Bartlett School District 2001 annual meetings. Both school districts had procedural defects relative to their annual meetings and one remedy is to request the Legislature to legalize those meetings. The Municipal and County Government Committee supported this remedy. **Vote 12-1.**

HB 498, relative to standards for records filed with a registry of deeds. **OUGHT TO PASS WITH AMENDMENT**

Rep. Earle Goodwin for Municipal and County Government: This bill gives a register of deeds statutory authority to refuse any document not conforming to their standards, and at the same time provides the flexibility for individual registers to write their own guidelines. The NH Register of Deeds Association has spent three years addressing the document rejection problem and solutions which are being proposed on a national level. This legislation may solve this problem in the state of New Hampshire . **Vote 15-0.**

SB 23-LOCAL, relative to the amount of interest on late paid property taxes which may be waived by the tax collector. **OUGHT TO PASS**

Rep. Marilyn A. Fraser for Municipal and County Government: This bill increases the dollar amount of interest assessed on a late tax payment which may be waived by a tax collector if administrative costs do not warrant collection. This represents a small change in RSA 76:13 concerning interest being waived. The change is simply the amount of interest that MAY be waived from five (5) dollars to twenty-five (25) dollars. This change will have no affect on any municipality because it was and is only enabling to each community. **Vote 15-0.**

SB 50, relative to the abatement of taxes in unincorporated towns or unorganized places. **OUGHT TO PASS**

Rep. Robert W. Brundige for Municipal and County Government: This bill authorizes County Commissioners for good cause, to abate any tax assessed by them or their predecessors including any portion of interest accrued on such tax in unincorporated towns or unorganized places in the same manner as municipalities. Additionally it establishes procedures for any person who is aggrieved by the commissioner's decision or lack thereof, to file an appeal with the Superior Court in the county where the property is located or with the Board of Tax and Land Appeals. **Vote 15-0.**

SB 85, relative to collateralization of municipal trust funds. **OUGHT TO PASS**

Rep. Kimberly O.M. Dionne for Municipal and County Government: This bill grants trustees of trust funds the authority to collateralize trust fund bank deposits in the same manner as municipal trust funds. Senate Bill 85 also clarifies the types of financial institutions which are required to provide a collateralization option. The Attorney General's office and the Bankers' Association testified in support of this bill. **Vote 15-0.**

SB 169-FN, relative to the procedure for appeal of a timber yield tax assessment and relative to the notice of intent to cut. **OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Twombly for Municipal and County Government: This bill repeals the appeal board for timber yield tax abatement and allows appeals to go to the Board of Tax and Land Appeals. Previously the Department of Revenue Administration was in conflict because it evaluated and enforced the timber yield tax and then acted as the appeal board. This bill would also eliminate the application fee and change the procedure for assignment of an operation number for notice of intent to cut. **Vote 16-0.**

RESOURCES, RECREATION AND DEVELOPMENT

SB 33, relative to the definition of "campsite". **OUGHT TO PASS**

Rep. Pierre W. Bruno for Resources, Recreation and Development: SB 33, an act relative to the definition of a "campsite", makes a technical correction to statutory provisions that causes any property owner having more than two (2) tents or recreational

vehicles on their property to fall under state regulations and rules for campground owners. Last Session, legislation regarding campsites at campgrounds was passed that inadvertently made statutory campgrounds of any property having any combination of tents or RVs greater than two (2). For example, under current statute, if you have three tents in your backyard, your private property is statutorily defined as a campground. This legislation simply corrects that oversight by recognizing that campgrounds are a business enterprise and charge a fee in exchange for the land parcel that is rented to the camper. **Vote 14-2.**

SB 89, establishing a committee to study methods of strengthening and clarifying the comprehensive shoreland protection act and its application. **OUGHT TO PASS**

Rep. Judith T. Spang for Resources, Recreation and Development: New Hampshire's shorelands are among the most valuable and fragile of the state's natural resources. New Hampshire now has over six years of experience with the 1991 Comprehensive Shoreland Protection Act. The committee agrees with the Department of Environmental Services (DES), which enforces the act, shoreland property owners, developers and local officials who testified that it is timely to review the strengths and weaknesses in the act and its implementation. **Vote 15-1.**

THURSDAY, MAY 17

REGULAR CALENDAR

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 73-FN, relative to benefits awarded a surviving spouse of a police officer or firefighter killed in the line of duty. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. William R. Zolla for the Majority of Executive Departments and Administration: At the present time, the New Hampshire retirement system provides for the family until all children are 18 years of age or college students until the age of 23. The retirement system also provides for the spouse for life or until remarriage. This bill would have provided the spousal benefits even after remarriage. This makes a significant change in retirement policy. There would be a significant change in the retirement system and state insurance benefits. The bill deals with a few members of the retirement system. Members of other groups in the retirement system should be considered as well. Insurance benefits as well as annuity benefits need to be considered.. The majority of the committee felt that all members should be considered at a later date. Any funds needed would come from the special account and would need legislative approval.. **Vote 14-6.**

Rep. William K. Clayton for the Minority of Executive Departments and Administration: When a police officer or firefighter is killed in the line of duty, they have paid the ultimate sacrifice for their community. All too often, they leave behind a grieving spouse and children. Upon the death of the individual, their spouse is awarded the deceased's pension. Of course this does not fill the void of a lost loved one but does help to financially secure the grieving spouse. Under current law, the spouse receives this benefit until his/her death or remarriage. This bill would allow the spouse to remarry without fear of losing benefits. When trying to pick up the pieces after such a tragedy, the spouse should not have to be concerned with losing his/her financial stability and health insurance if he/she were to remarry. The spouse should have the freedom to move on with their lives. It is unfortunate under current conditions that one would have to choose between marrying again and financial security. If the second marriage were to fail because of divorce or death, the spouse would be left with nothing. In the view of the minority, this should be treated the same as any other death benefit. A benefit that no one would ever want to receive. Let's not punish the spouse for picking up the pieces after a tragedy and trying to move on with his/her life.

SB 115-FN, granting a cost of living adjustment to certain retired group II firefighters. **OUGHT TO PASS**

Rep. Robert K. Dodge for Executive Departments and Administration: The majority of the committee voted to grant a supplemental allowance, or COLA, to retired firefighters in the retirement system who retired on or before July 1, 1994. The minority of the committee contends that the reason no excess COLA's were paid prior to 1994 was due to a choice made by the firefighters between medical benefits and COLA's in those years. However, the majority of the committee, after reviewing the circumstances, determined that due to the inequitable compensation paid to firefighters during this time period, as evidenced by COLA comparisons between police and firefighters between the years of 1991 to 1996, (9.75% firefighters, 23.5% police) suggested that a one time increase in the legislation was merited. Since there were previously no funds available in the special reserve fund to pay a COLA due to the 125% rule, the majority of the committee felt that now that funds are available we should

grant to these retirees a cost of living adjustment that they deserve. **Vote 13-5.**

FINANCE

HB 587-FN-A, establishing a commission on the status of men, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Lawrence A. Emerton for Finance: After taking a second look at this bill, the Finance Committee agreed with the policy committee that the bill had distinct merit. Although the committee removed funding due to the state's fiscal concerns, the Commission may accept gifts, donations, and grants. It is the committee's hope that the Commission can operate with private assistance to further its duties and activities. **Vote 13-7.**

HB 658-FN-A, relative to the homeless prevention fund and making an appropriation therefor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Rogers J. Johnson for the Majority of Finance: The committee reheard this bill relative to the provision of state matching funds for the Housing Finance Authority. The enabling legislation, SB 128, that created the study committee on homelessness, was passed by voice vote by the House of Representatives only after all references to the general fund and the placeholder \$1 were removed from the bill. At that time, testimony was heard in the Finance Committee that the Department of Health and Human Services was pursuing federal dollars through Temporary Assistance to Needy Families (TANF).

At the first hearing of this bill, the sponsor testified that there were two sources interested in donating \$2 million to the fund, but that they were to remain confidential. The sponsor has now identified one source of possible donations to the fund as being Providian Bank, but the level of contribution is now \$150,000. The sponsor indicated that more contributions would be solicited.

What was troubling to the Majority was that this new State Program could supplant the responsibility municipalities have statutorily assumed to provide general assistance to the needy. This new State Program would contradict the intent of SB 1 of the 1985 session which was a negotiated commitment between the municipalities, counties and the state on who pays for certain social services. Prior to SB 1 being enacted, municipalities were responsible for all general welfare assistance, aid to the permanently and totally disabled (APTD), nursing home care and juvenile costs for one year. In exchange for municipalities fully being responsible for general assistance, the county and state starting being liable for APTD, nursing home care and juvenile costs from day one. This bill, in essence, proposes that the state take back that responsibility. At the very least, it would create confusion about who should provide assistance and it would also create the need for all kinds of checking to avoid double dipping. This new State program would also provide funds for overdue rent payments, utility bills and car repairs, overlapping services now provided by other state resources. The Department of Health and Human Services currently provides \$1.3 million per year for temporary assistance. The just passed budget includes over \$850,000 in additional funds over the biennium for homeless shelters. In addition, a new fund has been created, providing over \$10.9 million per year for electric utility costs for low-income families.

Furthermore, the Federal Government provides an additional \$5.4 million for the homeless in New Hampshire through: (1) Projects for Assistance in Transition from Homelessness; (2) Emergency Transitional Prevention/Intervention (McKinney); (3) Outreach/Intervention for Unsheltered Homeless; (4) Homeless Housing Supportive Services; (5) Housing Opportunities for Persons with AIDS.

Finally, the committee was most concerned about the fact that the Legislature does not have the ability to exercise any oversight of the Housing Finance Authority. When this bill was first heard the committee voted ITL 12-10. Since the committee remains sympathetic to the plight of homeless, the committee agreed to recommit the bill, and upon reconsideration decided to recommend ought to pass on the policy and removed the funding provisions. **Vote 14-8.**

Rep. Marjorie K. Smith for the Minority of Finance: This is the third time this session that the House has been asked to vote on this bill. On March 22 the House accepted the unanimous recommendation of "Ought to Pass" of the Committee on Health, Human Services and Elderly Affairs and the bill was sent on to Finance. As originally reported out, the Finance Committee overrode the policy committee and House recommendations and voted, 12-10, to report the bill as "Inexpedient to Legislate".

Because the bill was on the yet-to-be-completed April 19th calendar, the committee leadership had some time to reconsider the appropriateness of their decision and, on April 26th, asked the House to recommit the bill to Finance. On May 1, the committee voted to change its recommendation to "Ought to Pass with Amendment".

The amendment, while retaining the policy language, removes both the section which establishes legislative intent and, most

important, the language which calls for the state to match one state dollar against every three private dollars donated for the purpose of preventing homelessness, up to a maximum of \$1 million state dollars, thereby creating a \$4 million fund.

A question was asked as to why the Department of Health and Human Services did not advocate for funds. Under the instructions of the governor, every department in the state was restricted from requesting funds for new programs. The only funding avenue available was through specific legislation.

Some members of the Finance Committee will tell you that it is the cities and towns, not the state which must meet the welfare needs of those in difficult circumstances. The local welfare officers report, however, that the single greatest upward pressure on their local funds is housing. They recognize that it is a lot more cost effective and socially beneficial to keep families in their homes than to try to find housing for them after they are homeless.

It is not reasonable to expect our 234 cities and towns to be able to create 234 separate programs to attract significant private dollars. The House can be penny wise, oppose the OTPA recommendation and approve this legislation as it came to Finance from the policy committee, or it can be pound foolish and approve this amendment, leaving the towns and cities to deal with the problem once people become homeless at a much greater financial and social cost.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 42, relative to charges for access to medical records. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Janeen Dalrymple for the Majority of Health, Human Services and Elderly Affairs: The committee was asked to consider what is a reasonable rate to be charged for the retrieval and processing of a medical record. Testimony provided to the committee supported that such charges were often made at rates exceeding what is considered "a reasonable rate." The Senate sponsor of the bill established evidence that charges are being made exceeding reasonableness as called for in the statute. After an extensive work session, the Health and Human Services Committee voted to increase the charges from a charge not to exceed \$5.00 or \$.50 a page, whichever is greater, to a fee not to exceed \$15.00 for the first 30 pages or \$.50 per page, whichever is greater. In addition, the committee proposal would require medical facilities to charge reasonable rates for films, such as sonograms, x-rays and other specialty tests. The committee determined that the increase in the rates would partially compensate the medical facilities and would ensure patients would receive their medical records at a reasonable cost. The bill would also ensure that, as an option, medical facilities could continue to provide medical records free of charge. **Vote 12-4.**

Rep. Susan Emerson for the Minority of Health, Human Services and Elderly Affairs: The proposed legislation relative to charges for access to medical records intends to place a cap on the amount that a health care facility can charge for such services. The proposed rate was initially set at fifty (50) cents per sheet copied with a maximum for all services being no more than five (5) dollars. The inherent costs of such labor intensive tasks were obviously not taken into account by the authors of the bill because had they considered wages, copier time, toner and paper costs alone, they would have clearly seen that a five (5) dollar maximum charge would not even begin to cover the treatment facility's basic costs. A simple clerk often cannot review a medical chart and select proper portions for release. It very often requires the skills of a highly trained medical information specialist to perform such a delicate task. Often, such a review takes several hours of the specialist's time – time for which the treatment facility should be compensated. The Senate amended SB 42 by raising the cap to fifteen (15) dollars for the first thirty (30) pages, or fifty (50) cents per page, which ever is greater and allowed special records such as radiology to be copied at a "reasonable cost". These amendments, in my opinion, were simply meant to appease the opposition and again the costs were arbitrarily arrived at, not taking into consideration any of the variables so clearly delineated in testimony. Not only is the New Hampshire Health Information Management Association against SB42 as written, so is the New Hampshire Medical Society.

This proposed legislation is favored by the lawyers and opposed by the health care professionals because it favors the legal profession and financially harms the healthcare profession. I can foresee a lawyer asking for "all of the medical records" in a particular case and the medical records people carrying hundreds and hundreds of pages of history and physical progress notes, nurses' notes, consultations, physicians' orders, laboratory results, radiology reports, surgical notes, anesthesia notes, pathology reports and discharge summaries. The final product may cost the medical facility several hundred dollars spent in time and effort all for a \$15.00 fee sent to them by the lawyer plus \$.50 per page after 30 pages.

This bill represents the State's attempting to micro-manage one small portion of the healthcare industry. It is arbitrary and favors one professional group over another. We do not need to legislate the costs of medical record copying. We have more important issues to occupy our time.

JUDICIARY

HB 352, limiting railroad liability for passenger rail service. **INEXPEDIENT TO LEGISLATE**

Rep. Larry G. Elliott for Judiciary: This bill deals with railroad liability. After an exhaustive process which included interim study of the bill from last year and five subcommittee hearings totaling numerous hours of testimony and dedication of the subcommittee members, we found the bill to be Inexpedient to Legislate. A similar bill was killed by the House Commerce Committee in 1996. In 1997, the bill was killed on constitutional grounds by the House Transportation Committee. In 1999, the bill was recommended for Interim Study by the Judiciary Committee. The reasons for ITL are as follow: (1) The Carson v. Maurer Supreme Court decision stated that liability caps are inherently unfair and unconstitutional. The legislation before us would have placed a \$75 million cap for liability of passenger rail operators maintaining rail lines in the State of New Hampshire. The owner of the rail lines in this case would only allow transportation of passengers over its freight service lines if the state gave them full indemnity. In other words, the rail company wants zero liability for passengers on their rail service. It is our understanding from the Department of Transportation that they will negotiate a contract of zero liability for the rail service whether or not we pass a \$75 million cap. (2) There has been much misinformation (or at least confusing testimony) provided to the committee surrounding the project from Boston to Nashua. It has repeatedly been stated that without a \$75 million cap passenger rail service would not come into the State of New Hampshire. The committee found these statements to be untrue based on the testimony of Department of Transportation consultants. They went on record in the subcommittee as saying that if liability caps do not pass, they will continue to work to provide passenger rail service to southern New Hampshire. (3) The committee tried to obtain and was unable to obtain the information surrounding how much an insurance policy would cost if we were to purchase it at a \$75 million cap versus an unlimited cap. What we do know is that the State of Massachusetts for the greater Boston area pays a \$610,000 annual premium with a \$75 million cap for train service, subways, bus service, and water taxi service. We recognize that the State of Massachusetts has perhaps millions of people using their public transportation system, whereas in New Hampshire we project in the neighborhood of 1,000 people a day riding the railroads and only for approximately four miles to the Massachusetts/New Hampshire line. We believe we could get an insurance policy without a liability cap for less than \$610,000 annually. (4) The committee felt that it would be unfair to retain this bill for the sole purpose of providing a perception during the letter of intent period that the committee was in favor of the liability cap when in fact the majority of the committee is opposed to capping liability actions. By allowing the bill to linger in retention, it would provide a false perception to those negotiating on behalf of the State of New Hampshire to bring in passenger rail service. If the bill were killed next January, those individuals would have to start re-negotiating at ground zero. The committee further felt that failure to act at this time would box the committee in and force us to pass liability caps because it would be unfair for us to allow the state to negotiate in bad faith. The majority of the House Judiciary Committee wishes to go on record as supporting passenger rail service. However, limiting the liability of private entities is not the way to bring good passenger rail service to the State of New Hampshire. We urge the Department of Transportation to negotiate to bring passenger rail service to New Hampshire without liability caps. The committee further found no impediments to prevent them from accomplishing the goal of responsible rail service and allowing our citizens to recover damages should any occur. **Vote 10-2.**

SB 35, relative to a term for the chief justice of the supreme court. **OUGHT TO PASS**

Rep. Loren J. Jean for Judiciary: The committee felt this to be another appropriate judicial reform measure. A five-year term for the Chief Justice, much like the terms of our State department heads, is a reasonable step. Too much influence is likely to build in a lifetime appointment.. Every justice that has the capacity to serve as an Associate Justice also has the capacity to serve as Chief Justice, and could serve honorably in that position. **Vote 14-0.**

concurrence with senate amendments to house bills

chairmen's explanations

COMMERCE

HB 142, establishing a committee to study encryption of confidential information.

The Senate amendment removes the reference to Senate committees. The Senate President is now free to appoint any senator he wants. The Speaker's appointment to the committee remains the same, 3 members, one of which is from Health & Human Services Committee and one from the Commerce Committee.

Rep. John B. Hunt

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 143, establishing a committee to address the problem created by the shortage of health care personnel and support staff in New Hampshire.

The bill establishes a committee to address the shortage of healthcare personnel in New Hampshire. The Health, Human Services and Elderly Affairs Committee established a study committee and included suggested various agencies to be members. The Senate made a very minor change in that directory of members by adding Association of Counties/Committee on Aging.

Rep. Peter L. Batula

HB 433, clarifying the duties of the oversight committee on health and human services.

The bill clarifies the duties of the Health and Human Services Oversight Committee. This bill simply has a housekeeping type change in the language. The phrase "time to time" was too vague and removed. It referred to recommended meeting dates.

Rep. Peter L. Batula

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 230, relative to scheduled permanent impairment awards under the workers' compensation

The committee recommends the House concur with the Senate amendment which establishes the American Medical Association guide as the standard by which "injury to the brain" is determined.

Rep. G. Michael Gilman

PUBLIC WORKS AND HIGHWAYS

HB 107, naming a certain bridge in the town of Milford.

The Senate amendment to HB 107 designates that the new wing at the Glencliff Home for the Elderly in Benton, NH be named the LaMott wing in honor of Paul I. LaMott of Haverhill, NH. The Public works committee concurs with the Senate that this designation shall recognize the many years of public service that former Rep. LaMott gave not only to the NH General Court but to the Glencliff Home itself.

Rep. Edwin O. Smith

TRANSPORTATION

HB 369, relative to driving in highway construction maintenance areas.

This bill requires drivers to obey flag persons in highway construction or maintenance areas. The Senate amendment adds utility work areas to the definition.

Rep. Sherman A. Packard

LAID ON TABLE

HB 50-FN-A-L, relative to sources of funding an adequate education. (Pending question is Inexpedient to Legislate.)

HB 185-FN-L, repealing the prospective repeals of the education property tax and related laws. (Pending question is the adoption of the majority committee report of Ought to Pass.)

HB 358-FN, relative to tolls on the Everett turnpike. (Pending question is the adoption of the committee report of Inexpedient to Legislate.)

HB 562-FN-A-LOCAL, establishing a New Hampshire education tax on consumption and transactions and accumulating certain principal sums in a state trust for education to provide for future education funding. (Pending question is the adoption of the committee report of Inexpedient to Legislate.)

HB 747-FN-LOCAL, relative to increases in the cost of an adequate education. (Pending question is the adoption of the committee amendment.)

HR 10, affirming revenue estimates for fiscal years 2001, 2002, and 2003. (Pending question is Ought to Pass.)

HOUSE BILLS AMENDED BY THE SENATE

HB 107, naming a certain bridge in the town of Milford. (SJ 4/12/01)

HB 142, establishing a committee to study encryption of confidential information. (SJ 3/29/01)

HB 143, establishing a committee to address the problem created by the shortage of health care personnel and support staff in New Hampshire. (SJ 3/29/01)

HB 230, relative to scheduled permanent impairment awards under the workers’ compensation law. (SJ 3/29/01)

HB 232, relative to compensability of work-related stress injuries under the workers’ compensation act. (House Concurred 5/3/01)

HB 238, relative to interstate banking. (SJ 3/29/01)

HB 240, requiring the department of health and human services to develop a plan reducing the number of persons awaiting certain services for developmental disabilities. (SJ 3/29/01)

HB 367, relative to the establishment of a town forest in the town of Randolph. (SJ 4/19/01)

HB 369, relative to driving in highway construction maintenance areas. (SJ 5/1/01)

HB 433, clarifying the duties of the oversight committee on health and human services. (SJ 3/29/01)

HB 489, relative to the regulation of rural electric cooperatives by the public utilities commission and relative to transition and default service. (House Concurred 4/19/01))

HB 532, establishing a committee to study the adequacy of funding for the continued universal distribution of children’s vaccines. (SJ 4/12/01)

HB 585, relative to the membership and duties of the council on resources and development. (SJ 4/19/01)

COMMITTEE MEETINGS

MONDAY, MAY 14

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25), Room 201, LOB

1:00 p.m. Complaint hearing.

PERINATAL ALCOHOL TOBACCO AND OTHER DRUG USE TASK FORCE (RSA 132:19), Room 101, LOB

9:30 a.m. Regular meeting.

TUESDAY, MAY 15

CHILDREN AND FAMILY LAW

9:30 a.m. Meet at YDC for an informational/educational tour of Youth Development Center in

Manchester.

CIVIL WAR MEMORIALS COMMISSION (RSA 21-K:18), Room 203, LOB

2:00 p.m. Regular meeting.

COMMERCE, Room 302, LOB

9:00 a.m. Subcommittee work session on **SB 99**, relative to the exemption from the community benefits law for charitable trusts, **SB 148**, relative to certain penalties for violations of the youth tobacco laws, **SB 21**, establishing a commission to develop recommendations for legislation to reduce regulatory barriers to the creation of affordable housing and **SB 41**, relative to technical corrections for life, accident and health insurance.

10:00 a.m. Subcommittee work session on **SB 108**, relative to the definition of "funeral home."

11:00 a.m. Subcommittee work session on **SB 103**, changing the qualification requirements for charitable organizations that conduct bingo or lucky 7.

11:30 a.m. Subcommittee work session on **SB 131-FN-A**, establishing a **study committee** relative to charitable bingo operations.

EDUCATION, Room 207, LOB

10:00 a.m. **SB 36-FN-A**, making an appropriation to the postsecondary education commission for the purpose of tuition incentive grants.

11:00 a.m. **SB 164-FN-A-L**, establishing a comprehensive, statewide accountability system concerning an adequate education.

1:30 p.m. **SB 135-FN-L**, relative to kindergarten funding.

2:30 p.m. **SB 110**, extending the kindergarten construction program.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. Full committee work session on **HB 581-FN**, relative to the authority of the commissioner of agriculture, markets, and food to search for invasive species.

11:00 a.m. Full committee work session on **HB 392**, establishing a committee to study the property tax status for land of agricultural fairs.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

10:00 a.m. **SB 158-FN**, relative to payment of medical benefits for certain retirement system members retiring with combined creditable service or for certain members who have dependent children.

11:00 a.m. **SB 159-FN**, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB

10:00 a.m. **SB 167-FN-A**, relative to the medicaid payment for long-term care services.

11:15 a.m. **SB 182-FN-A**, establishing a brain and spinal cord injury trust fund and appropriating

certain moneys to such fund.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

JUDICIARY, Room 208, LOB

10:00 a.m. Subcommittee D work session on **HB 280-FN**, transferring the responsibility and authority of the judicial conduct committee and the attorney’s professional conduct committee to the legislature, **HB 281-FN**, establishing an independent administrative office of the courts and **HB 608-FN**, establishing a judicial ethics advisory committee.

Room 206, LOB

10:00 a.m. Subcommittee B work session on **CACR 2**, relating to the nomination and appointment of judicial officers. Providing that the governor shall nominate and, by and with the advice and consent of the senate, shall appoint judges of the supreme, superior, and district courts, the chief justice of the supreme court, chief justice of the superior court, and the administrative justice of the district court, **CACR 3**, relating to 7-year terms for state judges. Providing that all state judges appointed on or after January 1, 2003 be commissioned for 7-year terms, which may be renewed, **HB 566**, establishing terms for the offices of administrative judges of the courts and **HB 582**, establishing a judicial nominating commission.

Room 208, LOB

1:00 p.m. **SB 197-FN**, restructuring the judicial conduct committee as an independent judicial conduct commission.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Subcommittee work session on **HB 285-FN-LOCAL**, relative to the adoption of a state building code.

1:00 p.m. Subcommittee work session on **HB 617**, relative to zoning for hobby vehicles.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Public hearing on proposed amendment to **SB 45**, relative to the legislative oversight committee on electric utility restructuring. The proposed amendment is relative to service from a rural electric cooperative under special contracts. Copies of the amendment are available from the Sergeant-at-Arms Office.

11:00 a.m. Full committee work session and meeting with community action providers on administration of Low Income Electric Assistance Program.

1:00 p.m. **SB 189-FN-A**, establishing a gasoline remediation and elimination of ethers fund.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 306, LOB

10:00 a.m. Continued public hearing on **SCR 2**, calling on the President and the Congress to fully fund the federal government’s share of the average per pupil expenditure in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

TRANSPORTATION, Room 203, LOB

- 10:00 a.m. **SB 165-FN**, relative to the sale, registration, and use of 3-wheeled all-terrain vehicles for off-highway recreational use.
- 11:00 a.m. **SB 67**, relative to costs of locating and apprehending persons improperly at large for driving-related offenses.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. Subcommittee work session on the consumption tax.

WEDNESDAY, MAY 16

CHILDREN AND FAMILY LAW, Room 206, LOB

- 10:00 a.m. Subcommittee work session on **HB 449**, relative to access to adoption records.
- 1:00 a.m. Subcommittee work session on **HB 447**, relative to the establishment of parenting plans in certain domestic cases.

COMMERCE, Room 302, LOB

- 10:00 a.m. **SB 119**, relative to small group health insurance coverage.
- 11:00 a.m. **SB 118**, relative to individual health insurance coverage.
- 1:00 p.m. **SB 76-FN**, requiring attendance in an education and training program by those who obtain a liquor license and relative to applications for one-day liquor licenses.
- 2:00 p.m. **SB 181**, relative to the manufacture, sale, or installation of certain smoke detectors.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 10:00 a.m. **SB 122-FN**, relative to the license to carry a weapon.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.
- 1:00 p.m. Subcommittee work session on **HB 565-FN**, relative to liability for providing alcoholic beverages to minors.
- 1:15 p.m. Subcommittee work session on **HB 678**, relative to notice of release of an inmate from state prison.
- 1:30 p.m. Subcommittee work session on **HB 756**, relative to the penalty for certain acts of theft, destruction, or violence in a safe school zone.

DAM MANAGEMENT REVIEW (RSA 482:93), Room 305, LOB

- 1:00 p.m. Regular meeting.

EDUCATION, Room 207, LOB

- 10:00 a.m. Subcommittee work session on **HB 757**, revising the definition of an adequate education; establishing an education improvement fund, and implementing a professional development program

and an early literacy initiative within the department of education; and revising the formula to calculate the cost of an adequate education.

10:30 a.m. Executive session on pending legislation.

ELECTION LAW, Room 308, LOB

10:30 a.m. Subcommittee work session on **HB 478**, relative to campaign finance reporting requirements, availability of voter checklists on computer disks, and permissible campaign contributions by business organizations, **HB 384**, relative to political expenditures and **HB 544-FN**, relative to reporting by candidates of independent expenditures.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. Subcommittee work session on **HB 675**, relative to mercury source reduction.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

9:00 a.m. Subcommittee work session on **SB 143-FN**, establishing a **study committee** relative to registering and regulating home improvement contractors.

9:30 a.m. Subcommittee work session on **SB 22**, requiring the use of certified radiologic technologists for hospitals operating equipment licensed under the radiological health program.

10:00 a.m. **SB 176-FN-A**, establishing an equipment depository and disabled person’s employment fund in the department of administrative services.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

FINANCE, Rooms 209, LOB

10:00 a.m. Subcommittee work session on **HB 560-FN-A**, establishing a contributory judicial retirement plan.

JUDICIARY, Room 208, LOB

9:30 a.m. **SB 69-FN-A-L**, relative to a New Hampshire Legal Assistance office in Nashua and making an appropriation therefor.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 306, LOB

9:00 a.m. Subcommittee work session on **SB 120**, relative to tip pooling for certain hourly employees.

10:00 a.m. Full committee work session with the Department of Employment Security.

11:00 a.m. Executive session on pending legislation, if needed.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Executive session on pending legislation.

MUNICIPAL AND COUNTY GOVERNMENT JOINT WITH ENVIRONMENT AND AGRICULTURE, Room 301, LOB

1:30 p.m. Subcommittee work session on **HB 439-FN-A**, appropriating available funds to provide funding for an engineering feasibility study to assess the viability of constructing new or expanded regional septage disposal facilities in the Rockingham and Strafford county area.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

4:15 p.m. Executive session on pending legislation.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

10:00 a.m. Executive session on pending legislation.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Executive session on pending legislation, if needed.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Subcommittee work session on ***SB 58***, revising the requirements for a license as a bingo supplies or lucky 7 tickets distributor.

10:30 a.m. Subcommittee work session on ***CACR 24***, relating to establishing a maximum rate for a sales tax. Providing that the rate of any sales tax established in law shall not exceed 2 ½ percent, provided that a higher rate may be established by a 2/3 vote of those present and voting in each house of the general court.

THURSDAY, MAY 17

CHILDREN AND FAMILY LAW, Room 206, LOB

Immediately following the House session executive session on pending legislation.

COMMERCE, Room 302, LOB

Immediately following the House session executive session on pending legislation.

EDUCATION, Room 207, LOB

Immediately following the House session executive session on pending legislation.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

Immediately following the House session executive session on pending legislation.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

2:00 p.m. ***SB 133-FN-A***, relative to Skyhaven airport and making an appropriation therefor.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

Immediately following the House session executive session on pending legislation.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 306, LOB

Immediately following the House session executive session on pending legislation.

TRANSPORTATION, Room 203, LOB

Immediately following the House session executive session on pending legislation.

FRIDAY, MAY 18

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB

9:00 a.m. Regular meeting.

COMMISSION ON THE EDUCATION OF THE DEAF (HB 1283, Chapter 43:2, Laws of 2000), Room 205, LOB

10:00 a.m. Regular meeting.

COMMISSION TO STUDY THE RELATIONSHIP BETWEEN POSTSECONDARY EDUCATION AND RECIPIENTS OF ASSISTANCE TO NEEDY FAMILIES (SB 313, Chapter 122:3, Laws of 2000), Room 205, LOB

1:00 p.m. Regular meeting.

GOVERNOR’S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, INTERVENTION, AND TREATMENT (RSA 12-J), Rooms 202-204, LOB

9:30 a.m. Regular meeting.

NEW HAMPSHIRE LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4), Community Development Finance Authority (CDFA), 14 Dixon Avenue, Concord

Noon Regular meeting.

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 307, LOB

9:00 a.m. Regular meeting.

MONDAY, MAY 21

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Room 102, LOB

1:00 p.m. Regular meeting.

OIL FUND DISBURSEMENT (RSA 146-D:4), Room 305, LOB

9:00 a.m. Regular meeting.

SEED STERILIZATION TECHNOLOGY STUDY, (HB 291, Chapter 282:2, Laws of 1999), Room 303, LOB

10:00 a.m. Regular meeting.

TUESDAY, MAY 22

COMMERCE, Room 302, LOB

10:00 a.m. Subcommittee work session on *HB 710-FN*, relative to liquor licenses and fees.

ELECTION LAW, Room 308, LOB

10:00 a.m. *SB 19*, establishing a committee to study prevention of voter fraud.

10:45 a.m. *SB 141*, relative to proof of qualifications for voter registration.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

EXCAVATING AND DREDGING PERMITS APPLICATION AND APPEAL PROCEDURES STUDY (HB 1127, Chapter 86:2, Laws of 2000), Room 303, LOB

2:00 p.m. Regular meeting.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

1:00 p.m. Subcommittee work session on *HB 506*, prohibiting the granting of certain variances from zoning ordinances.

WEDNESDAY, MAY 23

FISCAL COMMITTEE (RSA 14:30-a), Rooms 210-211, LOB

9:00 a.m. Rescheduled regular business.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

9:00 a.m. Subcommittee work session on *HB 432*, relative to the limit on appropriations to the capital reserve fund of a county.

TUESDAY, MAY 29

ELECTION LAW, Room 308, LOB

10:00 a.m. Executive session on pending legislation.

OFFICIAL NOTICES

COUNTY DELEGATION MEETING

The Executive Committee of the Cheshire County Delegation will meet on Monday, May 14th at 10:00 a.m. in the Basement Conference Room at the Administration Building, 33 West Street, Keene. The purpose of the meeting is as follows: 1. To review the first quarter budget figures for the county’s 2001 budget. 2. To address any other matters that might come before the committee.

Rep. John M. Pratt, Chairman
Cheshire County Executive Committee

COUNTY DELEGATION MEETING

The Merrimack County Executive Committee will meet on Monday, May 14th at 10:00 a.m. in the lower level conference room of the McDonnell Building, 4 Court Street, Concord. The purpose is to approve the 1st Quarter Financial Report.

Rep. Ray F. Langer, Chairman
Merrimack County Executive Committee

Pursuant to RSA 326-B:12, the Joint Health Council will meet at the NH Board of Nursing, Room 17, 78 Regional Drive, Building 2, Concord, on Monday, June 4 at 5:30 p.m.
Karen O. Wadsworth, Clerk of the House

When the House Clerk’s Office is aware of House Members who are hospitalized or homebound by serious illness, we will publish a list of names and addresses requested.
Irene A. Pratt, 66 Clark Road, Winchester, New Hampshire 03470-2201.
Colleagues who so desire may send cards and greetings to the addresses listed above.

Karen O. Wadsworth, Clerk of the House

REVISED AMENDED FISCAL NOTES

The following HBs have revised or amended fiscal notes: HB 105, 123, 152, 169, 170, 172, 173, 174, 175, 176, 177, 179, 180, 181, 183, 184, 185, 186, 189, 204, 205, 207, 208, 209, 210, 211, 213, 214, 218, 253, 270, 274, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 293, 298, 299, 302, 303, 305, 308, 309, 313, 314, 315, 316, 317, 318, 319, 321, 322, 324, 325, 326, 327, 328, 329, 334, 335, 337, 341, 344, 346, 347, 362, 414, 429, 459, 463, 471, 511, 535, 538, 543, 544, 547, 548, 549, 552, 555, 556, 557, 559, 560, 561, 587, 592, 603, 604, 605, 606, 629, 643, 644, 648, 649, 654, 655, 656, 667, 675, 708, 710, 713, 715, 736, 741, 743, 744, 745, 747, 748, 749, 754, 755, 758, 760, 762 and 765. SB 143.

Karen O. Wadsworth, Clerk of the House

MEMBERS’ NOTICES

The following notices are published in the House record as a courtesy to the member(s) requesting publication. These are not official public notices and will be limited to legislative policy or social activities and political meetings or events. Publication should not be construed as support for either the events listed or the view espoused by the individual or organization sponsoring the event.

The bound volumes of the 2000 Session Laws are now available on a first come, first served basis in the Office of Legislative Services for those members who are interested. A limited number of volumes of 1999 Session Laws are still available.

Carol J. Holahan, Director, Legislative Services

The Annual Legislative Shooting Day is scheduled for **Monday, May 14th**. Many members have asked for the date. Please call Mike Briggs (746-6782) if you are planning to join us.

Reps. Howard C. Dickinson and Candace C.W. Bouchard

What’s Up With the Courts? Come and hear Attorney Stanley Mullaney’s presentation at the meeting of Legislators for Limited Spending on Tuesday, May 15 at noon at the Upham Walker House. All House and Senate members are invited.

Rep. Kenneth L. Weyler

The House Republican Alliance will meet at the Upham Walker House (Park Street across from the State House) at 8:30 a.m. on Wednesday, May 16 and at 11:30 a.m. on Wednesday, May 23. This will be a luncheon forum.

Rep. Paul M. Mirski

All freshmen legislators are invited to attend the Freshmen 2001 Assembly at 8:15 a.m. on Thursday, May 17th in the cafeteria. This informal social group is open to all freshmen of both parties.

Reps. Edward R. Leach, Hilda W. Sokol, John A. Graham and Nancy M. Scovner

The New Hampshire Order of Women Legislators will meet at lunch time on Thursday, May 17 in Room 307, LOB. Bring your lunch.

Rep. Julie Brown

In recognition of your support, the NH Law Enforcement Officers' Memorial Committee cordially invites you to the Annual NH Law Enforcement Officers' Memorial Ceremony. The ceremony will be held on Friday, May 18 beginning promptly at 10:00 a.m. on the memorial site in front of the LOB. The ceremony will proceed rain or shine. Refreshments will be provided immediately following the event. Please contact Captain Timothy J. Acerno of the Fish and Game at 271-3129 or Chief John Curran of the Meredith Police Department at 279-4561 if you have any questions.

Gene G. Chandler, Speaker

All members and the general public are invited to hear the presentation "Best Treatment Practices for Alcohol and other Drug Abuse" on Friday, May 18th at 9:30 a.m. in Rooms 202-204 of the LOB. This will be part of the regular meeting of the Governor's Commission on Alcohol and Drug Abuse Prevention, Intervention and Treatment and the presenter will be Dr. Thomas S. Fox, Acting Director, Division of Behavioral Health and Medical Director, Division of Alcohol and Drug Abuse Prevention and Recovery. It is important for us to understand the need for and the methods used in the field.

Rep. William E. Leber

The Kids Cabinet will meet at 2:00 p.m. in the Governor and Council Chambers on the following Fridays: May 18 and June 15.

Rep. Raymond Buckley

The Second Annual OWLS Golf Tournament will be held on Monday, June 18 at the Passaconway Golf Club, Litchfield. Fees include Continental Breakfast, Steak Dinner, Green Fees, Golf carts and great camaraderie and prizes. For more information contact Reps Julie Brown or Karen McRae

Rep. Betsy McKinney

The Department of Transportation will hold the following meetings:

- May 14 – Acworth Town Hall, Town Hall Road, 7:00 p.m. Public officials/informational meeting, Acworth, NH Route 123A/Cold River bridge rehabilitation.
- May 15 – Keene Public Library, 60 Winter Street, Keene, 6:30 p.m. Final design ATF meeting, Keene-Swanzey, NH Route 9, 10, 12 and 101 upgrade.
- May 16 – West Running Brook School, 1 West Running Brook Lane, Derry, 4:00 p.m. Resource Agency meeting, Salem-Manchester, I-93 widening.
- May 23 – Keene Public Library, 60 Winter Street, Keene, 6:30 p.m. Final design ATF meeting, Keene-Swanzey, NH Route 9, 19,12 and 101 upgrade.
- May 24 – Londonderry High School Cafeteria, 295 Mammoth Road, Londonderry, 6:00 p.m. Resource Agency meeting, Salem-Manchester, I-93 widening
- May 24 – Wayfarer Inn, Bedford, 8:00 a.m. 3rd Annual Conference, Bike/Ped Conference.

Rep. Edwin O. Smith

As a convenience to the members of the NH General Court, the Visitors’ Center offers the following schedule of schools and other groups visiting the State House in May 2001.

Please contact the Visitors’ Center concerning additional information. Thank you for your continued participation with your School Visitation Program.

Kenneth Leidner, Director

DATE	TIME	GROUP	CLASS/Size
May 14	8:30	Rumford Elem – Concord	4/22
May 14	10:00	St Elizabeth Seton – Rochester	4/50
May 14	11:00	Lisbon Elem	4/40
May 15	9:30 & 11:00	Bridgewater Hebron Elem	4/50
May 16	9:30 & 11:00	Thornton’s Ferry Elem – Merrimack	4/50
May 17	9:30 & 11:00	Thornton’s Ferry Elem – Merrimack	4/50
May 18	9:30 & 11:00	Thornton’s Ferry Elem – Merrimack	4/75
May 18	12:30	Faith Christian Academy – Belmont	3&4/12
May 18	12:30 & 1:30	No. Londonderry Elem	4/50
May 21	9:00	Epsom Central School	4/50
May 21	11:00 & 12:30	John Fuller Elem – N. Conway	4/50
May 22	9:30 & 11:00	Plymouth Elem	4/75
May 23	10:00	Groveton Elem	4/50
May 23	11:00	Dondero Elem – Portsmouth	4/45

May 23	1:00	Pierce Elem – Bennington	4/20
May 24	9:30	Salem Christian School	4/25
May 24	11:00	Campton Elem School	4/45
May 24	1:00	St. Mary’s – Claremont	4 & 6-8/35
May 25	9:30 & 11:00	Hanover St. School – Lebanon	4/85
May 25	12:30	Ed Fenn School – Gorham	4/50
May 29	9:30 & 11:00	Green Acres School – Manchester	4/75
May 30	9:30 & 11:00	Green Acres School – Manchester	4/50
May 30	1:00	Berlin Jr High	8/35
May 31	9:30 & 11:00	Hillsboro Deering Elem School	4/60
May 31	11:00	Mt. Shadow School – Dublin	6/12
May 31	1:00	Bartlett School – Berlin	3/50
June 1	9:30 & 11:00	Hillsboro Deering Elem School	4/75

NOTICE

The **28th Annual Bill White Memorial Legislative Golf Tournament** is scheduled for Monday, June 11 at Androscoggin Valley Country Club in Gorham, NH. The entry fee for this annual tourney is \$60 per person and includes greens fee, cart, barbecue and prizes. A *shot-gun* start is scheduled for 9:00 a.m. The format is "Captain and Crew." Sign-up as a foursome or sign-up by yourself and be placed in a foursome. A maximum of 120 players will be allowed. Please return your entry and payment no later than May 29th to Sandy Wheeler at the LOB Lobby Desk. Please make checks payable to Legislative Golf Tournament, care of David S. Saltmarsh.

For your convenience, arrangements have been made with the Town & Country Motor Inn (located directly across the street from the golf course) for special lodging rates of \$44 plus tax per person, per night for those of you who may choose to come up early or stay late. If you choose to stay over, you must book your room in advance by calling the Inn at 1-800-325-4386. Speaker Chandler will be hosting a reception at the Town and Country Inn from 5:30 to 7:00 p.m. on Sunday evening. We are planning other events for Sunday and Monday, details to follow.

Reps. David M. Scanlan and Peter H. Burling

28th Annual Bill White Memorial Legislative Golf Tournament

Names (1)_____ (2)_____
(3)_____ (4)_____

Telephone No: _____ Amount Enclosed: _____

THURSDAY, MAY 17
AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2001-1007h

Amendment to HB 162-FN-LOCAL

Proposed by the Committee on Municipal and County Government - C

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

AN ACT ratifying the school board meetings and elections for Mascoma Valley Regional and Bartlett School Districts.

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

1 Ratification of the Mascoma Valley Regional School District Election and Annual Meeting. Notwithstanding any provision of law to the contrary, all actions taken by the Mascoma Valley Regional School District at its deliberative session and official ballot voting session on February 10, 2001 and March 13, 2001, respectively, shall not be invalidated due to lack of compliance with the budgetary requirements of RSA 32.

2 Ratification of the Bartlett School District Election and Meetings. Notwithstanding any provision of law to the contrary, all actions taken by the Bartlett School District in electing its officers on March 13, 2001, at the deliberative session held on March 20, 2001, and at the recessed deliberative session held on April 5, 2001, shall not be invalidated due to lack of compliance with the warning and posting provisions of RSA 197:1-g, RSA 197:5, and RSA 197:7.

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

AMENDED ANALYSIS

This bill ratifies the school board meetings and elections for Mascoma Valley Regional School District and the Bartlett School District.

2001-1140h

Amendment to HB 498

Proposed by the Committee on Municipal and County Government - C

Amend the bill by replacing section 1 with the following:

1 Registers of Deeds; Form of Records; Document Format Standards Required. Amend RSA 478:4-a, II to read as follows:

II. All documents shall be suitable for reproduction as determined by the register of deeds, who shall provide ~~[guidelines concerning document quality]~~ ***document standards as amended and adopted by the New Hampshire registers of deeds. The standards and any amendments thereto shall include a statement of their effective date, and shall be posted in and distributed by all registries of deeds for at least 60 days prior to such effective date.***

2001-0753h

Amendment to HB 587-FN-A

Proposed by the Committee on Finance - R

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

AN ACT establishing a commission on the status of men.

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

AMENDED ANALYSIS

This bill establishes a commission on the status of men to address issues of cultural bias and stereotyping, health problems unique to men, and methods for encouraging personal growth.

2001-1058h

Amendment to HB 658-FN-A

Proposed by the Majority of the Committee on Finance - R

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

AN ACT relative to the homeless prevention fund.

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

1 Housing Finance Authority; Program Design; Families on the Verge of Homelessness Given Highest Priority. RSA 204-C:83, III is repealed and reenacted to read as follows:

III. The goal of the program is to give emergency support to keep a family in its existing housing while providing assistance to stabilize the family. The program shall give the highest priority to low income families who are on the verge of homelessness due to expenses beyond their control, such as due to a severe rent burden, medical expense, or major car repair necessary to maintaining a job. The program shall also give priority to very-low-income persons or families in which:

(a) One or more of the adults in the family is working or in an employment training program.

(b) There is a minor child or children.

(c) There is one or more disabled persons as defined in 42 United States Code, Section 12102.

2 Effective Date. This act shall take effect July 1, 2001.

AMENDED ANALYSIS

The bill makes families who are threatened with homelessness the highest priority of the homeless prevention fund.

2001-1040h

Amendment to SB 14

Proposed by the Committee on Education – C

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

AN ACT relative to the definition of "school" for the purpose of the universal service fund for schools and libraries and ratifying the school board meetings and elections for Mascoma Valley Regional and Bartlett school districts.

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

2 Ratification of the Mascoma Valley Regional School District Election and Annual Meeting. Notwithstanding any provision of law to the contrary, all actions taken by the Mascoma Valley Regional school district at its deliberative session and official ballot voting session on February 10, 2001 and March 13, 2001, respectively, shall not be invalidated due to lack of compliance with the budgetary requirements of RSA 32.

3 Ratification of the Bartlett School District Election and Meetings. Notwithstanding any provision of law to the contrary, all actions taken by the Bartlett School District in electing its officers on March 13, 2001, at the deliberative session held on March 20, 2001, and at the recessed deliberative session held on April 5, 2001, shall not be invalidated due to lack of compliance with the warning and posting provisions of RSA 197:1-g, RSA 197:5, and RSA 197:7.

4 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

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

AMENDED ANALYSIS

This bill inserts a definition of "school" into state law for the purpose of the universal service fund for schools and libraries. This

bill also ratifies the school board meetings and elections for Mascoma Valley Regional school district and the Bartlett school district.

2001-1056h

Amendment to SB 18

Proposed by the Committee on Judiciary - C

Amend RSA 564:15-a, III as inserted by section 1 of the bill by replacing it with the following:

III.(a) Upon receiving such a petition for a testamentary trust, the court shall schedule a hearing and notify all known beneficiaries of the date and time of the hearing, unless assents have been filed from all known beneficiaries. Upon receiving such a petition for any other trust, the court shall issue orders of notice, unless assents have been filed from all known beneficiaries.

(b) The court may grant the petition and order termination of the trust and distribution of the assets, or deny the petition.

(c) Any charitable trust so terminated shall continue to be listed in any records and notices in all municipalities in which it had been previously published.

2001-1026h

Amendment to SB 20

Proposed by the Committee on Judiciary - C

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

1 Reference Change. Amend RSA 540:25, I to read as follows:

I. If the possessory action was instituted on the basis of nonpayment of rent, and the defendant files a notice of intent to appeal, the defendant shall pay into court the current rent in an amount determined by the judgment of the court pursuant to RSA 540:14, I, weekly and in advance. Payment of rent for one week must be made at the time the defendant files notice of intent to appeal in the district court. Rent which had been payable on other than a weekly basis shall be paid to the court each week based on the equivalent weekly rent determined by the judgment issued by the court, pursuant to RSA 540:14, I. During the pendency of the appeal, rent is payable on a weekly basis and is due on the same day of the week on which the notice of intent to appeal was filed. If rent is not paid by the due date, the court shall immediately mail a notice of default to the tenant and issue a writ of possession to the landlord. If, however, the tenant pays the clerk the entire amount of rent due since the filing of the notice of intent to appeal prior to the service of the writ by the sheriff, the writ of possession shall be recalled and the appeal shall be reinstated. Unless the appeal is reinstated, the district court shall vacate the appeal and award the plaintiff the rent money that has been paid into court. ~~When the final decision on appeal is rendered, the money paid into court shall be apportioned between the plaintiff and the defendant, based on the amount of rent which is found to be due and owing as a result of the appeal.]~~

2 New Paragraph; Appeals of Possessory Action by Defendant; Landlord's Motion for Recovery of Rent Paid to Court. Amend RSA 540:25 by inserting after paragraph I the following new paragraph:

I-a. At any time during the pendency of the appeal, the landlord may file a motion to the district court for recovery of the rent money that has been paid into court pursuant to paragraph I. The court may grant such motion unless the tenant objects and the court rules that the landlord is not lawfully entitled to the full amount of rent. If the court rules that the landlord is not entitled to the full amount of the rent, it shall release such portion of the rent to which the court deems the landlord is lawfully entitled, if any, and make specific findings in support of its decision to deny or partially deny the landlord's motion. The rent money retained by the court shall be apportioned between the landlord and the tenant upon final disposition of the appeal.

3 Effective Date. This act shall take effect January 1, 2001.

001-1042h

Amendment to SB 42

Proposed by the Majority of the Committee on Health, Human Services and Elderly Affairs - R

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

1 Charges for Medical Records; Residential Care and Health Facilities. Amend RSA 151:21, X to read as follows:

X. The patient shall be ensured confidential treatment of all information contained in the patient's personal and clinical record, including that stored in an automatic data bank, and the patient's written consent shall be required for the release of information to anyone not otherwise authorized by law to receive it. Medical information contained in the medical records at any facility licensed under this chapter shall be deemed to be the property of the patient. The patient shall be entitled to a copy of such records~~[, for a reasonable cost,]~~ upon request. ***The charge for the copying of a patient's medical records shall not exceed \$15 for the first 30 pages or \$.50 per page, whichever is greater; provided, that copies of filmed records such as radiograms, x-rays, and sonograms shall be copied at a reasonable cost.***

2 Charges for Medical Records; Medical Providers Under Title XX. Amend RSA 332-I:1, I to read as follows:

I. The medical information contained in the medical records in the possession of any health care provider shall be deemed to be the property of the patient. The patient shall be entitled to a copy of such records~~[, for a reasonable cost,]~~ upon request. ***The charge for the copying of a patient's medical records shall not exceed \$15 for the first 30 pages or \$.50 per page, whichever is greater; provided, that copies of filmed records such as radiograms, x-rays, and sonograms shall be copied at a reasonable cost.***

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

AMENDED ANALYSIS

This bill entitles a patient to certain copies of the patient's medical records for a charge which shall not exceed \$15 for the first 30 pages or \$.50 per page, whichever is greater; provided that filmed records shall be copied for a reasonable charge.

2001-1159h

Amendment to SB 57

Proposed by the Committee on Commerce - C

Amend the bill by replacing sections 1 and 2 with the following:

1 Economic Development Matching Grants Program; Organizations Added. Amend RSA 12-A:32, I to read as follows:

I. The department of resources and economic development shall administer an economic development matching grants program in cooperation with a program screening committee. The funds appropriated for this program shall be expended for grants for programs entered into by municipalities ~~[and]~~, counties, ***and organizations*** which are designed to promote the location of new businesses in the state of New Hampshire ***or to encourage workforce recruitment efforts.***

2 Economic Development Matching Grants Program; Organizations Added. Amend RSA 12-A:32, V to read as follows:

V. Funds appropriated to the program shall only be made available to municipalities ~~[and]~~, counties, ***and organizations*** as may be certified by the screening committee with the approval of the commissioner of the department of resources and economic development.

Amend the bill by replacing section 4 with the following:

4 Economic Development Matching Grants Program Rulemaking; Organizations Added. Amend RSA 12-A:32, IX(b) to read as follows:

(b) The procedures and criteria used to certify municipalities ~~[and]~~, counties, ***and organizations*** eligible for matching grants.

AMENDED ANALYSIS

This bill permits organizations that promote new businesses or encourage workforce recruitment efforts to participate in the economic development matching grants program. The bill also allows grant recipients to use the funds for workforce recruitment efforts and related travel costs.

2001-1148h

Amendment to SB 61

Proposed by the Committee on Judiciary - C

Amend RSA 553:32, I as inserted by section 1 of the bill by replacing it with the following:

I. This section shall apply to all estates, testate and intestate, other than those estates governed by RSA 553:31 and RSA 554:1-a.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect 30 days after its passage.

2001-1157h

Amendment to SB 128

Proposed by the Committee on Labor, Industrial and Rehabilitative Services – C

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

AN ACT relative to disability retirement benefits and mental injury.

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

1 Disability Retirement Benefits; Group I. Amend RSA 100-A:6, I(c)(2)(C) to read as follows:

(C) The incapacitating accident, trauma, degeneration, or occupational disease has been found to be compensable by the employer, the employee's insurance carrier, or the commissioner of labor pursuant to RSA 281-A:43, *except that for any mental injury not found compensable because of the good faith exclusion in RSA 281-A:2, XI, the member shall have the opportunity to prove causation to the New Hampshire retirement system.*

2 Disability Retirement Benefits; Group II. Amend RSA 100-A:6, II(c)(2)(C) to read as follows:

(C) The incapacitating accident, trauma, degeneration, or occupational disease has been found to be compensable by the employer, the employee's insurance carrier, or the commissioner of labor pursuant to RSA 281-A:43, *except that for any mental injury not found compensable because of the good faith exclusion in RSA 281-A:2, XI, the member shall have the opportunity to prove causation to the New Hampshire retirement system.*

3 Contingency. If HB 232 of the 2001 session of the legislature becomes law, then sections 1 and 2 of this act shall take effect on the effective date of HB 232. If HB 232 of the 2001 legislative session does not become law, sections 1 and 2 of this act shall not take effect.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect as provided in section 3 of this act.

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

AMENDED ANALYSIS

The bill also allows public employees the opportunity to prove causation to the New Hampshire retirement system relative to mental injuries.

2001-1146h

Amendment to SB 169

Proposed by the Committee on Municipal and County Government - C

Amend the bill by replacing section 1 with the following:

1 Timber Yield Tax; Appeal of Assessment. Amend RSA 79:8 to read as follows:

79:8 Appeal and Abatement. An owner may, within 90 days of notice of the tax, appeal to the assessing officials in writing for an abatement from the original assessment, but no owner shall be entitled to an abatement unless ~~he~~ **the owner** has complied with the provisions of RSA 79:10 and ~~11~~ **RSA 79:11**. If the assessing officials neglect or refuse to abate, an owner may, at his **or her** election within 6 months of notice of such tax and not afterwards, petition the superior court of the county where the operation took place, or the ~~[appeal board as provided for in RSA 79:7-a]~~ **board of tax and land appeals. The owner shall not be subject to a fee for filing such appeal with the board of tax and land appeals.** ~~[The petition to the appeal board shall be filed with the commissioner of revenue administration and shall include the name and address of the appeal board member selected by the aggrieved owner.]~~ **During the appeal, the board of tax and land appeals, on its own motion or by request of the owner or municipality made to the board of tax and land appeals, shall have the discretion to call upon the department of revenue administration and the division of forests and lands, department of resources and economic development, to provide expert testimony at no cost to the party.**